Agenda--March 7-8, 2007

California State Board of Education (SBE) meeting agenda.

AGENDA
March 7-8, 2007

State Board Members

Kenneth Noonan, President
Ruth Bloom, Vice President

James Aschwanden
Alan Bersin
Yvonne Chan
Don Fisher
Ruth E. Green
David Lopez
Johnathan Williams
Andrew Estep– Student Member

Secretary & Executive Officer
Hon. Jack O'Connell

Executive Director
Roger Magyar

SCHEDULE OF MEETING

Wednesday, March 7, 2007
9:00 a.m. Pacific Standard Time ±

STATE BOARD OF EDUCATION
Closed Session – IF NECESSARY
(The public may not attend.)

LOCATION

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

Conference with Legal Counsel – Existing Litigation: Under *Government Code* sections 11126(e)(1) and (e)(2)(A), 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 in closed session:

- California Association of Private Special Education Schools, et al., v. California Department of Education, et al., Los Angeles County Superior Court, Case No. BC272983, and related appeal (Second Appellate District, Case No. B1818435)
- *California Parents for the Equalization of Educational Materials v. California State Board of Education, et al.* U.S. Eastern District of California, Case No. 2:06-CV-00532-FCD-KJM
- *Californians for Justice Education Fund v. State Board of Education, et. al.,* Alameda County Superior Court Case No. RG06265395
- *Centinela Valley Union High School District v*. State Board of Education, *et al*., Los Angeles Superior Court, Case No. BS093483
- *Coachella Valley Unified School District, et.al., v. State of California, et.al.* Case No. CPF-05-505334
- *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 and related appeal
- *Hindu American Foundation, et al., v. California State Board of Education, et al.*, Sacramento Superior Court Case No. 06CS00386
- *K.C. et al. v. Jack O'Connell, et al*., U.S. District Court, Northern District of California, Case No. C 05 4077 MMC
- *Kidd, et al., v. California Department of Education, et al.,* Alameda Superior Court Case No. 2002049636
- *Medina, et al., v. State of California Department of Education et al.,* San Francisco Superior Court Case No. CPF-06-506068
- *Mendoza, et al. v. State of California, et al.* Los Angeles Superior Court Case No. BS105481
- *Mendoza, et al. v. State of California, et al., and Los Angeles Parents Union, et al.*, California Court of Appeal, Second Appellate District, Div. Three, Case No. B195835
- *Mendoza, et al*. v. *State of California, et al, and Los Angeles Parents Union, et al.,* California Supreme Court
- *Opportunity for Learning – PB, LLC; Opportunities for Learning – C, LLC, and Opportunities for Learning WSH, LLC* Notice of Appeal Before the Education Audit Appeals Panel
- *Options for Youth, et al., v. California Department of Education, et al.*, Los Angeles Superior Court Case No. BC 347454
- *Options of Youth, - Burbank, Inc., San Gabriel, Inc., Upland, Inc., and Victor Valley* Notice of Appeal Before the Education Audit Appeals Panel, OAH #2006100966
- *Porter, et al.,* v. *Manhattan Beach Unified School District, et al.*, United States District Court, Central District, Case No. CV-00-08402
- *Roxanne Serna, et al.,* v. *Delaine Eastin, State Superintendent of Public Instruction, et al*., Los Angles County Superior Court, Case No. BC174282
- *Sonoma County Superintendents of Schools, et. al. v. Special Education Hearing Office, et.al.* Sacramento County Superior Court, Case No. 04AS0393
- *Valenzuela, et al., v. Jack O'Connell, et al., Alameda* Superior Court, Case No. JCCP 4468
- Case Name Unspecified: Disclosure of case names would jeopardize existing settlement negotiations

Conference with Legal Counsel – Anticipated Litigation: Under *Government Code* sections 11126(e)(1) and (e)(2)(B), the State Board of Education hereby provides public notice that it may meet in closed session to decide whether there is a significant exposure to litigation, and to consider and act in connection with matters for which there is a significant exposure to litigation. Under *Government Code* sections 11126(e)(1) and (e)(2)(C), the State Board of Education hereby provides public notice that it may meet in closed session to decide to initiate litigation and to consider and act in connection with litigation it has decided to initiate.

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 public employees, or a complaint or charge against public employees. Public employees include persons exempt from civil service under Article VII, Section 4(e) of the California Constitution.

Wednesday, March 7, 2007	**California Department of Education**
9:00 a.m. Pacific Standard Time ± (Upon Adjournment of Closed Session, if held) STATE BOARD OF EDUCATION Public Session	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.

Thursday, March 8, 2007	**California Department of Education**
8:00 a.m. Pacific Standard Time ± STATE BOARD OF EDUCATION Closed Session – IF NECESSARY	1430 N Street, Room 1101 Sacramento, California 916-319-0827

(The public may not attend.)

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.

Thursday, March 8, 2007	**California Department of Education**
8:00 a.m. ± Pacific Standard Time (Upon Adjournment of Closed Session, if held) STATE BOARD OF EDUCATION Public Session	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.

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

March 7-8, 2007

Wednesday, March 7, 2007 – 9:00 a.m. Pacific Standard Time ± (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 (meetings from November 8-9, 2006, January 10-11, 2006)

Communications

Announcements

REPORT OF THE SUPERINTENDENT

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

NOTE: Items not heard or completed on March 7, 2007, may be carried over to

March 8 , 2007.

ITEM 1 (DOC; 159KB; 6pp.)	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; by law review and revision; Board Liaison Reports; and other matters of interest	ACTION INFORMATION

ITEM 2 (DOC; 57KB; 1pp.)	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; 67KB; 3pp.)	California High School Exit Examination (CAHSEE) and Senate Bill (SB) 267: Consideration of a course of action to adopt regarding pupils with disabilities who have met all other state and local graduation requirements, but who are unable to satisfy the CAHSEE requirement or obtain a waiver of the requirement under Section 60851(c) of the Education Code
	
	• Attachment 1 (DOC; 95KB; 7pp.)
	• Attachment 2 (DOC; 2277KB; 7pp.)
	• Item Addendum (DOC;181KB; 8pp.)
	  ◦ Item Addendum Attachment 1 (DOC; 23KB; 1p.)
	  ◦ Item Addendum Attachment 2 (DOC; 58KB; 4pp.)
	  ◦ Item Addendum Attachment 3 (DOC; 36KB; 3pp.)
		ACTION
		INFORMATION

ITEM 4 (DOC; 165KB; 4pp.)	California High School Exit Examination (CAHSEE): Including, but not limited to, approval of intervention materials pursuant to Assembly Bill 1802	ACTION INFORMATION

ITEM 5 (DOC; 60KB; 2pp.)	California High School Exit Examination (CAHSEE): Proposed Amendments to Title 5 California Code of Regulations • Attachment 1 (DOC; 66KB; 4pp.) • Attachment 2 (DOC; 36KB; 3pp.) • Attachment 3 (DOC; 109KB; 24pp.)	ACTION INFORMATION

ITEM 6 (DOC; 55KB; 1p.)	California High School Exit Examination (CAHSEE): Including, but not limited to, Program Update	ACTION INFORMATION

ITEM 7 (DOC; 759KB; 31pp.)	Standardized Testing and Reporting Program (STAR): California Modified Assessment Blueprints	ACTION INFORMATION

ITEM 8 (DOC; 55KB; 1p.)	Standardized Testing and Reporting Program (STAR): Including, but not limited to, Program Update	ACTION INFORMATION

ITEM 9 (DOC; 56KB; 2pp.)	California English Language Development Test (CELDT): Program update, including but not limited to the release date of scores for 2005-06	ACTION INFORMATION

ITEM 10 (DOC; 53KB; 1p.)	Physical Fitness Test (PFT): including but not limited to PFT program update.	ACTION INFORMATION

ITEM 11 (DOC; 67KB; 2pp.)	Update on issues related to California's implementation of No Child Left Behind and other federal programs	ACTION INFORMATION

ITEM 12 (DOC; 88KB; 8pp.)	Proposal for the Reauthorization of the No Child Left Behind Act of 2001	ACTION INFORMATION

ITEM 13 (DOC; 63KB; 3pp.)	California State Plan 1999-2007 for the Workforce Investment Act, Title II: Adult Education and Family Literacy Act: Extension and Updates • Attachment 2 (DOC; 152KB; 7pp.)	ACTION INFORMATION

ITEM 14 (DOC; 124KB; 11pp.)	Community-Based English Tutoring Program: Approve Commencement of the Rulemaking Process for the Amendment of California Code of Regulations, Title 5, Section 11315 and the Addition of Section 11315.5 • State Board of Education Staff Commentary - New (DOC; 50kb; 2pp.)	ACTION INFORMATION

ITEM 15 (DOC; 120KB; 9pp.)	Legislative update, including, but not limited to information on legislation from the 2007-08 legislative session. • Item Addendum (DOC; 141KB; 18pp.)	ACTION INFORMATION

ITEM 16 (DOC; 60KB; 2pp.)	Appeal of the Findings of the Ventura County Committee on School District Organization Pursuant to Education Code Section 35711 in the Matter of the Proposed Formation of a Camarillo Unified School District • State Board of Education Staff Commentary - New (DOC; 50KB; 2pp.)	ACTION INFORMATION

ITEM 17 (DOC; 206KB; 23pp.)	Appeal by Chief Petitioner from a decision of the Sonoma County Committee on School District Organization to deny a petition to transfer territory from the Bellevue Union Elementary School District and Santa Rosa High School District to the Cotati-Rohnert Park Unified School District in Sonoma County	ACTION INFORMATION

ITEM 18 (DOC; 207KB; 22pp.)	Appeal by the Cotati-Rohnert Park Unified School District from a decision of the Sonoma County Committee on School District Organization to deny a petition to transfer territory from the Bellevue Union Elementary School District and the Santa Rosa High School District to the Cotati-Rohnert Park Unified School District in Sonoma County	ACTION INFORMATION

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

Public Hearings on the following agenda items will commence no earlier than **2:00 p.m.** on Wednesday, March 7, 2007. The Public Hearings will be held as close to **2:00 p.m.** as the business of the State Board permits.

ITEM 19 (DOC; 559KB; 68pp.)	Environmental Effect of the Proposed Unification of the Grant Joint Union High School District with the Del Paso Heights School District, the North Sacramento School District, and the Rio Linda Union School District in Sacramento County	ACTION INFORMATION PUBLIC HEARING

ITEM 20 (DOC; 221KB; 19pp.)	Proposed Unification of the Grant Joint Union High School District with the Del Paso Heights School District, the North Sacramento School District, and the Rio Linda Union School District in Sacramento County	ACTION INFORMATION PUBLIC HEARING

*****END OF PUBLIC HEARINGS*****

ITEM 21 (DOC; 346KB; 43pp.)	San Ramon Valley Unified School District Request to be a Single District Special Education Local Plan Area (SELPA)	ACTION INFORMATION

ITEM 22 (DOC; 232KB; 44pp.)	Nonpublic School and Agency Certification: Adopt Proposed Regulations for Title 5 of the California Code of Regulations, Sections 3001 et seq.	ACTION INFORMATION

ITEM 23 (DOC; 307KB; 3pp.)	High Priority Schools Grant Program: Approve Applications and Action Plans from Cohort 2 Schools • Attachment 1 (XLS; 73KB; 16pp.)	ACTION INFORMATION

ITEM 24 (DOC; 58KB; 2pp.)	No Child Left Behind Act of 2001: Approve Local Educational Agency Plans, Title 1, Section 1112	ACTION INFORMATION

ITEM 25 (DOC; 89KB; 3pp.)	Consolidated Applications 2006-07: Approval	ACTION INFORMATION

ITEM 26 (DOC; 687KB; 50pp.)	California Technology Assistance Project Grants and Statewide Education Technology Services Contracts: Including, but not limited to, approval of the 2005-2006 California Technology Assistance Project Statewide Evaluation Report for the period of July 1, 2005, to June 30, 2006 and approval of funding for the 11 California Technology Assistance Project lead agencies for the period of July 1, 2007 to June 30, 2008 • Attachment 1 (PDF; 26KB; 1p.) • Attachment 3 (PDF; 28KB; 2pp.)	ACTION INFORMATION

ITEM 27 (DOC; 169KB; 9pp.)	The Administrator Training Program, Assembly Bill 430 (Chapter 364, Statutes of 2005): Approval of Applications for Funding from Local Educational Agencies	ACTION INFORMATION

ITEM 28 (DOC; 172KB; 4pp.)	Mathematics and Reading Professional Development Program, Assembly Bill 466 (Chapter 737, Statutes of 2001): Approve Reimbursement Requests from Local Educational Agencies	ACTION INFORMATION

ITEM 29 (DOC; 84KB; 4pp.)	Immediate Intervention/Underperforming Schools Program and High Priority Schools Grant Program (HPSGP): School Assistance and Intervention Team: Request to Rescind State-monitoring Status for One HPSGP School	ACTION INFORMATION

ITEM 30 (DOC; 75KB; 4pp.)	Immediate Intervention/Underperforming Schools Program and High Priority Schools Grant Program (HPSGP): School Assistance and Intervention Team: Request to Approve an Amended Expenditure Plan for One HPSGP School	ACTION INFORMATION

ITEM 31 (DOC; 53KB; 2pp.)	2008 Reading/Language Arts/English Language Development Primary Adoption: Approval of the Adoption Timeline • Attachment 1 (DOC; 44KB; 1p.)	ACTION INFORMATION
ITEM 32 (DOC; 67KB; 2pp.)	Adoption of Instructional Materials: Revision of Schedule as Required by Assembly Bill 2722 • Attachment 1 (DOC; 44KB; 1p.)	ACTION INFORMATION
ITEM 33 (DOC; 121KB; 4pp.)	2007 Mathematics Primary Adoption: Approval of Revised Timeline	ACTION INFORMATION
ITEM 34 (DOC; 80KB; 2pp.)	Chief Business Officer Training Program – Approve Training Candidates • Attachment 1 (XLS; 16KB; 2pp.)	ACTION INFORMATION
ITEM 35 (DOC; 119KB; 6pp.)	Charter Schools: Determination of Funding Requests for 2006-07 (and beyond) for Non-classroom-based Charter Schools	ACTION INFORMATION
ITEM 36 (DOC; 74KB; 4pp.)	Assignment of Numbers for Charter School Petitions	ACTION INFORMATION

ADJOURNMENT OF DAY'S SESSION

Thursday, March 8, 2007 – 8:00 a.m.± Pacific Standard Time (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

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

ITEMS DEFERRED FROM PRECEDING DAY

Any matters deferred from the previous day's session may be considered.

CLOSED SESSION

NOTE: Items not heard or completed on March 7, 2007, may be carried over to March 8, 2007.

ITEM 37 (DOC; 69KB; 3pp.)	2007 Mathematics Primary Adoption of Instructional Materials: Appointment of Instructional Materials Advisory Panel Members and Content Review Panel Experts (Cohort 3) • Attachment 1 (PDF; 44KB; 5p.)	ACTION INFORMATION

ITEM 38 (DOC; 67KB; 2pp.)	2008 Reading/Language Arts/English Language Development Primary Adoption: Content Review Panel and Instructional Materials Advisory Panel Applications Template • State Board of Education Staff Commentary - New (DOC; 51KB; 3pp.) • Related Commentary from January 2007 meeting - (DOC; 139KB; 10pp.) • Item Addendum (DOC; 346KB; 25pp.)	ACTION INFORMATION

ITEM 39 (DOC; 399KB; 2pp.)	2005 History–Social Science: Deletion of Picture of Guru Nanak from the State Board-Adopted History–Social Science Program, Oxford History-Social Science Program for California	ACTION INFORMATION

ITEM 40 (DOC; 87KB; 3pp.)	State Board of Education-Approved Charter Schools: Update	ACTION INFORMATION

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

Public Hearings on the following agenda items will commence no earlier than **10:00 a.m.** on Thursday, March 8, 2007. The Public Hearings will be held as close to **10:00 a.m.** as the business of the State Board permits.

ITEM 41 (DOC; 908KB; 99pp.)	Petition by the Aim High Community Charter School to Establish a Charter School under the Oversight of the State Board of Education: Hold Public Hearing and Approve	ACTION INFORMATION

ITEM 42 (DOC; 512KB; 65pp.)	Appeal by the Rehoboth Charter Academy for Renewal by the State Board of Education: Hold Public Hearing and Take Action	ACTION INFORMATION PUBLIC HEARING

*****END OF PUBLIC HEARINGS*****

ITEM 43 (DOC; 189KB; 34pp.)	Facilities for Charter Schools (Proposition 39): Adopt or Amend Proposed Title 5 Regulations	ACTION INFORMATION

WAIVER REQUEST CONSENT MATTERS

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

ADULT EDUCATION STATE BLOCK ENTITLEMENT

ITEM WC-1 (DOC; 77KB; 4pp.)	Request by Grossmont Union High School District (UHSD) to waive *Education Code (EC)* Section 52522(b) to increase from 5 percent to 7 percent the proportion of their adult education state block entitlement that may be used to implement approved Adult Education Innovation and Alternative Instructional Delivery Programs. Waiver Number: 8-12-2006 (Recommended for APPROVAL)	ACTION

ITEM WC-2 (DOC; 76KB; 4pp.)	Request by Metropolitan Education District to waive *Education Code (EC)* Section 52522(b) to increase from 5 percent to 7 percent the proportion of their adult education state block entitlement that may be used to implement approved Adult Education Innovation and Alternative Instructional Delivery Programs. Waiver Number: 7-12-2006 (Recommended for APPROVAL)	ACTION

ITEM WC-3 (DOC; 77KB; 4pp.)	Request by Riverside Unified School District (USD) to waive *Education Code (EC)* Section 52522(b) to increase from 5 percent to 7 percent the proportion of their adult education state block entitlement that may be used to implement approved Adult Education Innovation and Alternative Instructional Delivery Programs. Waiver Number: 9-12-2006 (Recommended for APPROVAL)	ACTION

CARL D. PERKINS VOCATIONAL AND TECHNICAL EDUCATION ACT

ITEM WC-4 (DOC; 67KB; 2pp.)	Request by Acton-Agua Dulce Unified School District for a renewal 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-29-2006 (Recommended for APPROVAL)	ACTION

ITEM WC-5 (DOC; 67KB; 2pp.)	Request by Sierra-Plumas Joint Unified School District for a renewal 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-30-2006 (Recommended for APPROVAL)	

SAFE AND DRUG FREE

ITEM WC-6 (DOC; 69KB; 2pp.)	Request by Fillmore 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. Waiver Number: Fed-28-2006 (Recommended for APPROVAL WITH CONDITIONS)	ACTION

ITEM WC-7 (DOC; 66KB; 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-1-2007 (Recommended for APPROVAL WITH CONDITIONS)	ACTION

SCHOOL SITE COUNCIL

ITEM WC-8 (DOC; 60KB; 2pp.)	Request by Sausalito Marin City School District under the authority of *Education Code (EC)* Section 52863 for a waiver of *EC* Section 52852, allowing one joint school site council to function for two small schools, Bayside Elementary School and Martin Luther King Jr. Academy Middle School. Waiver Number: 17-11-2006 (Recommended for APPROVAL)	ACTION

SUMMER SCHOOL MEAL

ITEM WC-9 (DOC; 75KB; 3pp.)	Request by Summerville Union High School District to waive *Education Code (EC)* Section 49550, the State Meal Mandate during the Summer School Session. Waiver Number: 7-1-2007 (Recommended for APPROVAL)	ACTION

NON-CONSENT (ACTION)

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.

ACADEMIC PERFORMANCE INDEX

ITEM W-1 (DOC; 64KB; 3pp.)	Palo Verde Union Elementary School District (UESD) Academic Performance Index (API) Waiver. Specifically, the district requests waiver of a portion of *California Code of Regulations (CCR)*, Title 5, Section 1032(d)(1) & (6) to allow Palo Verde Elementary School to be given a valid API for the 2006 year despite "adult testing irregularities" (California Standards Test English-language arts for 32 fourth-grade students) of 8.1 percent. Waiver Number: 4-11-2006 (Recommended for DENIAL)	ACTION

BOND INDEBTEDNESS

ITEM W-2 (DOC; 71KB; 3pp.)	Request by Los Gatos School District to waive Education Code (EC) Section 15102, to allow the district to exceed its bonding limit of 1.25 percent of the taxable assessed value of property. (Requesting 1.26 percent) Waiver Number: 17-1-2007 (Recommended for APPROVAL WITH CONDITIONS)	ACTION

CHARTER SCHOOL

ITEM W-3 (DOC; 76KB; 3pp.)	Request by the Hawthorne School District, a district serving kindergarten through grade eight, to waive *Education Code* sections 47605(a)(6) to allow the district to renew the charter of the Hawthorne Mathematics and Science Academy, a school serving grades nine through 12. Waiver Number: 5-12-2006 (Recommended for APPROVAL)	ACTION

CHARTER SCHOOLS – RENEWAL TERM

ITEM W-4 (DOC; 73KB; 3pp.)	Request by the Tehama County Department of Education to waive a portion of Education Code (EC) Section 47607(a) to allow the Tehama County Board of Education to reduce the charter school's renewal term from five years to three years (Sacramento River Discovery Charter School). Waiver Number: 29-1-2007 (Recommended for APPROVAL WITH CONDITIONS)	ACTION

COMMUNITY DAY SCHOOL

ITEM W-5 (DOC; 69KB; 3pp.)	Request by Shandon Joint Unified School District for a waiver of portions of Education Code (EC) sections 48660 and 48916.1(d) to permit a community day school (CDS) established to serve students in grades 7-12 to also serve 6th grade students. Waiver Number: 24-1-2007 (Recommended for APPROVAL)	ACTION

ITEM W-6 (DOC; 69KB; 3pp.)	Request by Pleasanton Unified School District for a waiver of Education Code (EC) Section 48661(a) relating to the placement of a community day school on the same site as a continuation high school (Village Continuation High School). Waiver Number: 1-2-2007 (Recommended for APPROVAL)	ACTION

COUNTY BOARD OF EDUCATION ELECTION

ITEM W-7 (DOC; 69KB; 3pp.)	Request by Mendocino County Office of Education to waive Education Code (EC) Section 1006(a) regarding the prohibition against electing a school district employee as a member of the county board of education. Waiver Number 13-12-2006 (Recommended for APPROVAL WITH CONDITIONS) • Attachment 3 (DOC; 21KB; 1p.)	ACTION

DISTRICT REORGANIZATION

ITEM W-8 (DOC; 68KB; 3pp.)	Request by the Riverside and San Bernardino County Offices of Education for a waiver of portions of Education Code (EC) Section 35706 regarding the 120-day timelines between the first public hearing and approval or disapproval of the petition by the Riverside County Committee on School District Reorganization. This is a contested transfer of acreage from Beaumont Unified School District to Yucaipa-Calimesa Joint Unified School District. Waiver Number: 6-1-2007 and 10-1-2007 (Recommended for APPROVAL WITH CONDITIONS)	ACTION

GRADE NINE CLASS SIZE REDUCTION

ITEM W-9 (DOC; 74KB; 3pp.)	Request by Petaluma Joint Union High School District to waive *Education Code (EC)* Sections 52084(a)(c) and 52086(a), Grade Nine Class Size Reduction Program (Morgan-Hart) the requirement for a 20:1 student-teacher ratio so that the district may provide a 23 to 1 ratio across three core courses--English, math and science with no more than 24 in any one class. Waiver Number: 16-12-2006 (Recommended for APPROVAL WITH CONDITIONS)	ACTION

INSTRUCTIONAL MATERIALS FUNDING REALIGNMENT PROGRAM (IMFRP)

ITEM W-10 (DOC; 67KB; 3pp.)	Petition request under *Education Code* (*EC*) sections 60421(d) and 60200(g) by Glendale Unified School District to purchase specified non-adopted instructional materials (*Everyday Mathematics,* Grades K-6) using Instructional Materials Funding Realignment Program (IMFRP) monies. Waiver Number: 21-11-2006 (Recommended for APPROVAL WITH CONDITIONS)	ACTION

INSTRUCTIONAL TIME PENALTY

ITEM W-11 (DOC; 66KB; 3pp.)	Request by Richland School District to waive *Education Code (EC)* Section 46201(d), the Longer Day Incentive Program requirement penalty for offering less instructional time in the 2005-2006 fiscal year than the minimum requirements set in 1986-87 fiscal year at Redwood Elementary School in the morning kindergarten class (shortfall of 110) and in the afternoon kindergarten class (shortfall of 150 minutes). Waiver Number: 21-8-2006 (Recommended for APPROVAL WITH CONDITIONS)	ACTION

ITEM W-12 (DOC; 67KB; 3pp.)	Request by Upland Unified School District to waive *Education Code (EC)* Section 46201(d), the Longer Day Incentive Program audit penalty for offering less instructional time in the 2005-2006 fiscal year than the minimum requirements set in 1986-1987 fiscal year at Magnolia Elementary in kindergarten (shortfall of 125 minutes), Sierra Vista Elementary grades 4-6 (shortfall of 45 minutes. Waiver Number: 10-12-2006 (Recommended for APPROVAL WITH CONDITIONS)	ACTION

PERSONNEL COMMISSION FUNCTIONS

ITEM W-13 (DOC; 78KB; 4pp.)	Request by San Bernardino City Unified School District to waive portions of *Education Code (EC)* sections 45272(a) and 45310, relating to the responsibilities of the Personnel Commission and its Directors. Since these persons have not performed their mandated duties regarding filling vacancies in the classified services classification, the district is requesting this waiver so they can hire and pay classified employees using a designated district official, pending other resolution of the problem. Waiver Number: 11-10-2006 (Recommended for APPROVAL WITH CONDITIONS) • Attachment 2 (DOC; 27KB; 2pp.)	ACTION

RESOURCE SPECIALIST CASELOAD

ITEM W-14 (DOC; 63KB; 2pp.)	Request by West Park Elementary School District to waive *Education Code (EC)* Section 56362 (c), allowing the caseload of the resource specialist to exceed the maximum caseload of 28 students by no more than 4 students (32 maximum). Susan Schneider at West Park Elementary. Waiver Number: 12-12-2006 Recommended for APPROVAL)	ACTION

SALE/LEASE OF SURPLUS PROPERTY

ITEM W-15 (DOC; 70KB; 3pp.)	Request by Fountain Valley School District to waive portions of *Education Code* (*EC*) sections 17466, 17472, 17473,17474 and 17475, specific provisions for Sale/Lease of Surplus Property. Approval of the waiver would allow the District to sell two pieces of	ACTION

	property using a broker and a “request for proposal” process, thereby maximizing the proceeds from the sale. The District properties for which the waiver is requested are the Lamb Property and the Wardlow Property, both located in Huntington Beach. Waiver Number: 10-11-2006 (Recommended for APPROVAL WITH CONDITIONS)	

SCHOOL SITE COUNCIL

ITEM W-16 (DOC; 62KB; 2pp.)	Request by Lindsay Unified School District under the authority of *Education Code (EC)* 52863 for a waiver of *EC* Section 52852, to allow a reduction in the number and type of members required for a school site council (SSC) for a small continuation high school (Cairns Continuation High School. Waiver Number: 11-12-2006 (Recommended for APPROVAL WITH CONDITIONS)	ACTION

STATE TESTING

ITEM W-17 (DOC; 61KB; 2pp.)	Request by sixteen local educational agencies (LEA) to waive the State Testing Apportionment Information Report deadline of December 31st in the *California Code of Regulations (CCR)*, Title 5, Section 11517.5(b)(1)(A) regarding the California English Language Development Test (CELDT), or *CCR* Title 5, Section 1225(b)(2)(A) regarding the California High School Exit Examination (CAHSEE), or *CCR*, Title 5, Section 862(c)(2)(A) regarding the Standardized Testing and Reporting Program (STAR). Waiver Numbers: see attached list for specific school districts (Recommended for APPROVAL) • Attachment 1 (DOC; 62KB; 1p.)	ACTION

ADJOURNMENT OF DAY’S SESSION

*****ADJOURNMENT OF MEETING*****

For more information concerning this agenda, please contact 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/ag/ag/]

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

Last Reviewed: Wednesday, August 03, 2011

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2007 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; Board Liaison Reports; and other matters of interest.	☒ **Action** ☒ **Information** ☐ **Public Hearing**

RECOMMENDATION

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, Board liaison reports; 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. At this time, there are several vacant liaison positions that Board Members may wish to accept.

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 2007 (2 Pages)
Attachment 3: Acronyms Chart (3 Pages)

AGENDA PLANNER 2007

JANUARY 10-11, 2007 ..... SACRAMENTO

Board Meeting

- No Child Left Behind Act, approve supplemental educational service providers
- STAR, update/action as necessary
- CAHSEE, update/action as necessary
- CELDT, update/action as necessary
- No Child Left Behind Act, update/action as necessary

Dates of Interest to the State Board:

- Invitation to Submit meeting with Publishers for 2007 Mathematics Adoption, Sacramento, Jan. 9, 2007
- Curriculum Development and Supplemental Materials Commission, Sacramento, Jan. 24-26, 2007
- Advisory Commission on Special Education, Sacramento, Jan 25-26
- Advisory Commission on Charter Schools, Sacramento, Jan. 29

FEBRUARY, 2007 ..... NO MEETING SCHEDULED

Dates of Interest to the State Board:

- Advisory Commission on Special Education, Sacramento, Feb 22-23

MARCH 7-8, 2007 ..... 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

Other Dates of Interest to the State Board:

- 2007 Mathematics Primary Adoption, IMAP/CRP training, Sacramento, March 26-29, 2007
- Curriculum Commission Meeting, Sacramento, March 30, if necessary
- Advisory Commission on Special Education, Sacramento, March 22-23

APRIL, 2007 ..... NO MEETING SCHEDULED

Dates of Interest to the State Board:

- Advisory Commission on Charter Schools, Sacramento, April 20

MAY 9-10, 2007 ..... SACRAMENTO

Board Meeting

- STAR, update/action as necessary
- CAHSEE, update/action as necessary
- CELDT, update/action as necessary

AGENDA PLANNER 2007

- No Child Left Behind Act, update/action as necessary

Other Dates of Interest to the State Board:

- Curriculum Commission Meeting, Sacramento, May 17-18
- Advisory Commission on Special Education, Sacramento, May 24-25

JUNE, 2007 .....NO MEETING SCHEDULED

Dates of Interest to the State Board:

JULY 11-12, 2007.....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

Other Dates of Interest to the State Board:

- 2007 Mathematics Primary Adoption, IMAP/CRP Deliberations, Sacramento, July 16-19 (Session 1) AND July 30-Aug. 2 (Session 2)
- Advisory Commission on Special Education

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
MARCH 2007 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

MARCH 2007 AGENDA

SUBJECT	
California High School Exit Examination (CAHSEE) and Senate Bill (SB) 267: Consideration of a course of action to adopt regarding pupils with disabilities who have met all other state and local graduation requirements, but who are unable to satisfy the CAHSEE requirement or obtain a waiver of the requirement under Section 60851(c) of the *Education Code*	☒ Action ☒ Information ☐ Public Hearing

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) take action as deemed necessary and appropriate.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At its meeting in December 2001, the SBE adopted a waiver process, through which students with disabilities, who take the CAHSEE with modifications and score the equivalent of a passing score are able to satisfy the CAHSEE requirement. A modification used by a student, such as using a calculator on the math portion of the CAHSEE, fundamentally alters what the CAHSEE is assessing. Therefore, the use of a modification creates an alternate way for students to demonstrate mastery of the standards assessed on the CAHSEE. The results are not directly comparable to the results from the standard form of the CAHSEE. The SBE recognized the creation of this alternate demonstration of the CAHSEE and adopted a waiver process. Later, a similar process was enacted by the Legislature in *Education Code* Section 60851 (c), which requires that the student's principal make a waiver request to the local school board. The local board may grant the waiver if the pupil 1) has an individualized education program (IEP) or Section 504 plan that that permits such a modification, 2) has completed or will complete, the coursework necessary to pass the exam, and 3) scores the equivalent of a passing score on that part of the CAHSEE while using a modification. Since December 2001, students with disabilities throughout the state have been able to satisfy the CAHSEE requirement through the waiver process.

In 2004, the SBE approved the request for proposals (RFP) for SB 964, a study regarding options for graduation requirements and assessments for students with disabilities. The results of the SB 964 study provided CDE with information that was considered in the development of the January and March 2006 board items.

SUMMARY OF PREVIOUS ACTION (Cont.)

> In January 2006, as part of its regularly scheduled meeting, the SBE was presented with the results of a public meeting held by CDE on December 15, 2005. This meeting, held at the request of State Superintendent of Public Instruction Jack O'Connell, invited interested parties to provide input on potential alternate ways for all students to demonstrate mastery of the content assessed on the CAHSEE.

At its meeting on March 8, 2006, the SBE adopted Superintendent O'Connell's position that,

> "there is no practical alternative available that would ensure all [non-special education] students awarded a high school diploma have mastered the subject areas tested by CAHSEE."

At its meeting on February 14, 2007, the State Board was presented with brief descriptions and comments from invited speakers and the public in regards to several courses of action provided as possible approaches for students with individualized education programs or section 504 plans to demonstrate mastery of California's academic content standards. This list was designed as a starting point for a discussion between policy makers, researchers, professional educators, parents and concerned members of the public.

SUMMARY OF KEY ISSUES

Consideration of a course of action to adopt regarding pupils with disabilities who have met all other state and local graduation requirements, but who are unable to satisfy the CAHSEE requirement or obtain a waiver of the requirement under Section 60851(c) of the *Education Code*

Background for Students with Disabilities and SB 267

During the 2005-06 legislative session, the Legislature passed and the Governor signed into law, SB 267, which enacted *Education Code* Section 60852.4. This new law contained two primary provisions: (1) allowing certain students with disabilities in the Class of 2007 who met a series of seven criteria to receive an exemption of the CAHSEE requirement and (2) required that by June 1, 2007, the Superintendent of Public Instruction, with the approval of the state board, recommend to the Legislature a course of action to adopt regarding pupils with disabilities who have met all other state and local graduation requirements, but who are unable to satisfy the CAHSEE requirement or obtain a waiver of the requirement under *Education Code* Section 60851 (c). Therefore, the CDE is reviewing possible courses of action in developing the recommendation to the legislature. A similar exemption provision was provided the previous year by SB 517 to a similar group of special education students in the class of 2006. In order to be eligible for the exemption, students must meet a prescribed set of criteria including, but not limited to: 1) attempt at least two times to pass the portion or

SUMMARY OF KEY ISSUES (Cont.)

portions of the exam that they did not pass in 10th grade; 2) take remedial instruction on the portions not passed; and 3) then attempt to pass the portions for which they received remediation. This current exemption will sunset on December 31, 2007, (*Education Code* Section 60852.4(d).).

Discussion of Proposed Courses of Action

At the February 14, 2007, meeting, the State Board was presented several courses of action provided as possible approaches for students with individualized education programs or section 504 plans to demonstrate mastery of California's academic content standards in its agenda item. These courses of action were designed as a starting point for a discussion between policy makers, researchers, professional educators, parents and concerned members of the public. In order to continue this discussion, the State Board solicited detailed comments from eight invited speakers in regards to the several courses of action. These presenters represented a wide variety of constituents and provided various opinions on the courses of action. In addition to the invited speakers, the State Board also received public comment from concerned members of the public in regards to students with disabilities and the CAHSEE, as well as comments about the proposed courses of action.

Included in Attachment 1 is a more detailed review of the options that were discussed at the State Board meeting held on February 14, 2007. This summary includes a description, the benefits and challenges, and an estimate of the costs associated with each of the considered options.

This summary in Attachment 1 is designed, not as exhaustive list of potential courses of action, but to continue the discussion between policy makers, researchers, professional educators, parents and concerned members of the public.

Additional data analysis is being conducted by CDE in regards to the CAHSEE results for students with disabilities using accommodations and modifications and on the use and frequency of exemptions and waivers of the CAHSEE requirement by school districts. This analysis will be provided as an Item Addendum.

FISCAL ANALYSIS (AS APPROPRIATE)

All costs associated with the activities indicated above will be new costs and will likely require changes to budget provisions.

ATTACHMENT(S)

Attachment 1: Summary of Proposed Courses of Action (7 pages)
Attachment 2: Matrix of Testing Variations, Accommodations, and Modifications (7 Pages)

Additional information will be provided in an Item Addendum.

California Department of Education's Considered Courses of Action for the California High School Exit Examination (CAHSEE) for Students with Disabilities Who Have Met All Other Graduation Requirements

Course of Action	Description	Estimated Cost	Benefits	Challenges
Maintain the CAHSEE requirement for all students	• All students, including students with disabilities, would be required to satisfy the CAHSEE requirement one of two ways: • Students could take and pass the CAHSEE without using any accommodations or modifications. • Students could continue to be able to use any accommodations or modifications specified in their IEP or Section 504 Plan and be able to satisfy the CAHSEE requirement through the local wavier process.	None.	• Allows students are able to use all accommodations and modifications specified in their IEP or Section 504 Plan. • Allows students to satisfy the CAHSEE requirement via the local waiver process. • Guarantees consistency of graduation standard across state. • Consistent with the intent of the CAHSEE legislation. • Would not require legislation.	• Costs associated with providing instruction to students who will need to complete additional years of high school to master the standards assessed on the CAHSEE, and to pass the CAHSEE. • Some students will not graduate due to CAHSEE requirement.

Course of Action	Description	Estimated Cost	Benefits	Challenges
Make changes to CAHSEE waiver process (EC 60851 (c))	Propose the following amendments to Education Code Section 60851(c): • Require the school principal to submit the waiver request to the local governing board upon receipt of evidence that the student received a score equivalent to passing while using modifications. • Require the student to have satisfactorily completed high school level coursework to attain the knowledge and skills needed to pass the CAHSEE. • Require the local governing board to grant the waiver if all requirements are met. • Require the local governing board to submit documentation to the SBE relating to the denial of any waiver request. If the SBE finds that the student meets all of the requirements for the waiver, the SBE may require the governing board of the school district to grant a waiver to the student.	• Limited state costs to review appeals of local decisions. • Increased local costs for reviewing waivers.	• Students are able to use all accommodations and modifications specified in their IEP or Section 504 Plan. • Ensures consistency in application of Waiver Process throughout the state. • Eliminates the burden on the student's parent to make the request of the principal to initiate the waiver.	• Limits local ability to deny waivers to students who have scored equivalent of passing. • May require legislation.

Course of Action	Description	Estimated Cost	Benefits	Challenges
Develop a State Endorsed Certificate of Completion	• Students with disabilities who are unable to pass the CAHSEE, but have met all other state and local requirements may exit school, and their district will be required to issue these students a state-endorsed certificate of completion. • Certificate of completion is not equivalent to a high school diploma. • Students receiving a certificate of completion must be allowed to participate in all graduation activities. • Certificate of completion would specify the specialized skills or training that student has received during his or her high school education to assist the business community in recognizing the student's skills.	• Limited state costs to design the format of the certificate. • Limited state costs to train districts in the use of this certificate.	• Provides a way for students with disabilities who cannot satisfy the CAHSEE requirement, even with their modifications, to document what they know and are able to do. • Affords the student the opportunity to participate in graduation ceremonies with their classmates.	• This certificate is not equivalent to a high school diploma. • May require legislation.

Course of Action	Description	Estimated Cost	Benefits	Challenges
Develop a Juried Assessment	• Student must satisfy various requirements in key areas to be considered to have satisfied the CAHSEE requirement through the Juried Assessment, such as: o Two attempts to pass the CAHSEE with all accommodations and modifications o Demonstrated 95% attendance o Participation in remedial course o Teacher and principal recommendations supported by documentation • Collection of student information is submitted to CDE for review and approval.	• $50,000 for web application development. • $10,000/year to maintain web application. • $550,000/year for four new CDE staff members and overhead to review the assessments submitted by districts.	• Allows multiple measures to determine mastery of CAHSEE-based standards. • Indicators may be linked more directly to the educational program of individual students. • Allows for other demonstrations of student proficiency. • Allows state to collect data on how many students do not meet state requirement. • Can be implemented for class of 2008.	• Unlikely to be of equal rigor to CAHSEE. • Creates significant training needs for teachers, administrators, and students. • Requires an elaborate system at state level to monitor implementation and ensure fairness and consistency across the state. • Creates significant expense to implement, score, and report student results. • May be inconsistent with the intent of CAHSEE legislation for standardization of assessment for all students. • Indicators that are locally implemented are likely to be subjective and result in widely different performance standards and inconsistent implementation. • May require legislation.

Course of Action	Description	Estimated Cost	Benefits	Challenges
Allow Compensatory Scoring of a Standard CAHSEE Form	• Student would take the existing CAHSEE form, but instead of a minimum score required to pass each section, the student must obtain a total score greater that 700. • A student would still be required to score a minimum score on each portion of the exam. For example, in order for the student to satisfy the requirement through these means, the student would need to score at least 325 on each part of the test, with a total combined score of 700. • In addition, the local board must grant a waiver of the CAHSEE requirement for this student certifying that the student has mastered CAHSEE content standards in both math and ELA through compensated score and coursework, etc.	• Limited state costs to review appeals of local decisions. • Increased local costs for reviewing waivers.	• Allows students to compensate poor performance on one portion of the test with better performance on the other portion. • Can be implemented for class of 2008.	• Lowers the standard used to assess student performance on one of the portions of the CAHSEE, (i.e. is less rigorous than passing the CAHSEE) (Note: Currently, students are required to answer only 60% of the ELA questions correctly and 55% of the math items correctly to pass.) • Inconsistent with legislative intent that students master standards in both content areas. • May require legislation.

Course of Action	Description	Estimated Cost	Benefits	Challenges
Create On-Demand CAHSEE Strand Tests	• Student takes a segment of the actual CAHSEE form via computer immediately following instruction in that CAHSEE strand (e.g., Number Sense). • Student scores on each segment are banked so the student will be administered the equivalent of an intact CAHSEE form after taking all 5 strands. • Student must score the same number of points on the segments as they would on a full form of the CAHSEE to pass. • Student may retake segments on which he/she performed poorly.	$10 million/year	• Allows student to take an exam that is identical to a full form of the CAHSEE and is based on the same blueprint (i.e., content and number of items) of the segments is identical to a full form of CAHSEE. • Administers exam in short segments which may benefit students with limited attention spans or with physical disabilities that may make longer test periods uncomfortable or unfeasible. (Note: Currently, students may take the exam in segments if it is specified in their IEP or Section 504 Plan.) • Allows students to take a segment of the exam immediately after instruction. • Allows teachers to target instruction to specific test content immediately before the student takes a segment of the exam. • Allows students to re-take segments on which they performed poorly, instead of retaking the entire exam.	• Targeted instruction followed by the immediate assessment of that instruction may raise questions of fairness and validity. • Research is needed to determine if the sum of the segments is comparable to a full CAHSEE administration; research suggests that extended time does not significantly improve student performance. • Not suited for students who are not able to demonstrate their knowledge via a multiple-choice test. • Significant expense for development and implementation of a computer-based system. • An extensive management system at the local and state level needs to be developed to track and report student progress. • Risk of security breach due to permanent LEA access to the exam. • Cannot be implemented for class of 2008, but could be ready for 2009. • Estimated implementation is $10 million/year. • May require legislation.

Course of Action	Description	Estimated Cost	Benefits	Challenges

Develop CAHSEE Alternative Assessment	• Develop new test (similar to a CAHSEE version of the California Modified Assessment (CMA)) that will be used to assess special education students who cannot pass the CAHSEE.
	
	• This test will include CAHSEE items that have been modified to make them more accessible, such as:
	  • more white space each page
	  • single items per page
	  • larger font
	  • more graphics
	
	• This test will be administered in a paper and pencil format and during normal CAHSEE testing opportunities.
		• $5 to $7 million in development costs.
		
		• $7 to $8 million annually to implement program.
		
		• $275,000 annually for two new staff members to monitor development.
			• Provides a consistent alternative across the state.
			
			• Exam could be designed to be of equal rigor to the existing CAHSEE forms.
				• Development of test program will take 2-3 years.
				
				• Estimated development cost is $5 to $7 million, plus $8 million/year to implement program.
				
				• Difficult to guarantee equal rigor to current CAHSEE requirement.
				
				• May require legislation.

Testing Variations, Accommodations, and Modifications

Note: Refer to the *California Code of Regulations, Title 5, Education*, for each specific assessment program for more detail.

Matrix 1. Matrix of Test Variations, Accommodations, and Modifications for Administration of California Statewide Assessments (January 2007)

	STAR Program						
Test Variation (1) Accommodation (2) Modification (3)	**CAT/6 Survey**	**CST**	**STS**	**Aprenda/3**	**CAHSEE**	**CELDT**	**Physical Fitness**
Test administration directions that are simplified or clarified (does not apply to test questions)	ALL	ALL	ALL	ALL	ALL	ALL	ALL
Student marks in test booklet (other than responses) including highlighting	ALL For grade 3 marks must be removed to avoid scanning interference or transcribe	ALL For grades 2 and 3 marks must be removed to avoid scanning interference or transcribe	ALL For grades 2 and 3 marks must be removed to avoid scanning interference or transcribe	ALL	ALL	ALL For grades K–2 mark with a red ball point pen ONLY; marked test booklets may not be used again.	Not Applicable
Test individual student separately, provided that a test examiner directly supervises the student	1	1	1	1	1	1	1

Revised 12/21/06

All	These test variations may be provided to all students.
Test Variation (1)	Eligible students may have testing variations if regularly used in the classroom.
Accommodation (2)	Eligible students shall be permitted to take the examination/test with **accommodations** if specified in the eligible student's IEP or Section 504 Plan for use on the examination, standardized testing, or for use during classroom instruction and assessment.
Modification (3)	For the **STAR** Program and **CELDT**, eligible students shall be permitted to take the tests with **modifications** if specified in the eligible student's IEP or Section 504 Plan. Eligible students shall be permitted to take the **CAHSEE** with **modifications** if specified in the eligible student's IEP or Section 504 Plan for use on the examination, standardized testing, or for use during classroom instruction and assessment.

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Test Variation (1) Accommodation (2) Modification (3)	STAR Program						
	CAT/6 Survey	CST	STS	Aprenda/3	CAHSEE	CELDT	Physical Fitness
Visual magnifying equipment	1	1	1	1	1	1	Not Applicable
Audio amplification equipment	1	1	1	1	1	1	1
Noise buffers (e.g. individual carrel or study enclosure)	1	1	1	1	1	1	Not Applicable
Special lighting or acoustics; special or adaptive furniture	1	1	1	1	1	1	Not Applicable
Colored overlay, mask, or other means to maintain visual attention	1	1	1	1	1	1	Not Applicable
Manually Coded English or American Sign Language to present directions for administration (does not apply to test questions)	1	1	Not Applicable	1	1	1	1
Student marks responses in test booklet and responses are transferred to a scorable answer document by an employee of the school, district, or nonpublic school	2	2	2	2	2	2	Not Applicable
Responses dictated [orally, or in Manually coded English or American Sign Language] to a scribe for selected-response items (multiple-choice questions)	2	2	2	2	2	2	Not Applicable

Revised 12/21/06

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Test Variation (1) Accommodation (2) Modification (3)	STAR Program						
	CAT/6 Survey	CST	STS	Aprenda/3	CAHSEE	CELDT	Physical Fitness
Word processing software with spell and grammar check tools turned off for the essay responses (writing portion of the test)	Not Applicable	2	Not Applicable	Not Applicable	2	2	Not Applicable
Essay responses dictated orally or in Manually Coded English to a scribe, audio recorder, or speech-to-text converter and the student provides all spelling and language conventions	Not Applicable	2	Not Applicable	Not Applicable	2	2	Not Applicable
Assistive device that does not interfere with the independent work of the student on the multiple-choice and/or essay responses (writing portion of the test)	2	2	2	2	2	2	Not Applicable
Braille transcriptions provided by the test contractor	2	2	2	2	2	2	Not Applicable
Large print versions Test items enlarged if font larger than required on large print versions	2	2	2	2	2	2	Not Applicable
Extra time on a test within a testing day	2	ALL	ALL	ALL	ALL	ALL	ALL
Test over more than one day for a test or test part to be administered in a single sitting	2	2	2	2	2	2	Not Applicable

Revised 12/21/06

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Test Variation (1) Accommodation (2) Modification (3)	STAR Program						
	CAT/6 Survey	CST	STS	Aprenda/3	CAHSEE	CELDT	Physical Fitness
Supervised breaks within a section of the test	2	2	2	2	2	2	Not Applicable
Administration of the test at the most beneficial time of day to the student	2	2	2	2	2	2	2
Test administered at home or in hospital by a test examiner	2	2	2	2	2	2	2
Dictionary	3	3	3	3	3	3	Not Applicable
Manually Coded English or American Sign Language to present test questions	2 Math	2 Math, Science, History-social Science	Not Applicable	2 Math	2 Math	2 Writing	Not Applicable
	3 Reading, Language, Spelling	3 ELA		3 Reading, Language, Spelling	3 ELA	3 Reading, Listening, Speaking	

Revised 12/21/06

All	These test variations may be provided to all students.
Test Variation (1)	Eligible students may have testing variations if regularly used in the classroom.
Accommodation (2)	Eligible students shall be permitted to take the examination/test with **accommodations** if specified in the eligible student's IEP or Section 504 Plan for use on the examination, standardized testing, or for use during classroom instruction and assessment.
Modification (3)	For the **STAR** Program and **CELDT**, eligible students shall be permitted to take the tests with **modifications** if specified in the eligible student's IEP or Section 504 Plan. Eligible students shall be permitted to take the **CAHSEE** with **modifications** if specified in the eligible student's IEP or Section 504 Plan for use on the examination, standardized testing, or for use during classroom instruction and assessment.

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Test Variation (1) Accommodation (2) Modification (3)	STAR Program				CAHSEE	CELDT	Physical Fitness
	CAT/6 Survey	CST	STS	Aprenda/3			
Test questions read aloud to student or used audio CD presentation	2 Math	2 Math, Science, History-social Science	2 Math	2 Math	2 Math	2 Writing	Not Applicable
	3 Reading, Language, Spelling	3 ELA	3 Reading, Language, Spelling	3 Reading, Language, Spelling	3 ELA	3 Reading	
Calculator on the mathematics tests	3	3	3	ALL Grades 9-11 and Problem Solving section in Grades 5–8	3	Not Applicable	Not Applicable
				3 All other sections			
Calculator on the science tests	Not Applicable	3	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Arithmetic table or formulas (not provided) on the mathematics tests	3	3	3	3	3	Not Applicable	Not Applicable

Revised 12/21/06

All	These test variations may be provided to all students.
Test Variation (1)	Eligible students may have testing variations if regularly used in the classroom.
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Test Variation (1) Accommodation (2) Modification (3)	STAR Program						
	CAT/6 Survey	CST	STS	Aprenda/3	CAHSEE	CELDT	Physical Fitness
Arithmetic table or formulas (not provided) on the science tests	Not Applicable	3	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Math manipulatives on the mathematics tests	3	3	3	3	3	Not Applicable	Not Applicable
Math manipulatives on the science tests	Not Applicable	3	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Word processing software with spell and grammar check tools enabled on the essay responses writing portion of test	Not Applicable	3	Not Applicable	Not Applicable	3	3	Not Applicable
Essay responses dictated orally, in Manually Coded English, or in American Sign Language to a scribe [audio recorder, or speech-to-text converter] (scribe provides spelling, grammar, and language conventions)	Not Applicable	3	Not Applicable	Not Applicable	3	3	Not Applicable
Assistive device that interferes with the independent work of the student on the multiple-choice and/or essay responses	3	3	3	3	3	3	Not Applicable
Unlisted Accommodation or Modification	Check with CDE	Check with CDE	Check with CDE	Check with CDE	Check with CDE	Check with CDE	Check with CDE

Revised 12/21/06

All	These test variations may be provided to all students.
Test Variation (1)	Eligible students may have testing variations if regularly used in the classroom.
Accommodation (2)	Eligible students shall be permitted to take the examination/test with **accommodations** if specified in the eligible student's IEP or Section 504 Plan for use on the examination, standardized testing, or for use during classroom instruction and assessment.
Modification (3)	For the **STAR** Program and **CELDT**, eligible students shall be permitted to take the tests with **modifications** if specified in the eligible student's IEP or Section 504 Plan. Eligible students shall be permitted to take the **CAHSEE** with **modifications** if specified in the eligible student's IEP or Section 504 Plan for use on the examination, standardized testing, or for use during classroom instruction and assessment.

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Note: Refer to the *California Code of Regulations, Title 5, Education*, for each specific assessment program for more detail.

Matrix 2. Matrix of Test Variations for Administration of California Statewide Assessments for English Learners (January 2007)

	STAR Program			
Test Variation	**CAT/6 Survey**	**CST**	**CAHSEE**	**Physical Fitness**
Hear the test directions printed in the test administration manual translated into the student's primary language. Ask clarifying questions about the test directions in the student's primary language.	Variation Allowed	Variation Allowed	Variation Allowed	Variation Allowed
Additional supervised breaks within a testing day *or* following each section (STAR) within a test part provided that the test section is completed within a testing day. A test section is identified by a "STOP" at the end of it.	Variation Allowed	Variation Allowed	Variation Allowed	Not Applicable
ELs may have the opportunity to be tested separately with other ELs provided that the student is directly supervised by an employee of the school who has signed the test security affidavit and the student has been provided such a flexible setting as part of his/her regular instruction or assessment.	Variation Allowed	Variation Allowed	Variation Allowed	Variation Allowed
Access to translation glossaries/word lists (English-to-primary language). Glossaries/ word lists shall not include definitions or formulas.	Not Allowed	Variation Allowed Math, science, history-social science Not Allowed ELA	Variation Allowed	Not Applicable

State of California **Department of Education**

ITEM ADDENDUM

DATE: March 2, 2007

TO: **MEMBERS, STATE BOARD OF EDUCATION**

FROM: William L. Padia, Deputy Superintendent
Assessment and Accountability Branch

RE: Item No. 3

SUBJECT: California High School Exit Examination (CAHSEE) and Senate Bill (SB) 267: Consideration of a course of action to adopt regarding pupils with disabilities who have met all other state and local graduation requirements, but who are unable to satisfy the CAHSEE requirement or obtain a waiver of the requirement under Section 60851(c) of the *Education Code*

The California Department of Education (CDE) has conducted additional reviews of data to better inform the State Superintendent of Public Instruction and the State Board of Education's (SBEs) consideration of various courses of action to adopt regarding pupils with disabilities who have met all other state and local graduation requirements, but who are unable to satisfy the CAHSEE requirement or obtain a waiver of the requirement under *Education Code* Section 60851(c). This Item Addendum contains a series of tables summarizing these additional data analyses for the SBE's consideration.

Data Submitted by Local Educational Agencies (LEAs) in regards to the Waiver under *Education Code* Section 60851 (c)

Following the 2005-06 school year, LEAs were required to submit data to CDE which summarizes their utilization of the waiver process allowed under *Education Code* Section 60851 (c). CDE received data from 93 LEAs.

These 93 LEAs represent:

- over 14 percent of the 645 LEAs that serve high school students.
- approximately 9 percent (or 255 schools) of the 2,800 schools that serve high school students.
- nearly 51 percent (or 21,273) of the 43,000 students with disabilities in the state.

The primary disability codes reported for each of the 1,241 students who received a diploma as a result of the waiver is described in Table 1 below:

Table 1: Primary Disability Code Reported for Students who Received Diploma as a Result of a Waiver of the CAHSEE Requirement

Primary Disability Code	Disability	Number of Students Receiving Diploma
000	Student receives no Special Education Services	7
010	Mental Retardation (MR)	13
020	Hard of Hearing (HH)	6
030	Deaf (DEAF)	3
040	Speech or Language Impairment (SLI)	40
050	Visual Impairment (VI)	10
060	Emotional Disturbance (ED)	56
070	Orthopedic Impairment (OI)	18
080	Other Health Impairment (OHI)	55
090	Specific Learning Disability (SLD)	1,020
100	Deaf-Blindness (DB)	0
110	Multiple Disabilities (MD)	3
120	Autism (AUT)	7
130	Traumatic Brain Injury (TBI)	3
	Total	**1,241**

These 93 LEAs reported that:

- 1,241 students graduated from their schools in 2005-06 as a result of receiving a waiver of one or both parts of the CAHSEE requirement.
    - This represents 5.7 percent of all grade 12 students with disabilities served by these schools.

Data Submitted by LEAs in regards to the Exemption of the CAHSEE requirement under *Education Code* Section 60852.3

Following the 2005-06 school year, LEAs were also asked to submit data to CDE in regards to the exemption of the CAHSEE requirement afforded to certain students with disabilities under *Education Code* Section 60852.3. CDE received reports from 216 LEAs.

These 216 LEAs represent:

- over 33 percent of the 645 LEAs that serve high school students.
- over 78 percent (or 33,750) of the 43,000 students with disabilities in the state.

The primary disability codes reported for each of the 6,726 students who received a diploma as a result of the exemption is described in Table 2 below:

Table 2: Primary Disability Code Reported for Students who received an Exemption of the CAHSEE Requirement

Primary Disability Code	Disability	Number of Students Receiving Diploma
000	Student receives no Special Education Services	44
010	Mental Retardation (MR)	204
020	Hard of Hearing (HH)	57
030	Deaf (DEAF)	64
040	Speech or Language Impairment (SLI)	260
050	Visual Impairment (VI)	19
060	Emotional Disturbance (ED)	287
070	Orthopedic Impairment (OI)	62
080	Other Health Impairment (OHI)	257
090	Specific Learning Disability (SLD)	5,386
100	Deaf-Blindness (DB)	1
110	Multiple Disabilities (MD)	20
120	Autism (AUT)	40
130	Traumatic Brain Injury (TBI)	22
Unknown	Unknown Disability Code	3
	Total	**6,726**

Additionally, these 216 LEAs reported that:

- 6,726 students received diplomas through the exemption.
    - This represents nearly 20 percent of all grade 12 students with disabilities served by these schools.

Data Analysis by the Human Resources Research Organization (HumRRO) in regards to Students with Disabilities taking the CAHSEE with Modifications

In its annual independent evaluation report released on October 31, 2006, HumRRO dedicated an entire chapter to a closer look at special populations. In this review, HumRRO looked more specifically at the CAHSEE results for both English Learners and students with disabilities. Of particular interest to this discussion is HumRRO's detailed analysis of students with disabilities performance on the CAHSEE.

In this analysis, HumRRO reported, by primary disability code, the percentage of grade 10 students with disabilities who passed each part of the CAHSEE during the 2004-05 and 2005-06 school years. This data is summarized in Table 3 below.

Table 3: Primary Disability Codes for Grade 10 Students Receiving Special Education Services Tested in 2005 and 2006 with CAHSEE Success Information

	Percent of Students with Disabilities in the Category		Percent Passing CAHSEE ELA		Percent Passing CAHSEE Math	
Primary Disability Category	2005	2006	2005	2006	2005	2006
010 = Mental Retardation	2.1%	1.7%	2.7%	3.3%	1.7%	2.2%
020 = Hard of Hearing	1.0%	0.9%	41.6%	47.6%	43.3%	47.3%
030 = Deaf	0.5%	0.6%	19.8%	17.9%	31.1%	27.6%
040 = Speech/Lang. Impairment	4.8%	6.5%	37.1%	50.1%	38.7%	51.6%
050 = Visual Impairment	0.5%	0.5%	62.4%	55.8%	53.2%	55.1%
060 = Emotional Disturbance	5.6%	7.6%	47.2%	42.1%	37.3%	33.1%
070 = Orthopedic Impairment	0.9%	0.8%	45.0%	54.6%	37.2%	49.0%
080 = Other Health Impairment	5.8%	6.3%	53.1%	55.0%	45.8%	49.3%
090 = Specific Learning Disability	77.3%	73.1%	28.6%	30.6%	26.5%	29.1%
100 = Deaf-Blindness	0.0%	0.0%				
110 = Multiple Disabilities	0.2%	0.3%	22.9%	36.5%	22.2%	36.6%
120 = Autism	1.1%	1.5%	50.6%	56.5%	51.6%	56.4%
130 = Traumatic Brain Injury	0.2%	0.2%	23.2%	28.6%	26.0%	28.7%
Number of Matched Students	38,602	40,395	31.6%	34.6%	29.0%	32.6%

Note. Only students taking the CAHSEE are included. Approximately 75 percent of students coded Mental Retardation and 65 percent of students coded Multiple Disabilities did not take the CAHSEE.

(Source: HumRRO 2006 Evaluation Report, October 31, 2006, page 88)

Table 3 shows, by subject area, the passing rates of students on the CAHSEE in each of the primary disability categories. Some notable statistics include:

- The vast majority of these students have specific learning disability as their primary disability.
    - These students passed the CAHSEE at a relatively low rate (for 2006, 30.6 percent on English-language arts (ELA) and 29.1 percent on Math) when compared to the percent passing for the entire group (for 2006, 34.6 percent on ELA and 32.6 percent on Math).

- However, students with vision, speech, and other health impairments passed the CAHSEE at relatively higher rates.

In its October 31, 2006, report, HumRRO also compared the amount of time spent away from regular instruction by a student and their success on each portion of the CAHSEE for grade 10 students in the 2004-05 and 2005-06 school years. This comparison can be seen in Table 4 below.

Table 4: Number of Grade 10 Students in Tested in 2005 and 2006 and Percent Passing by Time Away from Regular Instruction

Percent of Time Away from Regular Instruction	ELA				Math			
	Number of Students		Percent Passing CAHSEE ELA		Number of Students		Percent Passing CAHSEE Math	
	2005	2006	2005	2006	2005	2006	2005	2006
None	1,796	3,113	48.7%	44.2%	1,806	3,116	46.6%	36.5%
01 to 19 Percent	11,637	11,600	51.5%	50.5%	11,630	11,572	49.1%	46.7%
20 to 33 Percent	6,569	6,053	32.5%	34.5%	6,570	6,037	29.0%	30.8%
34 to 50 Percent	5,900	5,742	23.8%	25.3%	5,889	5,747	20.0%	21.3%
51 to 89 Percent	9,965	9,763	9.8%	10.5%	9,919	9,708	8.7%	9.0%
90 to 99 Percent	308	293	22.1%	28.3%	307	295	20.5%	24.8%
100 Percent	1,429	1,679	28.3%	30.1%	1,388	1,667	22.6%	22.4%
All Special Education Students	37,604	38,243	31.5%	32.4%	37,509	38,142	29.0%	28.7%

Note. Numbers differ for the ELA and mathematics tests because some students only took one of the tests.

(Source: HumRRO 2006 Evaluation Report, October 31, 2006, page 87)

This table shows that:

- More than one-third of students with disabilities spend 80 percent or more of the day in regular instruction.
    - In 2005-06, over half of these students passed the ELA portion of the CAHSEE in grade 10 and nearly half passed the Math portion.

- However, in 2005-06, only about 10 percent of students who were away from regular instruction 51 to 89 percent of the time were able to pass the ELA portion and even fewer passed the Math portion.

In order to provide the SBE with additional data in regards to students with disabilities, CDE asked HumRRO to review the data for the Class of 2006 to determine how many students in this class could have been eligible for a waiver because the student scored 350 or above using a modification on one or both parts of the CAHSEE. Table 5 below shows the cumulative counts for students with disabilities in the Class of 2006 through May 2006.

Table 5: Class of 2006 Students with Disabilities Cumulative Results through Grade 12

Status	≥ 350 Without Modifications	≥ 350 With Modifications	Total Scoring ≥ 350	Percent Change
ELA Only	24,815	472	25,287	1.1%
Math Only	21,179	1,955	23,134	4.7%
Both	18,790	1,950	20,740	4.7%

According to HumRRO, the striking finding from these analyses is that counting students who take the test with modifications has relatively little impact on the ELA test, increasing the passing rate for students with disabilities by only 1.1 percent. The impact on passing rates for the mathematics test is more noticeable, an increase of 4.7 percent

passing. The primary modification received by students taking the mathematics test is the use of a calculator. The impact of this modification is somewhat surprising as relatively few of the mathematics questions involve difficult calculations.

The frequency of use for modifications on the CAHSEE varies greatly between the two parts of the exam. For the 2005-06 CAHSEE testing for grade 10 students:

- 2,126 grade 10 students with disabilities took the ELA portion of the CAHSEE with a modification

- 4,536 grade 10 students with disabilities took the math portion of the CAHSEE with a modification

Additional Research Regarding a Compensatory Scoring Model

In May 2005, CDE commissioned Education Testing Services (ETS) to conduct a study of the possible effects of a compensatory scoring model on passing rates of the CAHSEE. A full compensatory scoring model would allow a student to satisfy the CAHSEE requirement with a combined score of 700 on both the math and ELA portions of the CAHSEE. For example, a student could satisfy the requirement by scoring a 360 on Math and a 340 on ELA. Under the current scoring methodology, this same student would have passed math, but failed ELA.

In performing its analysis, CDE also directed ETS to consider a partial compensatory approach, which would require that the student score at least a combined score of 700 on both parts of the CAHSEE and at least 330 on each of the math and ELA portions of the exam.

In order to obtain the largest and most representative sample, ETS focused its analysis on grade 10 students in the March 2005 administration. This was the largest administration of the year and included many students from all subgroups and from school districts throughout the state. The results particular to students with disabilities in this study are summarized in Table 6 below.

Table 6: CAHSEE March 2005 Passing Rates (Grade 10 Students)

Student Group	Number Tested Both ELA & Math	Percent Passed Both ELA & Math	Percent that Would have Passed Under a Full Compensatory Model	Percent that Would have Passed Under a Partial Compensatory Model
Tenth Grade Students	300,852	71%	79%	78%
Student Receiving Special Education Services	23,986	25%	34%	33%
Student Not Receiving Special Education Services	276,866	75%	83%	82%

Note: The full compensatory scoring model assumed a student passes CAHSEE if the combined scale score (math score plus ELA score) is at least 700. (Partially compensatory scoring required a combined score of at least 700, a math score of at least 330, and an ELA score of at least 330.)

Additional Information Requested by SBE Regarding the Local Waiver

The CDE has compiled additional resources requested by the SBE at its February 14, 2007, meeting in regards to the local waiver process. One request posed by the SBE was in regards to the waiver process and the means by which CDE has communicated the requirements to LEAs. CDE conducts numerous trainings throughout the state with district testing coordinators to educate them on the specific requirements of the CAHSEE program. One component of this training includes outlining the legal requirements of the waiver process. In addition to this training, the CDE prepares and posts on the CDE Web site a packet of information designed to assist LEAs in reporting individual student results. As an attachment to this packet, CDE has developed a sample letter that LEAs may include with the results for students with disabilities who have scored 350 or above while using a modification. This sample letter is attached to this item as Attachment 1.

Additional Information Requested by SBE Regarding the Intervention Strategies

The SBE was also interested in additional information in regards to various intervention strategies used by LEAs throughout the state. In Attachment 2, CDE has provided the CAHSEE Intervention Compendium, which is also posted on the CDE Web site. This compendium is a list of 19 intervention models and programs reported by LEAs to be successful in improving student achievement and helping to ensure that students can master skills in reading, writing and mathematics. These models can be accessed by other LEAs looking for programs to better serve their students. Each of these programs has an associated contact person at the submitting LEA that is available to assist other LEAs in implementing a similar program.

In Attachment 3, CDE has provided an example of a remediation program identified by San Jacinto Unified School District as an effective model for use with students with disabilities.

Attachments

Attachment 1: Sample Cover Letter for Principals to Send with the CAHSEE Student and Parent Report for Students Who Are Eligible for a Local Waiver (1 Page)

Attachment 2: CAHSEE Intervention Compendium (4 Pages)

Attachment 3: San Jacinto Unified School District - Example of a CAHSEE Intervention Strategy (3 Pages)

California Department of Education
October 2006

Sample Cover Letter for Principals to Send with the CAHSEE Student and Parent Report
for Students Who Are Eligible for a Local Waiver

Dear **(Insert name of parent/guardian)**:

All students must satisfy the California High School Exit Examination (CAHSEE) requirement, as well as all other state and local requirements, to receive a California public high school diploma. Students can satisfy the CAHSEE requirement by either passing the exam or, for students with disabilities, receiving a waiver of the CAHSEE requirement pursuant to *Education Code* Section 60851(c). Students with disabilities who take the CAHSEE using modifications and receive the equivalent of a passing score may be eligible to receive a waiver of the CAHSEE requirement for the part(s) of the exam on which a modification was used if the following requirements are met:

- An individualized education program (IEP) or Section 504 Plan is in place that requires a modification to be provided to the student when taking the CAHSEE;
- The equivalent of a passing score has been obtained on the CAHSEE using a modification; and
- Sufficient high school-level coursework has been either satisfactorily completed or is in progress in a high school-level curriculum sufficient to have attained the skills and knowledge otherwise needed to pass the CAHSEE.

During the **(insert test date)** administration of the CAHSEE, your student took one or both parts of the CAHSEE using a modification as specified in his or her current IEP or Section 504 Plan and received the equivalent of a passing score.

At your request, the high school principal will submit a request to our district's school board on your student's behalf to waive the CAHSEE requirement for the part or parts of the exam that were modified for your student. To make this request, please sign the bottom portion of this letter and <u>return the signed letter along with a photocopy of your student's CAHSEE Student and Parent Report</u> to the school office at **(insert school office address)**. Please be sure to keep the original copy of your student's score report for your records.

If you have any questions about this waiver request or your student's CAHSEE results, please contact the school office at **(insert phone number)**.

Parent/Guardian Name (printed): _____

Parent/Guardian Signature: Date:

Taken from:
http://www.cde.ca.gov/ta/tg/hs/cahseematrix.asp **Display version**
Last modified: **Wednesday, December 27, 2006**

CAHSEE Intervention Compendium

California High School Exit Examination Compendium Matrix.

The following compendium of California High School Exit Examination (CAHSEE) intervention models and programs submitted by school districts and other educational institutions is provided for reference purposes only. One or more school districts throughout California have experienced success in improving student achievement and helping ensure that students can master skills in reading, writing, and mathematics by using a variety of unique approaches, some of which are presented here. More detailed information about each model or program may be viewed by clicking on the link in the left column of the matrix below.

If you would like to submit a CAHSEE intervention model or program that has proven to be successful locally in helping students pass the CAHSEE, complete the submission form (DOC; 33KB; 3pp.) and send to the High School Exit Exam Office. Your model or program will be considered for inclusion.

The California Department of Education does not endorse any of these programs or models, nor does it endorse any commercial products used in them.

Organization (Link to information)	Subject Matter: English-Language Arts (ELA) or Mathematics	Target Audience	Diagnostic Assessment	Instructional Setting
Alameda County Office of Education	Math	Non-passers	Yes	Classroom
California State	Math	Non-	Yes	Classroom

University Office of the Chancellor: California Academic Partnership Program (CAPP)		passers		
California State University Office of the Chancellor: California Academic Partnership Program (CAPP)	ELA Math	Non-passers	Yes	After-school tutoring center
Corcoran High School, Corcoran USD	ELA Math	All students	No	Classroom
Desert Sands Unified School District	ELA Math	Grade 12 Special education English learners	Yes	Classroom
Elk Grove Unified School District	ELA	Grade 10-12	Yes	Classroom
Kern High School District	Math	Grade 9-12	Yes	Classroom
Orange Unified School District	ELA Math	Non-passers	Yes	Professional development: In-service or training
Oroville Union High School District: Adult Education Program	ELA Math	Adult	Yes	Classroom Computer-based
Ramona Unified School District	ELA Math	Non-passers	Yes	Individualized Small-group
Riverside County Office of Education	ELA Math	All students Non-passers	Yes	All-inclusive

Sacramento City Unified School District	ELA Math	Non-passers Special education English learners	Yes	Individualized Small-group Classroom
Salinas Union High School District	Math	Non-passers Special education English Learners	Yes	Classroom
San Diego County Office of Education	ELA Math	All students Non-passers (ELA only) Special education English Learners	No (ELA) Yes (Math)	Classroom Small-group Classroom (Special education and English learner)
San Jacinto Unified School District	ELA Math	Grade 10-12 Special education students (including RSP, SDC, and language classes	Yes	Learning center (small group instruction)
School/University Partnerships, University of California, Davis	ELA Math	Non-passers	Yes	Small-group tutoring

Waterford High School	Math	Grade 10-12	Yes	Classroom
Whittier Union High School District	ELA Math	Grade 10-12	Yes	Classroom (Grades 10-12)
Whittier Union High School District	ELA Math	Grade 12	Yes	Individualized with student tutor

Questions: CAHSEE Office | Write CAHSEE | 916-445-9449

Taken from: http://www.cde.ca.gov/ta/tg/hs/sanjacinto.asp
Last modified: **Monday, February 05, 2007**

Display version

San Jacinto Unified School District

CAHSEE Remediation Compendium.

Organization Name:

San Jacinto Unified School District

Remediation Program Title:

Eyes to the Future

Subject Matter:

English-Language Arts and Math

Abstract:

The overall goal of the Eyes to the Future program is to ensure that all special education students at San Jacinto High School pass the CAHSEE. The following outline defines the major goals of the program, which is intended for spring semester implementation:

- Grade eleven and grade twelve Students: These students are enrolled in a four-week intensive program, beginning the first week of the spring semester for all Resource Specialist Program (RSP), Special Day Class (SDC) and Speech and Language students. Housed in the high school's learning center, students take up to six periods of English-language arts (ELA) or math, depending on the level of intervention needed for each student.

If the student passes the CAHSEE, he or she will remain in the learning center until the end of the semester with a focus on transition from school to the world of work or post-high school education.

If a student does not pass the CAHSEE in February, he or she will remain in the learning center with continued focus on CAHSEE skills with the number of periods to be determined. These students will also

be enrolled in after-school intervention programs.

- Grade ten students: A four-week intensive program beginning the second week of February for all RSP/SDC/speech and language students is offered in the learning center. Up to five periods in ELA/math is offered per day. In addition, after-school intervention programs are available.
- Grade twelve and makeup for grades ten and eleven students: A four-week intensive intervention program for RSP/SDC/Speech and Language students is offered in the learning center in both ELA and math beginning the first week of April. Students may be in the learning center for up to four periods per day.
- Grades 10-12 Summer Program: A two- to four-week summer school program is offered in the learning center.

Target Audiences:

Grades 10-12 special education students, including those in RSP, SDC and speech and language classes.

Typical Instructional Setting:

In the learning center, students receive instruction in small groups of up to five students. Students also receive individualized instruction with a teacher and a trained instructional aide who also support the learning center.

Diagnostic Assessment Used:

Educator's Assessment Data Management System (EADMS) addresses the pre- and post-assessment throughout the students' time in the learning center.

Curriculum Used:

- *Language!* Third Edition (ELA) (Sopris West Educational Services)
- *Getting Ready for Algebra* (available through San Diego County Office of Education at http://www.sdcoe.k12.ca.us (Outside Source))
- *Roadmap to the California High School Exit Examination:* ELA and math (Princeton Review)

Contact Information:

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emora@sanjacinto.k12.ca.us

Questions: CAHSEE Office | Write CAHSEE | 916-445-9449

ITEM #4

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2007 AGENDA

SUBJECT	
California High School Exit Examination (CAHSEE): Including, but not limited to, approval of intervention materials pursuant to Assembly Bill 1802	☒ Action ☒ Information ☐ Public Hearing

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the CDE recommended CAHSEE intervention materials and take action as deemed necessary and appropriate.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

None.

SUMMARY OF KEY ISSUES

Assembly Bill 1802 (AB 1802) authorizes the CDE to allocate five million five hundred thousand dollars ($5,500,000) to local educational agencies (LEAs) for the purchase of SBE-approved, individualized, intervention materials for students who have not passed the CAHSEE. This is a one-time allocation.

The intervention materials are required to meet the following criteria:

1. Assist individual students in mastering the academic content standards assessed by the CAHSEE.

2. Solely use released CAHSEE items in instances where test items are used or use items that meet the same sensitivity, bias, and content alignment requirements as CAHSEE items.

3. Individualized based on a particular student's results (i.e., focused on the specific content strands an individual student needs to master for success on the CAHSEE).

4. Include a computer-based component that adapts to individual student remediation needs.

SUMMARY OF KEY ISSUES (Cont.)

5. Include professional development support for teachers (e.g., teacher guides).

6. Provided at a cost (inclusive of the entire product including, but not limited to, the computer-based component, professional development support, and shipping) of not greater than twenty dollars ($20) per student.

On November 17, 2006, CDE issued an Invitation to Submit Intervention Materials for the California High School Exit Examination. Thirteen vendors submitted materials, and seven submissions met the submission and material requirements allowing them to proceed to the technical evaluation.

The technical evaluation took place on January 23-24, 2007, in Sacramento. The technical evaluators consisted of 20 individuals, including California public school teachers and other curriculum experts. Evaluators were divided into four groups of five participants each, and each group evaluated all seven submissions. Standards and Assessment Division staff facilitated the evaluation.

The groups were asked to assign each submission a consensus score ranging from one (extremely poor) to five (excellent) on each of 12 technical evaluation criteria and to provide a “yes” or “no” response to one criterion. The groups were also asked to provide comments on how well each submission fulfilled each of the 13 criteria. Following the technical evaluation meeting, CDE reviewed the consensus scores, compiled the results, and rank ordered the submissions. The following is a ranked list of the submissions based on total points awarded.

1. Peoples Education, Measuring Up
2. Grow, MyGuide
3. Revolution, Revolution Prep
4. Kaplan, CAHSEE Lesson Bank
5. Action Learning, Exit
6. TestTools, CAHSEE Online
7. Key Educational, CAHSEE Coach

The following is a summary of the evaluating groups' comments regarding areas where the submissions could be improved. In general, the reviewers indicated:

- The materials could have been more effective in addressing the needs of special education students and English learners.

- The teacher must do a good deal of work to help the student work through the materials.

- The materials would meet the needs of individual students better if they provided students with clearer and more thorough guidance through the tutorials.

SUMMARY OF KEY ISSUES (Cont.)

- The materials could be improved by focusing more on the specific content standards/objectives on which a student needs help rather than on broader content strands.

CDE Recommendation

Many of the submissions used diagnostic tests to identify remediation needs. While these materials may have met the technical requirements of the submission, it must be noted that the correlation between these diagnostic assessments and CAHSEE performance has not been established. In addition, the evaluators found minor technical problems (e.g., online tools with links that did not work properly) with most, if not all, of the submissions. CDE recommends that all of the approved vendors put their products through a thorough quality check prior to distribution in California.

The following is a description of each of the reviewed submissions along with CDE's recommendation for SBE approval or non-approval.

Peoples Education, Measuring Up

- Description: The Peoples Education product consists of an English-language arts (ELA) student workbook, ELA annotated teacher edition, mathematics student workbook, mathematics annotated teacher edition, and an online component. Teachers may use a student's CAHSEE results in conjunction with the tables in the annotated teacher editions to assign lessons based on a student's remediation needs or use the online diagnostic assessment to identify a student's needs.
    - Pros:
        - The product is well-organized in a logical fashion and not reliant on the online component.
        - Peoples Education indicated their files are National Instructional Materials Accessibility Standards (NIMAS) compliant which would aid in the conversion into specialized formats such as Braille.
    - Cons:
        - The difficulty level of some of the material seemed beyond what the CAHSEE measures.
    - Recommendation: Approve

Grow, MyGuide

- Description: The Grow product includes a unique workbook for each student based solely on their previous CAHSEE results as well as an online tool. Local Educational Agencies (LEAs) must supply Grow with a student's previous CAHSEE results in order to customize the workbook.

SUMMARY OF KEY ISSUES (Cont.)

- Pros:
  - The online tool has an auditory component that might be helpful to some students.
  - The workbook includes simple definitions and visuals. Overall, materials are easy for students to use.
- Cons:
  - Some CAHSEE standards were covered, but not comprehensively (e.g., Writing Applications, Measurement and Geometry)
- Recommendation: Approve

Revolution, Revolution Prep

- Description: The Revolution product includes a student workbook and an online tool. A student's previous CAHSEE results may be used in conjunction with the online diagnostic assessment.
  - Pros:
    - The math and ELA flashcards may be useful to students with disabilities and English learners.
    - Clear and concise explanations were provided for incorrect answers.
  - Cons:
    - More practice items would be helpful.
  - Recommendation: Approve

Kaplan, CAHSEE Lesson Bank

- Description: The Kaplan product includes a teacher handbook, CAHSEE practice test, score sheets, and online tool. The CAHSEE practice test is used to help identify a particular student's remediation needs.
  - Pros:
    - Provides coverage of the CAHSEE standards.
    - Vocabulary terms are provided at the beginning of each lesson.
    - Some lessons provide additional activities for students with disabilities and English learners.
  - Cons:
    - The CAHSEE practice test must be administered by the teacher and either scored by the student or teacher to determine remediation needs of each student.

- Lesson materials are dependent on teachers printing and copying from online tool.

SUMMARY OF KEY ISSUES (Cont.)

- The product provides classroom lesson plans and it is therefore difficult to focus on an individual student's needs. The product does not provide opportunities for students to work independently or to have differentiated activities.

- Recommendation: Do not approve

Action Learning, Exit

- Description: The Action Learning product is a completely Web-based solution. The product provides lessons that teachers may select and use based on a student's previous CAHSEE results.
  - Pros:
    - Good use of graphics within lessons.
  - Cons:
    - Product does not provide individualized remediation.
    - The online system is difficult to navigate.
    - The product is very dependent on text. Some of the CAHSEE standards are not addressed.
  - Recommendation: Do not approve

TestTools, CAHSEE Online

- Description: The TestTools product is a completely Web-based solution. Teachers may administer a pre-test to determine remediation needs.
  - Pros:
    - The use of the writing rubric allows the students to internalize the rubric.
  - Cons:
    - The CAHSEE standards are not comprehensively covered.
    - The product does not effectively focus on the strands needed to master the CAHSEE.
    - The product does not provide individualized remediation.
    - Some of the materials may be inappropriate based on concerns of age and gender bias.
  - Recommendation: Do not approve

Key Educational, CAHSEE Coach

- Description: The Key Educational product is a completely Web-based solution. Teachers must individualize based on past CAHSEE results.

SUMMARY OF KEY ISSUES (Cont.)

- Pros:
  - Instructions for using the Web site are provided in both English and Spanish.
- Cons:
  - Some CAHSEE standards were covered, but not comprehensively (e.g., Writing Applications, Probability and Statistics).
  - The directions and answer solutions were difficult to understand.
  - Remediation was lacking.
- Recommendation: Do not approve

FISCAL ANALYSIS (AS APPROPRIATE)

All costs associated with the activities indicated above are included in current contracts.

ATTACHMENT(S)

Attachment 1: Invitation to Submit Intervention Materials for the California High School Exit Examination, Evaluation Criteria (4 Pages)

Attachment 2: Assembly Bill 1802 (1 Page)

AMENDED – November 17, 2006
Invitation to Submit Intervention Materials for the California High School Exit Examination
Evaluation Criteria

Submitter's Name: _____

Step 1 Adherence to Submission and Material Requirements

This step is rated on a yes/no basis. Receipt of a "no" on any of the following shall result in elimination of the submission from further consideration and review.

Submission Requirements

❑yes ❑no 1. Submitted a signed Intent to Submit form by the deadline that acknowledged the CDE's ownership and copyright of the California High School Exit Examination (CAHSEE) items.

❑yes ❑no 2. Intervention materials (including 25 copies of the materials) were submitted to the California Department of Education (CDE) by the deadline.

❑yes ❑no 3. The submission included a signed cover letter that acknowledged the following:

- Submitter's capacity to accept material orders from local educational agencies within two weeks following the approval of the materials by the State Board of Education (SBE)
- Submitter's capacity to ship materials to local educational agencies within ~~two~~ six weeks of the receipt of an order
- CDE's ownership and copyright of the CAHSEE released items

Material Requirements

❑yes ❑no 4. Materials are individualized based on a particular student's results (i.e., focused on the specific content strands an individual student needs to master for success on the CAHSEE) (Provided a detailed description of how the intervention materials will be individualized based on a student's previous CAHSEE results and remediation needs.)

❑yes ❑no 5. Includes a computer-based component that adapts to individual student remediation needs

❑yes ❑no 6. Includes professional development support for teachers

❑yes ❑no 7. Cost (inclusive of the entire product, including, but not limited to, the intervention materials, computer-adapted component, professional development support, ~~materials~~ and shipping) is not greater than twenty dollars ($20) per student.

❑yes ❑no 8. ~~Solely Uses released CAHSEE items~~ Provides an alignment table with sufficient detail to document the use of CAHSEE RTQs and allow evaluation of all other items.

❑yes ❑no 9. Solely focused on the content standards assessed on the CAHSEE.

Step 2 Technical Evaluation

A review panel of CDE staff and outside consultants (consisting of teachers, and other experts in the fields of: curriculum, special education, and English learners) will be convened to evaluate the submissions using a consensus approach.

The intervention materials will be rated on how well they address the following criteria. The CDE will base its recommendation to SBE for approval on the score received on the technical evaluation.

1.

The individualized intervention materials are well organized in a logical and coherent fashion that is easy for students to use.				
1	2	3	4	5
Extremely Poor	Below Average	Average	Above Average	Excellent

2.

The development process for the individualized intervention materials use a coherent and logical approach to select strands for inclusion that are based on a particular student's CAHSEE results and remediation needs.				
1	2	3	4	5
Extremely Poor	Below Average	Average	Above Average	Excellent

3.

The intervention materials equally cover all of the content standards assessed on the CAHSEE.				
1	2	3	4	5
Extremely Poor	Below Average	Average	Above Average	Excellent

4. The intervention materials provide comprehensive coverage of the CAHSEE standards.

1	2	3	4	5
Extremely Poor	Below Average	Average	Above Average	Excellent

5. The intervention materials appropriately and effectively focus on the CAHSEE strands the individual student needs to master for success on the test.

1	2	3	4	5
Extremely Poor	Below Average	Average	Above Average	Excellent

6. The intervention materials appropriately and effectively used ~~CAHSEE released~~ test items.

1	2	3	4	5
Extremely Poor	Below Average	Average	Above Average	Excellent

7. The intervention materials avoid content that may be offensive to any group (based on race, gender, age, disability, or religion).

1	2	3	4	5
Extremely Poor	Below Average	Average	Above Average	Excellent

8. The intervention materials avoid, whenever possible, the use of brand names or corporate logos (exclusive of a publishers name or logo on the cover or copyright page).

1	2	3	4	5
Extremely Poor	Below Average	Average	Above Average	Excellent

9. The intervention materials address the needs of students who are learning English as a second language.

1	2	3	4	5
Extremely Poor	Below Average	Average	Above Average	Excellent

10. The intervention materials address the needs of students with disabilities.

1	2	3	4	5
Extremely Poor	Below Average	Average	Above Average	Excellent

11. The professional development support ~~materials are~~ is well organized in a logical and coherent fashion that is easy for teachers to use.

1	2	3	4	5
Extremely Poor	Below Average	Average	Above Average	Excellent

12. The professional development support ~~materials~~ provides teachers with the necessary information to assist students with the use of their individualized intervention materials.

1	2	3	4	5
Extremely Poor	Below Average	Average	Above Average	Excellent

13 Items that are not CAHSEE RTQs were reviewed and found to be sufficient in terms of sensitivity, bias, and content alignment. (CDE will only recommend materials that fully meet this requirement.)

Yes	No
Fully meets requirement	Does not fully meet requirement

Assembly Bill 1802

(18) Five million five hundred thousand dollars ($5,500,000) to the Superintendent of Public Instruction for allocation to local educational agencies for the purpose of funding the purchase of state-approved individual intervention materials for students who have failed the California High School Exit Examination.

(A) Local educational agencies shall be eligible for apportionment funding of twenty dollars ($20) per pupil based on the number of pupils in grades 11 through 12, inclusive, who have failed to pass one or both portions of the California High School Exit Examination. Funds shall be used to purchase any materials recommended by the State Department of Education and approved by the State Board of Education for these purposes.

(B) Individual intervention materials approved pursuant to this section shall meet the following criteria:

(i) Assist students in mastering standards necessary to successfully pass the California High School Exit Examination.

(ii) Include a computer-based component that adapts to each student's specific remediation needs.

(iii) Include appropriate professional development support for teachers.

ITEM #5

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2007 AGENDA

SUBJECT	
California High School Exit Examination (CAHSEE): Proposed Amendments to Title 5 *California Code of Regulations*	☒ Action ☒ Information ☐ Public Hearing

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE):

- Approve the proposed regulations;
- Approve the Initial Statement of Reasons;
- Approve the Notice of Proposed Rulemaking; and
- Direct staff to commence the rulemaking process.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The Title 5 *California Code of Regulations* for the CAHSEE were last revised and approved by the SBE in May 2006. The revisions provided adult students with one additional opportunity to take the CAHSEE per school year and specified the data reporting requirements set forth in *Education Code* Section 60852.4.

In February 2007, the SBE received an Information Memorandum which included the Proposed Regulations. Additional edits are anticipated, and will be reflected in the Proposed Regulations that are submitted as an Item Addendum.

SUMMARY OF KEY ISSUES

The CDE proposes amendments to the Title 5 *California Code of Regulations* for the CAHSEE in response to various needs that have arisen over the course of administering the CAHSEE, as well as current law that requires local educational agencies (LEAs) to report data pertaining to students with disabilities. The primary purposes of the proposed amendments are to:

1. Introduce a fee for LEAs that order excessive test materials.
2. Require LEAs to submit unlisted accommodations and modifications to CDE for review and approval.

SUMMARY OF KEY ISSUES (Cont.)

3. Require charter schools to annually designate whether they will test as part of their chartering district or county office of education.
4. Clarify number of times students may take the CAHSEE in each grade.
5. Permit grade 11 students to take the CAHSEE in successive administrations.
6. Add demographic data elements collected for each student.
7. Specify data reporting requirements and deadlines for exemption and local waiver.

FISCAL ANALYSIS (AS APPROPRIATE)

The Economic and Fiscal Impact Statement will be submitted as an Item Addendum.

ATTACHMENT(S)

Attachment 1: Notice of Proposed Rulemaking (4 Pages)
Attachment 2: Initial Statement of Reasons (3 Pages)
Attachment 3: Proposed Regulations (24 Pages)

An Item Addendum will be provided that includes the fiscal analysis for the proposed amendments to the regulations.

STATE OF CALIFORNIA ARNOLD SCHWARZENEGGER,
Governor

CALIFORNIA STATE BOARD OF EDUCATION
1430 N Street, Room 5111
Sacramento, CA 95814

NOTICE OF PROPOSED RULEMAKING
AMENDMENT TO TITLE 5, CALIFORNIA CODE OF REGULATIONS
REGARDING THE CALIFORNIA HIGH SCHOOL EXIT EXAMINATION (CAHSEE)

[Notice published March 23, 2007]

NOTICE IS HEREBY GIVEN that the State Board of Education (SBE) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

California Department of Education staff, on behalf of the SBE, will hold a public hearing beginning at **1:00 p.m. on May 7, 2007**, 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 SBE requests that any person desiring to present statements or arguments orally notify the Regulations Coordinator of such intent. The SBE requests, but does not require, that persons who make oral comments at the hearing also submit a written 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:

Debra Strain, Regulations Coordinator
LEGAL DIVISION
California Department of Education
1430 N Street, Room 5319
Sacramento, California 95814

Comments may also be submitted by facsimile (FAX) at 916-319-0155 or by e-mail to regcomments@cde.ca.gov. Comments must be received by the Regulations Coordinator prior to **5:00 p.m. on May 7, 2007**.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the SBE may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to this regulation, or who provide oral testimony at the public hearing, or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Authority: Section 33031, Education Code.

Reference: Sections 37252, 37254, 52052, 52504, 56365, 60810, 60850, 60851, 60852, 60852.4, 60855, 60900 and 602, Education Code; 20 USC 6311; 20 USC 1232g.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

California Code of Regulations, title 5, for the California High School Exit Examination (CAHSEE) serves to guide local educational agencies (LEAs) in the administration of the examination and the reporting of student demographic data to the State. The CDE proposes amendments to the California Code of Regulations, title 5, for the CAHSEE in response to various needs that have arisen over the course of administering the CAHSEE, as well as current law that requires LEAs to report data pertaining to students with disabilities. The primary purposes of the proposed amendments are to:

1. Introduce a fee for LEAs that order excessive test materials.
2. Require LEAs to submit unlisted accommodations and modifications to CDE for review and approval.
3. Require charter schools to annually designate whether they will test as part of their chartering district or county office of education.
4. Clarify number of times students may take the CAHSEE in each grade.
5. Permit grade 11 students to take the CAHSEE in successive administrations.
6. Add demographic data elements collected for each student.
7. Specify data reporting requirements and deadlines for exemption and local waiver.

DISCLOSURES REGARDING THE PROPOSED REGULATION

The SBE has made the following initial determinations:

Mandate on local agencies or school districts: TBD

Cost or savings to state agencies: TBD

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code: 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 SBE 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.

Effect on housing costs: None

Effect on small businesses: The proposed regulations would not have a significant adverse economic impact on any business because they relate only to schools and not to small business practices.

CONSIDERATION OF ALTERNATIVES

The SBE must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SBE, 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 SBE 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 content of this regulation may be directed to:

Jessica Valdez, Education Programs Consultant
High School Exit Exam Office
California Department of Education
1430 N Street, Suite 5408

Sacramento, CA 95814
Telephone: 916-319-0354
E-mail: jvaldez@cde.ca.gov

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator or Connie Diaz, Regulations Analyst, at 916-319-0860.

INITIAL STATEMENT OF REASONS AND INFORMATION

The SBE has prepared an initial statement of reasons for the proposed regulation and has available all the information upon which the proposal is based.

TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS

Copies of the exact language of the proposed regulation and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Regulations Coordinator. These documents may also be viewed and downloaded from the CDE's Web site at http://www.cde.ca.gov/re/lr/rr.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the Regulations Coordinator.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the Regulations Coordinator.

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 Jessica Valdez, High School Exit Exam Office, 1430 N Street, Suite 5408, Sacramento, CA, 95814; telephone, 916-319-0354; fax, 916-319-0969. It is recommended that assistance be requested at least two weeks prior to the hearing.

Initial Statement of Reasons

SPECIFIC PURPOSE OF THE REGULATION

California Code of Regulations, title 5, for the California High School Exit Examination (CAHSEE) serves to guide local educational agencies (LEAs) in the administration of the examination and the reporting of student demographic data to the State.

NECESSITY/RATIONALE

The California Department of Education (CDE) proposes amendments to these regulations in response to various needs, as specified below, that have arisen over the course of administering the CAHSEE, as well as current law that requires LEAs to report data pertaining to students with disabilities.

Section 1200 – The amendments to this section alphabetizes definitions for easy reference and will add definitions for the following terms: “grade 10 census administration,” “opportunity,” and “excessive materials.”

Section 1202 – The section requires LEAs to pay for ordering excessive test materials.

Section 1204 – The amendments to this section clarifies that grade 10 students are restricted to taking each section of the CAHSEE once per school year, during either the grade 10 census administration or during the district-designated grade 10 make up administration.

Section 1204.5 – The amendments to this section clarify the number of times students may take the CAHSEE in each grade and will permit grade 11 students to take the exam in successive administrations.

Section 1207(b) – The amendments to this subdivision remove redundant information within the subdivision and adds demographic data elements that LEAs must provide for all grade 10, 11, and 12 pupils tested.

Section 1207(d) – The addition of this subdivision specifies the demographic data elements that LEAs must provide for all adult students tested.

Section 1207.1 – The amendment to this section extends the deadline for LEAs to provide CDE with data regarding the local waiver as required by *Education Code* section 60851.

Section 1207.2 – The amendments to this section extend the deadline for LEAs to provide CDE with data regarding the exemption as required by *Education Code* section 60852.4 and specifies the data elements that must be provided to CDE.

Section 1209 – The amendments to this section: 1) eliminate redundant information; 2) require the LEA superintendent to provide the test contractor with the phone number

and e-mail address of the designated district coordinator; 3) require the district coordinator to train a test site coordinator at each test site; 4) extend the deadline for LEAs to notify the test contractor of the selected administration dates for the coming school year; 5) require charter schools to annually designate whether they will test as part of their chartering district or county office of education, and designating the charter school as part of the district or county office of education if the charter school does not designate itself by the specified deadline; 6) clarify that an answer document must be submitted for every grade 10 student at the time of the grade 10 census administration; and 7) require the district coordinator to immediately notify the test contractor of suspected security breaches.

Section 1210 – The amendments to this section eliminate redundant information, eliminate the option for the test site principal to act as the test site coordinator without being officially designated as the test site coordinator, and require the test site coordinator to inventory test materials upon receipt from, and prior to return to, the school district.

Section 1211 – The amendments to this section eliminate redundant information.

Section 1211.5 – The amendments to this section eliminate redundant information and will require district and test site coordinators to certify they will ensure that all test examiners are trained to administer the examination in compliance with the test administration manuals.

Section 1215 – The amendments to this section clarify that highlighting is permitted in test booklets as a test variation and eliminate the option for LEAs to submit unlisted test variations to CDE for review since amendments to section 1218 now require LEAs to submit unlisted test variations to CDE for approval.

Section 1215.5 – The amendment to this section eliminate the option for LEAs to submit unlisted test variations to CDE for review since amendments to section 1218 now require LEAs to submit unlisted test variations to CDE for approval.

Section 1216 – The amendments to this section clarify the use of modifications and eliminate the option for LEAs to submit unlisted test variations to CDE for review since amendments to section 1218 now require LEAs to submit unlisted test variations to CDE for approval.

Section 1217 – The amendments to this section allow English learners to use translation glossaries that contain primary language to English words and phrases and prohibit the inclusion of parts of speech in the glossaries.

Section 1218 – The amendments to this section require LEAs to submit unlisted test variations to CDE for review and approval.

Section 1225(b)(2) – The addition of this subdivision requires each LEA superintendent to certify that all examinations during the prior fiscal year were administered in

compliance with the California Code of Regulations, title 5, for the LEA to be eligible for apportionment payment.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDIES, REPORTS, OR DOCUMENTS

The State Board of Education (SBE) did not rely upon any technical, theoretical, or empirical studies, reports or documents in proposing the adoption of these regulations.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES

No other alternatives were presented to or considered by the SBE.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

The SBE 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 regulations would not have a significant adverse economic impact on any business because they relate only to school districts.

Title 5. EDUCATION

Division 1. California Department of Education

Article 2. High School Exit Examination Administration

Subchapter 6. California High School Exit Examination

Article 1. General

§ 1200. Definitions.

For the purposes of the high school exit examination, the following definitions shall apply:

(a)~~(l)~~ "~~Department~~ CDE" is the California Department of Education.

(b)~~(f)~~ "District coordinator" is an employee of the school district designated by the superintendent of the district to oversee the administration of the high school exit examination within the district.

(c)~~(e)~~ "Eligible adult student" is a person enrolled in an adult school operated by a school district who is working to attain a high school diploma and has not passed both the English~~/~~-language arts section and the mathematics section of the high school exit examination. This term does not include pupils who are concurrently enrolled in high school and adult school.

(d) "Eligible pupil" is a person enrolled in a California public school in grade 10, 11, or 12, including those pupils placed in a nonpublic school through the i~~I~~ndividualized e~~E~~ducation p~~P~~rogram (IEP) process pursuant to Education Code ~~S~~section 56365, who has not passed both the English~~/~~-language arts section and the mathematics section of the high school exit examination.

(e)~~(m)~~ "Examination" is the high school exit examination.

(f) “Excessive materials” is the difference between the sum of the number of tests scored and 90 percent of the tests ordered by the school district.

(g)~~(c)~~ "Grade" for the purposes of the high school exit examination means the grade assigned to the pupil by the school district at the time of testing.

(h) “Grade 10 census administration” is the administration of the high school exit examination during which all eligible pupils in grade 10 are required to take the examination.

(i) “Opportunity” shall refer to a chance an eligible pupil or eligible adult student is provided to take the section(s) of the examination not yet passed.

(j)~~(k)~~ "School district" includes unified and high school districts, county offices of education, any charter school that for assessment purposes does not elect to be part of the school district or county office of education that granted the charter, and any charter school chartered by the State Board of Education (SBE).

(k)~~(j)~~ "Scribe" is an employee of the school district, or a person assigned by a nonpublic school to implement a pupil's IEP and is required to transcribe an eligible pupil's or eligible adult student's responses to the format required by the examination. No ~~A~~ parent or guardian is ~~not~~ eligible to be a scribe for their own pupil or student.

(l)~~(a)~~ "Section," "portion," and "part(s)" of the examination shall refer to either the English/language arts section of the high school exit examination or the mathematics section of the high school exit examination.

(m)~~(p)~~ "Significant medical emergency" is a significant accident, trauma, or illness (mental or physical) that precludes a pupil in grade 10 from taking the examination ~~(CAHSEE)~~. An accident, trauma, or illness is significant if the pupil has been determined by a licensed physician to be unable to participate in the examination.

(n)~~(b)~~ "Test administration" is the period of time starting with the delivery of the secure testing materials to the district and ending with the return shipment of materials to the test contractor, and includes the period of time during which eligible pupils or eligible adult students take one or both sections of the examination.

(o)~~(h)~~ "Test examiner" is an employee of a school district, or a person assigned by a nonpublic school to implement a student's IEP, who has received training specifically designed to prepare him or her to administer the high school exit examination.

(p)~~(n)~~ "Test materials" are materials necessary to administer the examination, including but not limited to test manuals, pupil test booklets, answer documents, special test versions, and other materials developed and provided by the test contractor.

(q)~~(i)~~ "Test proctor" is an employee of a school district, or a person assigned by a nonpublic school to implement a pupil's IEP, who has received training specifically designed to prepare him or her to assist the test examiner in administration of the high school exit examination.

(r)~~(g)~~ "Test site coordinator" is an employee of the school district designated by the district coordinator or the superintendent, or a person assigned by a nonpublic school to implement a student's IEP, who oversees the administration of the high school exit examination at each test site at which the examination is given.

(s)~~(o)~~ "Variation" is a change in the manner in which a test is presented or administered, or in how a test taker is allowed to respond, and includes, but is not limited to, accommodations and modifications as defined in Education Code section 60850.

NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 52504, 56365, 60850 and 60851, Education Code; ~~and~~ 20 USC ~~Section~~ 6311.

Article 2. High School Exit Examination Administration

§ 1202. Excessive Materials Costs.

The school district is responsible for the cost of excessive materials ordered by the school district. In no case shall the cost to the school district for excessive materials exceed the amount per test booklet and accompanying material that is paid to the contractor by the CDE as part of the contract with the test contractor for the current year billed.

NOTE: Authority cited: Section 33031, Education Code. Reference: Section 60851, Education Code.

§1204. Grade 10 Testing.

All eligible grade 10 pupils shall only take each section of the examination once per school year while in grade 10 during either the grade 10 census administration or the district-designated grade 10 make up administration.

NOTE: Authority cited: Section 33031, Education Code. Reference: Section 60851, Education Code.

§ 1204.5 Grades 11 and 12 and Adult Student Testing Dates.

(a) School districts shall provide eligible pupils in grade 11 at least two opportunities per school year to take the section(s) of the examination not yet passed. Eligible pupils

in grade 11 ~~who have not yet passed one or both sections of the examination shall have up to two opportunities per year to~~ may take the section(s) of the examination not yet passed up to two times per school year and may take the examination in successive administrations ~~and may elect to take the examination during these opportunities~~.

(b) School districts shall provide eligible pupils in grade 12 at least three opportunities per school year to take the section(s) of the examination not yet passed. Eligible pupils in grade 12 ~~shall have up to three opportunities to take the section(s) of the examination not yet passed. The district shall offer either three opportunities during grade 12 or two opportunities in grade 12 and one opportunity in the year following grade 12 to~~ may take the section(s) of the examination not yet passed up to three times per school year and may take the examination in successive administrations. ~~Eligible pupils in grade 12 may elect to take the examination during district-provided opportunities.~~

(c) School districts shall provide eligible adult students at least three opportunities per school year to take the section(s) of the examination not yet passed. Eligible adult students may ~~shall have up to three opportunities per year to~~ take the section(s) of the examination not yet passed up to three times per school year and may take the examination in successive administrations ~~and may elect to take the examination during these opportunities~~.

(d) ~~Districts shall not test eligible pupils in grade 11 in successive administrations within a school year.~~ Eligible pupils in grades 11 and 12 and eligible adult students should be offered appropriate remediation or supplemental instruction before being retested.

NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 37252, 37254 and 60851, Education Code.

§ 1205. School District Information.

School districts shall maintain a summary data file, as set forth below, of all pupils who participate in each test administration of the examination. This summary data file

shall include the following information for (1) the English~~/~~-language arts section, and (2) the mathematics section, for each test administration:

(a) The date on which each section of the examination was taken.

(b) The full name of each pupil who took each section of the examination.

(c) The grade level of each pupil at the time each section of the examination was taken.

(d) Whether each pupil has satisfied the requirement to successfully pass the examination for each section or sections of the examination taken.

NOTE: Authority cited: Section 33031, Education Code. Reference: Section 60851, Education Code.

§1207. Data for Analysis of Pupil Performance.

(a) Each school district shall provide the test contractor with an answer document with complete demographic information for each grade 10 pupil enrolled at the time of the grade 10 census administration.

(b) ~~Each school district shall provide the data collected pursuant to section 1205 to the test contractor of the examination for purposes of the reporting required for the independent evaluation, the Public Schools Accountability Act, and No Child Left Behind. In addition,~~ E~~e~~ach school district shall provide the following demographic information for each grade 10, 11, and 12 pupil tested:

(1) Pupil's full name

(2) Date of birth

(3) Grade level

(4) Gender

(5) English proficiency ~~and~~

(6) P~~p~~rimary language

(7)~~(6)~~ Date of English proficiency reclassification

(8) English learner enrollment date

(9) Use of English learner test variations

(10)~~(7)~~ If R-FEP pupil scored proficient or above on the California English-Language Arts Standards Test three ~~(3)~~ times since reclassification

(11)~~(8)~~ Program participation

~~(9) Participation in free or reduced priced meals~~

(12) National School Lunch Program (NSLP) participation

(13)~~(10)~~ Use of accommodations or modifications during the examination

(14)~~(11)~~ Primary disability code

(15) Special Education Exit Date

(16)~~(12)~~ Participation in California Alternate Performance Assessment (CAPA)

(17)~~(13)~~ Ethnicity

~~(14) School mobility~~

(18)~~(15)~~ School and district CBEDS enrollment

(19)~~(16)~~ Parent or guardian education level

(20)~~(17)~~ District and county residence for students with disabilities

~~(18) California School Information Services (CSIS) Student Number, once assigned.~~

~~(19) Post-high school plans~~

(21) Statewide Student Identifier (SSID)

(22) For Alternative Schools Accountability Model (ASAM) schools, whether the student has been enrolled in the school less than 90 school days prior to testing.

(23) Nonpublic nonsectarian school (NPS) code

(24) Independent evaluator survey response data

(c) In addition to the demographic data required to be reported in section 1207(b), school districts may report if a grade 10 pupil is not tested due to a significant medical emergency.

(d) Each school district shall provide the following demographic information for each adult student tested:

(1) Student's full name

(2) Date of birth

(3) Adult student status

(4) Gender

(5) Use of accommodations or modifications during the examination

(6) Use of English learner test variations

(7) Primary disability

(8) Ethnicity

(9) District and county of residence for students with disabilities

(e)~~(d)~~ The demographic information is for the purposes of aggregate analyses only and shall be provided to the test contractor and collected as part of the testing materials for the examination.

(f)~~(e)~~ School districts shall provide the same information for each eligible pupil enrolled in an alternative or off-campus program, or for pupils placed in nonpublic schools, as is provided for all other eligible pupils.

(g)~~(f)~~ If the information required by section 1207(b) or 1207(d) is incorrect, the school district shall provide corrected information within the time schedule specified by the test contractor or may enter into a separate agreement with the contractor to have the district's data file corrected. Any costs for correcting the student data pursuant to a separate agreement between the school district and the test contractor shall be the school district's responsibility.

NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 52052, 60855 and 60900, Education Code; ~~and~~ 20 USC ~~Section~~ 6311.

§ 1207.1. Data for Analysis of Local Waiver Process for Pupils with Disabilities.

By December ~~July~~ 31 of each year, each school district shall provide to the ~~department~~ CDE the following information from the prior school year pursuant to Education Code section 60851:…

…

(e) The number of pupils or adult students that graduated ~~during the prior school year~~ as a result of having been granted a waiver on one or both portions of the examination.

NOTE: Authority cited: Section 33031, Education Code. Reference: Section 60851, Education Code.

§ 1207.2. Data for Analysis of Exemption for Pupils with Disabilities in the Class of 200~~6~~7.

(a) By ~~July 1, 2006~~ February 1, 2008, each school district and state special school shall provide the following information to the ~~department~~ CDE for each pupil in the class of 200~~6~~7 who has an IEP or Section 504 plan dated on or before July 1, 200~~5~~6, that indicates that the pupil is scheduled to graduate in 200~~6~~7, but who has not yet passed both sections of the examination:

(1) Primary disability code.

(2) Percent of time spent in general education.

(3) Anticipated graduation date as specified in the IEP or Section 504 plan.

(4) Whether the pupil satisfied all other state and local graduation requirements.

(5) The month and year of each attempt to pass the examination with the accommodations and modifications, if any, specified in the IEP or Section 504 plan.

(6) Type of remedial or supplemental instruction program completed.

(7) The month and year of each attempt to pass the examination after completing a remedial or supplemental instruction program.

(8) The date on which the pupil, or the parent or legal guardian if the student is a minor, was notified ~~acknowledged~~ in writing that the pupil is entitled to receive free appropriate public education up to and including the academic year in which the pupil reaches 22 years of age, or until the pupil receives a high school diploma, whichever occurs first.

(9) Whether the pupil received a waiver from the requirement to pass the examination pursuant to Education Code section 60851(c).

(10) Whether the pupil satisfied the criteria set forth in Education Code section 60852.4~~3(a)~~.

(11) Whether the pupil received a diploma pursuant to Education Code section 60852.4~~3(a)~~.

NOTE: Authority cited: Section 33031, Education Code. Reference: Section 60852.4~~3~~, Education Code.

§ 1207.5 Reporting Test Scores.

No aggregate or group scores or reports that are compiled pursuant to Education Code section 60851 shall be reported electronically, in hard copy, or in other media, to

any audience other than the school or school district where the pupils were tested, except the independent evaluator as set forth in Education Code section 60855, if the aggregate or group scores or reports are composed of ten ~~(10)~~ or fewer individual pupil scores. In each instance in which no score is reported for this reason, the notation shall appear: “The number of pupils in this category is too small for statistical accuracy or privacy protection.” In no case shall any group score be reported that would deliberately or inadvertently make public the score or performance of any individual student.

NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 60851 and 60855, Education Code; ~~and~~ 20 USC ~~Section~~ 1232g.

§ 1209. High School Exit Examination District Coordinator.

(a) On or before July 1 of each school year, the superintendent of each school district shall designate from among the employees of the school district a district coordinator. The superintendent shall notify the test contractor of the identity and contact information for the district coordinator, including the district coordinator’s phone number and~~. At the discretion of the superintendent, the contact information may include an electronic~~ email address.

(b) The district coordinator or the school district superintendent or his or her designee, shall be available throughout the year and shall serve as the liaison between the school district and the test contractor and the school district and the ~~Department~~ CDE for all matters related to the examination.

(c) The district coordinator or the school district superintendent or his or her designee shall oversee the administration of the examination to eligible pupils or eligible adult students~~,~~ in accordance with the manuals or other instructions provided by the test contractor for administering and returning ~~the examinations and~~ all test materials including, but not limited to, the following responsibilities:

(1) Responding to correspondence and inquiries from the test contractor and the ~~Department~~ CDE in a timely manner and as provided in the test contractor's instructions and these regulations.

(2) Advising the test contractor of the selected administration dates for the coming school year by March ~~November~~ 1 of the prior school year.

(3) For charter schools, advising the test contractor for the coming school year by March 1 of the prior school year of whether the school, for assessment purposes, does not elect to be part of the school district or county office of education that granted the charter. If the charter school does not advise the test contractor by March 1, the charter school will be designated as part of the school district or county office of education that granted the charter.

(4)~~(3)~~ Determining school district and individual school examination and test material needs in conjunction with the test contractor using current enrollment data.

(5)~~(4)~~ Completing, ~~and~~ filing, and adhering to the ~~a~~ Test Security Agreement as set forth in section 1211.5 with the test contractor prior to the receipt of ~~examinations and~~ test materials. A copy of the Test Security Agreement shall be maintained at the district office for 12 months from the date signed.

(6)~~(5)~~ Identifying and training a test site coordinator for each test site and securing a signed Test Security Agreement from each test site coordinator in the district and from any test examiner at a nonpublic school in which a pupil has been placed by the district.

(7)~~(6)~~ Ordering sufficient ~~examinations and~~ test materials for eligible pupils and eligible adult students, including completing an electronic data file containing the data set forth in section 1207~~,~~ if the district chooses to have the test contractor pre-identify answer documents.

(8)~~(7)~~ Overseeing the collection of all pupil data as required to comply with sections 1205, 1206, and 1207.

(9)~~(8)~~ Ensuring that the ~~examinations and~~ test materials are retained in a secure, locked location, in the sealed boxes in which they were received from the test contractor, from the time they are received in the school district until the time they are opened for inventory and delivery to ~~delivered to the~~ test sites.

(10)~~(9)~~ Ensuring delivery of ~~examinations and~~ test materials to the test sites no more than five ~~(5)~~ working days before the examination is to be administered.

(11)~~(10)~~ Ensuring that all ~~examinations and~~ test materials are received from test sites no later than the second day following the administration of the examination.

(12)~~(11)~~ Ensuring that all ~~examinations and~~ test materials received from test sites have been placed in a secure school district location upon receipt.

(13)~~(12)~~ Ensuring that all ~~examinations and~~ test materials are inventoried, packaged, and labeled in accordance with instructions from the test contractor. The ~~examinations and~~ test materials shall be ready for pick-up by the test contractor at a designated location in the school district no more than five ~~(5)~~ working days following administration of the examination in the school district.

(14)~~(13)~~ Ensuring that an answer document is submitted for scoring for each eligible pupil in grade 10 enrolled in the district at the time of the grade 10 census administration ~~on the testing dates~~.

(15)~~(14)~~ Assisting the test contractor and the ~~Department~~ CDE in the resolution of any discrepancies in the test information and materials, including but not limited to, pre-identification files and the number of examinations received from the test contractor and the number of examinations collected for return to the test contractor.

(16)~~(15)~~ Immediately notifying the test contractor of any testing irregularities, security breaches, or suspected security breaches ~~or testing irregularities~~ in the district before, during, or after the administration of the examination.

NOTE: Authority cited: Section 33031, Education Code. Reference: Section 60851, Education Code; ~~and~~ 20 USC ~~Section~~ 6311.

§ 1210. High School Exit Examination Test Site Coordinator.

(a) Annually, the district coordinator or the superintendent of the school district shall designate a test site coordinator for each test site. The designee shall be an employee of the school district, or the person assigned by a nonpublic school to implement a student's IEP.

(b) The test site coordinator ~~or the site principal or his or her designee,~~ shall be available to the district coordinator for the purpose of resolving issues that arise as a result of the administration of the examination.

(c) The test site coordinator ~~or the site principal~~ shall oversee the administration of the examination to eligible pupils or eligible adult students at the test site in accordance with the manuals or other instructions provided by the test contractor for administering the examination including, but not limited to, the following responsibilities:

(1) Determining test site examination and test material needs.

(2) Arranging for test administration at the test site.

(3) Training the test examiner(s), test proctors, and scribes as provided in the test contractor's manual.

(4) Completing a Test Security Agreement and Test Security Affidavit as set forth in section 1211.5 prior to the receipt of ~~examinations and~~ test materials.

(5) Overseeing test security requirements, including collecting and delivering all completed Test Security Affidavit forms to the school district office from the test examiners and other site personnel involved with testing. All Test Security Affidavits shall be maintained for 12 months from the date signed.

(6) Overseeing the acquisition and inventory of ~~examinations~~ test materials from the school district and the distribution of ~~examinations~~ test materials to the test examiner(s).

(7) Maintaining security over the examination and test data as follows:

(A) Delivering the ~~examinations and~~ test materials only to those persons who have ~~executed~~ signed the Test Security Affidavit and who are administering the examination on the date of testing.

(B) Ensuring that strict supervision is maintained over each eligible pupil or eligible adult student who is being administered the examination both while the eligible pupil or eligible adult student is in the room in which the examination is being administered and during any period in which the eligible pupil or eligible adult student is, for any purpose, granted a break during testing.

(8) Overseeing the collection of all pupil data as required to comply with sections 1205, 1206, and 1207 ~~of these regulations~~.

(9) Overseeing the collection, inventory, and return of all test~~ing~~ materials to the district coordinator no later than the day following administration of the examination.

(10) Ensuring that an answer document is submitted for scoring for each eligible pupil in grade 10 enrolled in the test site on the testing dates.

(11) Assisting the district coordinator and the test contractor in the resolution of any discrepancies between the number of examinations received from the district coordinator and the number of examinations collected for return to the district coordinator.

(12) Immediately notifying the district coordinator of any testing irregularities, security breaches, or suspected security breaches ~~or testing irregularities~~ at the test site before, during, or after the administration of the examination.

NOTE: Authority cited: Section 33031, Education Code. Reference: Section 60851, Education Code; ~~and~~ 20 USC ~~Section~~ 6311.

§ 1211. High School Exit Examination Test Security.

(a) Access to the examination materials is limited to eligible pupils ~~taking the examination for the purpose of graduation from high school~~ and eligible adult students taking the examination for the purpose of obtaining a public high school diploma of graduation, and those who have signed the security affidavit or agreements, including employees of a school district directly responsible for administration of the examination, and persons assigned by a nonpublic school to implement students' IEPs.

(b) To maintain the security of the examination, all school district and test site coordinators are responsible for inventory control and shall use appropriate inventory control forms to monitor and track test inventory.

(c) The security of the ~~examinations and~~ test materials that have been delivered to the school district is the sole responsibility of the school district until all ~~examinations and~~ test materials have been inventoried, accounted for, and delivered to the common or private carrier designated by the test contractor.

(d) Once test materials have been delivered to the school district, secure transportation of the ~~examinations and~~ test materials within a school district including to nonpublic schools (for students placed through the IEP process), court and community schools, and home and hospital care, is the responsibility of the school district.

(e) No examination may be administered in a home or hospital except by a test examiner. No examination shall be administered to an eligible pupil by the parent or guardian of that pupil. This subdivision does not prevent classroom aides from being a test proctor and assisting in the administration of the examination under the supervision of a test examiner provided that the classroom aide does not assist his or her own child and that the classroom aide signs the Test Security Affidavit as set forth in section 1211.5.

NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 60850 and 60851, Education Code.

§ 1211.5. High School Exit Examination Test Security Forms.

(a) All district and test site coordinators shall sign the California High School Exit Examination Test Security Agreement set forth in subdivision (b).

(b) The California High School Exit Examination Test Security Agreement shall be as follows:

CALIFORNIA HIGH SCHOOL EXIT EXAMINATION TEST
SECURITY AGREEMENT

(1) I will ensure that all test examiners are trained to administer the examination in compliance with the test administration manuals.

(2)~~(1)~~ I will take all necessary precautions to safeguard all ~~examinations and~~ test materials by limiting access to persons within the school district with a responsible, professional interest in the examination's security.

(3)~~(2)~~ I will not disclose, or allow to be disclosed, the contents of the examination.

(4)~~(3)~~ I will keep on file the names of persons having access to ~~examinations and~~ test materials. All persons having access to the materials shall be required to sign the California High School Exit Examination Test Security Affidavit that will be kept on file in the school district office.

(5)~~(4)~~ I will keep the ~~examinations and~~ test materials in a secure, locked location, limiting access to only those persons responsible for test security, except on actual testing dates as provided in California Code of Regulations, ~~T~~title 5, ~~D~~division 1, ~~C~~chapter 2, ~~S~~subchapter 6.

(6)~~(5)~~ I will not copy any part of the examination or test materials unless necessary to administer the examination pursuant to section 1215.5 or 1216.

(7)~~(6)~~ I will not review test questions, develop any scoring keys, or review or score any pupil responses except as required by the test contractor's manuals.

By signing my name to this document, I am assuring that I will abide by the above conditions.

Signed: _____

Print name: _____

Title: _____

School District/Affiliation: _____

Date: _____

(c) All persons having access to the California High School Exit Examination, including but not limited to the ~~site principal,~~ test site coordinator, test examiners, test proctors, scribes, and persons assigned by a nonpublic school to implement students' IEPs shall acknowledge the limited purpose of their access to the examination by signing the California High School Exit Examination Test Security Affidavit set forth in subdivision (d).

(d) The California High School Exit Examination Test Security Affidavit shall be as follows:

CALIFORNIA HIGH SCHOOL EXIT EXAMINATION TEST
SECURITY AFFIDAVIT

I acknowledge that I will have access to the examination and test materials for the purpose of administering the examination. I understand that these materials are highly secure, and it is my professional responsibility to protect their security as follows:

(1) I will not divulge the contents of the examination to any other person through verbal, written, or any other means of communication.

(2) I will not copy any part of the examination or test materials.

(3) I will keep the examination secure until the examination is actually distributed to eligible pupils or eligible adult students

(4) I will limit access to the examination and test materials by test examinees to the actual testing periods when they are taking the examination.

(5) I will collect and account for all materials following each examination and will not permit eligible pupils or eligible adult students to remove examinations or test materials from the room where testing takes place.

(6) I will not review any test questions, passages, or other test items with eligible pupils or eligible adult students before, during, or after the examination.

(7) I will return all ~~examinations and~~ test materials to the designated test site coordinator upon completion of the examination.

(8) I will not interfere with the independent work of any eligible pupil or eligible adult student taking the examination and I will not compromise the security of the examination by any means including, but not limited to:

(A) Providing eligible pupils or eligible adult students with access to examination questions prior to testing.

(B) Copying, reproducing, transmitting, distributing or using in any manner inconsistent with test security all or any section of any secure examinations or test materials.

(C) Coaching eligible pupils or eligible adult students during testing or altering or interfering with the eligible pupil's or eligible adult student's responses in any way.

(D) Making answer keys available to eligible pupils or eligible adult students.

(E) Failing to follow security rules for distribution and return of secure ~~examinations and~~ test materials as directed, or failing to account for all secure ~~examinations and~~ test materials before, during, and after testing.

(F) Failing to follow test administration directions specified in test administration manuals.

(G) Participating in, directing, aiding, counseling, assisting in, or encouraging any of the acts prohibited in this section.

(9) I will administer the examination in accordance with the directions for administration set forth in the test contractor's manuals for administration of the examination.

(10) I have been trained to administer the examination.

Signed: _____

Print name: _____

Title: _____

School District/Affiliation: _____

Date: _____

NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 60850 and 60851, Education Code.

Article 3. High School Exit Examination Testing Variations/Accommodations/Modifications/Waivers

§ 1215. Testing Variations.

(a) School districts may provide all eligible pupils and eligible adult students the following testing variations:

(1) extra time within a testing day.

(2) test directions that are simplified or clarified.

(3) student marks in test booklets (other than responses), including highlighting.

(b) All eligible pupils and eligible adult students may have the following testing variations if regularly used in the classroom:

(1) special or adaptive furniture.

(2) special lighting, special acoustics, or visual magnifying or audio amplification equipment.

(3) an individual carrel or study enclosure.

(4) test individual student in a separate room provided that the eligible pupil or eligible adult student is directly supervised by an employee of the school, school district, or nonpublic school, who has signed the Test Security Affidavit.

(5) colored overlay, mask, or other means to maintain visual attention to the examination or test items.

(6) Manually Coded English or American Sign Language to present directions for test administration.

~~(c) If a school district proposes the use of a variation on the examination that is not listed in this section, 1212.5, or 1216, the school district may submit a request for review of proposed variation in administering the examination pursuant to section 1218.~~

NOTE: Authority cited: Section 33031, Education Code. Reference: Section 60851, Education Code.

§ 1215.5. Accommodations for Pupils or Adult Students with Disabilities.

(a) Eligible pupils or eligible adult students with disabilities shall be permitted to take the examination with the following accommodations if specified in the eligible pupil's or eligible adult student's IEP or Section 504 plan for use on the examination, standardized testing, or for use during classroom instruction and assessments.

(b) Presentation accommodations include:

(1) large print versions in 20-point font.

(2) ~~test items~~ examination enlarged if larger than 20-point font is required.

(3) Braille transcriptions provided by the test contractor.

(4) audio or oral presentation of the mathematics section of the examination.

(5) Manually Coded English or American Sign Language to present test questions on the mathematics section of the examination.

(c) Response accommodations include:

(1) responses marked in test booklet and transferred to the answer document by a school, school district, or nonpublic school employee who has signed the Test Security Affidavit.

(2) responses dictated orally, or in Manually Coded English or in American Sign Language to a scribe for selected-response items (e.g., multiple-choice test questions).

(3) responses dictated orally or in Manually Coded English to a scribe, audio recorder or speech-to-text converter on the writing portion of the examination, and the eligible pupil or eligible adult student indicates all spelling and language conventions.

(4) word processing software with spell and grammar check tools turned off on the writing portion of the examination.

(5) an assistive device that does not interfere with the independent work of the eligible pupil or eligible adult student on the multiple choice or writing portion of the examination.

(d) Scheduling/timing accommodations include:

(1) testing over more than one day after consultation with the test contractor.

(2) supervised breaks within a section of the examination.

(3) administration of the examination at the most beneficial time of day to the eligible pupil or eligible adult student after consultation with the test contractor.

(e) Setting accommodations include tests administered by a test examiner to an eligible pupil or eligible adult student at home or in the hospital.

(f) The use of accommodations on the examination will not invalidate an eligible pupil's or eligible adult student's test score or scores.

~~(g) If the eligible pupil's or eligible adult student's IEP team or Section 504 plan proposes a variation for use on the examination that has not been listed in this section, 1215, or 1216, the school district may submit a request for review of the proposed variation in administering the examination pursuant to section 1218.~~

NOTE: Authority cited: Section 33031, Education Code. Reference: Section 60850, Education Code.

§ 1216. Modifications for Pupils or Adult Students with Disabilities.

(a) Eligible pupils or eligible adult students with disabilities shall be permitted to take the examination with the following modifications if specified in the eligible pupil's or eligible adult student's IEP or Section 504 plan for use on the examination, standardized testing, or for use during classroom instruction and assessments.

(b) The following are modifications as defined by Education Code section 60850 because they fundamentally alter what the examination measures or affect the comparability of scores:

(1) arithmetic table, calculators, or math manipulatives on the mathematics section of the examination.

(2) audio or oral presentation of the English~~/~~-language arts section of the examination.

(3) Manually Coded English or American Sign Language to present test questions on the English~~/~~-language arts section of the examination.

(4) spellcheckers, grammar checkers, or word processing software programs that check or correct spelling and/or grammar on the writing portion of the examination.

(5) mechanical or electronic devices or other assistive devices that are not used solely to record the eligible pupil's or eligible adult student's responses, including but not limited to transcribers, scribes, voice recognition or voice-to-text software, and that identify a potential error in the eligible pupil's or eligible adult student's response or that correct spelling, grammar or conventions on the writing portion of the examination.

(6) responses dictated orally, in Manually Coded English, or in American Sign Language to provide an essay response to a scribe and the scribe provides spelling, grammar, and language conventions.

(7) dictionary on any section of the examination.

(c) For the purposes of receiving a high school diploma, a~~A~~n eligible pupil or eligible adult student who takes the examination with one or more modifications shall receive a score ~~marked~~ that is not valid for the sections of the examination on which the modifications were used. If the score is equivalent to a passing score, the eligible pupil or eligible adult student may be eligible for a waiver pursuant to Education Code section 60851.

~~(d) If the eligible pupil's or eligible adult student's IEP or Section 504 plan proposes a variation for use on the examination that has not been listed in this section, 1215, or 1215.5, the school district may submit a request for review of proposed variations in administering the examination pursuant to section 1218.~~

NOTE: Authority cited: Section 33031, Education Code. Reference: Section 60850, Education Code; ~~and~~ 20 USC ~~Section~~ 6311.

§ 1217. English Learners.

School districts shall provide identified English learner pupils or adult English learner students the following additional testing variations if regularly used in the classroom or for assessment:

(a)~~(1)~~ Flexible setting. English learners may have the opportunity to be tested in a separate room with other English learners provided that the eligible pupil or eligible

adult student is directly supervised by an employee of the school, district, or nonpublic school, who has signed the Test Security Affidavit.

(b)~~(2)~~ Flexible schedule. English learners may have additional supervised breaks within a testing day.

(c)~~(3)~~ Flexible time. English learners may have extra time on the examination within a testing day.

(d)~~(4)~~ Translated directions. English learners may have the opportunity to hear the test directions printed in the test contractor's manual translated into their primary language. English learners may have the opportunity to ask clarifying questions about the test directions in their primary language.

(e)~~(5)~~ Glossaries. English learners may have access to translation glossaries (English to primary language and/or primary language to English). The glossaries are to include only the English word or phrase with the corresponding primary language word or phrase. The glossaries shall include no definitions, ~~or~~ formulas, or parts of speech.

NOTE: Authority cited: Sections 12001 and 33031, Education Code. Reference: Sections 60810(7)(d)(1), 60850 and 60852, Education Code; ~~and~~ 20 USC ~~Section~~ 6311.

§ 1218. Review Process for ~~Proposed~~ Variations Not Specified in Sections 1215, 1215.5, or 1216 in Administering the Examination.

(a) The school district ~~may~~ must file a request with the CDE for review and approval of proposed examination variations ~~with the Department for a case-by-case determination of variations~~ that are not specified in ~~S~~sections 1215, 1215.5, or 1216. Requests must be received by the ~~Department~~ CDE at least 30 working days in advance of the proposed administration of the examination.

(b) The request for review of proposed variations in administering the examination must include:

(1) A description of the requested variation(s).

(2) If applicable, a certification that the pupil's or adult student's IEP or Section 504 plan specifies that the requested variation is appropriate and necessary to access the

examination due to the pupil's or adult student's identified disability(ies) and that such variation is currently listed in the pupil's or adult student's IEP or Section 504 plan.

(c) The CDE's ~~Department's~~ determination shall be a final administrative decision for purposes of review under the Administrative Procedure Act.

(d) The CDE ~~Department~~ shall issue its decision within 15 working days of receipt of the request for review of proposed variation.

NOTE: Authority cited: Section 33031, Education Code. Reference: Section 60850, Education Code.

§ 1219. Independent Work of the Pupil or Adult Student.

In administering the examination~~,~~ with accommodations or modifications pursuant to Section 1215.5 or 1216, school districts shall ensure that all examination responses are the independent work of the pupil or adult student. School districts, school district personnel, including scribes~~,~~ and nonpublic school personnel are prohibited from assisting any pupil or adult student in determining how the pupil or adult student will respond to each question, and are prohibited from leading or directing the pupil or adult student to a particular response, and from correcting, prompting, or otherwise influencing a response.

NOTE: Authority cited: Section 33031, Education Code. Reference: Section 60850, Education Code.

Article 5. Apportionment

§ 1225. Aportionment.

(a) Annually, each school district shall receive an apportionment information report with the following information for those examinations administered during the previous fiscal year (July 1 through June 30).

(1) The number of eligible pupils by grade level and eligible adult students enrolled in each school and in the school district on the day of testing as indicated by the number of answer documents submitted to the test contractor for scoring for each administration.

(2) The number of eligible pupils by grade level and eligible adult students who were administered any portion of the examination.

(3) The number of eligible pupils by grade level with demographic information only who were not tested for any reason other than because they were taking the CAPA.

(b) To be eligible for apportionment payment, school districts must meet the following conditions:

(1) The school district has returned all secure test materials, and

(2) The superintendent of the school district has certified that all examinations during the prior fiscal year were administered in compliance with California Code of Regulations, title 5, division 1, chapter 2, subchapter 6.

(3)~~(2)~~ The superintendent of ~~each~~ the school district has certified the accuracy of the apportionment information report for examinations administered during the prior fiscal year (July 1 through June 30), which certification is either;

(A) postmarked by December 31, or

(B) if postmarked after December 31, the apportionment information report must be accompanied by a waiver request as provided by Education Code section 33050. For those apportionment information reports postmarked after December 31, apportionment payment is contingent upon the availability of an appropriation for this purpose in the fiscal year in which the tests were administered.

(c) The amount of funding to be apportioned to the school district for the examination shall be calculated by multiplying the amount per administration established by the ~~State Board of Education~~ SBE to enable school districts to meet the requirements of Education Code section 60851 by the number of eligible pupils and eligible adult students in the school district tested for one or both portions of the examination during the previous fiscal year as determined by the apportionment information report certified by the school district superintendent pursuant to subdivision (b).

NOTE: Authority cited: Section 33031, Education Code. Reference: Section 60851, Education Code.

2-20-07

ITEM #6

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2007 AGENDA

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

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) take action as deemed necessary and appropriate.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

None.

SUMMARY OF KEY ISSUES

This is being submitted as a place-holder item.

FISCAL ANALYSIS (AS APPROPRIATE)

ATTACHMENT(S)

None.

ITEM #__7____

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2007 AGENDA

SUBJECT	
Standardized Testing and Reporting Program (STAR): California Modified Assessment Blueprints	☒ Action ☒ Information ☐ Public Hearing

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve California Modified Assessment (CMA) blueprints for grades two through five.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The results of the CMA pilot, including an executive summary, sample test questions, proposed test specifications, and the proposed CMA blueprints were sent to the SBE as an information item in February.

SUMMARY OF KEY ISSUES

The proposed federal regulations called for a modified test providing access for potential CMA students. One of the ways the test could be modified is by reducing depth and breadth. The CMA Assessment Review Panel recommended a shorter test covering most of the standards assessed on the California Standards Tests (CSTs). The proposed CMA blueprints consist of 48 items and contain similar percentages of items per strand as found on the CSTs. This will provide ample coverage of the standards within the strand ensuring reliability. For example, Grade 3 English-Language Arts, Strand 2.0 Reading Comprehension makes up 23 percent of the CST and 21 percent of the CMA. The percentages of items per strand on the CSTs in English-language arts, mathematics, and science are provided in attachment 1. The proposed blueprints for each subject area are provided in attachment 2.

FISCAL ANALYSIS (AS APPROPRIATE)

All costs associated with the activities in this update are included in the current contracts with ETS for the CSTs, Standards-based Tests in Spanish (STSs), California Alternate Performance Assessment (CAPA), and CMA.

ATTACHMENT(S)

Attachment 1: Percentages of Items Per Strand on the CSTs (1 Page)
Attachment 2: CMA Blueprints (28 Pages)

Percentages of Items Per Strand on the California Standards Tests (CSTs)

Strands		Percentage of Items Per Strand			
		Grades			
		2	3	4	5
1.0	Word Analysis, Fluency, and Vocabulary Development	34	31	24	19
2.0	Reading Comprehension	23	23	20	21
3.0	Literary Response and Analysis	9	12	12	16
1.0	Written and Oral English Language Conventions	22	20	24	23
1.0	Writing Strategies	12	14	20	21
	Total	100	100	100	100

English-Language Arts

Mathematics

Strands		Percentages of Items Per Strand			
		Grades			
		2	3	4	5
1.0-6.0	Number Sense	58	49	48	45
1.0	Algebra and Functions	9	18	28	26
1.0-2.0	Measurement and Geometry	22	25	18	23
1.0-2.0	Statistics, Data Analysis, and Probability	11	8	6	6
1.0-3.0	Mathematical Reasoning	Embedded	Embedded	Embedded	Embedded
	Total	100	100	100	100

Science

Strands		Percentages of Items Per Strand
		Grade 5
1.	Physical Science	30
2.	Life Science	30
3.	Earth Science	30
6.	Investigation & Experimentation	10
	Total	100

CALIFORNIA MODIFIED ASSESSMENT
GRADE 2 ENGLISH-LANGUAGE ARTS

	CALIFORNIA CONTENT STANDARDS: READING	Recommended # of Items on CMA	%
1.0	**WORD ANALYSIS, FLUENCY, AND SYSTEMATIC VOCABULARY DEVELOPMENT: Students understand the basic features of reading. They select letter patterns and know how to translate them into spoken language by using phonics, syllabication, and word parts. They apply this knowledge to achieve fluent oral and silent reading.**	**16**	**34%**
1.1	**Decoding and Word Recognition:** recognize and use knowledge of spelling patterns (e.g., diphthongs, special vowel spellings) when reading	**2**	
1.2	**Decoding and Word Recognition:** apply knowledge of basic syllabication rules when reading (e.g., v/cv = su/per, vc/cv = sup/per)	**2**	
1.3	**Decoding and Word Recognition:** decode two-syllable nonsense words and regular multi-syllable words	**2**	
1.4	**Decoding and Word Recognition:** recognize common abbreviations (e.g., Jan., Sun., Mr., St.)	**1**	
1.5	**Decoding and Word Recognition:** identify and correctly use regular plurals (e.g., -s, -es, -ies) and irregular plurals (e.g., fly/flies, wife/wives)	**2**	
1.6	**Decoding and Word Recognition:** read aloud fluently and accurately, and with appropriate intonation and expression	*****	
1.7	**Vocabulary and Concept Development:** understand and explain common antonyms and synonyms	**2**	
1.8	**Vocabulary and Concept Development:** use knowledge of individual words in unknown compound words to predict their meaning	**1**	
1.9	**Vocabulary and Concept Development:** know the meaning of simple prefixes and suffixes (e.g., over-, un-, -ing, -ly)	**2**	
1.10	**Vocabulary and Concept Development:** identify simple multiple-meaning words	**2**	
2.0	**READING COMPREHENSION: Students read and understand grade-level-appropriate material. They draw upon a variety of comprehension strategies as needed (e.g., generating and responding to essential questions, making predictions, comparing information from several sources). The selections in *Recommended Readings in Literature, Kindergarten Through Grade Eight* illustrate the quality and complexity of the materials to be read by students. In addition to their regular school reading, by grade four, students read one-half million words annually, including a good representation of grade-level-appropriate narrative and expository text (e.g., classic and contemporary literature, magazines, newspapers, online information). In grade two, students continue to make progress toward this goal.**	**11**	**23%**
2.1	**Structural Features of Informational Materials:** use titles, tables of contents, and chapter headings to locate information in expository text	**1**	
2.2	**Comprehension and Analysis of Grade-Level-Appropriate Text:** state the purpose in reading (i.e., tell what information is sought)	*****	
2.3	**Comprehension and Analysis of Grade-Level-Appropriate Text:** use knowledge of the author's purpose(s) to comprehend informational text	**1**	
2.4	**Comprehension and Analysis of Grade-Level-Appropriate Text:** ask clarifying questions about essential textual elements of exposition (e.g., why, what-if, how)	**1**	
2.5	**Comprehension and Analysis of Grade-Level-Appropriate Text:** restate facts and details in the text to clarify and organize ideas	**2**	
2.6	**Comprehension and Analysis of Grade-Level-Appropriate Text:** recognize cause-and-effect relationships in a text	**2**	
2.7	**Comprehension and Analysis of Grade-Level-Appropriate Text:** interpret information from diagrams, charts, and graphs	**2**	
2.8	**Comprehension and Analysis of Grade-Level-Appropriate Text:** follow two-step written instructions	**2**	

* Not assessable in a multiple-choice format
† Not tested

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CALIFORNIA MODIFIED ASSESSMENT
GRADE 2 ENGLISH-LANGUAGE ARTS

CALIFORNIA CONTENT STANDARDS: READING		Recommended # of Items on CMA	%
3.0	**LITERARY RESPONSE AND ANALYSIS: Students read and respond to a wide variety of significant works of children's literature. They distinguish between the structural features of the text and the literary terms or elements (e.g., theme, plot, setting, characters). The selections in *Recommended Readings in Literature, Kindergarten Through Grade Eight* illustrate the quality and complexity of the materials to be read by students.**	**5**	**10%**
3.1	**Narrative Analysis of Grade-Level-Appropriate Text:** compare and contrast plots, settings, and characters presented by different authors	**2**	
3.2	**Narrative Analysis of Grade-Level-Appropriate Text:** generate alternative endings to plots and identify the reason or reasons for, and the impact of, the alternatives	**1**	
3.3	**Narrative Analysis of Grade-Level-Appropriate Text:** compare and contrast different versions of the same stories that reflect different cultures	**1**	
3.4	**Narrative Analysis of Grade-Level-Appropriate Text:** identify the use of rhythm, rhyme, and alliteration in poetry	**1**	
CALIFORNIA CONTENT STANDARDS: WRITING		**Recommended # of Items on CMA**	**%**
1.0	**WRITTEN AND ORAL ENGLISH LANGUAGE CONVENTIONS: Students write and speak with a command of standard English conventions appropriate to this grade level.**	**11**	**23%**
1.1	**Sentence Structure:** distinguish between complete and incomplete sentences	**2**	
1.2	**Sentence Structure:** recognize and use the correct word order in written sentences	†	
1.3	**Grammar:** identify and correctly use various parts of speech, including nouns and verbs, in writing and speaking	**2**	
1.4	**Punctuation:** use commas in the greeting and closure of a letter and with dates and items in a series	**1**	
1.5	**Punctuation:** use quotation marks correctly	**1**	
1.6	**Capitalization:** capitalize all proper nouns, words at the beginning of sentences and greetings, months and days of the week, and titles and initials of people	**2**	
1.7	**Spelling:** spell frequently used, irregular words correctly (e.g., was, were, says, said, who, what, why)	**1**	
1.8	**Spelling:** spell basic short-vowel, long-vowel, r-controlled, and consonant-blend patterns correctly	**2**	
1.0	**WRITING STRATEGIES: Students write clear and coherent sentences and paragraphs that develop a central idea. Their writing shows they consider the audience and purpose. Students progress through the stages of the writing process (i.e., pre-writing, drafting, revising, editing successive versions).**	**5**	**10%**
1.1	**Organization and Focus:** group related ideas and maintain a consistent focus	**2**	
1.2	**Penmanship:** create readable documents with legible handwriting	*	
1.3	**Research:** understand the purposes of various reference materials (e.g., dictionary, thesaurus, atlas)	**1**	
1.4	**Evaluation and Revision:** revise original drafts to improve sequence and provide more descriptive detail	**2**	
TOTALS		**48**	**100%**

* Not assessable in a multiple-choice format
† Not tested

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CALIFORNIA MODIFIED ASSESSMENT
GRADE 3 ENGLISH-LANGUAGE ARTS

	CALIFORNIA CONTENT STANDARDS: READING	Recommended # of Items on CMA	%
1.0	**WORD ANALYSIS, FLUENCY, AND SYSTEMATIC VOCABULARY DEVELOPMENT: Students understand the basic features of reading. They select letter patterns and know how to translate them into spoken language by using phonics, syllabication, and word parts. They apply this knowledge to achieve fluent oral and silent reading.**	**14**	**29%**
1.1	**Decoding and Word Recognition:** know and use complex word families when reading (e.g., -ight) to decode unfamiliar words	**2**	
1.2	**Decoding and Word Recognition:** decode regular multisyllabic words	**2**	
1.3	**Decoding and Word Recognition:** read aloud narrative and expository text fluently and accurately and with appropriate pacing, intonation, and expression	*****	
1.4	**Vocabulary and Concept Development:** use knowledge of antonyms, synonyms, homophones, and homographs to determine the meanings of words	**3**	
1.5	**Vocabulary and Concept Development:** demonstrate knowledge of levels of specificity among grade-appropriate words and explain the importance of these relations (e.g., dog/mammal/animal/living things)	**2**	
1.6	**Vocabulary and Concept Development:** use sentence and word context to find the meaning of unknown words	**2**	
1.7	**Vocabulary and Concept Development:** use a dictionary to learn the meaning and other features of unknown words	**1**	
1.8	**Vocabulary and Concept Development:** use knowledge of prefixes (e.g., un-, re-, pre-, bi-, mis-, dis-) and suffixes (e.g., -er, -est, -ful) to determine the meaning of words	**2**	
2.0	**READING COMPREHENSION: Students read and understand grade-level-appropriate material. They draw upon a variety of comprehension strategies as needed (e.g., generating and responding to essential questions, making predictions, comparing information from several sources). The selections in *Recommended Readings in Literature, Kindergarten Through Grade Eight* illustrate the quality and complexity of the materials to be read by students. In addition to their regular school reading, by grade four, students read one-half million words annually, including a good representation of grade-level-appropriate narrative and expository text (e.g., classic and contemporary literature, magazines, newspapers, online information). In grade three, students make substantial progress toward this goal.**	**10**	**21%**
2.1	**Structural Features of Informational Materials:** use titles, tables of contents, chapter headings, glossaries, and indexes to locate information in text	**1**	
2.2	**Comprehension and Analysis of Grade-Level-Appropriate Text:** ask questions and support answers by connecting prior knowledge with literal information found in, and inferred from, the text	**1**	
2.3	**Comprehension and Analysis of Grade-Level-Appropriate Text:** demonstrate comprehension by identifying answers in the text	**2**	
2.4	**Comprehension and Analysis of Grade-Level-Appropriate Text:** recall major points in the text and make and modify predictions about forthcoming information	**1**	
2.5	**Comprehension and Analysis of Grade-Level-Appropriate Text:** distinguish between main idea and supporting details in expository text	**2**	
2.6	**Comprehension and Analysis of Grade-Level-Appropriate Text:** extract appropriate and significant information from the text, including problems and solutions	**2**	
2.7	**Comprehension and Analysis of Grade-Level-Appropriate Text**: follow simple multiple-step written instructions (e.g., how to assemble a product or play a board game)	**1**	

* Not assessable in a multiple-choice format
† Not tested

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CALIFORNIA MODIFIED ASSESSMENT
GRADE 3 ENGLISH-LANGUAGE ARTS

	CALIFORNIA CONTENT STANDARDS: READING	Recommended # of Items on CMA	%
3.0	**LITERARY RESPONSE AND ANALYSIS: Students read and respond to a wide variety of significant works of children's literature. They distinguish between the structural features of text and the literary terms or elements (i.e., theme, plot, setting, characters). The selections in Recommended Readings in Literature, Kindergarten Through Grade Eight illustrate the quality and complexity of the materials to be read by students.**	**7**	**14%**
3.1	**Structural Features of Literature:** distinguish common forms of literature (e.g., poetry, drama, fiction, non-fiction)	**1**	
3.2	**Narrative Analysis of Grade-Level-Appropriate Text:** comprehend basic plots of classic fairy tales, myths, folktales, legends, and fables from around the world	**1**	
3.3	**Narrative Analysis of Grade-Level-Appropriate Text:** determine what characters are like by what they say or do and by how the author or illustrator portrays them	**2**	
3.4	**Narrative Analysis of Grade-Level-Appropriate Text**: determine the underlying theme or author's message in fictional and non-fiction text	**1**	
3.5	**Narrative Analysis of Grade-Level-Appropriate Text:** recognize the similarities of sounds in words and rhythmical patterns (e.g., alliteration, onomatopoeia) in a selection	**1**	
3.6	**Narrative Analysis of Grade-Level-Appropriate Text:** identify the speaker or narrator in a selection	**1**	

	CALIFORNIA CONTENT STANDARDS: WRITING	Recommended # of Items on CMA	%
1.0	**WRITTEN AND ORAL ENGLISH LANGUAGE CONVENTIONS: Students write and speak with a command of standard English conventions appropriate to this grade level.**	**11**	**23%**
1.1	**Sentence Structure:** understand and be able to use complete and correct declarative, interrogative, imperative, and exclamatory sentences in writing and speaking	**1**	
1.2	**Grammar:** identify subjects and verbs that are in agreement and identify and use pronouns, adjectives, compound words, and articles correctly in writing and speaking	**1**	
1.3	**Grammar:** identify and use past, present, and future verb tenses properly in writing and speaking	**1**	
1.4	**Grammar:** identify and use subjects and verbs correctly in speaking and writing simple sentences	**1**	
1.5	**Punctuation:** punctuate dates, city and state, and titles of books correctly	**1**	
1.6	**Punctuation:** use commas in dates, locations, and addresses and for items in a series	**1**	
1.7	**Capitalization:** capitalize geographical names, holidays, historical periods, and special events correctly	**2**	
1.8	**Spelling:** spell correctly one-syllable words that have blends, contractions, compounds, orthographic patterns (e.g., qu, consonant doubling, changing the ending of a word from y to ies when forming the plural), and common homophones (e.g., hair-hare)	**2**	
1.9	**Spelling:** arrange words in alphabetical order	**1**	

* Not assessable in a multiple-choice format
† Not tested

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CALIFORNIA MODIFIED ASSESSMENT
GRADE 3 ENGLISH-LANGUAGE ARTS

CALIFORNIA CONTENT STANDARDS: WRITING		Recommended # of Items on CMA	%
1.0	**WRITING STRATEGIES: Students write clear and coherent sentences and paragraphs that develop a central idea. Their writing shows they consider the audience and purpose. Students progress through the stages of the writing process (e.g., pre-writing, drafting, revising, editing successive versions).**	**6**	**13%**
1.1	**Organization and Focus:** create a single paragraph that		
	1) develops a topic sentence	**1**	
	2) includes simple supporting facts and details	**1**	
1.2	**Penmanship:** write legibly in cursive or joined italic, allowing margins and correct spacing between letters in a word and words in a sentence	*****	
1.3	**Research & Technology:** understand the structure and organization of various reference materials (e.g., dictionary, thesaurus, atlas, encyclopedia)	**2**	
1.4	**Evaluation and Revision:** revise drafts to improve the coherence and logical progression of ideas by using an established rubric	**2**	
TOTALS		**48**	**100%**

* Not assessable in a multiple-choice format
† Not tested

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CALIFORNIA MODIFIED ASSESSMENT
GRADE 4 ENGLISH-LANGUAGE ARTS

	CALIFORNIA CONTENT STANDARDS: READING	Recommended # of Items on CMA	%
1.0	**WORD ANALYSIS, FLUENCY, AND SYSTEMATIC VOCABULARY DEVELOPMENT: Students understand the basic features of reading. They select letter patterns and know how to translate them into spoken language by using phonics, syllabication, and word parts. They apply this knowledge to achieve fluent oral and silent reading.**	**11**	**23%**
1.1	**Word Recognition:** read narrative and expository text aloud with grade-appropriate fluency and accuracy and with appropriate pacing, intonation, and expression	*	
1.2	**Vocabulary and Concept Development:** apply knowledge of word origins, derivations, synonyms, antonyms, and idioms to determine the meaning of words and phrases	**4**	
1.3	**Vocabulary and Concept Development:** use knowledge of root words to determine the meaning of unknown words within a passage	**2**	
1.4	**Vocabulary and Concept Development:** know common roots and affixes derived from Greek and Latin and use this knowledge to analyze the meaning of complex words (e.g., international)	**1**	
1.5	**Vocabulary and Concept Development:** use a thesaurus to determine related words and concepts	**1**	
1.6	**Vocabulary and Concept Development:** distinguish and interpret multiple meaning words	**3**	
2.0	**READING COMPREHENSION: Students read and understand grade-level-appropriate material. They draw upon a variety of comprehension strategies as needed (e.g., generating and responding to essential questions, making predictions, comparing information from several sources). The selections in *Recommended Readings in Literature, Kindergarten Through Grade Eight* illustrate the quality and complexity of the materials to be read by students. In addition to their regular school reading, students read one-half million words annually, including a good representation of grade-level-appropriate narrative and expository text (e.g., classic and contemporary literature, magazines, newspapers, online information).**	**10**	**21%**
2.1	**Structural Features of Informational Materials:** identify structural patterns found in informational text (e.g., compare and contrast, cause and effect, sequential or chronological order, proposition and support) to strengthen comprehension	**1**	
2.2	**Comprehension and Analysis of Grade-Level-Appropriate Text:** use appropriate strategies when reading for different purposes (e.g., full comprehension, location of information, personal enjoyment)	*	
2.3	**Comprehension and Analysis of Grade-Level-Appropriate Text:** make and confirm predictions about text by using prior knowledge and ideas presented in the text itself, including illustrations, titles, topic sentences, important words, and foreshadowing clues	**2**	
2.4	**Comprehension and Analysis of Grade-Level-Appropriate Text:** evaluate new information and hypotheses by testing them against known information and ideas	**2**	
2.5	**Comprehension and Analysis of Grade-Level-Appropriate Text:** compare and contrast information on the same topic after reading several passages or articles	**2**	
2.6	**Comprehension and Analysis of Grade-Level-Appropriate Text:** distinguish between cause and effect and between fact and opinion in expository text	**1**	
2.7	**Comprehension and Analysis of Grade-Level-Appropriate Text:** follow multiple-step instructions in a basic technical manual (e.g., how to use computer commands or video games)	**2**	

* Not assessable in a multiple-choice format
† Not tested

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CALIFORNIA MODIFIED ASSESSMENT
GRADE 4 ENGLISH-LANGUAGE ARTS

	CALIFORNIA CONTENT STANDARDS: READING	Recommended # of Items on CMA	%
3.0	**LITERARY RESPONSE AND ANALYSIS: Students read and respond to a wide variety of significant works of children's literature. They distinguish between the structural features of the text and the literary terms or elements (e.g., theme, plot, setting, characters). The selections in *Recommended Readings in Literature, Kindergarten Through Grade Eight* illustrate the quality and complexity of the materials to be read by students.**	**6**	**12%**
3.1	**Structural Features of Literature:** describe the structural differences of various imaginative forms of literature, including fantasies, fables, myths, legends, and fairy tales	**1**	
3.2	**Narrative Analysis of Grade-Level-Appropriate Text:** identify the main events of the plot, their causes, and the influence of each event on future actions	**2**	
3.3	**Narrative Analysis of Grade-Level-Appropriate Text:** use knowledge of the situation and setting and of a character's traits and motivations to determine the causes for that character's actions	**1**	
3.4	**Narrative Analysis of Grade-Level-Appropriate Text:** compare and contrast tales from different cultures by tracing the exploits of one character type and develop theories to account for similar tales in diverse cultures (e.g., trickster tales)	**1**	
3.5	**Narrative Analysis of Grade-Level-Appropriate Text:** define figurative language (e.g., simile, metaphor, hyperbole, personification) and identify its use in literary works	**1**	

	CALIFORNIA CONTENT STANDARDS: WRITING	Recommended # of Items on CMA	%
1.0	**WRITTEN AND ORAL ENGLISH LANGUAGE CONVENTIONS: Students write and speak with a command of standard English conventions appropriate to this grade level.**	**11**	**23%**
1.1	**Sentence Structure:** use simple and compound sentences in writing and speaking	**2**	
1.2	**Sentence Structure:** combine short, related sentences with appositives, participial phrases, adjectives, adverbs, and prepositional phrases	**1**	
1.3	**Grammar:** identify and use regular and irregular verbs, adverbs, prepositions, and coordinating conjunctions in writing and speaking	**3**	
1.4	**Punctuation:** use parentheses, commas in direct quotations, apostrophes in the possessive case of nouns and in contractions	**1**	
1.5	**Punctuation:** use underlining, quotations marks, or italics to identify titles of documents	**1**	
1.6	**Capitalization:** capitalize names of magazines, newspapers, works of art, musical compositions, organizations, and the first word in quotations when appropriate	**1**	
1.7	**Spelling:** spell correctly roots, inflections, suffixes and prefixes, and syllable constructions	**2**	
1.0	**WRITING STRATEGIES: Students write clear, coherent sentences and paragraphs that develop a central idea. Their writing shows they consider the audience and purpose. Students progress through the stages of the writing process (i.e., pre-writing, drafting, revising, editing successive versions).**	**10**	**21%**
1.1	**Organization and Focus:** select a focus, an organizational structure, and a point of view based upon purpose, audience, length, and format requirements	**1**	
1.2	**Organization and Focus:** create multiple-paragraph compositions that		
	1) provide an introductory paragraph	†	
	2) establish and support a central idea with a topic sentence at or near the beginning of the first paragraph	**1**	
	3) include supporting paragraphs with simple facts, details, and explanations	**2**	
	4) conclude with a paragraph that summarizes the points	**1**	
	5) use correct indentation	*	

* Not assessable in a multiple-choice format
† Not tested

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CALIFORNIA MODIFIED ASSESSMENT
GRADE 4 ENGLISH-LANGUAGE ARTS

CALIFORNIA CONTENT STANDARDS: WRITING	Recommended # of Items on CMA	%
1.3 **Organization and Focus:** use traditional structures for conveying information (e.g., chronological order, cause and effect, similarity and difference, and posing and answering a question)	†	
1.4 **Penmanship:** write fluidly and legibly in cursive or joined italic	*	
1.5 **Research and Technology:** quote or paraphrase information sources, citing them appropriately	†	
1.6 **Research and Technology:** locate information in reference texts by using organizational features (e.g., prefaces, appendices)	**1**	
1.7 **Research and Technology:** use various reference materials (e.g., dictionary, thesaurus, card catalog, encyclopedia, on-line information) as an aid to writing	**1**	
1.8 **Research and Technology:** understand the organization of almanacs, newspapers, and periodicals and how to use those print materials	**1**	
1.9 **Research and Technology:** demonstrate basic keyboarding skills and familiarity with computer terminology (e.g., cursor, software, memory, disk drive, hard drive)	*	
1.10 **Evaluation and Revision:** edit and revise selected drafts to improve coherence and progression by adding, deleting, consolidating, and rearranging text	**2**	
TOTALS	**48**	**100%**

* Not assessable in a multiple-choice format
† Not tested

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CALIFORNIA MODIFIED ASSESSMENT
GRADE 5 ENGLISH-LANGUAGE ARTS

	CALIFORNIA CONTENT STANDARDS: READING	Recommended # of Items on CMA	%
1.0	**WORD ANALYSIS, FLUENCY, AND SYSTEMATIC VOCABULARY DEVELOPMENT: Students 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.**	**8**	**17%**
1.1	**Word Recognition:** read aloud narrative and expository text fluently and accurately, and with appropriate pacing, intonation, and expression	*	
1.2	**Vocabulary and Concept Development:** use word origins to determine the meaning of unknown words	**1**	
1.3	**Vocabulary and Concept Development:** understand and explain frequently used synonyms, antonyms and homographs	**2**	
1.4	**Vocabulary and Concept Development:** know abstract, derived roots and affixes from Greek and Latin, and use this knowledge to analyze the meaning of complex words (e.g., controversial)	**2**	
1.5	**Vocabulary and Concept Development:** understand and explain the figurative and metaphorical use of words in context	**3**	
2.0	**READING COMPREHENSION (FOCUS ON INFORMATIONAL MATERIALS): Students read and understand grade-level-appropriate material. They describe and connect the essential ideas, arguments, and perspectives of the text by using their knowledge of text structure, organization, and purpose. The selections in *Recommended Readings in Literature, Kindergarten Through Grade Eight* illustrate the quality and complexity of the materials to be read by students. In addition, by grade eight, students read one million words annually on their own, including a good representation of grade-level-appropriate narrative and expository text (e.g., classic and contemporary literature, magazines, newspapers, online information). In grade five, students make progress toward this goal.**	**10**	**20%**
2.1	**Structural Features of Informational Materials:** understand how text features (e.g., format, graphics, sequence, diagrams, illustrations, charts, maps) make information accessible and usable	**2**	
2.2	**Structural Features of Informational Materials:** analyze text that is organized in sequential or chronological order	**2**	
2.3	**Comprehension and Analysis of Grade-Level-Appropriate Text:** discern main ideas and concepts presented in texts, identifying and assessing evidence that supports those ideas	**2**	
2.4	**Comprehension and Analysis of Grade-Level-Appropriate Text:** draw inferences, conclusions, or generalizations about text and support them with textual evidence and prior knowledge	**2**	
2.5	**Expository Critique:** distinguish facts, supported inferences, and opinions in text	**2**	
3.0	**LITERARY RESPONSE AND ANALYSIS: Students read and respond to historically or culturally significant works of literature. They begin to find ways to clarify the ideas and make connections between literary works. The selections in *Recommended Readings in Literature, Kindergarten Through Grade Eight* illustrate the quality and complexity of the materials to be read by students.**	**8**	**17%**
3.1	**Structural Features of Literature:** identify and analyze the characteristics of poetry, drama, fiction, and nonfiction and explain the appropriateness of the literary forms chosen by an author for a specific purpose	**1**	
3.2	**Narrative Analysis of Grade-Level-Appropriate Text:** identify the main problem or conflict of the plot and how it is resolved	**2**	
3.3	**Narrative Analysis of Grade-Level-Appropriate Text:** contrast the actions, motives (loyalty, selfishness, conscientiousness), and appearances of characters in a work of fiction and discuss the importance of the contrasts to the plot or theme	**1**	

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CALIFORNIA MODIFIED ASSESSMENT
GRADE 5 ENGLISH-LANGUAGE ARTS

	CALIFORNIA CONTENT STANDARDS: READING	Recommended # of Items on CMA	%
3.4	**Narrative Analysis of Grade-Level-Appropriate Text:** understand that theme refers to the meaning or moral of a selection and recognize themes (whether implied or stated directly) in sample works	**1**	
3.5	**Narrative Analysis of Grade-Level-Appropriate Text:** describe the function and effect of common literary devices (e.g., imagery, metaphor, symbolism)	**1**	
3.6	**Literary Criticism:** evaluate the meaning of archetypal patterns and symbols that are found in myth and tradition by using literature from different eras and cultures	**1**	
3.7	**Literary Criticism:** evaluate the author's use of various techniques (e.g., appeal of characters in a picture book, logic and credibility of plots and settings, use of figurative language) to influence readers' perspectives	**1**	
	CALIFORNIA CONTENT STANDARDS: WRITING	**Recommended # of Items on CMA**	**%**
1.0	**WRITTEN AND ORAL ENGLISH LANGUAGE CONVENTIONS: Students write and speak with a command of standard English conventions appropriate to this grade level.**	**11**	**23%**
1.1	**Sentence Structure:** identify and correctly use prepositional phrases, appositives, and independent and dependent clauses; use transitions and conjunctions to connect ideas	**3**	
1.2	**Grammar:** identify and correctly use verbs that are often misused (e.g., lie/lay, sit/set, rise/raise), modifiers, and pronouns	**2**	
1.3	**Punctuation:** use a colon to separate hours and minutes and to introduce a list; use quotation marks around the exact words of speaker and titles of poems, songs, short stories, and so forth	**2**	
1.4	**Capitalization:** use correct capitalization	**2**	
1.5	**Spelling:** spell roots, suffixes, prefixes, contractions, and syllable constructions correctly	**2**	
1.0	**WRITING STRATEGIES: Students write clear, coherent, and focused essays. The writing exhibits the students' awareness of the audience and purpose. Essays contain formal introductions, supporting evidence, and conclusions. Students progress through the stages of the writing process as needed.**	**11**	**23%**
1.1	**Organization and Focus:** create multiple-paragraph narrative compositions		
	1) establish and develop a situation or plot	**1**	
	2) describe the setting	**1**	
	3) present an ending	**1**	
1.2	**Organization and Focus:** create multiple-paragraph expository compositions		
	1) establish a topic, important ideas, or events in sequence or chronological order	**2**	
	2) provide details and transitional expressions that link one paragraph to another in a clear line of thought	**1**	
	3) offer a concluding paragraph that summarizes important ideas and details	**1**	
1.3	**Research and Technology:** use organizational features of printed text (e.g., citations, end notes, bibliographic references) to locate relevant information	**1**	
1.4	**Research and Technology:** create simple documents by using electronic media and employing organization features (e.g., passwords, entry and pull-down menus, word searches, the thesaurus, spell checks)	*****	
1.5	**Research and Technology:** use a thesaurus to identify alternative word choices and meanings	**1**	
1.6	**Evaluation and Revision:** edit and revise manuscripts to improve the meaning and focus of writing by adding, deleting, consolidating, clarifying, and rearranging words and sentences	**2**	
TOTALS		**48**	**100%**

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† Not tested

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CALIFORNIA MODIFIED ASSESSMENT
GRADE 2 MATHEMATICS

CALIFORNIA CONTENT STANDARDS: Mathematics		Recommended # of Items on CMA	%
By the end of grade two, students understand place value and number relationships in addition and subtraction, and they use simple concepts of multiplication. They measure quantities with appropriate units. They classify shapes and see relationships among them by paying attention to their geometric attributes. They collect and analyze data and verify the answers.			
	Number Sense	**27**	**56%**
1.0	**Students understand the relationship between numbers, quantities, and place value in whole numbers up to 1,000:**		
1.1*	Count, read, and write whole numbers to 1,000 and identify the place value for each digit.	**3**	
1.2	Use words, models, and expanded forms (e.g., 45 = 4 tens + 5) to represent numbers (to 1000).	**1**	
1.3*	Order and compare whole numbers to 1,000 by using the symbols <, =, >.	**3**	
2.0	**Students estimate, calculate, and solve problems involving addition and subtraction of two- and three-digit numbers:**		
2.1*	Understand and use the inverse relationship between addition and subtraction (e.g., an opposite number sentence for 8 + 6 = 14 is 14 – 6 = 8) to solve problems and check solutions.	**2**	
2.2*	Find the sum or difference of two whole numbers up to three digits long.	**3**	
2.3	Use mental arithmetic to find the sum or difference of two-digit numbers.	*******	
3.0*	**Students model and solve simple problems involving multiplication and division:**		
3.1*	Use repeated addition, arrays, and counting by multiples to do multiplication.	**1**	
3.2*	Use repeated subtraction, equal sharing, and forming equal groups with remainders to do division.	**2**	
3.3*	Know the multiplication tables of 2s, 5s, and 10s (to “times 10”) and commit them to memory.	**2**	
4.0	**Students understand that fractions and decimals may refer to parts of a set and parts of a whole:**		
4.1*	Recognize, name, and compare unit fractions from $\frac{1}{12}$ to $\frac{1}{2}$.	**2**	
4.2*	Recognize fractions of a whole and parts of a group (e.g., one-fourth of a pie, two-thirds of 15 balls).	**2**	
4.3*	Know that when all fractional parts are included, such as four-fourths, the result is equal to the whole and to one.	**2**	
5.0	**Students model and solve problems by representing, adding, and subtracting amounts of money:**		
5.1*	Solve problems using combinations of coins and bills.	**2**	
5.2*	Know and use the decimal notation and the dollar and cent symbols for money.	**2**	
6.0	**Students use estimation strategies in computation and problem solving that involve numbers that use the ones, tens, hundreds, and thousands places:**		
6.1	Recognize when an estimate is reasonable in measurements (e.g., closest inch).	†	

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CALIFORNIA MODIFIED ASSESSMENT
GRADE 2 MATHEMATICS

	CALIFORNIA CONTENT STANDARDS: Mathematics	Recommended # of Items on CMA	%
	Algebra and Functions	**5**	**10%**
1.0	**Students model, represent, and interpret number relationships to create and solve problems involving addition and subtraction:**		
1.1*	Use the commutative and associative rules to simplify mental calculations and to check results.	**2**	
1.2	Relate problem situations to number sentences involving addition and subtraction.	**1**	
1.3	Solve addition and subtraction problems by using data from simple charts, picture graphs, and number sentences.	**2**	
	Measurement and Geometry	**10**	**21%**
1.0	**Students understand that measurement is accomplished by identifying a unit of measure, iterating (repeating) that unit, and comparing it to the item to be measured:**		
1.1	Measure the length of objects by iterating (repeating) a nonstandard or standard unit.	**1**	
1.2	Use different units to measure the same object and predict whether the measure will be greater or smaller when a different unit is used.	**1**	
1.3*	Measure the length of an object to the nearest inch and/or centimeter.	**2**	
1.4	Tell time to the nearest quarter hour and know relationships of time (e.g., minutes in an hour, days in a month, weeks in a year).	**1**	
1.5	Determine the duration of intervals of time in hours (e.g., 11:00 a.m. to 4:00 p.m.).	**1**	
2.0*	**Students identify and describe the attributes of common figures in the plane and of common objects in space:**		
2.1*	Describe and classify plane and solid geometric shapes (e.g., circle, triangle, square, rectangle, sphere, pyramid, cube, rectangular prism) according to the number and shape of faces, edges, and vertices.	**2**	
2.2*	Put shapes together and take them apart to form other shapes (e.g., two congruent right triangles can be arranged to form a rectangle).	**2**	
	Statistics, Data Analysis, and Probability	**6**	**13%**
1.0*	**Students collect numerical data and record, organize, display, and interpret the data on bar graphs and other representations:**		
1.1	Record numerical data in systematic ways, keeping track of what has been counted.	**2**	
1.2	Represent the same data set in more than one way (e.g., bar graphs and charts with tallies).	**2**	
1.3	Identify features of data sets (range and mode).	**1**	
1.4	Ask and answer simple questions related to data representations.	**1**	
2.0*	**Students demonstrate an understanding of patterns and how patterns grow and describe them in general ways:**		
2.1	Recognize, describe, and extend patterns and determine a next term in linear patterns (e.g., 4, 8, 12, . . .; the number of ears on one horse, two horses, three horses, four horses).	***	
2.2	Solve problems involving simple number patterns.	***	

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CALIFORNIA MODIFIED ASSESSMENT
GRADE 2 MATHEMATICS

CALIFORNIA CONTENT STANDARDS: MATHEMATICS		Recommended # of Items on CMA	%
Mathematical Reasoning		**Embedded**	
1.0	**Students make decisions about how to set up a problem:**		
1.1	Determine the approach, materials, and strategies to be used.	**Embedded**	
1.2	Use tools, such as manipulatives or sketches, to model problems.	**Embedded**	
2.0	**Students solve problems and justify their reasoning:**		
2.1	Defend the reasoning used and justify the procedures selected.	**Embedded**	
2.2	Make precise calculations and check the validity of the results in the context of the problem.	**Embedded**	
3.0	**Students note connections between one problem and another.**		
TOTALS		**48**	**100%**

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CALIFORNIA MODIFIED ASSESSMENT
GRADE 3 MATHEMATICS

CALIFORNIA CONTENT STANDARDS: MATHEMATICS		Recommended # of Items on CMA	%
By the end of grade three, students deepen their understanding of place value and their understanding of and skill with addition, subtraction, multiplication, and division of whole numbers. Students estimate, measure, and describe objects in space. They use patterns to help solve problems. They represent number relationships and conduct simple probability experiments.			
Number Sense		**24**	**50%**
1.0	**Students understand the place value of whole numbers:**		
1.1	Count, read, and write whole numbers to 10,000.	**1**	
1.2	Compare and order whole numbers to 10,000.	**1**	
1.3*	Identify the place value for each digit in numbers to 10,000.	**2**	
1.4	Round off numbers to 10,000 to the nearest ten, hundred, and thousand.	**1**	
1.5*	Use expanded notation to represent numbers (e.g.,3,206 = 3,000 + 200 + 6).	**1**	
2.0	**Students calculate and solve problems involving addition, subtraction, multiplication, and division:**		
2.1*	Find the sum or difference of two whole numbers between 0 and 10,000.	**3**	
2.2*	Memorize to automaticity the multiplication table for numbers between 1 and 10.	*******	
2.3*	Use the inverse relationship of multiplication and division to compute and check results.	**2**	
2.4*	Solve simple problems involving multiplication of multidigit numbers by one-digit numbers (3,671 × 3 = ___).	**4**	
2.5	Solve division problems in which a multidigit number is evenly divided by a one-digit number (135 ÷ 5 = ___).	**1**	
2.6	Understand the special properties of 0 and 1 in multiplication and division.	**1**	
2.7	Determine the unit cost when given the total cost and number of units.	**0**	
2.8	Solve problems that require two or more of the skills mentioned above.	**1**	
3.0	**Students understand the relationship between whole numbers, simple fractions, and decimals:**		
3.1	Compare fractions represented by drawings or concrete materials to show equivalency and to add and subtract simple fractions in context (e.g., ½ of a pizza is the same amount as 2/4 of another pizza that is the same size; show that 3/8 is larger than ¼).	**1**	
3.2*	Add and subtract simple fractions (e.g., determine that 1/8 + 3/8 is the same as ½).	**1**	
3.3*	Solve problems involving addition, subtraction, multiplication, and division of money amounts in decimal notation and multiply and divide money amounts in decimal notation by using whole-number multipliers and divisors.	**3**	
3.4	Know and understand that fractions and decimals are two different representations of the same concept (e.g., 50 cents is ½ of a dollar, 75 cents is ¾ of a dollar).	**1**	

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CALIFORNIA MODIFIED ASSESSMENT
GRADE 3 MATHEMATICS

CALIFORNIA CONTENT STANDARDS: MATHEMATICS		Recommended # of Items on CMA	%
Algebra and Functions		**8**	**17%**
1.0	**Students select appropriate symbols, operations, and properties to represent, describe, simplify, and solve simple number relationships:**		
1.1*	Represent relationships of quantities in the form of mathematical expressions, equations, or inequalities.	**2**	
1.2	Solve problems involving numeric equations or inequalities.	**1**	
1.3	Select appropriate operational and relational symbols to make an expression true (e.g., if 4 ___ 3 = 12, what operational symbol goes in the blank?).	†	
1.4	Express simple unit conversions in symbolic form (e.g., _____inches = _____feet × 12).	**1**	
1.5	Recognize and use the commutative and associative properties of multiplication (e.g., if 5 × 7 = 35, then what is 7 × 5? and if 5 × 7 × 3 = 105, then what is 7 × 3 × 5?).	**1**	
2.0	**Students represent simple functional relationships:**		
2.1*	Solve simple problems involving a functional relationship between two quantities (e.g., find the total cost of multiple items given the cost per unit).	**2**	
2.2	Extend and recognize a linear pattern by its rules (e.g., the number of legs on a given number of horses may be calculated by counting by 4s or by multiplying the number of horses by 4).	**1**	
Measurement and Geometry		**11**	**23%**
1.0	**Students choose and use appropriate units and measurement tools to quantify the properties of objects:**		
1.1	Choose the appropriate tools and units (metric and U.S.) and estimate and measure the length, liquid volume, and weight/mass of given objects.	**1**	
1.2*	Estimate or determine the area and volume of solid figures by covering them with squares or by counting the number of cubes that would fill them.	**2**	
1.3*	Find the perimeter of a polygon with integer sides.	**2**	
1.4	Carry out simple unit conversions within a system of measurement (e.g., centimeters and meters, hours and minutes).	**1**	
2.0	**Students describe and compare the attributes of plane and solid geometric figures and use their understanding to show relationships and solve problems:**		
2.1*	Identify, describe, and classify polygons (including pentagons, hexagons, and octagons).	**1**	
2.2*	Identify attributes of triangles (e.g., two equal sides for the isosceles triangle, three equal sides for the equilateral triangle, right angle for the right triangle).	**1**	
2.3*	Identify attributes of quadrilaterals (e.g., parallel sides for the parallelogram, right angles for the rectangle, equal sides and right angles for the square).	**1**	
2.4	Identify right angles in geometric figures or in appropriate objects and determine whether other angles are greater or less than a right angle.	**1**	
2.5	Identify, describe, and classify common three-dimensional geometric objects (e.g., cube, rectangular solid, sphere, prism, pyramid, cone, cylinder).	**1**	
2.6 2.7	Identify common solid objects that are the components needed to make a more complex solid object.	†	

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CALIFORNIA MODIFIED ASSESSMENT
GRADE 3 MATHEMATICS

CALIFORNIA CONTENT STANDARDS: MATHEMATICS		Recommended # of Items on CMA	%
Statistics, Data Analysis, and Probability		**5**	**10%**
1.0	**Students conduct simple probability experiments by determining the number of possible outcomes and make simple predictions:**		
1.1	Identify whether common events are certain, likely, unlikely, or improbable.	**1**	
1.2*	Record the possible outcomes for a simple event (e.g., tossing a coin) and systematically keep track of the outcomes when the event is repeated many times.	**2**	
1.3*	Summarize and display the results of probability experiments in a clear and organized way (e.g., use a bar graph or a line plot).	**2**	
1.4	Use the results of probability experiments to predict future events (e.g., use a line plot to predict the temperature forecast for the next day).	*******	
Mathematical Reasoning		**Embedded**	
1.0	**Students make decisions about how to approach problems:**		
1.1	Analyze problems by identifying relationships, distinguishing relevant from irrelevant information, sequencing and prioritizing information, and observing patterns.	**Embedded**	
1.2	Determine when and how to break a problem into simpler parts.	**Embedded**	
2.0	**Students use strategies, skills, and concepts in finding solutions:**		
2.1	Use estimation to verify the reasonableness of calculated results.	**Embedded**	
2.2	Apply strategies and results from simpler problems to more complex problems.	**Embedded**	
2.3	Use a variety of methods, such as words, numbers, symbols, charts, graphs, tables, diagrams, and models, to explain mathematical reasoning.	**Embedded**	
2.4	Express the solution clearly and logically by using the appropriate mathematical notation and terms and clear language; support solutions with evidence in both verbal and symbolic work.	**Embedded**	
2.5	Indicate the relative advantages of exact and approximate solutions to problems and give answers to a specified degree of accuracy.	**Embedded**	
2.6	Make precise calculations and check the validity of the results from the context of the problem.	**Embedded**	
3.0	**Students move beyond a particular problem by generalizing to other situations:**		
3.1	Evaluate the reasonableness of the solution in the context of the original situation.	**Embedded**	
3.2	Note the method of deriving the solution and demonstrate a conceptual understanding of the derivation by solving similar problems.	**Embedded**	
3.3	Develop generalizations of the results obtained and apply them in other circumstances.	**Embedded**	
TOTALS		**48**	**100%**

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CALIFORNIA MODIFIED ASSESSMENT
GRADE 4 MATHEMATICS

CALIFORNIA CONTENT STANDARDS: MATHEMATICS		Recommended # of Items on CMA	%
By the end of grade four, students understand large numbers and addition, subtraction, multiplication, and division of whole numbers. They describe and compare simple fractions and decimals. They understand the properties of, and the relationships between, plane geometric figures. They collect, represent, and analyze data to answer questions.			
Number Sense		**23**	**48%**
1.0	**Students understand the place value of whole numbers and decimals to two decimal places and how whole numbers and decimals relate to simple fractions. Students use the concepts of negative numbers:**		
1.1*	Read and write whole numbers in the millions.	**2**	
1.2*	Order and compare whole numbers and decimals to two decimal places.	**1**	
1.3*	Round whole numbers through the millions to the nearest ten, hundred, thousand, ten thousand, or hundred thousand.	**1**	
1.4*	Decide when a rounded solution is called for and explain why such a solution may be appropriate.	*******	
1.5	Explain different interpretations of fractions, for example, parts of a whole, parts of a set, and division of whole numbers by whole numbers; explain equivalents of fractions (see Standard 4.0).	**1**	
1.6	Write tenths and hundredths in decimal and fraction notations, and know the fraction and decimal equivalents for halves and fourths (e.g., ½ = 0.5 or .50; 7/4 = 1 ¾ = 1.75).	**1**	
1.7	Write the fraction represented by a drawing of parts of a figure; represent a given fraction by using drawings; and relate a fraction to a simple decimal on a number line.	**1**	
1.8*	Use concepts of negative numbers (e.g., on a number line, in counting, in temperature, in "owing").	**2**	
1.9*	Identify on a number line the relative position of positive fractions, positive mixed numbers, and positive decimals to two decimal places.	**2**	
2.0	**Students extend their use and understanding of whole numbers to the addition and subtraction of simple decimals:**		
2.1	Estimate and compute the sum or difference of whole numbers and positive decimals to two places.	**1**	
2.2	Round two-place decimals to one decimal or the nearest whole number and judge the reasonableness of the rounded answer.	**1**	
3.0*	**Students solve problems involving addition, subtraction, multiplication, and division of whole numbers and understand the relationships among the operations:**		
3.1*	Demonstrate an understanding of, and the ability to use, standard algorithms for the addition and subtraction of multidigit numbers.	**2**	
3.2*	Demonstrate an understanding of, and the ability to use, standard algorithms for multiplying a multidigit number by a two-digit number and for dividing a multidigit number by a one-digit number; use relationships between them to simplify computations and to check results.	**2**	
3.3*	Solve problems involving multiplication of multidigit numbers by two-digit numbers	**2**	
3.4*	Solve problems involving division of multidigit numbers by one-digit numbers.	**2**	

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CALIFORNIA MODIFIED ASSESSMENT
GRADE 4 MATHEMATICS

CALIFORNIA CONTENT STANDARDS: MATHEMATICS		Recommended # of Items on CMA	%
4.0	**Students know how to factor small whole numbers:**		
4.1	Understand that many whole numbers break down in different ways (e.g., 12 = 4 × 3 = 2 × 6 = 2 × 2 × 3).	**1**	
4.2*	Know that numbers such as 2, 3, 5, 7, and 11 do not have any factors except 1 and themselves and that such numbers are called prime numbers.	**1**	
	Algebra and Functions	**10**	**21%**
1.0	**Students use and interpret variables, mathematical symbols, and properties to write and simplify expressions and sentences:**		
1.1	Use letters, boxes, or other symbols to stand for any number in simple expressions or equations (e.g., demonstrate an understanding and the use of the concept of a variable).	**1**	
1.2*	Interpret and evaluate mathematical expressions that now use parentheses.	**2**	
1.3*	Use parentheses to indicate which operation to perform first when writing expressions containing more than two terms and different operations.	**2**	
1.4	Use and interpret formulas (e.g., area = length × width or A = lw) to answer questions about quantities and their relationships.	**1**	
1.5*	Understand that an equation such as y = 3x + 5 is a prescription for determining a second number when a first number is given.	**2**	
2.0*	**Students know how to manipulate equations:**		
2.1*	Know and understand that equals added to equals are equal.	**1**	
2.2*	Know and understand that equals multiplied by equals are equal.	**1**	
	Measurement and Geometry	**10**	**21%**
1.0	**Students understand perimeter and area:**		
1.1	Measure the area of rectangular shapes by using appropriate units such as square centimeter (cm^2), square meter (m^2), square kilometer (km^2), square inch (in^2), square yard (yd^2), or square mile (mi^2).	**1**	
1.2	Recognize that rectangles that have the same area can have different perimeters.	†	
1.3	Understand that rectangles that have the same perimeter can have different areas.	†	
1.4	Understand and use formulas to solve problems involving perimeters and areas of rectangles and squares. Use those formulas to find the areas of more complex figures by dividing the figures into basic shapes.	**1**	
2.0*	**Students use two-dimensional coordinate grids to represent points and graph lines and simple figures:**		
2.1*	Draw the points corresponding to linear relationships on graph paper (e.g., draw 10 points on the graph of the equation $y = 3x$ and connect them by using a straight line).	**1**	
2.2*	Understand that the length of a horizontal line segment equals the difference of the *x*-coordinates.	**1**	
2.3*	Understand that the length of a vertical line segment equals the difference of the *y*-coordinates.	**1**	

* Key standards (*Mathematics Framework for California Public Schools*, chapter 3) comprise a minimum of 70% of the test
*** Not assessable in a multiple-choice format
† Not tested
Embedded: Content of standard is embedded within items in other strands.

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CALIFORNIA MODIFIED ASSESSMENT
GRADE 4 MATHEMATICS

CALIFORNIA CONTENT STANDARDS: MATHEMATICS		Recommended # of Items on CMA	%
3.0	**Students demonstrate an understanding of plane and solid geometric objects and use this knowledge to show relationships and solve problems:**		
3.1	Identify lines that are parallel and perpendicular.	**1**	
3.2	Identify the radius and diameter of a circle.	**1**	
3.3	Identify congruent figures.	**1**	
3.4	Identify figures that have bilateral and rotational symmetry.	†	
3.5	Know the definitions of a right angle, an acute angle, and an obtuse angle. Understand that 90°, 180°, 270°, and 360° are associated, respectively with ¼, ½, ¾, and full turns.	**1**	
3.6	Visualize, describe, and make models of geometric solids (e.g., prisms, pyramids) in terms of the number and shape of faces, edges, and vertices; interpret two-dimensional representations of three-dimensional objects; and draw patterns (of faces) for a solid that, when cut and folded, will make a model of the solid.	**1**	
3.7	Know the definitions of different triangles (e.g., equilateral, isosceles, scalene) and identify their attributes.	†	
3.8	Know the definition of different quadrilaterals (e.g., rhombus, square, rectangle, parallelogram, trapezoid).	†	
	Statistics, Data Analysis, and Probability	**5**	**10%**
1.0	**Students organize, represent, and interpret numerical and categorical data and clearly communicate their findings:**		
1.1	Formulate survey questions; systematically collect and represent data on a number line; and coordinate graphs, tables, and charts.	**1**	
1.2	Identify the mode(s) for sets of categorical data and the mode(s), median, and any apparent outliers for numerical data sets.	**1**	
1.3	Interpret one- and two-variable data graphs to answer questions about a situation.	**1**	
2.0	**Students make predictions for simple probability situations:**		
2.1	Represent all possible outcomes for a simple probability situation in an organized way (e.g., tables, grids, tree diagrams).	**1**	
2.2	Express outcomes of experimental probability situations verbally and numerically (e.g., 3 out of 4; ¾).	**1**	
	Mathematical Reasoning	**Embedded**	
1.0	**Students make decisions about how to approach problems:**		
1.1	Analyze problems by identifying relationships, distinguishing relevant from irrelevant information, sequencing and prioritizing information, and observing patterns.	**Embedded**	
1.2	Determine when and how to break a problem into simpler parts.	**Embedded**	

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CALIFORNIA MODIFIED ASSESSMENT
GRADE 4 MATHEMATICS

CALIFORNIA CONTENT STANDARDS: MATHEMATICS		Recommended # of Items on CMA	%
2.0	**Students use strategies, skills, and concepts in finding solutions:**		
2.1	Use estimation to verify the reasonableness of calculated results.	**Embedded**	
2.2	Apply strategies and results from simpler problems to more complex problems.	**Embedded**	
2.3	Use a variety of methods, such as words, numbers, symbols, charts, graphs, tables, diagrams, and models, to explain mathematical reasoning.	**Embedded**	
2.4	Express the solution clearly and logically by using the appropriate mathematical notation and terms and clear language; support solutions with evidence in both verbal and symbolic work.	**Embedded**	
2.5	Indicate the relative advantages of exact and approximate solutions to problems and give answers to a specified degree of accuracy.	**Embedded**	
2.6	Make precise calculations and check the validity of the results from the context of the problem.	**Embedded**	
3.0	**Students move beyond a particular problem by generalizing to other situations:**		
3.1	Evaluate the reasonableness of the solution in the context of the original situation.	**Embedded**	
3.2	Note the method of deriving the solution and demonstrate a conceptual understanding of the derivation by solving similar problems.	**Embedded**	
3.3	Develop generalizations of the results obtained and apply them in other circumstances.	**Embedded**	
TOTALS		**48**	**100%**

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CALIFORNIA MODIFIED ASSESSMENT
GRADE 5 MATHEMATICS

CALIFORNIA CONTENT STANDARDS: MATHEMATICS		Recommended # of Items on CMA	%
B y the end of grade five, students increase their facility with the four basic arithmetic operations applied to fractions, decimals, and positive and negative numbers. They know and use common measuring units to determine length and area and know and use formulas to determine the volume of simple geometric figures. Students know the concept of angle measurement and use a protractor and compass to solve problems. They use grids, tables, graphs, and charts to record and analyze data.			
	Number Sense	**21**	**44%**
1.0	**Students compute with very large and very small numbers, positive integers, decimals, and fractions and understand the relationship between decimals, fractions, and percents. They understand the relative magnitudes of numbers:**		
1.1	Estimate, round, and manipulate very large (e.g., millions) and very small (e.g., thousandths) numbers.	**1**	
1.2*	Interpret percents as a part of a hundred; find decimal and percent equivalents for common fractions and explain why they represent the same value; compute a given percent of a whole number.	**3**	
1.3	Understand and compute positive integer powers of nonnegative integers; compute examples as repeated multiplication.	**1**	
1.4*	Determine the prime factors of all numbers through 50 and write the numbers as the product of their prime factors by using exponents to show multiples of a factor (e.g., $24 = 2 \times 2 \times 2 \times 3 = 2^3 \times 3$).	**2**	
1.5*	Identify and represent on a number line decimals, fractions, mixed numbers, and positive and negative integers.	**2**	
2.0	**Students perform calculations and solve problems involving addition, subtraction, and simple multiplication and division of fractions and decimals:**		
2.1*	Add, subtract, multiply, and divide with decimals; add with negative integers; subtract positive integers from negative integers; and verify the reasonableness of the results.	**5**	
2.2*	Demonstrate proficiency with division, including division with positive decimals and long division with multidigit divisors.	**2**	
2.3*	Solve simple problems, including ones arising in concrete situations, involving the addition and subtraction of fractions and mixed numbers (like and unlike denominators of 20 or less), and express answers in the simplest form.	**4**	
2.4	Understand the concept of multiplication and division of fractions.	**0**	
2.5	Compute and perform simple multiplication and division of fractions and apply these procedures to solving problems.	**1**	
	Algebra and Functions	**12**	**25%**
1.0	**Students use variables in simple expressions, compute the value of the expression for specific values of the variable, and plot and interpret the results:**		
1.1	Use information taken from a graph or equation to answer questions about a problem situation.	**1**	
1.2*	Use a letter to represent an unknown number; write and evaluate simple algebraic expressions in one variable by substitution.	**4**	
1.3	Know and use the distributive property in equations and expressions with variables.	**1**	
1.4*	Identify and graph ordered pairs in the four quadrants of the coordinate plane.	**3**	
1.5*	Solve problems involving linear functions with integer values; write the equation; and graph the resulting ordered pairs of integers on a grid.	**3**	

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CALIFORNIA MODIFIED ASSESSMENT
GRADE 5 MATHEMATICS

CALIFORNIA CONTENT STANDARDS: MATHEMATICS		Recommended # of Items on CMA	%
Measurement and Geometry		**10**	**21%**
1.0	**Students understand and compute the volumes and areas of simple objects:**		
1.1*	Derive and use the formula for the area of a triangle and of a parallelogram by comparing it with the formula for the area of a rectangle (i.e., two of the same triangles make a parallelogram with twice the area; a parallelogram is compared with a rectangle of the same area by cutting and pasting a right triangle on the parallelogram).	**1**	
1.2*	Construct a cube and rectangular box from two-dimensional patterns and use these patterns to compute the surface area for these objects.	**1**	
1.3*	Understand the concept of volume and use the appropriate units in common measuring systems (i.e., cubic centimeter[cm^3], cubic meter[m^3], cubic inch[in^3], cubic yard[yd^3]) to compute the volume of rectangular solids.	**2**	
1.4	Differentiate between and use appropriate units of measures for, two- and three-dimensional objects (i.e., find perimeter, area, volume).	**1**	
2.0	**Students identify, describe, and classify the properties of, and the relationships between, plane and solid geometric figures:**		
2.1*	Measure, identify, and draw angles, perpendicular and parallel lines, rectangles, and triangles by using appropriate tools (e.g., straightedge, ruler, compass, protractor, drawing software).	**3**	
2.2*	Know that the sum of the angles of any triangle is 180° and the sum of the angles of any quadrilateral is 360° and use this information to solve problems.	**2**	
2.3	Visualize and draw two-dimensional views of three-dimensional objects made from rectangular solids.	†	
Statistics, Data Analysis, and Probability		**5**	**10%**
1.0	**Students display, analyze, compare, and interpret different data sets, including data sets of different sizes:**		
1.1	Know the concepts of mean, median, and mode; compute and compare simple examples to show that they may differ.	**1**	
1.2	Organize and display single-variable data in appropriate graphs and representations (e.g., histogram, circle graphs) and explain which types of graphs are appropriate for various data sets.	**1**	
1.3	Use fractions and percentages to compare data sets of different sizes.	†	
1.4*	Identify ordered pairs of data from a graph and interpret the meaning of the data in terms of the situation depicted by the graph.	**2**	
1.5*	Know how to write ordered pairs correctly; for example, (x, y).	**1**	
Mathematical Reasoning		**Embedded**	
1.0	**Students make decisions about how to approach problems:**		
1.1	Analyze problems by identifying relationships, distinguishing relevant from irrelevant information, sequencing and prioritizing information, and observing patterns.	**Embedded**	
1.2	Determine when and how to break a problem into simpler parts.	**Embedded**	

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CALIFORNIA MODIFIED ASSESSMENT
GRADE 5 MATHEMATICS

CALIFORNIA CONTENT STANDARDS: MATHEMATICS		Recommended # of Items on CMA	%
2.0	**Students use strategies, skills, and concepts in finding solutions:**		
2.1	Use estimation to verify the reasonableness of calculated results.	**Embedded**	
2.2	Apply strategies and results from simpler problems to more complex problems.	**Embedded**	
2.3	Use a variety of methods, such as words, numbers, symbols, charts, graphs, tables, diagrams, and models, to explain mathematical reasoning.	**Embedded**	
2.4	Express the solution clearly and logically by using the appropriate mathematical notation and terms and clear language; support solutions with evidence in both verbal and symbolic work.	**Embedded**	
2.5	Indicate the relative advantages of exact and approximate solutions to problems and give answers to a specified degree of accuracy.	**Embedded**	
2.6	Make precise calculations and check the validity of the results from the context of the problem.	**Embedded**	
3.0	**Students move beyond a particular problem by generalizing to other situations:**		
3.1	Evaluate the reasonableness of the solution in the context of the original situation.	**Embedded**	
3.2	Note the method of deriving the solution and demonstrate a conceptual understanding of the derivation by solving similar problems.	**Embedded**	
3.3	Develop generalizations of the results obtained and apply them in other circumstances.	**Embedded**	
TOTALS		**48**	**100%**

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CALIFORNIA MODIFIED ASSESSMENT
GRADE 5 SCIENCE

CALIFORNIA CONTENT STANDARDS: GRADE 5	Recommended # of Items on CMA	%
Physical Sciences	**14**	**29%**
Physical Sciences – Grade 5	**8**	
1. Elements and their combinations account for all the varied types of matter in the world. As a basis for understanding this concept:		
a. *Students know* that during chemical reactions the atoms in the reactants rearrange to form products with different properties.	**1**	
b. *Students know* all matter is made of atoms, which may combine to form molecules.	**1**	
c. *Students know* metals have properties in common, such as high electrical and thermal conductivity. Some metals, such as aluminum (Al), iron (Fe), nickel (Ni), copper (Cu), silver (Ag), and gold (Au), are pure elements; others, such as steel and brass, are composed of a combination of elemental metals.	**1 or 2**	
d. *Students know* that each element is made of one kind of atom and that the elements are organized in the periodic table by their chemical properties.	**1**	
e. *Students know* scientists have developed instruments that can create discrete images of atoms and molecules that show that the atoms and molecules often occur in well-ordered arrays.	†	
f. *Students know* differences in chemical and physical properties of substances are used to separate mixtures and identify compounds.	**1 or 2**	
g. *Students know* properties of solid, liquid, and gaseous substances, such as sugar ($C_6H_{12}O_6$), water (H_2O), helium (He), oxygen (O_2), nitrogen (N_2), and carbon dioxide (CO_2).	**1 or 2**	
h. *Students know* living organisms and most materials are composed of just a few elements.	†	
i. *Students know* the common properties of salts, such as sodium chloride (NaCl).	†	
Physical Sciences – Grade 4	**6**	
1. Electricity and magnetism are related effects that have many useful applications in everyday life. As a basis for understanding this concept:		
a. *Students know* how to design and build simple series and parallel circuits by using components such as wires, batteries, and bulbs.	**1**	
b. *Students know* how to build a simple compass and use it to detect magnetic effects, including Earth's magnetic field.	**1**	
c. *Students know* electric currents produce magnetic fields and know how to build a simple electromagnet.	**2**	
d. *Students know* the role of electromagnets in the construction of electric motors, electric generators, and simple devices, such as doorbells and earphones.	†	
e. *Students know* electrically charged objects attract or repel each other.	†	
f. *Students know* that magnets have two poles (north and south) and that like poles repel each other while unlike poles attract each other.	**1**	
g. *Students know* electrical energy can be converted to heat, light, and motion.	**1**	

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† Not tested

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CALIFORNIA MODIFIED ASSESSMENT
GRADE 5 SCIENCE

CALIFORNIA CONTENT STANDARDS: GRADE 5	Recommended # of Items on CMA	%
Life Sciences	**14**	**29%**
Life Sciences – Grade 5	**7**	
2. Plants and animals have structures for respiration, digestion, waste disposal, and transport of materials. As a basis for understanding this concept:		
a. *Students know* many multicellular organisms have specialized structures to support the transport of materials.	†	
b. *Students know* how blood circulates through the heart chambers, lungs, and body and how carbon dioxide (CO_2) and oxygen (O_2) are exchanged in the lungs and tissues.	**1 or 2**	
c. *Students know* the sequential steps of digestion and the roles of teeth and the mouth, esophagus, stomach, small intestine, large intestine, and colon in the function of the digestive system.	**1 or 2**	
d. *Students know* the role of the kidney in removing cellular waste from blood and converting it into urine, which is stored in the bladder.	**1 or 2**	
e. *Students know* how sugar, water, and minerals are transported in a vascular plant.	**1**	
f. *Students know* plants use carbon dioxide (CO_2) and energy from sunlight to build molecules of sugar and release oxygen.	**1**	
g. *Students know* plant and animal cells break down sugar to obtain energy, a process resulting in carbon dioxide (CO_2) and water (respiration).	**1**	
Life Sciences – Grade 4	**7**	
2. All organisms need energy and matter to live and grow. As a basis for understanding this concept:		
a. *Students know* plants are the primary source of matter and energy entering most food chains.	**1**	
b. *Students know* producers and consumers (herbivores, carnivores, omnivores, and decomposers) are related in food chains and food webs and may compete with each other for resources in an ecosystem.	**1 or 2**	
c. *Students know* decomposers, including many fungi, insects, and microorganisms, recycle matter from dead plants and animals.	**1**	
3. Living organisms depend on one another and on their environment for survival. As a basis for understanding this concept:		
a. *Students know* ecosystems can be characterized by their living and nonliving components.	**1**	
b. *Students know* that in any particular environment, some kinds of plants and animals survive well, some survive less well, and some cannot survive at all.	**1 or 2**	
c. *Students know* many plants depend on animals for pollination and seed dispersal, and animals depend on plants for food and shelter.	**1**	
d. *Students know* that most microorganisms do not cause disease and that many are beneficial.	†	

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† Not tested

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CALIFORNIA MODIFIED ASSESSMENT
GRADE 5 SCIENCE

CALIFORNIA CONTENT STANDARDS: GRADE 5	Recommended # of Items on CMA	%
Earth Sciences	**14**	**29%**
Earth Science – Grade 5	**8**	
3. Water on Earth moves between the oceans and land through the processes of evaporation and condensation. As a basis for understanding this concept:		
a. *Students know* most of Earth's water is present as salt water in the oceans, which cover most of Earth's surface.	**1**	
b. *Students know* when liquid water evaporates, it turns into water vapor in the air and can reappear as a liquid when cooled or as a solid if cooled below the freezing point of water.	**1 or 2**	
c. *Students know* water vapor in the air moves from one place to another and can form fog or clouds, which are tiny droplets of water or ice, and can fall to Earth as rain, hail, sleet, or snow.	**1 or 2**	
d. *Students know* that the amount of fresh water located in rivers, lakes, underground sources, and glaciers is limited and that its availability can be extended by recycling and decreasing the use of water.	**1 or 2**	
e. *Students know* the origin of the water used by their local communities.	*	
4. Energy from the Sun heats Earth unevenly, causing air movements that result in changing weather patterns. As a basis for understanding this concept:		
a. *Students know* uneven heating of Earth causes air movements (convection currents).	†	
b. *Students know* the influence that the ocean has on the weather and the role that the water cycle plays in weather patterns.	†	
c. *Students know* the causes and effects of different types of severe weather.	†	
d. *Students know* how to use weather maps and data to predict local weather and know that weather forecasts depend on many variables.	**1 or 2**	
e. *Students know* that the Earth's atmosphere exerts a pressure that decreases with distance above Earth's surface and that at any point it exerts this pressure equally in all directions.	†	
5. The solar system consists of planets and other bodies that orbit the Sun in predictable paths. As a basis for understanding this concept:		
a. *Students know* the Sun, an average star, is the central and largest body in the solar system and is composed primarily of hydrogen and helium.	**1**	
b. *Students know* the solar system includes the planet Earth, the Moon, the Sun, eight other planets and their satellites, and smaller objects, such as asteroids and comets.	**1 or 2**	
c. *Students know* the path of a planet around the Sun is due to the gravitational attraction between the Sun and the planet.	†	

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† Not tested

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CALIFORNIA MODIFIED ASSESSMENT
GRADE 5 SCIENCE

CALIFORNIA CONTENT STANDARDS: GRADE 5		Recommended # of Items on CMA	%
Earth Science – Grade 4		**6**	
4.	**The properties of rocks and minerals reflect the processes that formed them. As a basis for understanding this concept:**		
a.	*Students know* how to differentiate among igneous, sedimentary, and metamorphic rocks by referring to their properties and methods of formation (the rock cycle).	**1**	
b.	*Students know* how to identify common rock-forming minerals (including quartz, calcite, feldspar, mica, and hornblende) and ore minerals by using a table of diagnostic properties.	**1 or 2**	
5.	**Waves, wind, water, and ice shape and reshape Earth's land surface. As a basis for understanding this concept:**		
a.	*Students know* some changes in the earth are due to slow processes, such as erosion, and some changes are due to rapid processes, such as landslides, volcanic eruptions, and earthquakes.	**1 or 2**	
b.	*Students know* natural processes, including freezing and thawing and the growth of roots, cause rocks to break down into smaller pieces.	**1**	
c.	*Students know* moving water erodes landforms, reshaping the land by taking it away from some places and depositing it as pebbles, sand, silt, and mud in other places (weathering, transport, and deposition).	**1 or 2**	
Investigation and Experimentation		**6**	**13%**
Investigation and Experimentation – Grade 5		**4**	
6.	**Scientific progress is made by asking meaningful questions and conducting careful investigations. As a basis for understanding this concept and addressing the content in the other three strands, students should develop their own questions and perform investigations. Students will:**		
a.	Classify objects (e.g., rocks, plants, leaves) in accordance with appropriate criteria.	**0 or 1**	
b.	Develop a testable question.	†	
c.	Plan and conduct a simple investigation based on a student-developed question and write instructions others can follow to carry out the procedure.	†	
d.	Identify the dependent and controlled variables in an investigation.	**0 or 1**	
e.	Identify a single independent variable in a scientific investigation and explain how this variable can be used to collect information to answer a question about the results of the experiment.	†	
f.	Select appropriate tools (e.g., thermometers, meter sticks, balances, and graduated cylinders) and make quantitative observations.	**0 or 1**	
g.	Record data by using appropriate graphic representations (including charts, graphs, and labeled diagrams) and make inferences based on those data.	**0 or 1**	
h.	Draw conclusions from scientific evidence and indicate whether further information is needed to support a specific conclusion.	**0 or 1**	
i.	Write a report of an investigation that includes conducting tests, collecting data or examining evidence, and drawing conclusions.	†	

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† Not tested

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CALIFORNIA MODIFIED ASSESSMENT
GRADE 5 SCIENCE

CALIFORNIA CONTENT STANDARDS: GRADE 5	Recommended # of Items on CMA	%
Investigation and Experimentation – Grade 4	**2**	
6. Scientific progress is made by asking meaningful questions and conducting careful investigations. As a basis for understanding this concept and addressing the content in the other three strands, students should develop their own questions and perform investigations. Students will:		
a. Differentiate observation from inference (interpretation) and know scientists' explanations come partly from what they observe and partly from how they interpret their observations.	**0 or 1**	
b. Measure and estimate the weight, length, or volume of objects.	**0 or 1**	
c. Formulate and justify predictions based on cause-and-effect relationships.	**0 or 1**	
d. Conduct multiple trials to test a prediction and draw conclusions about the relationships between predictions and results.	†	
e. Construct and interpret graphs from measurements.	†	
f. Follow a set of written instructions for a scientific investigation.	†	
TOTAL	**48**	**100%**

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† Not tested

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ITEM #8

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2007 AGENDA

SUBJECT	
Standardized Testing and Reporting Program (STAR): Including, but not limited to, Program Update	☒ Action ☒ Information ☐ Public Hearing

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) take action as deemed necessary and appropriate.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

None.

SUMMARY OF KEY ISSUES

This is being submitted as a place-holder item.

FISCAL ANALYSIS (AS APPROPRIATE)

ATTACHMENT(S)

None.

ITEM #9

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2007 AGENDA

SUBJECT California English Language Development Test (CELDT): Program update, including but not limited to the release date of scores for 2005-06	☒ Action ☒ Information ☐ Public Hearing

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) take action as deemed necessary and appropriate.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In November 2006 the SBE approved the reporting of scores for the CELDT using new scales and proficiency levels. Due to the time needed to convert scores for both 2005-2006 and 2006-07 CELDT, scores will be made available in April instead of February.

In September 2002 the SBE approved the Guidelines for Reclassification of English Learners and updated them in September 2006.

SUMMARY OF KEY ISSUES

Form F Edition (2006-07 Edition) is the first test aligned to the new scale and proficiency levels approved by the SBE. Form E, 2005-2006 was on the prior scale. In order to determine if students have achieved greater proficiency in English the contractor CTB McGraw-Hill (CTB) converted the scores for Form E to the new scale. This process takes a longer time and therefore the results will be sent to districts in April rather than as was done last year. CDE and school districts will receive scores at the same time. The Language Policy and Leadership Office anticipates that the 2006-07 preliminary data for Annual Measurable Achievement Objectives (AMAO) 1 and 2 will be released in May or June.

In the past, CELDT summary results for the annual assessment window, July 1 - October 31, which had not yet been corrected by school districts, were posted on the CDE Web site in February. Because the results had not been corrected, the summary results included errors. Beginning this year, CELDT summary results will be posted only after districts correct and update their results using the Data Review Module (DRM) provided by the CELDT test contractor, CTB.

In mid-January the CDE was informed by CTB that an error occurred in the reporting of results for the CELDT Form F (2006-07 Edition) Writing assessment. This affects the results of students tested during the July 1 through October 31, 2006 testing window in grades 2-12. CTB informed district CELDT coordinators on January 19th and 22nd of the error and provided the time line for receiving corrected data files and printed score reports.

As a result of this error, CELDT Writing and Overall scale scores were reported as being modestly, but consistently lower than they should have been. Consequently, the Overall proficiency-level classifications were inconsistently reported for approximately two percent of students tested statewide in grades 2-12. These students were mis-identified as scoring one level below where they should have been placed. All other students in grades 2-12 were identified in the correct proficiency level. Results for kindergarten and first grade were not affected as Writing is not assessed in these grades.

CTB has assured CDE that this will not happen again. To that end, CTB will be implementing enhanced quality control measures immediately. New printed score reports for all students tested in grades 2-12 were sent to districts in early February.

FISCAL ANALYSIS (AS APPROPRIATE)

All items presented in this program update are currently funded under contracts with CDE.

ATTACHMENT(S)

An Item Addendum will be provided that will include a summary of reclassified students.

ITEM #10

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2007 AGENDA

SUBJECT	
Physical Fitness Test (PFT): including but not limited to PFT program update.	☒ Action ☒ Information ☐ Public Hearing

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) take action as deemed necessary and appropriate.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

On May 10, 2006, the SBE received an item regarding proposed amendments to Title 5 Regulations relating to the PFT. In December 2006, the SBE received copies of the Report to the Governor and Legislature for the 2006 PFT results.

SUMMARY OF KEY ISSUES

Educational Data Systems, Inc. (EDS) is the successful bidder for the PFT 2007-2010 contract. We expect the final approval of this contract before the planned April 16, 2007, start date.

The 2007-08 budget language requires a change in reporting from print to electronic per *Education Code* Section 60800(c). CDE will no longer print and mail the Report to the Governor and Legislature regarding the annual PFT results. CDE will continue to post this report electronically on the PFT Web site.

FISCAL ANALYSIS (AS APPROPRIATE)

All costs for the current PFT administration are included in the current PFT contract.

ATTACHMENT(S)

None

ITEM #11

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2007 AGENDA

SUBJECT	
Update on issues related to California's implementation of No Child Left Behind and other federal programs	☒ Action ☒ Information ☐ Public Hearing

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) take action as deemed necessary and appropriate.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

This standing item allows the CDE to brief the SBE on timely topics related to No Child Left Behind (NCLB) and other federal programs.

Special Condition on Title l Grant Award

As a condition of California's Title I grant, the U.S. Education Department (ED) required the CDE to collect information and documentation from selected school districts regarding their plans to implement public school choice (Choice) and supplemental educational services (SES) for the 2006-07 school year. On August 15, 2006, the School and District Accountability Division sent the required information (letter from State Superintendent of Public Instruction, narrative report, and a zip file containing SES/Choice documents from 16 of the 20 LEAs) to Assistant Secretary Henry L. Johnson). On October 31, 2006, the division submitted additional information to the ED. This response included a summary response to the ED's September 30 and October 26 letters and a file containing specific information regarding 19 local educational agencies (LEAs).

SUMMARY OF KEY ISSUES

CDE staff met with the 20 LEAs in February to discuss a response that is due to the ED by March 16, 2007. The following is taken from ED's October 2, 2006, letter:

> "By March 16, 2007, California shall submit a mid-year report verifying the implementation of the 20 districts' timelines for choice and SES implementation submitted to the Department on August 15, 2006, and September 21, 2006; providing a detailed analysis of what California learned from its series of technical assistance calls to be held over 2006-07 with small groups of three to

SUMMARY OF KEY ISSUES (Cont.)

five of the districts to discuss any impediments to implementations and how they were addressed, what implementation practices worked best, and which did not; and providing the Department with a preliminary evaluation of how choice and SES were implemented across the State in 2006-07."

SES Provider Application for 2007

Title I schools in Year 2 and beyond of Program Improvement (PI) are required to offer SES in English-language arts and/or mathematics to eligible students to augment the schools' programs of instruction. Potential SES providers were invited to submit an application to the CDE via a Request for Applications published in December 2006. Applications are due to the CDE on March 1, 2007. Qualifying applications will be reviewed and evaluated in late March. A verbal update on the SES provider applications received by the deadline will be provided to the Board.

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.

ATTACHMENT(S)

None

Additional information may be provided in an Item Addendum.

ITEM #12

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2007 AGENDA

SUBJECT	
Proposal for the Reauthorization of the No Child Left Behind Act of 2001	☒ Action ☒ Information ☐ Public Hearing

RECOMMENDATION

The California Department of Education recommends that the State Board of Education (SBE) approve the Proposal for the Reauthorization of the No Child Left Behind (NCLB) Act of 2001.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

An Item Addendum (Item 11) was prepared and presented to the Board at its January 2007 meeting. This item included a draft proposal for the Reauthorization of the No Child Left Behind Act of 2001. At that time, the Board decided to review the proposal and delay action on it until the March 2007 SBE meeting.

SUMMARY OF KEY ISSUES

During October 2006, State Superintendent of Public Instruction Jack O'Connell held four public hearings to gather input on the reauthorization of NCLB. Four major areas to amend NCLB are discussed in Attachment 1. The four areas include accountability, intervention and corrective actions, highly qualified teachers, and English learner issues.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no fiscal impact to state operations.

ATTACHMENT(S)

Attachment 1: Proposal for the Reauthorization of the No Child Left Behind Act of 2001 (7 Pages)

Proposal for the Reauthorization of the No Child Left Behind Act of 2001 from the California Department of Education and the State Board of Education

January 2007

On behalf of every student in California, the California Department of Education (CDE) and the State Board of Education (SBE) stand committed to working with Congress and the U.S. Department of Education (ED) to ensure that the reauthorization of the No Child Left Behind Act of 2001 (NLCB) will reflect amendments to the law that address the challenges and opportunities California faces throughout our education system.

What is clear after several years of NCLB is that the law has had significant impact on our schools and districts. While we all can agree with the broad goals of NCLB, it also is clear that the practical implication of the law has yielded unintended consequences. So as we consider reauthorization, we believe it is vital that the State of California, to the extent possible, speak with one voice about changes to the laws that will allow us to maintain NCLB's goals, but do so in a more realistic fashion and in a way that helps and does not hinder the education of our students.

There are at least four major areas for which we believe amending NCLB is essential:

- Accountability
- Interventions and Corrective Actions
- Highly Qualified Teachers
- English Learner Issues

The recommendations below reflect not only the point of view of the CDE and the SBE, but are the results of input from educators, organizations, parents, and students from around the state.

Accountability

Rather than the "bright lines," the accountability provisions should represent guiding principles upon which everyone strongly agrees. The law should continue to set forth national goals that all states, local educational agencies, schools, and students should strive to attain. It should continue to focus on subgroup accountability as a mechanism to reduce achievement gaps. It should continue to require that states design and implement rigorous accountability systems to move students toward the national goals. But it should also accommodate well-established state accountability systems, including those based on a growth/index model, including index systems, such as California's Academic Performance Index (API) system.

NCLB should offer genuine flexibility by redefining the relationship between federal and state governments in the implementation of these provisions. This does not mean that the federal government should function as a source of funding for states without any corresponding responsibility to meet national goals. However, the relationship between

federal government and the states as it currently exists requires significant adjustment if NCLB is to survive.

It is easy to set forth a set of broad guidelines that would at once address the need for statewide accountability and still accord states true flexibility in how they meet federal requirements. In such a relationship, each state would assure the federal government that it would:

- Develop and adopt statewide academic standards in accord with state law.
- Administer annual academic achievement assessments in reading/language arts, mathematics, science, etc.
- Report state-level results annually in a prescribed format corresponding to the national goals.
- Ensure that parents are informed of test results.
- Design statewide accountability systems that effectively measure academic achievement, seek to reduce the achievement gaps between student subgroups, and increase graduation rates.

Provided that states accept these conditions, they should be free to adopt any type of sound accountability system, whether based on an index model such as California or on a status model similar to that in the current NCLB. States should continue to enjoy such flexibility unless they cannot demonstrate the following:

- Significant improvements in the percentage of students scoring at proficient or above in mathematics and reading/language arts.
- Closing the achievement gap between traditionally higher and lower scoring student subgroups in those two content areas.

What constitutes “significant improvement” and “closing the achievement gap” in any state should be informed by the best research in educational measurement, not by federal mandate. We ask that the federal government hold the state responsible for federal outcomes, not for processes.

Interventions and Corrective Actions

NCLB requires states to provide technical assistance to schools and districts and, for those in latter stages of needing improvement, further requires districts to take corrective actions for schools and states to take corrective action for districts. The role that districts play in instructional improvement efforts at the school and classroom levels has received increased recognition from both researchers and policy makers. Consequently, there is a growing body of research on district-level reform, and

particularly on how change needs to occur in an entire system to produce high achieving students, particularly in high poverty settings or where there are many students struggling to meet their state's standards.

The qualities associated with strong districts have been described in this research and include focusing on the system as the unit of change, a shared commitment to reform throughout the system, planning strategically at the system level, using data-based accountability systems, a strong focus on teaching and learning and district responsiveness to schools' needs.[1] Schools need support and structures to improve and district offices must be part of the solution. In fact, research has demonstrated that bypassing the district office in implementing school reform does not work. Districts can inadvertently set up barriers to school improvement.

Developing the qualities in districts that have been identified in the research takes time and state capacity. As of the 2006-07 school year, California has identified 165 districts and 2240 schools in need of improvement. Many more are in the immediate pipeline. Appropriately, California has a number of recommendations that address the numbers of schools and districts with which it needs to work and the need for more explicit authority in NCLB for flexibility in how it does this work:

- Improvement needs to occur in California at both the school and district level. However, improvement does not occur in steady, equal, incremental steps each year. There are "implementation dips" and, importantly, accelerated change. Research shows that more time is needed to implement and sustain quality change.

    - The length of time for schools in need of improvement should be extended. In particular, the transition from Year 3 to Year 4 is too brief. NCLB should allow a district two years to take local corrective action in its school before planning for restructuring is required if sufficient evidence of progress is provided.

    - The length of time for districts in need of improvement should also be extended, given the complexities of systems change inherent in district improvement efforts.

- Given the large number of schools and districts in California identified as in need of improvement, California needs explicit flexibility within NCLB to develop a tiered system of help (fiscal resources and technical assistance) based on level of need. Schools and districts showing insufficient growth over time should be the first focus of intervention and corrective action.

[1] McLaughlin, M. & Talbert J. (2002). *Reforming districts*. A. Hightower, M.S. Knapp, J. Marsh, & M. McLaughlin (Eds.), *School districts and instructional renewal*. pp.173-192. New York, NY: Teachers College Press

- A federal requirement and additional federal funding for all states to promote the development of a comprehensive system of learning support to address the diverse barriers to learning and teaching which adversely affect student academic achievement in Title I districts and schools, would tangibly support efforts to close the achievement gap.

- California has begun to provide innovative district level support to build district capacity for improving schools. The state needs greater and more explicit flexibility to devise its own corrective actions to supplement the NCLB district level corrective actions to implement these support structures while still holding districts accountable for results.

- Implementing school corrective actions should remain the responsibility of the district. However, in addition to lengthening the amount of time for school improvement (see first recommendation), districts should be allowed more flexibility in selecting local corrective actions that align with state corrective actions for schools not making sufficient growth.

- It is critical that states be able to plan for multi-year investments in building capacity for district and school improvement. In absence of sufficient and stable funding made available through the Title 1, Part A Basic Grant setaside for school improvement, secure federal funding should be provided through the Title I School Improvement Grants for states authorized under Elementary and Secondary Education Act, Section 1003(g). In addition, states need explicit flexibility in either authorization source to invest state support in districts at immediate risk of becoming identified for improvement.

- All states should have the flexibility to implement supplemental educational services in Year 1 of Program Improvement identification, and school choice in Year 2.

- Supplemental educational services providers should be highly qualified, particularly for English learners and students with disabilities.

Highly Qualified Teachers

NCLB requires each State to have a plan ensuring that all teachers are highly qualified by the end of the 2005-06 school year (now extended to June 30, 2007) – and that poor or minority children are not taught by inexperienced, unqualified, or out-of-field teachers at higher rates than are other children. Current data indicate that California's implementation of NCLB's highly qualified teacher requirements has been relatively successful. This is due in no small measure to a process in California that has involved all the stakeholders as partners in creating the solution. This is a lesson for reauthorization that the federal government should embrace.

As such, California proposes several ideas for a new and/or increased federal role in this area:

- If Congress and the administration want better results, they must be willing to fully and adequately invest in order to meet expectations. Federal funding among all the Titles for California (most significantly, Titles I and II) is $7 billion and shrinking. Compare that figure to state/local support for education at the level of $50 billion. The federal government's expectation is not in proportion to its investment. Increased funding for general professional development and teacher support would have a significant impact on compliance, as would increased federal funding for a rigorous and comprehensive technical assistance and monitoring program.

- Increased federal incentives and support is needed for recruiting science, mathematics, and special education teachers due to the national shortage in these areas.

- ED has indicated that NCLB teacher quality verification may be reciprocal among the states. The content, form, and nature of training currently vary greatly from state to state. A federal requirement for all states to have a "certificate of compliance" form with clearly articulated highly qualified teacher requirements would facilitate this effort and aid in the movement of teachers across different states.

- Private schools receiving any publicly funded services through Title II should be required to meet all NCLB highly qualified teacher requirements.

English Learner Issues

NCLB has greatly helped focus attention on the roughly 1.6 million English learners in California, which equate to about 30 percent of all English learners in the U.S. It is imperative that all schools, LEAs, and states are held accountable for meeting the needs of English learners. At the same time, it is equally important that the assessments and accountability systems used to evaluate progress are valid and reliable so that they may reflect an accurate account of student learning. To this end the following recommendations are given:

- Include all "former limited English proficient (LEP)" (English learners who have made sufficient progress and have met reclassification, or fluent English proficient - RFEP, criteria) within the English learner subgroup through the twelfth grade - not just for two or three years after they no longer meet the definition for LEP students. Schools, LEAs and states must be allowed to demonstrate their success with meeting the needs of English learners. By definition, English learners are not proficient in English, therefore, it is a psychometric impossibility to expect that most or all for those English learners taking state tests administered only in English will score at the proficient or above level.

- Allow for an academic growth/index model of accountability, instead of the current status model. English learners enter our U.S. school system at all grade levels, with varying levels of prior schooling, and at all English proficiency levels. This is not something over which our receiving schools have any control. Similarly, non-English learners enter our school systems with varying levels of academic language, school readiness, and socioeconomic status. In addition, many of our students move schools, districts, and even states several times throughout their schooling, again giving the receiving schools little control over where their students begin when they receive them. Aiming for continuous and significant academic growth, measuring from how well students are performing when they come to us, will better reflect how responsive we are to them.

- Either set for all states or allow individual states the flexibility to determine a minimum English proficiency level, at which English learners that are tested only in English would be included in the AYP. For example, once English learners reach the Intermediate level on the California English Learner Development Test they would be included in AYP calculations, but would be exempt before that time. An alternative to this would be to either set the number of years in the U.S. that English learners who are tested only in English are excluded from AYP to a minimum of three years, or use only annual measurable achievement objectives (AMAOs) 1 and 2 as the accountability measure for these students.

- Delete AMAO 3 from Title III. LEAs are already responsible for meeting the English learner subgroup targets under Title I AYP. By also using the AYP results for the English learner subgroup in Title III, LEAs are being held accountable twice for attaining AYP academic targets for the English learner subgroup. It is preferable to keep the academic and English proficiency accountability measures separate for English learners – by measuring academic progress for everyone through AYP, and measuring English proficiency for English learners through AMAOs 1 and 2.

- The length of time Title III subgrantees have for improvement before state sanctions are imposed should be extended to allow for quality systemic interventions as is recommended for Program Improvement.

- Allow each consortium member to be accountable under Title III as independent LEAs instead of having the accountability results be aggregated up to the consortium level.

- Under Title III, districts are only eligible for immigrant funding if there has been a significant increase in the percent or number of immigrant children. The funding requirements for Title III immigrant should be changed so that states are not required to fund only those districts with increased immigrant populations. The need for immigrant services remains even if the population numbers are stable or decreasing. Base the Title III immigrant funding for districts on total immigrant

count. Do not require that there be growth in the immigrant population of a district in order to receive immigrant funding.

- Provide support to states to assist in the dissemination of understandable parent information regarding school choice, supplemental educational services, and in general NCLB provisions, including specific criteria, beyond “to the extent practicable,” to clarify when translation and interpretation into the primary language is required.

ITEM #13

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2007 AGENDA

SUBJECT	
California State Plan 1999-2007 for the Workforce Investment Act, Title II: Adult Education and Family Literacy Act: Extension and Updates	☒ Action ☒ Information ☐ Public Hearing

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) extend the California State Plan 1999-2007 for the Workforce Investment Act (WIA), Title II: Adult Education and Family Literary Act (AEFLA) for one additional year and approve: (1) the proposed performance goals for 2007-08; and (2) minor edits.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE adopted the initial submission of the California State Plan (1999-2004) for the WIA, Title II: AEFLA in March 1999. The SBE approved subsequent revisions to the State Plan in February 2001, July 2001, January 2002, May 2002, February 2003, March 2004, March 2005, and March 2006. The most recent action by the SBE in March 2006 was approval of a one-year extension (through June 30, 2007) and the 2006-07 performance goals.

SUMMARY OF KEY ISSUES

In keeping with requirements of the U.S. Department of Education (ED), this agenda item proposes that the SBE extend the California State Plan for one additional year to provide funding for currently approved providers. Also incorporated are the proposed performance goals for 2007-08.

Background: The CDE received federal funding through the WIA, Title II: AEFLA. This funding is administered by the CDE's Adult Education Office (AEO) to carry out the program provisions in the AEFLA. The AEFLA requires that 82.5 percent of the funding be used for grants to local agencies; 12.5 percent to support statewide leadership activities, i.e., professional development, data collection and reporting, student assessment, and information and technology; and no more than 5 percent for state administration. Through this year, the administration of the program has been guided

SUMMARY OF KEY ISSUES (Cont.)

by the California State Plan 1999-2007, which was developed by the CDE and approved by the SBE and the ED. The CDE must submit any revisions to the State Plan for approval by the SBE prior to submitting such revisions to the ED. The State Plan represents the agreement between California and the ED about how the state will implement the provisions of the AEFLA, including the performance accountability system. This system utilizes competency-based curriculum, instruction, and assessment to measure student performance, as determined by the AEFLA. The AEFLA performance measures include student goal attainment, literacy level improvement, advancement or completion, placement in postsecondary education, entered employment, and retained employment. The State Plan includes the annual performance goals for each AEFLA performance measure.

AEFLA and the California State Plan expire on June 30, 2007. Pursuant to the Program Memorandum from Troy R. Justesen, Acting Assistant Secretary for Vocational and Adult Education, ED, (Attachment 1), the ED is extending the AEFLA for one year and is requiring states to revise and extend their existing plans to incorporate new performance goals for 2007-08. The ED requested that states mark changes to the plan using Microsoft Word Track Changes format and submit only those sections to the plan. The revised plans are due to the ED by April 1, 2007.

Attached for the SBE's review and approval is the revised Chapter 5 of the State Plan (Attachment 2), which incorporates the continuation funding process into the plan along with the 2007-08 performance goals.

The actual and projected performance goals are found in Chapter 5 on pages 5.5 and 5.6. The 2004-05 goals have been moved from the Projected Performance Levels column to the Achieved Performance Levels column. (Projected performance levels for 2005-06 were negotiated with the ED based on the actual performance data from 2003-04. Projected performance levels for 2006-07 were negotiated on the actual performance from 2004-05. In instances where the projected performance levels from one year are lower than the previous year, it is due to lower actual performance of the prior two years). Since the 2006-07 actual performance data are unavailable, the proposed 2007-08 performance goals are based on the 2005-06 achieved performance data. These proposed goals reflect increase consistent with the requirements stated in the ED Policy Memorandum and are pending the approval by the ED administration. The AEO will negotiate the 2007-08 Core Performance Indicators with the ED the last week of February 2007. If there is a change in this item in the projected goals that have been submitted to the SBE, an item addendum will be submitted.

English as a Second Language (ESL) is the largest program in adult education in California. The overall performance in ESL exceeded the goals. California was unable to meet the negotiated 2005-06 goals for Adult Basic Education (ABE) and Adult Secondary Education (ASE), although ABE Beginning Literacy and Basic Levels missed the California goals by less than one percentage point. In 2005-06, actual performance remained steady with 34 percent level completion for all adult learners who enrolled

SUMMARY OF KEY ISSUES (Cont.)

in the program and 63 percent of all learners who remained in a program a sufficient length of time to take both a pre and a post test. The number of adult learners completing and advancing a level increased by 2 percent. Since adult learners are now required to pass the California High School Exit Exam (CAHSEE) to obtain a diploma, initial assessment showed many adults were unprepared and unable to pass the CAHSEE.

FISCAL ANALYSIS (AS APPROPRIATE)

This is a one-year extension of the existing provisions of the State Plan with changes made to chapter 5 to allow for continuation funding of existing providers for 2007-08 and approval of performance goals for 2007-08. The extension is required so that California will continue to receive funding through the AEFLA. No state funding is required or requested. Failure to approve the State Plan revision will result in the loss or delay of the Federal AEFLA Grant of an estimated $80,690,531.

ATTACHMENT(S)

Attachment 1: Program Memorandum from Troy R. Justesen, Acting Assistant Secretary for Vocational and Adult Education, United States Department of Education, dated December 19, 2006 (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 2: Chapter 5 of the California State Plan (7 pages)

Chapter 5

Performance Measures

Section 224(b)(4) requires a description of the performance measures described in Section 212 and how such performance measures will ensure the improvement of adult education and literacy activities in the state or outlying area.

5.0 Performance Measures (Section 224(b)(4))

Pursuant to Section 212, CDE will establish and implement a comprehensive performance accountability system. To optimize the return on investment of Federal funds in adult education and literacy activities, the accountability system will assess the effectiveness of eligible local providers' achievement in continuously improving their adult education and literacy program delivery funded under this subtitle. All of the performance measures will apply to all funded priorities.

CDE has established a solid basis for the development of a performance accountability system. For many years, California adult education programs have provided a competency based curriculum, instruction, and assessment that focuses on the competencies that enable learners to participate more fully within American society, as citizens, workers and family members. CDE has developed and implemented model curriculum standards for ABE, ESL, which includes ESL-Citizenship, and ASE and standard performance descriptors at each program level. In addition, a Comprehensive Adult Student Assessment System (CASAS) was established that accurately measures progress and mastery of skills and competencies for completion of a program level and promotion to the next instructional level. CASAS provides a standardized reporting scale linked to demonstrated performance of identified skills and competencies at each instructional level. These skill level descriptors and standardized scale score ranges have been incorporated into the National Reporting System (NRS) for Adult Education.

CDE has also implemented a local program database reporting system, Tracking of Programs and Students (TOPSpro) that enables local programs to collect and report all student progress and outcome measures. It provides student, class, and program reports that enable local providers to have immediate access to the data for targeting instruction based on student goals and for continuous program improvement. It provides for the collection of the data elements needed to meet the reporting requirements of TANF programs and other workforce related programs.

5.1 Eligible Agency Performance Measures (Section 212)

Eligible local provider performance measures will include student goal attainment and demonstrated student improvements in literacy levels within a program level, student completion of a program level, student advancement to higher program levels. Additional performance measures will include receipt of a secondary school diploma or its recognized equivalent, placement in post-secondary education, and training, entered employment, and retained employment.

The tables within this section (5.1) indicate the measures, including CASAS assessment instruments that are to be used to document improvements in literacy performance. These measures must be used by all providers for all enrolled students for each of the program priorities addressed. These priorities, described in Chapter 3, include: (1) literacy at the NALS Level 1, including ABE and ESL, which includes ESL-Citizenship; (2) literacy at the NALS Levels 1 and 2 - Workplace Literacy, including ABE and ESL, which includes ESL-Citizenship; (3) literacy at the NALS Level 2 - School Based literacy, including ABE and ESL, which includes ESL-Citizenship; (4) Family literacy; and (5) ASE NALS Level 3 and above. Programs using distance learning as a mode for delivering literacy services must also meet performance measures. In addition to these measures, local providers funded for the family

literacy priority must also document achievement gains of the children as well as the adults who are enrolled in the program.

In accordance with Section 212, CDE will establish levels of performance for each of the core indicators:

1. demonstrated improvements in literacy skill levels in reading and problem solving, numeracy, writing, English language acquisition, speaking the English language, and other literacy skills;
2. placement in, retention in, or completion of postsecondary education, training, and employment; and
3. receipt of a secondary school diploma or its recognized equivalent.

They will be expressed in an objective, quantifiable, and measurable form, and will show the progress of the eligible local providers in continuously improving performance.

1. Demonstrated improvements in literacy skill levels

CDE has established literacy skill levels for ABE and ESL, which includes ESL-Citizenship, that provide a standardized definition for reporting learning gains within a literacy skill level, completion of each level, and progression to a higher literacy skill level. All participating agencies will assess a student's literacy skill level upon entry into the program using standardized assessments provided by CDE.

CASAS Standardized Assessment Instruments

Demonstrated Improvements in Literacy Skill Levels in:	Existing Standardized Assessment Instruments	In Progress/Planned
Reading and Problem Solving	Reading Appraisals Life Skills Reading Employability Reading Life and Work Reading Reading for Citizenship Workplace Reading	
Numeracy	Math Appraisals Life Skills Math Employability Math Workplace Math	Life and Work Math
Writing	Functional Writing Assessment–All Levels	
English Language Acquisition	Life Skills Listening Employability Reading	Life and Work Listening
Speaking	Citizenship Interview Test Workplace Speaking	
Other Literacy Skills	Pre-Employment and Work Maturity Skills Check Lists Government and History for Citizenship POWER — Providing Options for the Workplace, Education, and Rehabilitation	

2. Placement in, retention in, or completion of post-secondary education, training, or unsubsidized employment

Local providers will be required to obtain this information from their students and document the information on the TOPSpro Student Update Record. Standard definitions and documentation procedures will be identified in the CASAS Administration Manual for California. In some instances, students leave programs before this information can be obtained. To address the accurate data collection of both short term and longer-term student outcomes resulting from participation in adult education programs, CDE will establish several pilot projects, including, but not limited to, the following:

Placement in, retention in, or completion of:	Existing Standardized Reporting Instruments
Postsecondary Education and Training	TOPSpro and follow-up survey
Entered Employment	TOPSpro and follow-up survey
Retained-Employment	TOPSpro and follow-up survey

- Local program reporting: CDE will build on the NRS to improve strategies that local providers use to follow-up on students who leave the program before completing their goal as well as for students who leave the program after meeting their primary goals.

- Data Matching: CDE will identify the issues in developing and using a state level database that requires use of a student social security number to document longer-term student outcomes, such as those related to employment.

3. Attainment of secondary school diplomas or their recognized equivalent

Participating local providers will track and report the number of learners who pass the GED test, earn credits toward a high school diploma, or attain a high school diploma for those students enrolled in ASE programs. In addition, summary data obtained through CDE statewide reports will document the number of high school diplomas earned through adult schools. The State GED office will report the number of GED Certificates issued each calendar year.

Receipt of a secondary school diploma or GED	Existing Standardized Reporting Instruments
High School Diploma	TOPSpro Certified list of high school diplomas
GED Certificate	CDE State GED Reports Data match for GED TOPSpro

5.2 Additional Indicators

Participating local providers will report additional indicators of performance for student-identified outcomes on Student Entry and Update Records. Entry Record information includes: instructional program, instructional level, reason for enrollment, special programs enrollment, personal status, and, labor force status. Update information includes: instructional program and level (at the time of update); student's status in the instructional program; learner results pertaining to work, personal/family, community, and education; reason for leaving early; sub-sections of GED passed; and high school credits earned. Additional information may be required for workplace literacy and family literacy programs.

5.3 Levels of Performance

The initial Levels of Performance are based on student progress and outcome data from federally funded ABE 321 providers in California. During the first year of the state plan, local providers began collecting progress and level completion data on students throughout the program year. Local providers used the data gained during the first year of the program to reassess and adjust their projected levels of performance for the second program year. Subsequent years' projected performance levels were established in similar fashion, incorporating other factors identified in Section 5.4, to (1) offset unmeasured student progress due to a new data collection requirement in the first year of the Title II of the Workforce Investment Act and (2) quantify a more accurate picture of actual performance — the proportion of students who completed an instructional level within a specific program year. The projected performance levels for 2004-2005 and 2005-2006 have been established based upon the performance levels achieved in 2002-2003 and 2003-2004, respectively.

Summary of California WIA Title II NRS Core Performance Indicators for Literacy Goals from 2000-2007

Entering Educational Functional Level	2000-01		2001-02		2002-03		2003-04		2004-05		2005-06		2006-07	2007-08
	Performance Goal	Performance (Against all Enrollees)	Performance Goal	Performance (Against all Enrollees)	Performance Goal	Performance (Against all Enrollees)	Performance Goal	Performance (Against all Enrollees)	Performance Goal	Performance (Against all Enrollees)	Performance Goal	Performance (Against all Enrollees)	Performance Goal	Performance Goal
	%	%	%	%	%	%	%	%	%	%	%	%	%	%
ABE Beginning Literacy	15.0	22.6	17.0	25.7	20.0	21.2	22.0	23.3	25.0	25.1	25.0	24.2	26.0	25.0
ABE Beginning Basic	22.0	33.2	24.0	36.4	26.0	36.4	28.0	41.1	37.0	43.0	42.0	41.4	44.0	43.0
ABE Intermediate Low	22.0	34.5	24.0	37.7	26.0	38.1	28.0	33.8	39.0	37.6	38.0	33.5	38.0	36.0
ABE Intermediate High	24.0	29.3	26.0	29.9	26.0	29.6	28.0	29.3	30.0	30.4	31.0	27.4	31.0	29.0
ASE Low	14.0	13.6	15.0	25.4	15.0	24.6	17.0	22.1	32.0	24.7	26.0	21.5	26.0	25.0
ASE High	8.0	26.9	9.0	28.3	11.0	30.5	13.0	29.3	31.0	26.2	30.0	24.8	27.0	27.0
ESL Beginning Literacy	20.0	30.6	22.0	32.2	24.0	33.6	26.0	35.4	34.0	38.7	36.0	40.1	40.0	41.0
ESL Beginning (Low 2006-07)	22.0	26.7	24.0	28.4	24.0	30.2	26.0	31.1	31.0	32.6	32.0	34.3	34.0	35.0
ESL Beginning (High 2006-07)													34.0	35.0
ESL Intermediate Low	24.0	37.0	26.0	39.8	28.0	40.6	30.0	42.4	41.0	42.9	43.0	43.3	44.0	44.0
ESL Intermediate High	24.0	39.7	26.0	43.0	28.0	42.8	30.0	43.3	43.0	43.0	44.0	42.3	44.0	43.0
ESL Advanced Low	20.0	21.7	22.0	22.7	22.0	22.6	24.0	22.6	25.0	22.2	24.0	21.7	23.0	22.0
ESL Advanced High	N/A	17.7	N/A	19.3	N/A	18.8	N/A	18.3	N/A	17.7	N/A	19.7	N/A	N/A

Core Follow-Up Outcome Measures *														
	%	%	%	%	%	%	%	%	%	%	%	%	%	%
GED/HS Completion	8.0	26.7	9.0	31.7	11.0	27.6	13.0	28.8	30.0	27.9	30.0	26.5	30.0	30.0
Entered Employment	9.0	17.8	10.0	54.5	11.0	54.4	13.0	54.6	55.0	50.2	56.0	49.9	56.0	52.0
Retained Employment	11.0	34.3	12.0	85.7	13.0	81.9	15.0	82.4	83.0	87.0	83.0	91.4	88.0	91.0
Entered Postsecondary Education	6.0	11.7	7.0	60.4	8.0	53.5	10.0	54.9	55.0	57.2	56.0	47.3	58.0	57.0

CASAS 2006

5.4 Factors (Section 212(b) (3) (A) (IV))

Student progress and outcome data in California indicate significant differences in levels of performance based on individual student characteristics. These characteristics include initial literacy skill level upon entry into the program, literacy levels of limited English proficient students in their home language, the number of years of education completed before entering the adult education program, learning and developmental disabilities, and other demographic and socio-economic variables. California serves large numbers of students who are most in need, including immigrants with low literacy skills in their native language as well as in English, institutionalized adults, adults in homeless shelters, migrant workers, and those that are unemployed or underemployed in hourly, minimum wage jobs. Therefore, with the emphasis on serving those students who are most in need and hardest to serve, California devotes only 10 percent of its federal allotment to those students who have higher-level skills.

Service delivery factors also affect performance such as the intensity, duration, and quality of the instructional program; convenience and accessibility of the instructional program; ability of the program to address specific learning goals and provide targeted instruction in a competency-based context related directly to student goals.

California serves an extremely diverse adult student population with a broad range of skill levels and different short and long term learning goals. Many students initially enter the program with a short-term goal but as they make progress toward their goal and experience success, they remain in the program to achieve longer term learning goals. Some, such as TANF/CalWORKs recipients and the homeless, may be unable to attend an instructional program on a regular basis because of time limits on educational participation. As a result, the performance measures must address both short and long-term goals, length of participation, initial skill levels at program entry, and use multiple student performance measures related to student goals.

Based on student characteristics and service delivery factors, CDE has identified expected levels of performance for each of the core indicators provided for ABE and ESL, which includes ESL-Citizenship, programs. The projected skill levels for each of these programs are indicated. CASAS Scale Score ranges at each level address the significant differences in performance for the special and diverse populations that are served by local providers. Local providers must be encouraged to continue to serve the least educated and most in need, and to evaluate with measures of performance that are most appropriate for the populations they serve. Over the life of this *State Plan*, the levels of performance will be analyzed and adjusted as appropriate to ensure that California continues to promote continuous improvement in performance on appropriate measures and ensure optimal return on the investment of Federal funds.

Further Information—Annual Report

CDE will annually prepare and submit to the Secretary a report on the progress of California in achieving the stated performance measures, including information on the levels of performance achieved on the core indicators of performance. The report will include the demographic characteristics of the populations served, the attainment of student goals, progress on the core indicators of performance by program and program level, and learning gains within literacy levels, as well as level completion and movement to higher instructional levels. In the third year of the State plan, CDE will begin to report the number of Certificates of Proficiency awarded by program level. Sub-set analyses of special populations groups will be provided and adjustments to levels of performance for these groups may be recommended based on the findings.

Levels of performance achieved for other core indicators will include student outcomes related to post-secondary education, training, unsubsidized employment or career advancement, and receipt of a high school diploma or GED Certificate.

1.5 Performance Measures for English Literacy and Civics Education

Funded providers will establish observable, measurable, and meaningful goals and objectives for participants in programs that are either uniquely funded by English Literacy and Civics Education (EL Civics Education) funds or supplemented by them.

All funded providers will use the CASAS assessment, evaluation, and data collection system to document participant outcomes as required in Section 212. The State will provide funded agencies all the necessary software and test forms for efficient implementation of this assessment process. Given the innovative nature of the EL Civics Education initiative and the range of targeted outcomes that extend beyond literacy gains that can be easily captured on pencil and paper tests, in addition to CASAS assessments, providers must also develop and/or utilize alternative strategies for documenting student outcomes. All such strategies must yield clearly identified observable, measurable, and meaningful outcomes.

All funded programs will be required to have participants submit demographic and other student outcome information through completion of student Entry and Update records. The TOPSpro data collection system collects and transmits the required data in an acceptable format.

ITEM #14

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2007 AGENDA

SUBJECT	
Community-Based English Tutoring Program: Approve Commencement of the Rulemaking Process for the Amendment of *California Code of Regulations*, Title 5, Section 11315 and the Addition of Section 11315.5	☒ Action ☒ Information ☐ Public Hearing

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE):

- Approve the proposed regulations;
- Approve the Initial Statement of Reasons;
- Approve the Notice of Proposed Rulemaking; and
- Direct staff to commence the rulemaking process.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

~~Mention that it was heard in January?~~

The Community Based English Tutoring (CBET) Program is authorized by California *Education Code* (*EC*) sections 315 and 316, enacted by Proposition 227 in June 1998. The statute allocated annual funding of $50 million dollars each year through fiscal year (FY) 2006-07. Senate Bill (SB) 368 was passed by the legislature in August 2006 and approved by the Governor in September 2006. This bill will extend the CBET Program while adding a number of new provisions. Beginning in FY 2007-08, the funding for CBET Programs will be provided pursuant to an appropriation in the annual Budget Act.

CDE staff presented a request to approve the proposed regulations to the SBE at the January 2007 SBE meeting. The motion was to resubmit the item for approval in the March SBE meeting.

SUMMARY OF KEY ISSUES

Proposition 227 requires the State to encourage family members and other adults to provide personal English language tutoring to children coming from backgrounds of limited English proficiency. *California Code of Regulations*, Title 5, authorized funding appropriation for CBET Programs under *EC* Section 11315 and in *EC* sections 315 and 316. SB 368 amends the regulations with the addition of *EC* sections 315.5, 316.5, and 317.

SUMMARY OF KEY ISSUES (Cont.)

SB 368 would require each school district, as a condition for receiving funding for FY 2007-08, to develop a plan, to be approved by the school district governing board, certifying that the agency will accomplish certain objectives relating to providing personal English language tutoring to children from backgrounds of limited English proficiency. New regulations further require the governing board of the school district,

as a condition for receiving funding under the bill for FY 2008-09 and each FY thereafter, to collect data, review, revise, and approve the plan. The plan is to be reviewed, and revised as necessary, not less than once every three years. The new provisions ask that CBET administrators and staff review the achievement levels of adults and students participating in the program as they make progress toward English language proficiency. The CDE is asking for approval of the regulation to *EC* Section 11315 and the addition of *EC* Section 11315.5 to reflect the inclusion of *EC* sections 315.5, 316.5, and 317.

FISCAL ANALYSIS (AS APPROPRIATE)

The funding level for CBET Programs was established in June 1998 to be an annual appropriation of $50 million dollars for a period of ten years. Beginning in FY 2007-08 this program will be considered as an item in the annual Budget Act.

ATTACHMENT(S)

Attachment 1: Title 5. EDUCATION, Division 1. California Department of Education, Chapter 11. Special Programs, Subchapter 4. English Language Learner Education (3 Pages)

Attachment 2: Initial Statement of Reasons (2 Pages)

Attachment 3: Notice of Proposed Rulemaking (4 Pages)

Attachment 4: Economic and Fiscal Impact Statement (5 Pages) (This attachment is not available for Web viewing. A printed copy is available for viewing in the State Board of Education office.)

Title 5. EDUCATION

Division 1. California Department of Education

Chapter 11. Special Programs

Subchapter 4. English Language Learner Education

§ 11315. Community-Based English Tutoring (CBET) Programs.

In distributing funds authorized by Education Code sections 315, ~~and~~ 315.5, 316, 316.5, and 317, the State Superintendent of Public Instruction shall allocate the funds and local educational agencies shall disburse the funds at their discretion consistent with the following:

(a) The funds made available by Education Code sections 315, ~~and~~ 315.5, 316, 316.5, and 317 shall be apportioned by the State Superintendent of Public Instruction to local educational agencies offering Community-Based English Tutoring based upon the number of limited English proficient (LEP) pupils identified in the Annual Language Census Survey from the prior year.

(b) The governing boards of local educational agencies may disburse these funds at their discretion to carryout the purposes of this section. Local educational agency governing boards shall require providers of adult English language instruction which receive funds authorized by Education Code sections 315, ~~and~~ 315.5, 316, 316.5, and 317 to maintain evidence that adult program participants have pledged to provide personal English language tutoring to California school pupils with limited English proficiency.

(c) Local educational agencies may use these funds for direct program services, community notification, transportation services, and background checks pursuant to Education Code section 35021.1 related to the tutoring program.

(d) Local educational agencies shall not receive any funds pursuant to Education Code sections 315, 315.5, 316, 316.5, and 317 until the first day that chapter 3 (commencing with section 300) of Part 1 of the Education Code is operative for that local educational agency.

NOTE: Authority cited: Sections 316, ~~and~~ 316.5, 33031 and 35021.1, Education Code. Reference: Sections 315, ~~and~~ 315.5, 316, and 317, Education Code.

§ 11315.5. Local Education Agencies Assurances of Compliance.

In addition to assurances specified in Education Code section 35021.1, a Local Education Agency (LEA) applying for Community-Based English Tutoring funding shall provide assurances to the State Board of Education that:

(a) The LEA shall certify that it has read and is familiar with the regulations governing the program, which include California Code of Regulations, title 5, sections 11315 and 11315.5, and that it will implement the goals;

(b) The LEA will develop a Community-Based English Tutoring plan in accordance with the SB 368 additions of Education Code sections 315.5, 316.5 and 317. The plan shall be approved by the governing board of the school district and shall be reviewed and revised as necessary, not less than once every three years;

(c) The LEA shall retain, for no less than five years, all records related to the training, attendance, and reading achievement of adult English-as-a-second-language

learners who pledge to provide tutoring to pupils with limited-English-language proficiency. The format of such records shall be substantially similar to the CBET Data Collection Template located on the web at http://www.cde.ca.gov/sp/el/cb/.

(d) The LEA shall maintain data-based records that include, but not limited to, measurable English reading growth of adult English language learners participating in the Community-Based Tutoring program; and,

(e) The LEA shall maintain district level data pertaining to, but not limited to:

(1) improvement in attendance of pupils participating in the tutoring program;

(2) achievement progress of K-12 pupils tutored by Community-Based English Tutoring as measured by the English language development test administered under section 60810; and

(3) review of individual K-12 pupil data from the Standardized Testing and Reporting program, under Education Code section 60640, to determine progress of pupils tutored by adults who have been trained as a tutor.

NOTE: Authority cited: Section 313, Education Code. Reference: Sections 315, ~~and~~ 315.5, 316, and 317, Education Code.

11-29-06 [California Department of Education]

Initial Statement of Reasons

Section 11315. Community-Based English Tutoring (CBET) Program
Section 11315.5. Local Education Agencies Assurances of Compliance

SPECIFIC PURPOSE OF THE REGULATION

The proposed amendments will provide for accountability measures to be made available to the State as requested from districts that receive funding for Community-Based English Tutoring (CBET) Programs. The new section requires a CBET plan to be approved by the governing board of funded districts. The regulations clarify the steps and requirements for the development of the plan and for the collection and analyses of data to revise the plan as necessary.

NECESSITY/RATIONALE

This proposed Title 5 regulation amends the existing regulations under the CBET Program. Revisions and amendments establish assurances that CBET funded districts have a plan, approved by the local governing board that will include the use of assessment data for review and revision of the plan. The intent of the CBET program is to instruct adult participants who pledge to provide English language tutoring to improve the English language proficiency of kindergarten through grade twelve students with limited English proficiency.

Section 11315 - The amendments to this section include citations to California *Education Code* (*EC*) sections 315.5, 316.5, and 317 from the chartered Senate Bill 368.

Section 11315(d) – This subdivision was added to ensure that districts will not receive CBET funding until such time that chapter 3 of Part 1 of *EC* is operative for the district.

Section 11315.5 - The addition of this section will clarify the elements required to be part of a CBET plan and the necessary assessment of all program participants.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDIES, REPORTS, OR DOCUMENTS

The State Board of Education (SBE) did not rely upon any technical, theoretical, or empirical studies, reports or documents in proposing the adoption of these regulations.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES

These proposed regulations require the governing board, of districts seeking appropriation of CBET funds, to develop and approve a plan with built in monitoring and improvement provisions. The plan is expected to include strategies for collecting assessment information attesting to the effectiveness of the program. Governing boards

are required to review the assessment data and to revise the CBET plan when necessary, or at the least once every three years.
No other alternatives were presented to or considered by the SBE.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

The SBE 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 regulations would not have a significant adverse economic impact on any business because they relate only to school districts.

STATE OF CALIFORNIA ARNOLD SCHWARZENEGGER, *Governor*

CALIFORNIA STATE BOARD OF EDUCATION

1430 N Street, Room 5111
Sacramento, CA 95814

NOTICE OF PROPOSED RULEMAKING
AMENDMENT TO TITLE 5, CALIFORNIA CODE OF REGULATIONS
REGARDING COMMUNITY-BASED ENGLISH TUTORING (CBET) PROGRAMS

[Notice published March 23, 2007]

NOTICE IS HEREBY GIVEN that the State Board of Education (SBE) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

California Department of Education (CDE) staff, on behalf of the SBE, will hold a public hearing beginning at **10:00 a.m. on May 8, 2007** at 1430 N Street, Room 4305, 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 SBE requests that any person desiring to present statements or arguments orally notify the Regulations Coordinator of such intent. The SBE requests, but does not require, that persons who make oral comments at the hearing also submit a written 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:

Debra Strain, Regulations Coordinator
LEGAL DIVISION
California Department of Education
1430 N Street, Room 5319
Sacramento, California 95814

Comments may also be submitted by facsimile (FAX) at 916-319-0155 or by e-mail to regcomments@cde.ca.gov. Comments must be received by the Regulations Coordinator prior to **5:00 p.m. on May 8, 2007**.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the SBE may adopt the proposed regulations substantially as described in

this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to this regulation, or who provide oral testimony if a public hearing is held, or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Authority: Sections 315, 315.5, 316, 316.5, 317, Education Code.

Reference: Sections 313, 1302, 11303, 11315, 11510, 33031, 35021.1, and 60810, Education Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Proposition 227, an initiative statute approved by the voters at the June 2, 1998, statewide primary election, requires the state to encourage family members and others to provide personal English language tutoring to children coming from backgrounds of limited English proficiency. This requirement was fulfilled under the *California Code of Regulations,* title 5, section 11315, to commit funding for Community-Based English Tutoring (CBET) Programs and the additions *EC* sections 315 and 316.

Senate Bill 368, English language tutoring, would require each school district, as a condition for receiving funding under the bill for the 2007-08 fiscal year, to develop a plan, to be approved by the school district governing board. This plan will certify that the agency will accomplish certain objectives relating to providing personal English language tutoring to children from backgrounds of limited English proficiency. Appropriations for CBET Programs will hence forth be considered during the annual Budget Act.

The bill would require a school district, as a condition for receiving funding under the bill for any fiscal year, to collect certain data for use in revising and updating the plan.

The bill would require the governing board of the school district, as a condition for receiving funding under the bill for the 2008-09 fiscal year and each fiscal year thereafter, to review, revise as necessary, and approve the plan. The bill would require the plan to be reviewed, and revised as necessary, not less than once every three years. The bill would require the governing board to consider, during its review, the specified data collected by the school district.

DISCLOSURES REGARDING THE PROPOSED REGULATION

The SBE has made the following initial determinations:

Mandate on local agencies or school districts: None

Cost or savings to state agencies: None

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code: None

Other non-discretionary cost or savings imposed on local educational agencies: None

Cost or savings in federal funding to the state: None

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None

Cost impacts on a representative private person or businesses: The SBE 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.

Effect on housing costs: None

Effect on small businesses: The proposed regulations would not have a significant adverse economic impact on any business because they relate only to school districts and not to small business practices.

CONSIDERATION OF ALTERNATIVES

The SBE must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SBE, 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 SBE 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 content of this regulation may be directed to:

Mark Klinesteker, Education Programs Consultant
David Almquist, Education Programs Assistant
Language Policy and Leadership Office
California Department of Education
1430 N Street, Room 4309
Sacramento, CA 95814
M. Klinesteker – Telephone: 916-319-0271
E-mail: mklinesteker@cde.ca.gov

D. Almquist – Telephone: 916-323-5124
E-mail: dalmquis@cde.ca.gov

INITIAL STATEMENT OF REASONS AND INFORMATION

The SBE has prepared an initial statement of reasons for the proposed regulation and has available all the information upon which the proposal is based.

TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS

Copies of the exact language of the proposed regulation and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Regulations Coordinator. These documents may also be viewed and downloaded from the CDE's Web site at http://www.cde.ca.gov/re/lr/rr.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the Regulations Coordinator.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the Regulations Coordinator.

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 Mark Klinesteker, Language Policy and Leadership Office, 1430 N Street, Sacramento, CA, 95814; telephone, 916-319-0271; fax, 916-319-0138. It is recommended that assistance be requested at least two weeks prior to the hearing.

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

STAFF MEMORANDUM

TO: STATE BOARD OF EDUCATION MEMBERS

FROM: SBE STAFF

DATE: February 27, 2007

RE: BOARD ITEM #14 – Regulations for Community-Based English Tutoring

Issue

Should the board approve commencement of the rulemaking process for the Community-Based English Tutoring Program (CBET) that has been extended by the enactment last September of SB 368 (Escutia). The program was established by Proposition 227 (the Unz Initiative) in 1998. SB 368 is an attachment to this comment.

This program was created by Prop. 227 for family members and other adults who pledge to offer personal English tutoring to assist school pupils who are learning English. This tutoring will reinforce English instruction that children receive at school. Programs funded pursuant to SB 368 are required to be provided through schools or community organizations. Funds are disbursed by the Superintendent of Public Instruction (SPI) to school districts. The districts will direct funds to schools or community organizations.

Recommendation

Approve commencement of the rulemaking process.
If the California Department of Education (CDE) finds that a district has failed to comply with any requirement that is a condition for receiving funds, the SPI could refuse to disburse more money to that district. Whether CDE will have the ability to audit CBET districts for compliance is another question.

Background

1. These proposed regulations were presented to the board at its January meeting, but members expressed reluctance to approve them because of a lack of accountability for use of state funds. Prop. 227 provided $50 million per year with a similar lack of

accountability. Funding for CBET in accordance with SB 368 will depend on annual Budget Act appropriations.

2. Regulations clarify language of a statute. They also contain details or procedures needed to implement a statute. Regulations cannot amend or enhance requirements of a statute. The Office of Administrative Law (OAL) discourages agencies from writing regulations that repeat the language of the associated statute.

3. SB 368 is a brief bill. As a condition of receiving program funds, participating districts must adopt a plan that is approved by the district board. The plan must include specified provisions, and it must be revised as necessary every 3 years. The statute does not direct CDE to monitor or audit preparation, approval or implementation of district plans.

4. As a condition of receiving funds, a district is required to collect specified data "for use in updating its plans and to make available to the state as requested." CBET districts must provide a pretest and posttest of reading achievement for adults in the program. Districts are also directed to review California English Language Development Test (CELDT) results to determine whether school pupils demonstrate increased English achievement after being tutored by CBET participants.

5. The proposed regulations require districts to retain for at least 5 years all records related to training, attendance, and reading achievement of adults who have enrolled in CBET. SB 368 directs districts to make data available to the state as requested.

Conclusion

CDE has written regulations that are consistent with the statute. If more enforcement or oversight of CBET districts is desired, the legislature and governor will have to change the law.

SBE Staff Contact Person
Roger Magyar

ITEM #15

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2007 AGENDA

SUBJECT	
Legislative update, including, but not limited to information on legislation from the 2007-08 legislative session.	☒ Action ☒ Information ☐ Public Hearing

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) take action as deemed necessary and appropriate.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The January 2007 update included a timeline of upcoming legislative timelines and an opportunity for the SBE to discuss past and present legislation.

SUMMARY OF KEY ISSUES

The legislative measures presented include bills that fall under the seven principles adopted by the SBE at the September 2004 Board meeting, and other legislation that may be of interest to the SBE.

February, 23, 2007, is the last day for bills to be introduced for the first year of the 2007-08 legislative session. The legislature adjourns for spring recess on March 29, 2007, upon adjournment, and reconvenes on April 9, 2007.

FISCAL ANALYSIS (AS APPROPRIATE)

The fiscal impact will be noted as necessary and appropriate.

ATTACHMENT(S)

Attachments: 1 Legislative Update (7 pages)

Legislative Update

Bills Related to State Board (SBE) of Education Principles

1. Safeguard the State Board of Education adopted academic content standards as the foundation of California's K-12 educational system; the same standards for all children.

SB 126 (Harman) - Health education content standards: child abuse prevention
This bill would require the content standards in the curriculum area of health education, which are to be adopted by the State Board of Education, on or before March 1, 2008 to include instruction on child abuse prevention.

2. Insure that curriculum is rigorous, standards-aligned, and research-based utilizing State Board adopted materials or standards-aligned textbooks in grades 9 to 12, to prepare children for college or the workforce.

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This bill would state the intent of the Legislature to provide, within the public school system, work certification training options with particular emphasis on job specific skilled labor and technical training to students 16 to 18 years old who have passed the high school exit examination, and have the consent of their parents or guardians.

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This bill would require the instruction in social science for grades 7 to 12 of World War II and the role of Filipinos in that war. This bill would make the requirement applicable when the curriculum materials to be used for compliance are purchased by a school district in its normal course of business and purchasing cycles.

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This bill would require the State Department of Education to develop and maintain Internet safety curriculum guidelines for use by local educational agencies. The bill would also require the department to distribute the guidelines to local educational agencies, upon approval of the guidelines by the State Board of Education.

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This bill would express the intent of the Legislature to enact legislation to increase the financial literacy of Californians.

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This bill would establish the 3-year College Readiness and Equity Program to be administered by the State Department of Education. The bill would provide funding through the program, in the form of $100 per pupil grants per year, commencing with the 2008-09 school year, to participating high schools that make a 3-year commitment to enroll all incoming pupils in the sequence of courses, including applicable career technical education courses, that satisfy the prerequisites for admission to the California public institutions of postsecondary education.

AB 216 (Bass) - Special education: nonpublic, nonsectarian schools
This bill would require that the educational materials, services, and programs provided by the nonpublic, nonsectarian school be adopted by the State Board of Education, and be consistent with the pupil's individualized education program.

SB 15 (Wyland) – Career Technical Education Vision Council
This bill would create the Career Technical Education Vision Council to make recommendations regarding career technical education, as specified, and to develop a workforce preparation and strategic plan on or before December 31, 2008. The bill would create the Career Technical Education Vision Fund, funds of which would be continuously appropriated to the Council, and would permit the Council to accept private donations for these purposes.

3. Insure the availability of State Board of Education adopted instructional materials for Kindergarten and grades 1 to 8 and locally adopted standards-aligned instructional materials in grades 9 to 12.

None applicable at time of printing

4. Support professional development for teachers on the adopted instructional materials that are used in the classroom.

AB 37 (Solorio) – English Language Teacher Development
This bill would state the intent of the Legislature to provide public school teachers with professional development opportunities in order to improve the instruction of English learners.

AB 96 (Feuer) – Principal Leadership Development
This bill would express the intent of the Legislature to devote increased resources to leadership training for current school principals and the next generation of school principals in California, with a particular emphasis on enhancing the performance of low-performing schools.

SB 44 (Torlakson) – CA Teacher Cadet Program
This bill would establish the California Teacher Cadet Program, to be operated by the California Center on Teaching Careers in conjunction with the Superintendent of Public Instruction and the Chancellor of the California State University. The bill would require the California State University to convene an advisory committee to accomplish both of the following: to develop a common core curriculum designed to expose college students to teaching careers and the education system through the development of a hands-on curriculum; and to develop criteria and standards that would be used to create a request-for-proposal for the competitive grant program established under the bill. The bill would require a school district that participates in the California Teacher Cadet Program to receive a one-time grant of up to $1,500 for the startup of the program at its schoolsite. The bill, subject to the availability of funding, would require the California State University to contract for an evaluation of this program and report to the Legislature no later than January 1, 2011.

5. Maintain the assessment and accountability system (including STAR, EAP, CAHSEE, and CELDT).

AB 144 (Coto) - Pupil testing: high school exit examination: Franklin-McKinley School District
This bill would require the State Department of Education to provide the mathematics portion of the high school exit examination to the Franklin-McKinley School District for administration to students enrolled in grade 8 on the dates designated by the Superintendent of Public Instruction for the administration of that portion of the examination to pupils in grade 10. The bill would authorize the district to administer the mathematics portion of the examination on those dates designated by the Superintendent to pupils enrolled in grade 8 in the district. Students in grade 8 would be prohibited from taking the mathematics portion of the examination more than one time during a school year. If a student in grade 8 passes the mathematics portion of the examination h/she will be considered to have passed that portion of the examination for purposes of satisfying the requirement for receipt of a diploma of graduation or the condition of graduation from high school, and cannot be required to retake the mathematics portion of the examination. The bill would repeal those provisions on January 1, 2010.

SB 123 (Romero) – CA High School Exit Examination
This bill would require the Superintendent of Public Instruction, with the approval of the State Board, to recommend to the Legislature, by June 1, 2008, for its consideration a course of action regarding students with disabilities who meet all state and local graduation requirements except the passage of the high school exit examination. The bill would require this course of action to include alternative ways of evaluating the

knowledge and skills that are required to pass the high school exit examination so that these pupils may demonstrate that they possess that knowledge and those skills through alternative methods.

6. Insure that the California Commission on Teacher Credentialing (CTC) and all teacher training institutes use State Board adopted standards as the basis for determining the subject matter competency of teacher candidates.

SB 43 (Torlakson) - Governor's Teaching Fellowships Program

This bill would require, commencing with the 2008-09 fiscal year and for each fiscal year thereafter, that the number of fellowships awarded under the Governor's Teaching Fellowships program be determined pursuant to an appropriation in the annual Budget Act. The bill would require the intersegmental review committee to advise the Chancellor on the needs of fellowship recipients who are students in segments other than the California State University, and would reduce the number of the members on the committee from 12 to 9, as specified. The bill would require a fellowship recipient to agree to teach in a high-priority school for 3 consecutive years within 4 years of the completion of his or her preparation program, and would require a recipient of funds under the program on or after January 1, 2008, to forfeit any future payments if he or she fails to complete any portion of his or her obligation to teach in a high-priority school for 3 years.

SB 52 (Scott) - Teacher credentialing: designated subjects: career technical education

This bill would change the designated subjects vocational education teaching credentials to the designated subjects preliminary career technical education teaching credential and would repeal the Commission on Teacher Credentialing's authority for the issuance and renewal of designated subjects teaching credentials for part-time service. The bill would require the Commission to establish a list of authorized subjects for the designated subjects preliminary and professional clear career technical education teaching credential and would require the list to reflect the 15 industry sectors identified in the California career technical education model curriculum standards adopted by the State Board of Education. The bill would require the Commission to implement the authorized subjects list by September 30, 2007.

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This bill would delete existing law that outlines the specific exemptions under which a local education agency may hire a certificated person who cannot demonstrate basic skills proficiency. It would instead exempt a person who (1) has passed the state basic skills proficiency examination at least once, (2) achieved a passing score on the Graduate Record Examinations (GRE) General Test, the Scholastic Aptitude Test (SAT) Reasoning Test, or the ACT Plus Writing test, or (3) possessed a credential before the enactment of the statute that made the test a requirement.

7. Strengthen coordination between K-12 and higher education.

AB 145 (Coto) - CA Center for Applied Research to Improve Latino Participation in Science, Technology, Engineering, and Mathematics Degree Programs and Professions
This bill would establish the California Center for Applied Research to Improve Latino Participation in Science, Technology, Engineering, and Mathematics Degree Programs and Professions as a 3-year pilot project to be implemented by the National Hispanic University and San Jose State University as a public-private partnership with the purpose of increasing the number of Latino pupils in San Mateo, Santa Clara, Alameda, San Benito, and Santa Cruz Counties who complete the requirements for admission to California public institutions of higher education, and increasing the number of Latino students who enroll in science, technology, engineering, and mathematics related majors and complete a degree program in those majors. The bill would require the center to submit a report to the Legislature by August 15 of each year of the pilot project on progress made towards meeting the specified project outcomes.

Other Bills of Interest to the State Board

AB 25 (Brownley) – K-12 Funding
This bill would require, the Governor's Advisory Committee on Education Excellence and the P-16 Council established by the Superintendent of Public Instruction, to work together to develop a report by July 1, 2009, for submission to the Legislature that would provide the Legislature with adequate information to enable it to establish the reasonable costs of schools offering K-12 instruction and to determine the best use of available resources so that the vast majority of pupils may meet academic performance standards established by the state.

AB 45 (Swanson) – Oakland Unified School District

This bill would require the Superintendent of Public Instruction to immediately return the rights, duties, and powers regarding the operational areas of community relations and governance, facilities management, personnel management, and pupil achievement to the governing board of the Oakland Unified School District. The bill would require the Superintendent to continue through the state administrator to exercise all of the rights, powers, and duties of the governing board of the Oakland Unified School District with regard to the operational area of financial management. The bill would require the governing board of the school district to serve as an advisory body to collaborate with the state administrator concerning the operational area over which the Superintendent continues to exercise authority for the time period in which that authority is exercised.

AB 50 (Soto) - Nell Soto Parent/Teacher Involvement Program: high school exit examination: home visits
This bill would expand the schoolsite staff eligible to participate in the home visits and community meetings under the Nell Soto Parent/Teacher Involvement Program and direct the Superintendent of Public Instruction to give funding priority to schools ranked in the lowest 3 deciles of the Academic Performance Index.

AB 73 (Dymally) - School attendance
This bill would revise the method of determining the ADA in regular elementary, middle, and high schools to, instead, divide the sum of the active enrollment figures reported for those schools during each period by the number of school months in which those figures were calculated during that period. The bill would require that average daily attendance in continuation schools and classes be determined by dividing the total number of days of attendance allowed in all full school months in each period by the number of days the schools and classes are actually taught in all full school months in each period.

AB 100 (Nunez) - Kindergarten-University Public Education Facilities Bond Act of 2008
This bill would enact the Kindergarten-University Public Education Facilities Bond Act of 2008. The bond act would provide for the issuance of $9,087,000,000 of state general obligation bonds to provide aid to school districts, county superintendents of schools, and county boards of education, the California Community Colleges, the University of California, the Hastings College of the Law, and the California State University to construct and modernize education facilities.

AB 120 (Laird) - 2007-08 Budget Bill
This is the Assembly's Budget bill that will make appropriations for support of state government for the 2007-08 fiscal year.

AB 146 (Smyth) - School districts: reorganization of large districts
This bill would require the reorganization of any unified school district enrolling at least 500,000 pupils into several school districts enrolling no more than 50,000 pupils, by July 1, 2011. The bill would require the establishment of a commission to aid in the reorganization process and develop a reorganization plan. The bill would limit the

budget of the commission to a fixed amount drawn from the administrative budget for the existing school district, without reducing funds used for classroom education. The bill would require the reorganization plan to demonstrate that certain specified conditions have been met with regard to the formation of the new school districts.

AB 173 (Alarcon/Dymally) – Comprehensive Pupil Support Program
This bill would establish the Comprehensive Pupil Support Program. The Superintendent of Public Instruction would be required to administer that program, in which schools and school districts may voluntarily participate after participating in a specified planning and application process. The bill would require that schools participating in the program have a schoolsite council, which would be required to develop a school plan, with specified components, for increasing the API score of the school and the academic performance of all pupils, with special emphasis on the needs of high-risk pupils. Schools ranked in the 3 lowest deciles of the API and schools in geographically diverse areas of the state would have priority for participation in the program. A school participating in the program would be required to report to the Superintendent, annually, specified information regarding the progress of the participating school toward achieving certain goals.

AB 180 (Bass) – School District Reorganization
This bill would require the state board to render a decision upon receipt of an appeal to reorganize a school district, within 60 days of the date of receipt of the appeal.

SB 20 (Torlakson) - Pupil nutrition: free and reduced-price meals: reimbursement
This bill would increase the reimbursement rate for free and reduced-price meals to from $0.21 to $0.30 for schools and child development programs and would change school eligibility requirements. The requirements would be phased in. During the phase-in period, a school or program that does not meet those requirements for the increased reimbursement rate would receive the reimbursement rate specified under the Child Nutrition Act of 1974.

SB 29 (Simitian) – Pupil attendance: electronic monitoring
This bill would prohibit a public school, school district, and county office of education from issuing any device to a pupil that uses radio waves to transmit personal information or to enable personal information to be viewed remotely for the purposes of recording the attendance of a pupil at school, establishing or tracking the location of a pupil on school grounds, or both. The bill would repeal these provisions as of January 1, 2011.

SB 50 (Torlakson)- Claim against the state:appropriation.
This bill would appropriate $268,000 from the General Fund to the Attorney General to pay for the judgment in the case of California Teachers Association v. Governor Schwarzenegger (Sacramento Superior Court, Case No. 05 CS01165). Any funds leftover would revert to the General Fund at the end of the fiscal year (June 30) in which the final payment is made.

SB 54 (Ducheny) – 2007-08 Budget Bill

This is the Senate's budget bill that will make appropriations for support of state government for the 2007-08 fiscal year.

SB 69 (Runner) – Reorganization of Large School Districts
This bill would require the reorganization of any unified school district enrolling at least 500,000 pupils into several school districts enrolling no more than 50,000 pupils, by July 1, 2011. The bill would require the establishment of a commission to aid in the reorganization process and develop a reorganization plan. The bill would limit the budget of the commission to a fixed amount drawn from the administrative budget for the existing school district, without reducing funds used for classroom education. The bill would require the reorganization plan to demonstrate that certain specified conditions have been met with regard to the formation of the new school districts.

SB 146 (Scott) – Revenue Limits Readjustment
This bill would replace average daily attendance as it is used to compute revenue limits under a specified provision with average monthly enrollment beginning in the 2008-09 fiscal year. The Superintendent of Public Instruction would be required, on July 1, 2008 to make a one-time adjustment to the revenue limit per unit of average monthly enrollment of each school district by revising the prior fiscal year revenue limit per unit of average daily attendance. The resulting, adjusted revenue limit would be used as the revenue limit for the 2008-09 fiscal year for any purpose for which that revenue limit is needed. The Superintendent also would be required to compute the average monthly enrollment of each elementary, high school, and unified school district for the 2007-08 school year using the active enrollment of those school districts as reported in a specified provision.

State of California **Department of Education**

LAST MINUTE MEMORANDUM

DATE: March 2, 2007

TO: **MEMBERS, STATE BOARD OF EDUCATION**

FROM: Andrea Ball, Deputy Superintendent
Government Affairs Branch

RE: Item No. 15

SUBJECT: Legislative update, including, but not limited to information on legislation from the 2007-08 legislative session.

The deadline for legislators to introduce bills for consideration during this first year of the 2007-08 legislative session was Friday February, February 23, 2007. Each Legislator (Assembly member and Senator) may introduce up to 40 bills during a two-year legislation session. Once introduced, a bill may not be heard in committee for 30 days. Spring recess begins on March 29, 2007, upon adjournment, and the Legislature will re-convene on April 9, 2007.

There were 1776 bills introduced in the Assembly and 1073 in the Senate for total of 2849. Approximately 674 are education related bills.

Legislative Update

Bills Related to State Board (SBE) of Education Principles

1. Safeguard the State Board of Education adopted academic content standards as the foundation of California's K-12 educational system; the same standards for all children.

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AB 216 (Bass) - Special education: nonpublic, nonsectarian schools
This bill would require that the educational materials, services, and programs provided by the nonpublic, nonsectarian school be adopted by the State Board of Education, and be consistent with the pupil's individualized education program.

AB 750 (Carter) – Technology Curriculum
This bill would declare the intent of the Legislature to enact legislation to expand technology curriculum in the public middle and high schools and to ensure that school districts annually consult with certain public postsecondary institutions to make sure that the coursework the secondary school offers is honored by the postsecondary institutions.

AB 1320 (Carter) – Civic Engagement
This bill would allow students an excused absence if they are serving as a member of a precinct board or engaging in leadership or civic engagement activities. The bill would exempt the pupil participating in one of those activities from the requirement that the pupil participate in the activity for 5 or more consecutive schooldays in order for his or her attendance to be included, if the pupil is required to complete all missed assignments and tests and a report or written assignment on the subject of the activities engaged in by the pupil.

SB 15 (Wyland) – Career Technical Education Vision Council
This bill would create the Career Technical Education Vision Council to make recommendations regarding career technical education, as specified, and to develop a workforce preparation and strategic plan on or before December 31, 2008. The bill would create the Career Technical Education Vision Fund, funds of which would be continuously appropriated to the Council, and would permit the Council to accept private donations for these purposes.

SB 602 (Torlakson) – Physical Education Incentive Grants Program
This bill would establish the Physical Education Incentive Grants Program to be administered by the Superintendent of Public Instruction. The bill would require the Superintendent to apportion funding to eligible local educational agencies, as specified, for purposes of hiring teachers with clear single subject credentials in physical education. The bill would require the Superintendent to require the recipient local educational agency to provide a percentage match of its own funds for purposes of the program based on the amount of funds apportioned and the financial means of the local educational agency.

3. Insure the availability of State Board of Education adopted instructional materials for Kindergarten and grades 1 to 8 and locally adopted standards-aligned instructional materials in grades 9 to 12.

AB 1148 (Brownley) - Instructional Materials Funding Realignment Program
This bill would require the program to be administered for purposes of funding as if it had been operative at the beginning of the 2007–08 fiscal year, make the program operative on January 1, 2008, and change the inoperative and repeal dates to July 1, 2012, and January 1, 2013, respectively.

AB 1522 (Brownley) – Instructional Materials
This is a spot bill to address issues relating to instructional materials.

AB 1599 (Mendoza)-Instructional Materials
This bill would establish the Pupil Support Instructional Materials Account within the State Treasury and would require that the funds in the account be used to supplement, rather than to supplant, existing funds available for instructional materials. This bill would authorize the State Board to deny future funding if it determines that a school district has exhibited a pattern of a failure to exercise due diligence or of using the funding to supplant other funding sources. This bill would repeal the Instructional Materials Funding Realignment Program inoperative and repeal dates, thereby extending the program indefinitely.

SB 733 (Torlakson) – Instructional Materials Funding Realignment Program
This bill would extend the operation of the Instructional Materials Funding Realignment Program, which is scheduled to expire on July 1, 2007, and is repealed on January 1, 2008. The bill would also require the Program to be administered for purposes of funding as if it had been operative at the beginning of the 2007–08 fiscal year, make the program operative on January 1, 2008, and change the inoperative and repeal dates to July 1, 2015, and January 1, 2016, respectively. The program helps school districts ensure that each pupil is provided with standards-aligned textbook or basic instructional materials as adopted by the State Board of Education. This bill is sponsored by the Superintendent of Public Instruction.

SB 734 (Torlakson) - Instructional Materials: Follow-up Adoptions
This bill would reenact a provision that, until January 1, 2007, required the State Department of Education, prior to conducting a follow-up adoption, to notify all publishers and manufacturers known to produce basic instructional materials that a fee will be assessed based on the number of products the publisher or manufacturer indicates will be submitted. A review of a submission would be prohibited from being conducted until the fee is paid in full. The revenue derived from that fee would be continuously appropriated to the department and would be available to the department from year to year until expended. It would further authorize CDE to charge fees for out-of-cycle social content reviews, which is a practice supported in current regulations, but not in statute. This bill is sponsored by the Superintendent of Public Instruction.

4. Support professional development for teachers on the adopted instructional materials that are used in the classroom.

AB 37 (Solorio) – English Language Teacher Development
This bill would state the intent of the Legislature to provide public school teachers with professional development opportunities in order to improve the instruction of English learners.

SB 44 (Torlakson) – CA Teacher Cadet Program
This bill would establish the California Teacher Cadet Program, to be operated by the California Center on Teaching Careers in conjunction with the Superintendent of Public Instruction and the Chancellor of the California State University. The bill would require the California State University to convene an advisory committee to accomplish both of the following: to develop a common core curriculum designed to expose college students to teaching careers and the education system through the development of a hands-on curriculum; and to develop criteria and standards that would be used to create a request-for-proposal for the competitive grant program established under the bill. The bill would require a school district that participates in the California Teacher Cadet Program to receive a one-time grant of up to $1,500 for the startup of the program at its schoolsite. The bill, subject to the availability of funding, would require the California State University to contract for an evaluation of this program and report to the Legislature no later than January 1, 2011.

SB 600 (Scott) – Classroom Teacher Instructional Improvement Program
This bill would make schools that are participating in the classroom teacher instructional improvement program, rather than individual teachers, eligible for those instructional improvement grants. The bill would delete the $2,000 grant limit, the requirement that the Superintendent compute the grant entitlement of a school district, and requirement that the instructional improvement grant committee specify the amount of the grants to be awarded.

SB 960 (Alquist) – Mathematics and Reading Professional Development Program
This bill would add science to the subjects provided for teacher training under the Mathematics and Reading Professional Development Program and would change the name of the program to the California Educators' Professional Development Program. The bill would require the Superintendent to appoint an advisory committee that would be required to make recommendations to the Superintendent in order to ensure the quality and effectiveness of the training provided pursuant to the program. This bill is sponsored by the Superintendent of Public Instruction.

5. Maintain the assessment and accountability system (including STAR, EAP, CAHSEE, and CELDT).

AB 144 (Coto) - Pupil testing: high school exit examination: Franklin-McKinley School District
This bill would require the State Department of Education to provide the mathematics portion of the high school exit examination to the Franklin-McKinley School District for administration to students enrolled in grade 8 on the dates designated by the Superintendent of Public Instruction for the administration of that portion of the examination to pupils in grade 10. The bill would authorize the district to administer the mathematics portion of the examination on those dates designated by the Superintendent to pupils enrolled in grade 8 in the district. Students in grade 8 would be prohibited from taking the mathematics portion of the examination more than one time during a school year. If a student in grade 8 passes the mathematics portion of the examination h/she will be considered to have passed that portion of the examination for purposes of satisfying the requirement for receipt of a diploma of graduation or the condition of graduation from high school, and cannot be required to retake the mathematics portion of the examination. The bill would repeal those provisions on January 1, 2010.

AB 252 (Coto) - STAR Program: Primary Language Assessment
Current law prohibits districts from using the standards-based tests in Spanish (STS), for Spanish immersion programs as their year-end assessment. This bill would allow districts to order STS from the current STAR contractor and require districts to cover any costs associated with administration, scoring and reporting of these tests for populations other than Spanish-speaking English learners. This bill is sponsored by the Superintendent of Public Instruction.

AB 400 (Nunez) – Adjusting the Academic Performance Index (API)
This bill, commencing with the 2008–09 fiscal year, would require the Superintendent of Public Instruction to incorporate, into the API, high school graduation rates, attendance rates, rates by which pupils are offered and actually complete a course of study that fulfills the requirements and prerequisites for admission to California public institutions of postsecondary education, and rates by which pupils are offered and actually complete a course of study that provides the skills and knowledge necessary to attain entry-level employment in business or industry when they graduate from high school.

AB 925 (Hancock) – School Accountability; Annual Yearly Progress
This bill would declare the intent of the Legislature to enact legislation that would define “proficient” for purposes of calculating adequate yearly progress pursuant to the No Child Left Behind Act to determine if local educational agencies are meeting grade-level requirements.

AB 1216 (Laird) – State and Federal Accountability Alignment
The purpose of this bill will be to align timelines and sanctions of state and federal accountability programs. This bill is sponsored by the Superintendent of Public Instruction.

AB 1353 (Huff) – Standardized Testing and Reporting: Second Grade
This bill would require that the STAR test continue to be administered to pupils in grade 2 on and after July 1, 2007, until those provisions are repealed on January 1, 2011.

AB 1379 (Brownley) – California High School Exit Examination
This bill would require the Superintendent of Public Instruction, in consultation with the Secretary for Education and the High School Exit Examination Standards Panel, to identify additional criteria and measures by which high school pupils who are regarded as proficient but unable to pass the high school exit examination may demonstrate their competence and receive a high school diploma. The Superintendent is required to report his or her findings and make recommendations for the development of a multiple measures approach to the Legislature no later than an unspecified date.

SB 123 (Romero) – California High School Exit Examination
This bill would require the Superintendent of Public Instruction, with the approval of the State Board, to recommend to the Legislature, by June 1, 2008, for its consideration a course of action regarding students with disabilities who meet all state and local graduation requirements except the passage of the high school exit examination. The bill would require this course of action to include alternative ways of evaluating the knowledge and skills that are required to pass the high school exit examination so that these pupils may demonstrate that they possess that knowledge and those skills through alternative methods.

SB 827 (Padilla) - California English Language Development Test (CELDT) Kindergarten and Grade 1
This bill would require the tests to have sufficient range to assess pupils in grades 2 to 12, inclusive, in English listening, speaking, reading, and writing skills, and would require pupils in kindergarten and grade 1 to be assessed in English listening, speaking, and early literacy skills. The State Department of Education would be required, in developing the test for pupils in kindergarten and grade 1, to minimize any additional testing time and to ensure that the test is age and developmentally appropriate, as specified. The bill would require the tests to be age and developmentally appropriate for pupils. This bill is sponsored by the Superintendent of Public Instruction.

6. Insure that the California Commission on Teacher Credentialing (CTC) and all teacher training institutes use State Board adopted standards as the basis for determining the subject matter competency of teacher candidates.

AB 1415 (Brownley) – Teacher Development Accountability Report Card
This bill would require, on or before January 1, 2010, the State Department of Education, in consultation with the Commission on Teacher Credentialing, to recommend and the State Board of Education to adopt an accountability report card capable of assessing the effectiveness of each accredited program of professional preparation. The bill would require the effectiveness of programs to be assessed on multiple measures, including the ability to prepare candidates showing the greatest improvements in student learning, passage rates on certification examinations, and program completion, placement, and retention rates.

SB 43 (Torlakson) - Governor's Teaching Fellowships Program
This bill would require, commencing with the 2008-09 fiscal year and for each fiscal year thereafter, that the number of fellowships awarded under the Governor's Teaching Fellowships program be determined pursuant to an appropriation in the annual Budget Act. The bill would require the intersegmental review committee to advise the Chancellor on the needs of fellowship recipients who are students in segments other than the California State University, and would reduce the number of the members on the committee from 12 to 9, as specified. The bill would require a fellowship recipient to agree to teach in a high-priority school for 3 consecutive years within 4 years of the completion of his or her preparation program, and would require a recipient of funds under the program on or after January 1, 2008, to forfeit any future payments if he or she fails to complete any portion of his or her obligation to teach in a high-priority school for 3 years.

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This bill would change the designated subjects vocational education teaching credentials to the designated subjects preliminary career technical education teaching credential and would repeal the Commission on Teacher Credentialing's authority for the issuance and renewal of designated subjects teaching credentials for part-time service. The bill would require the Commission to establish a list of authorized subjects for the designated subjects preliminary and professional clear career technical education teaching credential and would require the list to reflect the 15 industry sectors identified in the California career technical education model curriculum standards adopted by the State Board of Education. The bill would require the Commission to implement the authorized subjects list by September 30, 2007.

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This bill would delete existing law that outlines the specific exemptions under which a local education agency may hire a certificated person who cannot demonstrate basic skills proficiency. It would instead exempt a person who (1) has passed the state basic skills proficiency examination at least once, (2) achieved a passing score on the

Graduate Record Examinations (GRE) General Test, the Scholastic Aptitude Test (SAT) Reasoning Test, or the ACT Plus Writing test, or (3) possessed a credential before the enactment of the statute that made the test a requirement.

7. Strengthen coordination between K-12 and higher education.

AB 145 (Coto) - CA Center for Applied Research to Improve Latino Participation in Science, Technology, Engineering, and Mathematics Degree Programs and Professions
This bill would establish the California Center for Applied Research to Improve Latino Participation in Science, Technology, Engineering, and Mathematics Degree Programs and Professions as a 3-year pilot project to be implemented by the National Hispanic University and San Jose State University as a public-private partnership with the purpose of increasing the number of Latino pupils in San Mateo, Santa Clara, Alameda, San Benito, and Santa Cruz Counties who complete the requirements for admission to California public institutions of higher education, and increasing the number of Latino students who enroll in science, technology, engineering, and mathematics related majors and complete a degree program in those majors. The bill would require the center to submit a report to the Legislature by August 15 of each year of the pilot project on progress made towards meeting the specified project outcomes.

AB 428 (Carter) – Parental Notification of College Preparatory Courses
This bill would require each school offering any of grades 9 to 12, inclusive, each semester prior to class registration to provide parents and pupils with a separate written notification relating to the courses offered by the school which satisfy the subject requirements for admission to the California State University and the University of California and a summary of the progress of the pupil toward satisfying those requirements. The bill would require the State Department of Education to provide a brief, 2-page template to be used for the notification, and to establish, if necessary, and include, in that template, the percentage of course offerings the state recommends a school offer to satisfy the subject requirements for admission to the California State University and the University of California.

SB 405 (Steinberg) – Student Achievement
This bill would express the intent of the Legislature to enact legislation to close the opportunity gap for the pupils of California, in part, by enabling pupils to have the opportunity to complete all the courses required for admission to the California State University or the University of California at their own schools; ensuring that the career technical education coursework is sufficiently rigorous to allow meaningful entry into the workforce; increasing the opportunities for pupils to participate in comprehensive, multiyear programs that integrate college preparatory academics and technical study; and ensuring that schools have the capacity to provide sufficient counseling for pupils

and sufficient numbers of teachers prepared to teach the subjects to which they are assigned.

Other bills sponsored by the State Superintendent of Public Instruction

AB 347 (Nava) - CAHSEE: Additional Instructional Time
This bill would declare the intent of the Legislature to ensure that pupils who have not passed the high school exit examination by the end of grade 12 are provided additional assistance to prepare for and pass the exit examination.

AB 415 (Karnette) - High School Diploma and CAHSEE Instruction in Adult Education Programs
This bill would provide continuously enrolled high school students and adult students the option to participate in adult secondary education, adult basic education, and ESL courses, for the purposes of passing the CAHSEE. Additionally, if the adult school has exceeded its A.D.A. cap, it would provide adult school students full access to the high school diploma by eliminating the cap A.D.A. limitation in the elementary and secondary basic skills programs which lead to the high school diploma.

AB 485 (Solorio) – Non-public Schools Re-certification
This bill would prohibit a nonpublic, nonsectarian school or agency whose certification has been revoked, and certain other persons involved with the school or agency, from being eligible to apply for recertification for 2 years from the revocation date. The bill would require a local educational agency that is aware that a nonpublic, nonsectarian school or agency has violated the certification requirements immediately to contact the State Department of Education and report this information.

AB 685 (Karnette) – IDEA Regulatory Technical Compliance Measure
This bill would make technical changes to various provisions of existing law regarding individuals with exceptional needs and special education and related services to conform various provisions to the new federal regulations, update cross-references in response to those regulations, and make other clarifying changes.

AB 647 (Salas) – Tobacco Use and Prevention Education Program
This bill changes the method of allocating Tobacco Use and Prevention Education (TUPE) funds to a single competitive grant. The grants are for intervention and cessation activities in order to reduce the number of pupils who begin to use tobacco, continue to use tobacco, or both.

AB 1230 (Laird) – Charter School Health Screenings
This bill would bring charter schools into compliance with public schools in regards to health screenings. This bill would require charter schools to provide the pupil sight and

hearing test and the scoliosis screening. In order to meet this requirement, a charter school would be authorized to contract with a school district or county office of education to provide the test and screening. Existing law requires the governing board of a school district to provide for the testing of the sight and hearing of each pupil enrolled in the schools of the district, subject to specified exceptions. The governing board of a school district also is required to provide a scoliosis screening to each female pupil in 7th grade and each male pupil in 8th grade.

AB 1656 (Feuer/DeSaulnier) – The Accurate Student Achievement Data Act of 2007
This measure would establish an ongoing grant program to provide local educational agencies (LEA) the funding necessary to ensure that student-level data is being collected, maintained and submitted accurately to properly track and assess student academic performance and dropout and graduation rates. This bill would help ensure quality student-level data in the state's longitudinal data system currently under development by establishing a reasonable $5 per enrolled pupil or a flat amount for small LEAs to support the new workload associated with collecting, maintaining, and submitting student level data.

AB 1663 (Evans/Lieber) – IDEA Regulatory Policy Compliance Measure
This bill would make various revisions conforming state law to federal requirements relating to, among others, pupil identification, assessment, and eligibility; individualized education program development, including notice, implementation, and review; procedural safeguards, including due process hearing procedures and requirements; and pupil information confidentiality.

SB 132 (Committee on Education) – Annual Education Omnibus Bill
This is the Department of Education's annual education omnibus bill that will make various technical, non-substantive changes to the education code.

SB 830 (Kehoe) – California Partnership Academies
This bill would expand the number of maximum partnership academies from 290 to 500 by June 30, 2013, increasing by 55 academies each year. It would also increase program offerings to include ninth grade pupils. Previously, academies served 10 through 12 grade pupils.

Other Bills of Interest to the State Board

Charter Schools

AB 557 (Huff) – Charter School Revocation
This bill would require a charter school to cease operations if its appeal contesting the violations for which it was ordered to cease operations were upheld by the county board

of education. Further, it would require that funding be ceased upon revocation by the county board unless the state board overturns the county board's decision.

AB 766 (Walters) – Charter Schools Waiver Authority
This bill would make a charter school equivalent to a school district for purposes of submitting a waiver request to the State Board, thereby allowing charter schools to perform that function. The governing board of the charter school would be required to submit its waiver application to the chartering authority for the school, and the governing board of that chartering authority would be required to hold a public hearing to review the application no later than 90 days following receipt of the application. The governing board of a charter school would be authorized to submit its waiver application directly to the State Board after holding a public hearing to consider that action if the governing board of the chartering authority fails to hold the public hearing within the 90-day period.

Facilities

AB 100 (Nunez) - Kindergarten-University Public Education Facilities Bond Act of 2008
This bill would enact the Kindergarten-University Public Education Facilities Bond Act of 2008. The bond act would provide for the issuance of $9,087,000,000 of state general obligation bonds to provide aid to school districts, county superintendents of schools, and county boards of education, the California Community Colleges, the University of California, the Hastings College of the Law, and the California State University to construct and modernize education facilities.

Funding

AB 25 (Brownley) – K-12 Funding
This bill would require, the Governor's Advisory Committee on Education Excellence and the P-16 Council established by the Superintendent of Public Instruction, to work together to develop a report by July 1, 2009, for submission to the Legislature that would provide the Legislature with adequate information to enable it to establish the reasonable costs of schools offering K-12 instruction and to determine the best use of available resources so that the vast majority of pupils may meet academic performance standards established by the state.

AB 120 (Laird) - 2007-08 Budget Bill
This is the Assembly's Budget bill that will make appropriations for support of state government for the 2007-08 fiscal year.

AB 73 (Dymally) - School attendance
This bill would revise the method of determining the ADA in regular elementary, middle, and high schools to, instead, divide the sum of the active enrollment figures reported for those schools during each period by the number of school months in which those figures were calculated during that period. The bill would require that average daily attendance in continuation schools and classes be determined by dividing the total number of days of attendance allowed in all full school months in each period by the

number of days the schools and classes are actually taught in all full school months in each period.

SB 50 (Torlakson)- Claim against the state: appropriation
This bill would appropriate $268,000 from the General Fund to the Attorney General to pay for the judgment in the case of California Teachers Association v. Governor Schwarzenegger (Sacramento Superior Court, Case No. 05 CS01165). Any funds leftover would revert to the General Fund at the end of the fiscal year (June 30) in which the final payment is made.

SB 54 (Ducheny) – 2007-08 Budget Bill
This is the Senate's budget bill that will make appropriations for support of state government for the 2007-08 fiscal year.

SB 146 (Scott) – Revenue Limits Readjustment
This bill would replace average daily attendance as it is used to compute revenue limits under a specified provision with average monthly enrollment beginning in the 2008-09 fiscal year. The Superintendent of Public Instruction would be required, on July 1, 2008 to make a one-time adjustment to the revenue limit per unit of average monthly enrollment of each school district by revising the prior fiscal year revenue limit per unit of average daily attendance. The resulting, adjusted revenue limit would be used as the revenue limit for the 2008-09 fiscal year for any purpose for which that revenue limit is needed. The Superintendent also would be required to compute the average monthly enrollment of each elementary, high school, and unified school district for the 2007-08 school year using the active enrollment of those school districts as reported in a specified provision.

Governance

AB 45 (Swanson) – Oakland Unified School District
This bill would require the Superintendent of Public Instruction to immediately return the rights, duties, and powers regarding the operational areas of community relations and governance, facilities management, personnel management, and pupil achievement to the governing board of the Oakland Unified School District. The bill would require the Superintendent to continue through the state administrator to exercise all of the rights, powers, and duties of the governing board of the Oakland Unified School District with regard to the operational area of financial management. The bill would require the governing board of the school district to serve as an advisory body to collaborate with the state administrator concerning the operational area over which the Superintendent continues to exercise authority for the time period in which that authority is exercised.

Health and Nutrition

AB 629 (Brownley) – Sexual Health Education Accountability Act
This bill would enact the Sexual Health Education Accountability Act, which would require any program that provides education to prevent adolescent or unintended pregnancy or to prevent sexually transmitted infections that is administered or publicly

administered to meet specified criteria relating to instruction, instruction principles and medication in order to qualify for state funding.

AB 1503 (Fuller) – Pupil Nutrition: reimbursement
This bill would make specified child development programs eligible for the $0.21 reimbursement, would revise the requirements for reimbursement and would prohibit the sale or serving of any food item whose development, processing, or preparation requires the item to be, at any time, deep fried, par-fried, flash-fried, or fried in any other manner and would define those terms. The bill would require school districts, charter schools, and county superintendents of schools, in order to qualify for reimbursement, to begin the process of eliminating foods sold and served to pupils that contain unnatural or manufactured trans fats. In addition, this bill would limit the cost-of-living adjustment to the amount of funding appropriated in the annual Budget Act and would set the reimbursement rate commencing with the 2006-07 fiscal year at $0.1563. This bill would also provide that these provisions be implemented only if moneys are appropriated for this purpose in the annual Budget Act.

SB 20 (Torlakson) - Pupil nutrition: free and reduced-price meals: reimbursement
This bill would increase the reimbursement rate for free and reduced-price meals to from $0.21 to $0.30 for schools and child development programs and would change school eligibility requirements. The requirements would be phased in. During the phase-in period, a school or program that does not meet those requirements for the increased reimbursement rate would receive the reimbursement rate specified under the Child Nutrition Act of 1974.

Leadership

AB 96 (Feuer) – Principal Leadership Development
This bill would express the intent of the Legislature to devote increased resources to leadership training for current school principals and the next generation of school principals in California, with a particular emphasis on enhancing the performance of low-performing schools.

SB 961 (Scott) – Leadership Coaching Program for Public School Administrators.
This bill would establish the leadership coaching program for public school administrators to be administered by the Superintendent of Public Instruction. Providers of leadership coaching would be required to submit a program proposal to the Superintendent, to offer a coaching training and certification program that includes specified components, to build and maintain a network of certified coaches designed to maintain and deepen coaching skills, and to provide certified coaches with up-to-date training and information on educational issues and coaching research. School administrators in participating school districts, county offices of education, and charter schools would be required to possess a valid California administrative services credential, have a minimum of 5 years' successful administrative experience, and provide specified evidence of other characteristics conducive to successful coaching in order to be eligible to receive leadership coaching.

Learning Support

AB 50 (Soto) - Nell Soto Parent/Teacher Involvement Program: high school exit examination: home visits
This bill would expand the schoolsite staff eligible to participate in the home visits and community meetings under the Nell Soto Parent/Teacher Involvement Program and direct the Superintendent of Public Instruction to give funding priority to schools ranked in the lowest 3 deciles of the Academic Performance Index.

AB 131 (Beall) – Middle and High School Supplemental Counseling Program
This bill would make the Middle and High School Supplemental School Counseling Program available to county offices of education. Current law requires the governing board of a school district that maintains any of grades 7 to 12, inclusive, as a condition of receiving funds appropriated for purposes of that program, to adopt a counseling program at a public meeting that includes, among other things, a provision for a counselor to meet with each pupil, as specified, to explain the academic and deportment records of the pupil, his or her educational options, the coursework and academic progress needed for satisfactory completion of middle or high school, and the availability of career guidance activities.

AB 173 (Alarcon/Dymally) – Comprehensive Pupil Support Program
This bill would establish the Comprehensive Pupil Support Program. The Superintendent of Public Instruction would be required to administer that program, in which schools and school districts may voluntarily participate after participating in a specified planning and application process. The bill would require that schools participating in the program have a schoolsite council, which would be required to develop a school plan, with specified components, for increasing the API score of the school and the academic performance of all pupils, with special emphasis on the needs of high-risk pupils. Schools ranked in the 3 lowest deciles of the API and schools in geographically diverse areas of the state would have priority for participation in the program. A school participating in the program would be required to report to the Superintendent, annually, specified information regarding the progress of the participating school toward achieving certain goals.

AB 491 (Carter) – Student to Counselor Ratios
This bill would state legislative findings and declarations regarding the importance of school counselors and the current status of the counselor-to-pupil ratio in the state. The bill would also declare the intent of the Legislature to increase the number of credentialed school counselors to meet counselor-to-pupil ratios of one counselor per 500 pupils by 2010 and one counselor per 250 pupils by 2012.

AB 584 (Swanson) – School-based Program Coordination
This bill would reauthorize a school district that participates in school-based program coordination to establish an alternative education and work center for school dropouts and pupils at risk at a continuation high school or adult school, or to contract with a

private nonprofit community-based organization to provide the center. The center would be required to teach basic academic skills, operate on a clinical, client-centered basis, and provide programs that include specified qualities. The bill would require the Superintendent of Public Instruction to publish guidelines regarding the development and implementation of alternative education and work center programs, train site personnel, establish a clearinghouse for information regarding the identification, prevention, and recovery of school dropouts, disseminate information, and monitor these programs.

Reporting

AB 1015 (Brownley) – School Accountability Report Card
This bill would amend the Classroom Instructional Improvement and Accountability Act, which outlines what is reported in the School Accountability Report Card, to require that the assessment of estimated expenditures per pupil include a reporting of the average of actual salaries paid to fully credentialed teachers and teachers with emergency teaching permits.

SB 602 (Torlakson) – Physical Education Incentive Grants Program
This bill would require the department to ensure that the data collected through Categorical Program Monitoring (CPM) indicates the extent to which each school performs specified duties regarding the provision of instruction in physical education, including, providing the required minimum minutes of instruction and conducting physical fitness testing. The bill would require the department to annually submit a report to the Governor and the Legislature that summarizes the data collected through CPM regarding those items and to annually post a summary of that data on the Internet Web site of the department. This bill would establish the Physical Education Incentive Grants Program to be administered by the Superintendent of Public Instruction. The bill would require the Superintendent to apportion funding to eligible local educational agencies, as specified, for purposes of hiring teachers with clear single subject credentials in physical education. The bill would require the Superintendent to require the recipient local educational agency to provide a percentage match of its own funds for purposes of the program based on the amount of funds apportioned and the financial means of the local educational agency.

Re-organization

AB 146 (Smyth) - School districts: reorganization of large districts
This bill would require the reorganization of any unified school district enrolling at least 500,000 pupils into several school districts enrolling no more than 50,000 pupils, by July 1, 2011. The bill would require the establishment of a commission to aid in the reorganization process and develop a reorganization plan. The bill would limit the budget of the commission to a fixed amount drawn from the administrative budget for the existing school district, without reducing funds used for classroom education. The bill would require the reorganization plan to demonstrate that certain specified conditions have been met with regard to the formation of the new school districts.

AB 180 (Bass) – School District Reorganization
This bill would require the state board to render a decision upon receipt of an appeal to reorganize a school district, within 60 days of the date of receipt of the appeal.

SB 69 (Runner) – Reorganization of Large School Districts
This bill would require the reorganization of any unified school district enrolling at least 500,000 pupils into several school districts enrolling no more than 50,000 pupils, by July 1, 2011. The bill would require the establishment of a commission to aid in the reorganization process and develop a reorganization plan. The bill would limit the budget of the commission to a fixed amount drawn from the administrative budget for the existing school district, without reducing funds used for classroom education. The bill would require the reorganization plan to demonstrate that certain specified conditions have been met with regard to the formation of the new school districts.

Waivers

AB 494 (Huff) – Expedited School Waiver Status
This bill would require the State Board and the department to review and act on a waiver request on an expedited basis, and with a minimum amount of documentation, of a school district with at least 70 percent of its schools receiving Academic Performance Index scores of 800 or more in each of the 2 prior years.

Assembly and Senate Education and Higher Education Committee Membership

Senate Education Committee
Senator Jack Scott (Chair) (D – Pasadena)
Senator Mark Wyland (Vice Chair) (R – Escondido)
Senator Elaine Alquist (D – Santa Clara)
Senator Jeff Denham (R – Merced)
Senator Abel Maldonado (R – Santa Maria)
Senator Alex Padilla (D – Pacoima)
Senator Gloria Romero (D – Los Angeles)
Senator Joe Simitian (D – Palo Alto)
Senator Tom Torlakson (D – Antioch)

Assembly Education Committee
Assembly Member Gene Mullin (Chair) (D – S. San Francisco)
Assembly Member Martin Garrick (Vice-Chair) (R – Del Mar)
Assembly Member Julia Brownley (D – Agoura Hills)
Assembly Member Joe Coto (D – San Jose)
Assembly Member Mike Eng (D – Monterey Park)
Assembly Member Loni Hancock (D – Berkeley)
Assembly Member Bob Huff (R – Diamond Bar)

Assembly Member Betty Karnette (D – Long Beach)
Assembly Member Alan Nakanishi (R – Lodi)
Assembly Member Jose Solorio (D – Santa Ana)

Assembly Higher Education Committee
Assembly Member Anthony Portantino (Chair) (D – La Canada Flintridge)
Assembly Member Shirley Horton (Vice-Chair) (R – Chula Vista)
Assembly Member Juan Arambula (D – Fresno)
Assembly Member Jim Beall (D – Campbell)
Assembly Member Paul Cook (R – Beaumont)
Assembly Member Cathleen Galgiani (D – Tracy)
Assembly Member Ira Ruskin (D – Redwood City)

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2007 AGENDA

SUBJECT	
Appeal of the Findings of the Ventura County Committee on School District Organization Pursuant to *Education Code* Section 35711 in the Matter of the Proposed Formation of a Camarillo Unified School District	☒ Action ☒ Information ☐ Public Hearing

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the appeal of the findings of the Ventura County Committee on School District Organization (County Committee) pursuant to *Education Code* (*EC*) Section 35711 in the matter of the proposed formation of a Camarillo Unified School District.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

This issue has not been presented previously to the SBE. The SBE last heard an appeal pursuant to *EC* Section 35711 at its March 2005 meeting when it approved an appeal from a decision of the Fresno County Committee on School District Organization.

SUMMARY OF KEY ISSUES

The County Committee was granted authority to approve the creation of a unified school district under Assembly Bill 780 (Chapter 652, Statutes of 2004). On December 16, 2006, the County Committee approved a proposal to create a Camarillo Unified School District. This specific proposal would remove the Pleasant Valley School District and the Somis Union School District from the Oxnard Union High School District and create the new school district from that territory.

Pursuant to *EC* sections 35711 and 35807, any person questioning the finding of a county committee on school district organization that a proposed school district reorganization will not adversely affect the racial or ethnic integration of the schools affected may appeal that decision to the SBE. Eleven persons residing in the Camarillo area have filed such an appeal. These appellants claim that the County Committee's finding that the proposed unification will not adversely affect the racial or ethnic integration of the schools of the districts affected is not supported by substantial

SUMMARY OF KEY ISSUES (CONT.)

evidence. Appellants further claim that the finding contradicts the recommendation of the County Committee's own consultant. (Attachment 1)

The SBE may approve or deny the appeal. If the SBE denies the appeal, the decision of the County Committee stands. If the SBE approves the appeal, it will review the findings of the County Committee at a subsequent meeting. Upon this review of the County Committee's findings, the SBE may reverse or affirm the County Committee's decision, or may direct the County Committee to reconsider its decision if the SBE determines that inadequate consideration was given to the effect of the reorganization on racial or ethnic integration.

The CDE recommends that the SBE approve the appeal. *EC* 35711 requires that appeals be based upon factual and statistical evidence, and appellants have provided several studies, including the study prepared by the County Committee's consultant, to support their claim that segregation and ethnic imbalance as a result of this proposed unification are long-standing concerns. Further, the Oxnard Union High School District also has filed an appeal with the Ventura County Office of Education (VCOE). This appeal addresses, among other issues, a similar concern that the proposed formation of the Camarillo Unified School District will promote racial and ethnic segregation. The high school district appeal is expected to be transmitted by the VCOE to the SBE on or about February 2, 2007, and must be considered by the SBE.

Note that approval of the appeal at this time does not affect the decision of the County Committee. Approval only means that the SBE believes there is sufficient reason provided in the appeal to warrant review of the County Committee's decision at a subsequent SBE meeting. After this subsequent review, the SBE may then reverse or affirm the County Committee's decision, or may direct the County Committee to reconsider its decision if the SBE determines that inadequate consideration was given to the effect of the reorganization on racial or ethnic integration.

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of the appeal will have no fiscal effect on any agency. Should the SBE eventually decide to remand the matter back to the County Committee, the VCOE and affected school districts could incur additional costs to hold hearings and reanalyze the issue.

ATTACHMENT(S)

Attachment 1: Appeal – Criterion #4 – Segregation (7 pages). (This attachment is not available for Web viewing. A printed copy is available for viewing in the SBE Office.)

STATE OF CALIFORNIA ARNOLD SCHWARZENEGGER, *Governor*

CALIFORNIA STATE BOARD OF EDUCATION
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STAFF MEMORANDUM

TO: STATE BOARD OF EDUCATION MEMBERS

FROM: SBE STAFF

DATE: March 2, 2007

RE: BOARD ITEM #16 – Appeal of Findings by the County Committee for the Formation of a new Camarillo Unified School District

Issue

The Pleasant Valley School District and the Somis Union School District are elementary districts in Ventura County that now send their pupils to high school in the Oxnard Union High School District. The elementary districts want to withdraw from Oxnard Union and create a new Camarillo Unified School District that encompasses the territory of the two districts and includes a high school that is now part of Oxnard Union. The Ventura County Committee on School District Organization approved the proposed unification. The approval required the committee to make a number of findings specified in statute, including a determination that the unification will not promote racial or ethnic discrimination or segregation

Education Code section 35711 authorizes <u>any person</u> to appeal to the State Board of Education the finding of a county committee that a proposed transfer of territory will not adversely affect the racial or ethnic integration of the schools of the districts affected. Eleven individuals who are residents of Oxnard Union and live in the territory proposed for inclusion in Camarillo Unified have appealed the county committee's finding about a lack of racial or ethnic segregation.

Recommendation

Accept the appeal of the county committee's finding about racial or ethnic integration.

If the appeal is accepted, it will not be heard by the board until the July meeting. CDE has already scheduled for July a hearing on the unification's impact on racial or ethnic balance because Oxnard Union has filed an appeal of the county committee's action, and racial/ethnic balance is one of the grounds for the appeal. If a district appeals, the

State Board automatically hears the appeal. The board does not first have to accept the appeal. Only appeals by individuals must be accepted before being heard.

Background

The action by the county committee was completed in accordance with AB 780 (Cogdill), a 2004 statute that established a pilot project to authorize three counties—Fresno, Humboldt, and Ventura—to use a modified unification process. Existing law requires unification proposals to be heard by the State Board. Referral to the board is automatic. The pilot project differs from existing law by having the board consider a unification proposal only if the action of the county committee is appealed. If there is no appeal, the county committee action is final. The objective of the pilot is to evaluate whether eliminating automatic board review is an appropriate method for reducing the time needed to complete a unification.

Opponents of the appeal by eleven individuals have questioned whether the individuals have legal standing to make the appeal. All of the individuals live in the area of Oxnard Union that would be included in the new Camarillo Unified. Their appeal cites potential harm to the remainder of Oxnard Union if it loses territory. Opponents of the appeal assert that because the individuals do not live in the portion of Oxnard Union that allegedly would suffer harm, they should not be allowed to appeal the county committee action.

The question of legal standing is an issue when filing a lawsuit. There is no reason to apply that concept to this reorganization dispute. State statute says, “Any person questioning the finding of the county committee…may appeal…” These eleven people are residents of the districts affected by the proposed unification. They can appeal the county committee decision.

Conclusion

The eleven individuals have a plausible argument to make, even though the board ultimately may not agree with it. The racial/ethnic issue already is scheduled for a hearing before the board in July as part of the high school district’s appeal. Therefore, accepting this appeal will not add significantly to the board’s workload.

SBE Staff Contact Person
Roger Magyar

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2007 AGENDA

SUBJECT	
Appeal by Chief Petitioner from a decision of the Sonoma County Committee on School District Organization to deny a petition to transfer territory from the Bellevue Union Elementary School District and Santa Rosa High School District to the Cotati-Rohnert Park Unified School District in Sonoma County	☒ Action ☒ Information ☐ Public Hearing

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) grant the appeal, thereby reversing the action of the Sonoma County Committee (SCC) on School District Organization to disapprove a petition to transfer territory from the Bellevue Union Elementary School District (UESD) and the Santa Rosa High School District (HSD) to the Cotati-Rohnert Park Unified School District (USD) in Sonoma County.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has not heard this item previously. However, in addition to this appeal by the chief petitioner, the Cotati-Rohnert Park USD has also appealed the SCC's disapproval of the petition. The Cotati-Rohnert Park USD "concurs completely" with the conclusions in the chief petitioner's appeal statement regarding the conditions of the California *Education Code* (*EC*) Section 35753. The Cotati-Rohnert Park USD appeal is also scheduled for SBE review at the March 2007 SBE meeting.

SUMMARY OF KEY ISSUES

Pursuant to *EC* Section 35710.5, chief petitioners or affected school districts may appeal county committee decisions on petitions to transfer territory. In the current matter, the chief petitioner is appealing the SCC's disapproval of a petition to transfer his property from the Bellevue UESD and the Santa Rosa HSD to the Cotati-Rohnert Park USD. The appellant claims the SCC summarily denied the petition without examining the issues, primarily the issue of the Santa Rosa HSD not taking action on the proposed transfer because it had not ascertained the legality of collecting developer fees without incurring costs to construct or modernize facilities for potential students generated by planned development.

When the petition was submitted, the territory proposed for transfer was described as 73 acres of uninhabited land known as the Vast Oak Development. The 73-acre Vast Oak Development is a subdivision within the 297-acre University District Specific Plan.

SUMMARY OF KEY ISSUES (CONT.)

The remainder of the University District Specific Plan is in the Cotati-Rohnert Park USD, and the total area is proposed for annexation to the city of Rohnert Park as a pedestrian oriented community. In December 2006, the Rohnert Park Local Area Formation Committee (LAFCO) in a straw vote unanimously approved the annexation and incorporation of the University District Specific Plan property into the city of Rohnert Park. The straw vote operates as instructions to LAFCO staff to draw up the necessary findings for consideration when the item appears on the consent calendar in February 2007, according to Cotati-Rohnert Park USD's legal counsel.

Approximately 238 homes may be constructed on the 73 acres proposed for transfer, yielding 93 to 186 students when development, beginning in 2009, is completed. The schools in the Bellevue UESD and the Santa Rosa HSD are located seven to nine miles from the transfer territory. Cotati-Rohnert Park USD schools are within three-fourths of a mile from the transfer territory.

County committees may approve a transfer petition and order it granted without an election if the governing boards of all affected school districts consent to the transfer. The Bellevue UESD and the Cotati-Rohnert Park USD governing boards adopted resolutions consenting to the transfer. When the SCC disapproved the petition on August 11, 2005, the Santa Rosa HSD governing board had not submitted a formal position on the proposed transfer.

The Bellevue UESD supports the proposed transfer because elementary schools in the Cotati-Rohnert Park USD are within walking or bicycling distance to the transfer territory, whereas the nearest Bellevue UESD school is seven miles away. In addition, the district's consent reaffirms its 2001 resolution. In 2001, the Bellevue UESD granted preliminary approval to the Cotati-Rohnert Park USD of transfers of certain lands that might become major residential developments in the city of Rohnert Park if the developments were projected to house a significant number of elementary school-age children.

It was not until January 26, 2007, that the Santa Rosa HSD submitted a letter of opposition to the CDE stating that it has space available at its middle and high school that would serve the area, buses to transport students to both schools, and that the proposed transfer would diminish the district's tax base for repayment of bonds. (Attachment 12) Item 5.9 of Attachment 1 includes the conclusions of an analysis by Government Financial Strategies (GFS), Inc., for the Sonoma County Office of Education (SCOE) that the proposed transfer represents a negligible loss in assessed value to the district.

The Cotati-Rohnert Park USD supports the transfer because it advances the city of Rohnert Park's goal to create a pedestrian oriented community in which all University District Specific Plan children attend neighborhood schools within walking or biking distances of their homes.

SUMMARY OF KEY ISSUES (CONT.)

At a regular meeting on August 11, 2005, the SCC (voting 6-2) disapproved the petition. An analysis by the SCOE found all the conditions of *EC* 35753 are substantially met, and the administrative record does not explicitly document a reason for the disapproval.

The CDE concurs with the SCOE analysis that all the required conditions of *EC* 35753 are substantially met. Moreover, the CDE concludes that the proposed transfer would enhance community identity.

The SBE may, but is not required to, approve proposals if it determines the conditions of *EC* 35753 are substantially met. Because *EC* 35753 is permissive, providing minimum standards, it does not preclude the SBE from rejecting proposals for other concerns. (County committees also have discretion to disapprove transfers of territory for other concerns, even when finding all the minimum conditions have been met.)

The SBE has two options: (1) ratify the SCC's decision by summarily denying review of the appeal; or (2) review the appeal either on the administrative record or in conjunction with a public hearing. If the SBE chooses to review the appeal, the SBE, following the review, must affirm or reverse the action of the SCC and, if the petition will be sent to election, determine the territory in which the election will be held.

The CDE recommends that the SBE review the appeal solely on the administrative record and reverse the action of the SCC. The CDE analysis is provided as Attachment 1. A proposed resolution granting the appeal is provided as Attachment 2 for the SBE's consideration.

FISCAL ANALYSIS (AS APPROPRIATE)

No significant effects on local funding or state costs were identified. The SCOE concludes that the proposed transfer would not result in any substantial increase in costs to the state, noting that the districts have sufficient housing capacity and revenue limit funding would not change. The GFS analysis concludes that the loss in assessed value or change in tax rates for bond repayments would be negligible.

ATTACHMENT(S)

Attachment 1: Analysis of Issues of Appeal (17 pages).

Attachment 2: Proposed Resolution (1 page).

Attachment 3: "Petition for Transfer of Territory" (4 pages). (This attachment is not available for Web viewing. A printed copy is available for viewing in the SBE Office.)

Attachment 4: Map of the proposed transfer area (1 page). (This attachment is not available for Web viewing. A printed copy is available for viewing in the SBE Office.)

ATTACHMENT(S) (CONT.)

Attachment 5: Resolutions (2) of the Bellevue UESD (3 pages). (This attachment is not available for Web viewing. A printed copy is available for viewing in the SBE Office.)

Attachment 6: Resolution of the Cotati-Rohnert Park USD (2 pages). (This attachment is not available for Web viewing. A printed copy is available for viewing in the SBE Office.)

Attachment 7: "Bellevue Union and Santa Rosa High School Districts Public Hearing Minutes," and "Cotati-Rohnert Park USD Public Hearing Minutes," May 23, 2005 (4 pages). (This attachment is not available for Web viewing. A printed copy is available for viewing in the SBE Office.)

Attachment 8: "University District Territory Transfer Staff Analysis of *EC* 35753(a)(1)-(10) Conditions," SCOE (4 pages). (This attachment is not available for Web viewing. A printed copy is available for viewing in the SBE Office.)

Attachment 9: "Regular Meeting Minutes, August 11, 2005, Amended" (6 pages). (This attachment is not available for Web viewing. A printed copy is available for viewing in the SBE Office.)

Attachment 10: Chief Petitioner's "Statement of Reasons and Factual Evidence for the Appeal of the August 11, 2005, County Committee Decision to Deny the Vast Oak Development Oak Properties Transfer Petition," with attachment on "Committee Transfer Petition Conditions," August 31, 2005 (11 pages). (This attachment is not available for Web viewing. A printed copy is available for viewing in the SBE Office.)

Attachment 11: "First Preliminary Report, SCC on School District Organization, Study on Territory west of . . . and Guidelines for School District Organization," June 26, 1986 (3 pages). (This attachment is not available for Web viewing. A printed copy is available for viewing in the SBE Office.)

Attachment 12: Santa Rosa HSD letter of opposition, January 26, 2007 (2 pages). (This attachment is not available for Web viewing. A printed copy is available for viewing in the SBE Office.)

Attachment 13: Letter from Marie A. Cooper to SCC's legal counsel on legality of sharing school impact fees, August 5, 2005 (3 pages). (This attachment is not available for Web viewing. A printed copy is available for viewing in the SBE Office.)

Attachment 14: Alternative Resolution (1 page).

TERRITORY TRANSFER APPEAL BY CHIEF PETITIONER BELLEVUE UNION ELEMENTARY SCHOOL DISTRICT AND SANTA ROSA HIGH SCHOOL DISTRICT TO COTATI-ROHNERT PARK UNIFIED SCHOOL DISTRICT

ANALYSIS OF ISSUES OF APPEAL

1.0 RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) adopt the proposed resolution in Attachment 2 granting the appeal, thereby reversing the action of the Sonoma County Committee (SCC) on School District Organization to disapprove a petition to transfer territory from the Bellevue Union Elementary School District (UESD) and the Santa Rosa High School District (HSD) to the Cotati-Rohnert Park Unified School District (USD).

2.0 BACKGROUND

The chief petitioner, as owner of Vast Oak Development Properties, (hereinafter appellant) has appealed the disapproval of his petition to transfer the Vast Oak Development from the Bellevue UESD and the Santa Rosa HSD to the Cotati-Rohnert Park USD.

The 73-acre Vast Oak Development is an uninhabited subdivision within the 297-acre University District Specific Plan, all of which is in the Cotati-Rohnert Park USD except the Vast Oak Development. The total University District Specific Plan area is proposed for annexation to the city of Rohnert Park as a pedestrian oriented community.

In December 2006, the Rohnert Park Local Area Formation Committee (LAFCO) in a straw vote unanimously approved the annexation and incorporation of the University District Specific Plan property into the city of Rohnert Park. The straw vote operates as instructions to LAFCO staff to draw up the necessary findings for consideration when the item appears on the consent calendar in February 2007, according to Cotati-Rohnert Park USD's legal counsel.

Approximately 238 homes may be constructed on the 73 acres proposed for transfer, yielding 93 to 186 students when development, beginning in 2009, is completed. The schools in the Bellevue UESD and the Santa Rosa HSD are located seven to nine miles from the transfer territory. Cotati-Rohnert Park USD schools are within a three-fourth mile of the transfer territory.

The appellant's (chief petitioner) reasons for requesting the boundary change include the following: (Attachment 3, "Petition for Transfer of Territory")

(a) Placing all University District Specific Plan properties in the Cotati-Rohnert Park USD conforms to the city of Rohnert Park's 2000 general plan to create a pedestrian oriented community integrating residential housing and schools with a mixed-use commercial center.

(b) The property is immediately adjacent to Cotati-Rohnert Park USD's Creekside Middle School and near its Evergreen Elementary School and Rancho Cotate High School.

(c) The transfer would reduce school traffic as the Cotati-Rohnert Park USD schools are within walking distance of the property. The Bellevue UESD and Santa Rosa HSD schools are seven to nine miles from the property.

At the August 11, 2005, meeting, several SCC members commented on the importance of discussions between the Cotati-Rohnert Park USD and Santa Rosa HSD and suggested tabling the item to give the two districts additional time to discuss the proposed transfer. The SCC motion to table the item and schedule another meeting prior to the September 20, 2005, deadline for a decision failed to carry by a vote of 7-1.

The SCC then voted 6-2 to disapprove the petition. The minutes of the meeting do not delineate specific reasons for the denial. (Attachment 9)

3.0 POSITIONS OF AFFECTED SCHOOL DISTRICTS

3.1 Bellevue UESD

On June 21, 2005, the Bellevue UESD governing board adopted a resolution (3-0) consenting to the transfer of the Vast Oak Development property. In a letter to the SCC, the district superintendent explained that the intent of its board "was to take action in the best interests of children since adjacent schools will provide for the education of the children." The nearest Bellevue school (then under construction) would be seven miles from the development, while students could walk or bicycle to the nearest Cotati-Rohnert Park USD elementary schools.

Further, the June 21, 2005, resolution reaffirmed a district resolution adopted in 2001 that granted preliminary approval of territory transfers of areas that might become major residential developments in Rohnert Park if the developments were projected to house a significant number of elementary school-age children.

3.2 Santa Rosa HSD

The Santa Rosa HSD governing board had not consented to the transfer or taken a formal position by August 11, 2005, when the SCC disapproved the petition (6-2). On January 26, 2007, the Santa Rosa HSD submitted a letter of opposition to the CDE stating that it has space available at its middle and high school that would serve the area, buses to transport students to both schools, and that the proposed transfer would diminish the district's tax base for repayment of bonds. (Attachment 12)

Item 5.9 of Attachment 1 to this document includes the conclusions of an analysis by Government Financial Strategies, Inc., for the Sonoma County Office of Education (SCOE) that the proposed transfer represents a negligible loss in assessed value to both the Bellevue UESD and the Santa Rosa HSD.

3.3 Cotati-Rohnert Park USD

On August 9, 2005, the Cotati-Rohnert Park USD governing board adopted a resolution (4-0) consenting to the proposed transfer of territory.

The Cotati-Rohnert Park USD supports the transfer because it advances the city of Rohnert Park's goal to create a pedestrian oriented community in which the Vast Oak Development children would attend schools located less than a mile from their homes instead of traveling seven to nine miles to schools in the Bellevue UESD and Santa Rosa USD.

4.0 REASONS FOR THE APPEAL

The appellant alleges that the SCC denied the transfer without considering or addressing the conditions of the California *Education Code (EC)* Section 35753 and based its decision on:

(a) Statements of several SCC members that "they would not supersede the wishes of a school board."

(b) The desire of several SCC members to consider overall development projections for the city of Rohnert Park before considering the petition, including properties for which transfer petitions have never been or may never be submitted.

(c) The fact that representatives of the Santa Rosa HSD and the Cotati-Rohnert Park USD had not met to discuss whether school fees from the Vast Oak Development could be shared. Resolution of the issue was not expected by the September 20, 2005, deadline for SCC action on the petition.

(d) The erroneous linking of the Vast Oak Development petition with another petition on the SCC agenda (Linwood).

"They stated that Linwood was similar to Vast Oak's request and therefore could not see a reason as to why they should approve our request for transfer as they had just denied the Linwood request." Students from Linwood, residing approximately one-half of a mile from elementary schools of two districts, could walk or bike to school whether the Linwood petition was approved or not. If the Vast Oak Development petition is not approved, students must travel approximately seven to nine miles to school.

(e) An SCC member's statement that the argument that "closer neighborhood schools enhance educational opportunities" was not valid and should not be considered.

(f) An SCC member's statement that they did not agree that busing students or lengthy commutes have negative impacts on academics and after-school activities since students travel significant distances to attend the schools of their choice.

(g) An SCC member's statement that school districts in Sonoma County had to compete for students and traditional school boundaries no longer apply.

The appellant further alleges that it was clarified that the Santa Rosa HSD wanted to discuss sharing of school fees and did not take action at its August 10, 2005, board meeting because of correspondence from the appellant's legal counsel to the SCC's legal counsel. The appellant's legal counsel explained that developer fees must be used only for new facilities or modernization of facilities to accommodate the projected enrollment from development projects. (Attachment 13)

As previously stated, the appellant contends that the SCC did not fulfill its obligation to review the conditions of *EC* 35753 as they applied to the Vast Oak Development petition, and summarily determined not to approve the proposed transfer unless all three school districts consented to the transfer.

5.0 *EC* 35710.5 CONDITIONS

Chief petitioners or affected school districts may appeal a county committee decision on territory transfers for issues of noncompliance regarding both the procedural and substantive matters of *EC* 35705, 35706, 35709, 35710, and 35753. The conditions of *EC* 35753 are further clarified by the *California Code of Regulations,* Title 5 (5 *CCR*), Section 18573.

Using the conditions set forth in *EC* 35753(a) and 5 *CCR* Section 18573, the CDE reviewed the full administrative record provided by the SCOE in evaluating the appellant's statements. *EC* 35753 is permissive, providing minimum standards, and does not preclude county committees or the SBE from rejecting proposals for other reasons. County committees and the SBE have the option of considering other local issues or concerns when exercising their discretionary authority.

The administrative record of the county proceedings does not indicate disagreement from any source, including the SCC and the Santa Rosa HSD, with the findings of the SCOE analysis that the conditions of *EC* 35753 are substantially met. Nor does the administrative record explicitly document the reason for the SCC's disapproval of the petition.

The CDE findings and conclusions regarding *EC* 35753 and 5 *CCR* 18573 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 SBE 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. (5 *CCR* 18573[a][1][A])

County Committee Evaluation

The SCOE analysis provides the following student enrollments based on data from the California Basic Educational Data System (CBEDS) for 2003-04: Bellevue UESD, 1,715; Santa Rosa HSD, 12,847; and Cotati-Rohnert Park USD, 7,478. It is anticipated that the construction of new housing will generate an additional 93-186 students.

The SCC took no action on this condition.

Appellant's Statement (Attachment 10)

The appellant states that the adequacy of the districts in terms of number of pupils enrolled will not be affected, and the transfer area, as uninhabited territory, was not considered in the Bellevue UESD and Santa Rosa HSD growth projections.

Findings/Conclusion

The CBEDS provides student enrollments for 2005-06 that are comparable to the enrollment figures provided by the SCOE as depicted in the following table:

Enrollment in Affected Districts

District	2005-06 CBEDS Enrollment
Bellevue UESD	1,738
Santa Rosa HSD	12,424
Cotati-Rohnert Park USD	7,023

The student enrollment for each type district (elementary, high, and unified) currently exceeds the required 901, 301, and 1,501; and would remain well above the minimum required levels after the proposed transfer of territory since no currently enrolled students would transfer from one district to another.

The CDE concludes that this condition is substantially met.

5.2 The districts are each organized on the basis of a substantial community identity.

Standard of Review

The following criteria from 5 *CCR* 18573(a)(2) 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

The SCOE analysis concluded the SCC could find the community identity condition substantially met based on the University District Specific Plan's: (1) proximity to Cotati-Rohnert Park USD schools and social centers and Rohnert Park's community activities; and (2) "significantly greater distances" from the schools and social centers in the Bellevue UESD and Santa Rosa HSD than those in the Cotati-Rohnert Park USD.

The SCC took no action on this condition.

Appellant's Statement (Attachment 10)

The appellant points out that Vast Oak (the transfer area) is part of the overall University District Specific Plan community, and excluding it from the Cotati-Rohnert Park USD would negatively affect growth of the new community if Vast Oak's students did not attend nearby neighborhood schools.

Findings/Conclusion

The CDE finds that the districts would be organized on the basis of a substantial community identity since the affected territory would be close to community resources and school centers. Moreover, the CDE finds that the transfer would strengthen community, school, and social ties, further enhancing community identity by:

(a) Advancing the goals of the city of Rohnert Park's 2000 general plan to create a self-contained pedestrian oriented community.

(b) Enabling residents to walk to elementary, middle, and high schools within their own district.

(c) Decreasing travel time required of students and parents to participate in school-sponsored functions.

The CDE 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 CDE reviews proposals for compliance with the provisions of *EC* 35560 and 35564 and determines which of the criteria authorized in *EC* 35736 shall be applied. The CDE also ascertains that the affected districts and county office of education are prepared to appoint the committee described in *EC* 35565 to settle disputes arising from such division of property. (5 *CCR* 18573[a][3])

County Committee Evaluation

The SCOE analysis concludes that this condition is not applicable since the area is uninhabited and no title to real or personal property will be conveyed from one district to another.

The SCC took no action on this condition.

Appellant's Statement (Attachment 10)

The appellant notes that the territory transfer area has never been inhabited and was not projected for development when the schools of the affected districts were designed and constructed.

Findings/Conclusions

The CDE agrees that no property will be divided. Should the transfer of territory occur, the territory will drop any liability for outstanding bonded indebtedness in the Bellevue UESD and the Santa Rosa HSD and assume its proportionate share of outstanding bonded indebtedness in the Cotati-Rohnert Park USD.

The CDE concludes that this condition is substantially met.

5.4 The reorganization of the districts will preserve each affected district's ability to educate students in an integrated environment and will not promote racial or ethnic discrimination or segregation.(*EC* 35753[a][4])

Standard of Review

In 5 *CCR* Section 18573(a)(4), the SBE set forth five factors to be considered in determining whether a 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

The SCOE analysis concluded that the overall racial/ethnic balances of the districts or affected schools in the districts should not change significantly because of the relatively small number of students (ethnicity as yet unknown) likely to be affected by the transfer. Further, the SCOE analysis anticipates the transfer will not have a negative effect on factors such as distances from schools, terrain, or geographic features that may involve safety hazards to pupils or capacity of schools.

For the foregoing reasons, the SCOE concluded that the SCC could find this condition is substantially met.

The SCC took no action on this condition.

Appellant's Statement (Attachment 10)

The appellant concurs with the SCOE conclusion that this condition is substantially met.

Findings/Conclusion

Using the conditions set forth in *EC* 35753(a)(4) and 5 *CCR* Section 18573, the numbers and percentages of pupils in each racial and ethnic group in the affected districts and schools in the affected districts will not change as a direct result of the boundary change because no children reside in the territory proposed for transfer. In addition, no information was presented that projects that the proposed development of the area will generate enough students to result in a statistically significant effect on the racial/ethnic balances of the districts or affected schools.

The CDE concludes that Condition 4 is substantially met.

5.5 Any increase in costs to the state as a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization.

Standard of Review

EC 35735 through 35735.2 mandate a method of computing revenue limits without regard to this condition. Although the estimated revenue limit is discussed in this section, only potential costs to the state other than those mandated by *EC* 35735 through 35735.2 are used to analyze the proposal for compliance with this condition.

County Committee Evaluation

The SCOE analysis concluded the transfer would not result in any substantial increase in costs to the state or significantly affect any affected district's revenue limit per average daily attendance: Bellevue UESD, $4,776; Santa Rosa HSD, $5,737; and Cotati-Rohnert Park USD, $4,939.

The SCC took no action on this condition.

Appellant's Statement (Attachment 10)

The appellant suggests that the transfer of territory will likely result in lower costs to the school districts and the state with Vast Oak students walking or cycling to schools in the Cotati-Rohnert Park USD, and the Bellevue UESD and the Santa Rosa HSD avoiding the costs of adding facilities or busing students.

Findings/Conclusion

No state costs, including statutorily allowable increases to revenue limits, were identified as a direct result of the transfer of territory. As no students are currently involved in this proposed transfer of this uninhabited territory, district revenue limits will not be blended and increased for salary and benefit differentials.

The CDE concludes that this condition is substantially met.

5.6 The proposed reorganization will continue to promote sound education performance and will not significantly disrupt the educational programs in the districts affected by the proposed reorganization.

Standard of Review

The proposal or petition shall not have a significant adverse effect on the educational programs of districts affected by the proposal or petition, and the CDE 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. (5 *CCR* 18573[a][5])

County Committee Evaluation

The SCOE analysis points out that given the relatively small number of potential students that may be affected by the transfer, it is unlikely that the transfer would significantly disrupt or have any effect on the districts' educational programs.

The SCC took no action on this condition.

Appellant's Statement (Attachment 10)

The appellant reasons that students in neighborhood schools and their parents will have more time to devote to education, assist teachers, and participate in fund-raising endeavors and other projects that enhance the educational experience.

Findings/Conclusion

Because no district will gain or lose students solely as a result of the transfer, the proposed reorganization will have no direct effect on educational programs.

The CDE concludes that this condition is substantially met.

5.7 Any increase in school facilities costs as a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization.

County Committee Evaluation

The SCOE analysis concludes that the SCC may find this condition substantially met since existing and future facilities are adequate to house the students in each district.

The SCC took no action on this condition.

Appellant's Statement (Attachment 10)

The appellant states that the Cotati-Rohnert Park USD can easily accommodate potential students from the territory transfer area in its existing facilities, while it is anticipated that the Bellevue UESD and the Santa Rosa HSD would not have sufficient housing for the transfer area students in addition to students from other proposed developments.

Findings/Conclusion

No information was presented identifying a need for new school housing as a result of the proposed transfer.

The CDE concludes that this condition is substantially met.

5.8 The proposed reorganization is primarily designed for purposes other than to significantly increase property values. (*EC* 35753 [a][8])
County Committee Evaluation

The SCOE analysis concluded that the SCC could find this condition substantially met since: (1) no public comments were made to suggest that the transfer was requested to increase property values in the affected territory; and (2) the primary stated reason for requesting the transfer of territory is to allow all students in the University District Specific Plan area to attend schools that are five to seven miles closer to where they will live.

The SCC took no action on this condition.

Appellant's Statement (Attachment 10)

The proposed reorganization is based primarily on directions of the city of Rohnert Park in its 2000 general plan that University District Specific Plan students should attend Cotati-Rohnert Park USD neighborhood schools to facilitate pedestrian and bicycle modes of transportation and enhance the students' educational experience.

Findings/Conclusion

When the petition was submitted in 2005, the University District Specific Plan area, including the transfer territory, was pending annexation to Rohnert Park as a pedestrian oriented community where children would walk or bicycle to school. Since that time, no information has been presented to indicate that the reorganization was designed for purposes other than those stated in the petition or that property values might significantly increase if the territory is transferred.

The CDE concludes that this condition is substantially met.

5.9 The proposed reorganization will continue to promote sound fiscal management and not cause a substantial negative effect on the fiscal status of the proposed district or any existing district affected by the proposed reorganization.

County Committee Evaluation

For the following reasons the SCOE concluded the SCC could find this condition substantially met:

(a) No public hearing testimony or information received subsequent to the public hearing suggests that this transfer will negatively affect the fiscal management or fiscal status of any district.

(b) Because each district has sufficient existing housing capacity, the division of mitigation fees (if legally permissible) among the districts should not be a negative factor as it relates to students affected by the housing development and transfer of territory.

The SCC took no action on this condition.

Appellant's Statement (Attachment 10)

The proposed reorganization will likely avoid negative fiscal impacts on the districts:

(a) The Bellevue UESD would not have to incur costs to bus students seven miles from the transfer area or provide additional facilities to house the students.

(b) The Cotati-Rohnert Park USD would use nearby facilities, some of which are operating at half capacity.

(c) The Santa Rosa HSD will avoid the cost of providing facilities to house students from the territory transfer area, as well as students from other developments in the southwest Santa Rosa area.

Findings/Conclusion

The proposed transfer property represents a negligible loss in assessed value to the Bellevue UESD and the Santa Rosa HSD: 0.16 percent and 0.02 percent, respectively, of their current assessed values, according to Government Financial Strategies (GFS), Inc. The Cotati-Rohnert Park USD's assessed value would increase by 0.08 percent. The GFS analysis of the financial effect on the tax bases of the districts estimates a change in the tax rates for bonded indebtedness for any of the three districts of less than 0.01 cent per $100 of assessed value in 2005-06.

As no students are involved in the proposed transfer, the districts' revenue limit funding will not change; and the 2005-06 interim financial reports indicate the districts will continue to be able to meet their financial obligations and reserve requirements.

The CDE supports the SCOE findings and concludes that this condition is substantially met.

6.0 COUNTY COMMITTEE REQUIREMENTS

Under *EC* 35709 and *EC* 35710 a county committee has the following options:

(a) If the county committee determines that the conditions of *EC* 35753 are substantially met, it may approve the petition (though it is not required to do so) and order the petition granted without an election if the owner of the territory and all the affected districts have consented to the transfer of uninhabited territory or inhabited territory of less than 10 percent of the assessed valuation of the district from which the territory is being transferred. (*EC* 35709)

(b) For all other petitions to transfer territory (e.g., those to transfer inhabited territory that do not have the consent of all affected districts), the county committee must notify the superintendent of schools to call an election on the proposed transfer if it determines that the conditions of *EC* 35753 are substantially met and approves the petition. (*EC* 35710) If the election area for the petition is uninhabited territory, no election is called. (*EC* 35710.1)

(c) If the county committee determines that the conditions of *EC* 35753 are not met, it must disapprove the petition.

(d) Both *EC* 35709 and *EC* 35710 give county committees discretion to reject petitions or proposals to transfer territory for other concerns even if it finds that all the minimum conditions of *EC* 35753 have been met.

The SCC denied the petition, but the record of the proceedings does not indicate whether the SCC determined the conditions of *EC* 35753 were substantially met or the SCC's basis for denying the petition.

7.0 AREA OF ELECTION

Under *EC* 35710.5(c), if the SBE elects to review the appeal, it must affirm or reverse the action of the county committee; and if the petition will be sent to election, the SBE must determine the territory in which the election is to be held. For this appeal, the SBE must determine the area of election if it reverses the action of the SCC by approving the transfer of territory.

Generally, the interests of three distinct groups of voters must be determined for purposes of the election area: (1) voters in the petition area of the district(s) from which the territory is transferred; (2) voters who live outside the petition area of

the district(s) from which the territory is transferred; and (3) voters in the district that would receive the territory (Cotati-Rohnert Park USD).

As the petition area is the territory proposed for reorganization, the petition area is also the "default" election area. (*EC* 35752). However, the SBE may alter the "default" election area, but the alterations must comply with the following "Area of Election Legal Principles."

Should the SBE choose not to alter the "default" election area, an election will not be called to vote on the petition to transfer territory since the election area for this petition will be uninhabited territory. (*EC* 35710.1)

7.1 Area of Election Legal Principles

The Local Agency Formation Commission (LAFCO)[1] 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 *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

[1] *Board of Supervisors of Sacramento County, et al., v. Local Agency Formation Commission (3 Cal. 4th 903, 1992)*

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).

7.2 Recommended Area of Election

Based on both the SCOE and CDE analyses, the impact on all affected districts would be insignificant, and no currently enrolled students would transfer from one district to another. Thus, the exclusion of the districts from the vote would meet the LAFCO court decision's rational basis test.

Therefore, if the SBE reverses the action of the SCC and approves the transfer, the CDE recommends the SBE establish the petition area as the area of election. Since the election area is uninhabited, no election would be called pursuant to *EC* 35710.1.

8.0 STATE BOARD OF EDUCATION OPTIONS

As outlined under *EC* 35710.5(c) and *EC* 35753, the SBE has two options:

(a) Ratify the county committee's decision by summarily denying review of the appeal; or

(b) Review the appeal for issues of noncompliance with the provisions of the specified *EC* sections, either on the administrative record or in conjunction with a public hearing. If the SBE elects to review the appeal, the SBE, following the review, must:

(1) Affirm or reverse the action of the county committee; and

(2) If the petition will be sent to election, determine the area of election.

9.0 RECOMMENDED ACTION

Because *EC* 35753 is permissive, providing minimum standards, the SBE has the discretion, but is not compelled, to approve a petition that substantially complies with the conditions of the section. The SBE may reject proposals for

other concerns, even if it determines the proposal substantially meets all the conditions of *EC* 35753.

The CDE finds that: (1) consistent with the conclusions of the SCOE, the proposed transfer substantially meets all the provisions of *EC* 35753(a); (2) the evidence in the administrative record indicates the effect of the proposed transfer on the affected districts would be insignificant; and (3) the proposed transfer would enhance community identity.

For the foregoing reasons, the CDE recommends that the SBE adopt the proposed resolution in Attachment 2 granting the appeal, thereby reversing the SCC's disapproval of the petition. However, if the SBE should choose to affirm the action of the SCC by denying the appeal, an alternative resolution that affirms the action of the SCC is provided as Attachment 14.

CALIFORNIA STATE BOARD OF EDUCATION
March 2007

PROPOSED RESOLUTION

Appeal from a Decision of the Sonoma County Committee on School District Organization Denying a Petition to Transfer Territory from the Bellevue Union Elementary School District and the Santa Rosa High School District to the Cotati-Rohnert Park Unified School District in Sonoma County

WHEREAS, in accordance with *Education Code* Section 35710.5, the chief petitioner filed an appeal on or about August 31, 2005, regarding the August 11, 2005, action of the Sonoma County Committee on School District Organization disapproving a transfer of territory from the Bellevue Union Elementary School District and the Santa Rosa High School District to the Cotati-Rohnert Park Unified School District in Sonoma County; and

WHEREAS, pursuant to *Education Code* Section 35710.5, the State Board of Education finds that the petition to transfer territory from the Bellevue Union Elementary School District and the Santa Rosa High School District to the Cotati-Rohnert Park Unified School District in Sonoma County meets the conditions of *Education Code* Section 35753; and

WHEREAS, the State Board of Education finds that the transfer of the territory from the Bellevue Union Elementary School District and the Santa Rosa High School District to the Cotati-Rohnert Park Unified School District in Sonoma County would enhance community identity in the area under petition; therefore, be it

RESOLVED, that the State Board of Education, pursuant to *Education Code* Section 35710.5, approves the appeal and reverses the action of the Sonoma County Committee on School District Organization; and be it

RESOLVED further, that the State Board of Education determines that the election area for the proposed transfer of territory shall be the area under petition; and be it

RESOLVED further, that the Executive Director of the State Board of Education notify, on behalf of said Board, the Sonoma County Committee on School District Organization, the chief petitioner, and the affected school districts of the action taken by the State Board of Education.

CALIFORNIA STATE BOARD OF EDUCATION
March 2007

ALTERNATIVE RESOLUTION
(Denial of Appeal)

Appeal from a Decision of the Sonoma County Committee on School District Organization Denying a Petition to Transfer Territory from the Bellevue Union Elementary School District and the Santa Rosa High School District to the Cotati-Rohnert Park Unified School District in Sonoma County

RESOLVED, that under the authority of *Education Code* Section 35710.5, the appeal filed on or about August 31, 2005, by the chief petitioner from the August 11, 2005, action of the Sonoma County Committee on School District Organization disapproving a transfer of territory from the Bellevue Union Elementary School District and the Santa Rosa High School District to the Cotati-Rohnert Park Unified School District in Sonoma County is hereby denied; and be it

RESOLVED further, that the Executive Director of the State Board of Education notify, on behalf of said Board, the Sonoma County Committee on School District Organization, the chief petitioner, and the affected school districts of the action taken by the State Board of Education.

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2007 AGENDA

SUBJECT	
Appeal by the Cotati-Rohnert Park Unified School District from a decision of the Sonoma County Committee on School District Organization to deny a petition to transfer territory from the Bellevue Union Elementary School District and the Santa Rosa High School District to the Cotati-Rohnert Park Unified School District in Sonoma County	☒ Action ☒ Information ☐ Public Hearing

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) grant the appeal, thereby reversing the action of the Sonoma County Committee (SCC) on School District Organization to disapprove a petition to transfer territory from the Bellevue Union Elementary School District (UESD) and the Santa Rosa High School District (HSD) to the Cotati-Rohnert Park Unified School District (USD) in Sonoma County.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has not heard this item previously. However, in addition to this appeal by the Cotati-Rohnert Park USD, the chief petitioner (owner and general partner of Vast Oak Properties) has also appealed the SCC's disapproval of the petition. The Cotati-Rohnert Park USD "concurs completely" with the conclusions in the chief petitioner's appeal statement regarding the conditions of California *Education Code* (*EC*) Section 35753. The chief petitioner's appeal also is scheduled for SBE review at the March 2007 SBE meeting.

SUMMARY OF KEY ISSUES

Pursuant to *EC* 35710.5, chief petitioners or affected school districts may appeal county committee decisions on petitions to transfer territory. In the current matter, the Cotati-Rohnert Park USD is appealing the SCC's disapproval of a petition submitted by the owner of Vast Oak Properties to transfer territory from the Bellevue UESD and the Santa Rosa HSD to the Cotati-Rohnert Park USD.

When the petition was submitted, the territory proposed for transfer was described as 73 acres of uninhabited land known as the Vast Oak Development. The 73-acre Vast Oak Development is a subdivision within the 297-acre University District Specific Plan. The remainder of the University District Specific Plan is in the Cotati-Rohnert Park USD, and the total area is proposed for annexation to the city of Rohnert Park as a pedestrian oriented community. In December 2006, the Rohnert Park Local Area Formation

SUMMARY OF KEY ISSUES (CONT.)

Committee (LAFCO) in a straw vote unanimously approved the annexation and incorporation of the University District Specific Plan property into the city of Rohnert Park. The straw vote operates as instructions to LAFCO staff to draw up the necessary findings for consideration when the item appears on the consent calendar in February 2007, according to Cotati-Rohnert Park USD's legal counsel.

Approximately 238 homes may be constructed on the 73 acres proposed for transfer, yielding 93 to 186 students when development, beginning in 2009, is completed. The schools in the Bellevue UESD and the Santa Rosa HSD are located seven to nine miles from the transfer territory. Cotati-Rohnert Park USD schools are within three-fourths of a mile of the transfer territory.

County committees may approve a transfer petition and order it granted without an election if the governing boards of all affected school districts consent to the transfer. The Bellevue UESD and the Cotati-Rohnert Park USD governing boards adopted resolutions consenting to the transfer. When the SCC disapproved the petition on August 11, 2005, the Santa Rosa HSD governing board had not submitted a formal position on the proposed transfer.

The Bellevue UESD supports the proposed transfer because elementary schools in the Cotati-Rohnert Park USD are within walking or bicycling distance to the transfer territory, whereas the nearest Bellevue UESD school is seven miles away. The district's consent also reaffirms its 2001 resolution. In 2001, the Bellevue UESD granted preliminary approval of transfers to the Cotati-Rohnert Park USD of specific territories that might become city of Rohnert Park developments, housing a significant number of elementary school-age children.

It was not until January 26, 2007, that the Santa Rosa HSD submitted a letter of opposition to the CDE stating that it has space available at its middle and high school that would serve the area, buses to transport students to both schools, and that the proposed transfer would diminish the district's tax base for repayment of bonds. (Attachment 12) Item 5.9 of Attachment 1 includes the conclusions of an analysis by Government Financial Strategies (GFS), Inc., for the Sonoma County Office of Education (SCOE) that the proposed transfer represents a negligible loss in assessed value to the district.

The Cotati-Rohnert Park USD supports the transfer because it advances the city of Rohnert Park's goal to create a pedestrian oriented community where all the children are able to walk or bicycle to neighborhood schools. In addition, the district contends its appeal should be granted for the following reasons: (Attachment 10)

(1) The SCC's denial of the petition is not supported by the SCOE analysis, which found all the conditions of *EC* 35753(a) are substantially met.

SUMMARY OF KEY ISSUES (CONT.)

(2) The SCC ignored its own suggested guidelines of drawing district boundaries to: (a) include all of the area embraced within the community; and (b) allow pupils to be assigned to schools they should logically attend without having to cross district lines. (Attachment 11)

(3) The SCC made no findings regarding the merits of the petition.

(4) The record of the proceedings contains no evidence from any source to support the disapproval of the petition or evidence that the proposed transfer will have an adverse effect on any of the affected school districts.

At a regular meeting on August 11, 2005, the SCC (voting 6-2) disapproved the petition. An analysis by the SCOE found all the conditions of *EC* 35753 are substantially met, and the administrative record does not explicitly document a reason for the disapproval.

The CDE concurs with the SCOE analysis that all the required conditions of *EC* 35753 are substantially met. Moreover, the CDE concludes that the proposed transfer would enhance community identity.

The SBE may, but is not required to, approve proposals if it determines the conditions of *EC* 35753 are substantially met. Because *EC* 35753 is permissive, providing minimum standards, it does not preclude the SBE from rejecting proposals for other concerns. (County committees also have discretion to disapprove transfers of territory for other concerns, even when finding all the minimum conditions have been met.)

The SBE has two options: (1) ratify the SCC's decision by summarily denying review of the appeal; or (2) review the appeal either on the administrative record or in conjunction with a public hearing. If the SBE chooses to review the appeal, the SBE, following the review, must affirm or reverse the action of the SCC and, if the petition will be sent to election, determine the territory in which the election will be held.

The CDE recommends that the SBE review the appeal solely on the administrative record and reverse the action of the SCC. The CDE analysis is provided as Attachment 1. A proposed resolution granting the appeal is provided as Attachment 2 for the SBE's consideration.

FISCAL ANALYSIS (AS APPROPRIATE)

No significant effects on local funding or state costs were identified. The SCOE analysis concludes that the proposed transfer would not result in any substantial increase in costs to the state, noting that the districts have sufficient housing capacity and revenue limit funding would not change. The GFS analysis concludes that the loss in assessed value or change in tax rates for bond repayments would be negligible.

ATTACHMENT(S)

Attachment 1: Analysis of Issues of Appeal (15 pages).

Attachment 2: Proposed Resolution (1 page).

Attachment 3: "Petition for Transfer of Territory" (4 pages). (This attachment is not available for Web viewing. A printed copy is available for viewing in the SBE Office.)

Attachment 4: Map of the proposed transfer area (1 page). (This attachment is not available for Web viewing. A printed copy is available for viewing in the SBE Office.)

Attachment 5: Resolutions (2) of the Bellevue UESD (3 pages). (This attachment is not available for Web viewing. A printed copy is available for viewing in the SBE Office.)

Attachment 6: Resolution of the Cotati-Rohnert Park USD (2 pages). (This attachment is not available for Web viewing. A printed copy is available for viewing in the SBE Office.)

Attachment 7: "Bellevue Union and Santa Rosa High School Districts Public Hearing Minutes," and "Cotati-Rohnert Park USD Public Hearing Minutes," May 23, 2005 (4 pages). (This attachment is not available for Web viewing. A printed copy is available for viewing in the SBE Office.)

Attachment 8: "University District Territory Transfer Staff Analysis of *EC* 35753(a)(1)-(10) Conditions," SCOE (4 pages). (This attachment is not available for Web viewing. A printed copy is available for viewing in the SBE Office.)

Attachment 9: "Regular Meeting Minutes, August 11, 2005, Amended" (6 pages). (This attachment is not available for Web viewing. A printed copy is available for viewing in the SBE Office.)

Attachment 10: Cotati-Rohnert Park USD appeal statement of reasons and factual evidence, September 26, 2005 (6 pages). (This attachment is not available for Web viewing. A printed copy is available for viewing in the SBE Office.)

Attachment 11: "First Preliminary Report, SCC on School District Organization, Study on Territory west of . . . and Guidelines for School District Organization," June 26, 1986 (3 pages). (This attachment is not available for Web viewing. A printed copy is available for viewing in the SBE Office.)

ATTACHMENT(S) (CONT.)

Attachment 12: Santa Rosa HSD letter of opposition, January 26, 2007 (2 pages). (This attachment is not available for Web viewing. A printed copy is available for viewing in the SBE Office.)

Attachment 13: Alternative Resolution (1 page).

TERRITORY TRANSFER APPEAL
BELLEVUE UNION ELEMENTARY SCHOOL DISTRICT AND SANTA ROSA HIGH SCHOOL DISTRICT TO COTATI-ROHNERT PARK UNIFIED SCHOOL DISTRICT

ANALYSIS OF ISSUES OF APPEAL

1.0 RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) adopt the proposed resolution in Attachment 2 granting the appeal, thereby reversing the action of the Sonoma County Committee (SCC) on School District Organization to disapprove a petition to transfer territory from the Bellevue Union Elementary School District (UESD) and the Santa Rosa High School District (HSD) to the Cotati-Rohnert Park Unified School District (USD).

2.0 BACKGROUND

The Cotati-Rohnert Park USD is appealing the disapproval of a petition submitted by Craig Harrington, chief petitioner, owner, and general partner of Vast Oak Properties. The petition seeks to transfer the Vast Oak Development, approximately 73 acres of uninhabited land, from the Bellevue UESD and the Santa Rosa HSD to the Cotati-Rohnert Park USD.

The 73-acre Vast Oak Development is a subdivision within the 297-acre University District Specific Plan, all of which is in the Cotati-Rohnert Park USD except the Vast Oak Development. The total University District Specific Plan area is proposed for annexation to the city of Rohnert Park as a pedestrian oriented community.

In December 2006, the Rohnert Park Local Area Formation Committee (LAFCO) in a straw vote unanimously approved the annexation and incorporation of the University District Specific Plan property into the city of Rohnert Park. The straw vote operates as instructions to LAFCO staff to draw up the necessary findings for consideration when the item appears on the consent calendar in February 2007, according to Cotati-Rohnert Park USD's legal counsel.

Approximately 238 homes may be constructed on the 73 acres proposed for transfer, yielding 93 to 186 students when development, beginning in 2009, is completed. The schools in the Bellevue UESD and the Santa Rosa HSD are located seven to nine miles from the transfer territory. Cotati-Rohnert Park USD schools are within three-fourths of a mile of the transfer territory.

The chief petitioner's reasons for requesting the boundary change include the following: (Attachment 3, "Petition for Transfer of Territory")

(a) Placing all University District Specific Plan properties in the Cotati-Rohnert Park USD conforms to the city of Rohnert Park's 2000 general plan to create a pedestrian oriented community integrating residential housing and schools with a mixed-use commercial center.

(b) The property is immediately adjacent to Cotati-Rohnert Park USD's Creekside Middle School and near its Evergreen Elementary School and Rancho Cotate High School.

(c) The transfer would reduce school traffic as the Cotati-Rohnert Park USD schools are within walking distance of the property. The Bellevue UESD and Santa Rosa HSD schools are seven to nine miles from the property.

At the August 11, 2005, meeting, several SCC members commented on the importance of discussions between the Cotati-Rohnert Park USD and Santa Rosa HSD and suggested tabling the item to give the two districts additional time to discuss the proposed transfer. The SCC motion to table the item and schedule another meeting prior to the September 20, 2005, deadline for a decision failed to carry by a vote of 7-1.

The SCC then voted 6-2 to disapprove the petition. The minutes of the meeting do not delineate specific reasons for the denial. (Attachment 9)

3.0 POSITIONS OF AFFECTED SCHOOL DISTRICTS

3.1 Bellevue UESD

On June 21, 2005, the Bellevue UESD governing board adopted a resolution (3-0) consenting to the transfer of the Vast Oak Development property. In a letter to the SCC, the district superintendent explained that the intent of its board "was to take action in the best interests of children since adjacent schools will provide for the education of the children." The nearest Bellevue school (then under construction) would be seven miles from the development, while students could walk or bicycle to the nearest Cotati-Rohnert Park USD elementary schools.

Further, the June 21, 2005, resolution reaffirmed a district resolution adopted in 2001 that granted preliminary approval of territory transfers of areas that might become major residential developments in Rohnert Park if the developments were projected to house a significant number of elementary school-age children.

3.2 Santa Rosa HSD

The Santa Rosa HSD governing board had not consented to the transfer or taken a formal position by August 11, 2005, when the SCC disapproved the petition (6-2). On January 26, 2007, the Santa Rosa HSD submitted a letter of opposition to the CDE stating that it has space available at its middle and high school that would serve the area, buses to transport students to both schools, and that the proposed transfer would diminish the district's tax base for repayment of bonds. (Attachment 12)

Item 5.9 of Attachment 1 to this document includes the conclusions of an analysis by Government Financial Strategies (GFS), Inc., for the Sonoma County Office of Education (SCOE) that the proposed transfer represents a negligible loss in assessed value to both the Bellevue UESD and the Santa Rosa HSD.

3.3 Cotati-Rohnert Park USD (appellant)

On August 9, 2005, the Cotati-Rohnert Park USD governing board adopted a resolution (4-0) consenting to the proposed transfer of territory.

The Cotati-Rohnert Park USD supports the transfer because it advances the city of Rohnert Park's goal to create a pedestrian oriented community in which the Vast Oak Development children would attend schools located less than a mile from their homes instead of traveling seven to nine miles to schools in the Bellevue UESD and Santa Rosa USD.

4.0 REASONS FOR THE APPEAL

The appellant (Cotati-Rohnert Park USD) states that the SCC's "disapproval of the petition was arbitrary, capricious, and contrary to public policy." Further, the appellant alleges that:

(a) The SCC decision is devoid of any supporting evidence which is either credible or relevant.

(b) The SCC did not consider the SCOE analysis, which found all the conditions of *EC* 35753 are substantially met.

(c) The SCC ignored its own suggested guidelines for consideration of transfer petitions. The SCC guidelines recommend drawing district boundaries that include the total area of the community and allowing pupils to be assigned to schools they should logically attend without having to cross district lines. (Attachment 11)

(d) The administrative record of the proceedings contains no evidence that the proposed transfer will have an adverse effect on any of the affected school districts.

The appellant states that the SCC discussed only two issues regarding the petition: (1) distances students would travel to school; and (2) the Santa Rosa HSD governing board's failure to adopt a resolution to either consent or not consent to the proposed transfer. Relying on an appellate court decision regarding an interscholastic athletics due process case[1] as the "standard of appellate review," the appeal states that the decision of the SCC, as a non-adjudicatory state agency, must be reversed if it is not supported by substantial evidence.

5.0 *EC* 35710.5 CONDITIONS

Chief petitioners or affected school districts may appeal a county committee decision on territory transfers for issues of noncompliance regarding both the procedural and substantive matters of *EC* 35705, 35706, 35709, 35710, and 35753. The conditions of *EC* 35753 are further clarified by the *California Code of Regulations,* Title 5 (5 *CCR*), Section 18573.

Using the conditions set forth in *EC* 35753(a) and 5 *CCR* Section 18573, the CDE reviewed the full administrative record provided by the SCOE in evaluating the appellant's statements. *EC* 35753 is permissive, providing minimum standards, and does not preclude county committees or the SBE from rejecting proposals for other reasons. County committees and the SBE have the option of considering other local issues or concerns when exercising their discretionary authority.

The administrative record of the county proceedings does not indicate disagreement from any source, including the SCC or the Santa Rosa HSD, with the findings of the SCOE analysis that the conditions of *EC* 35753 are substantially met. Nor does the administrative record explicitly document the reason for the SCC's disapproval of the petition.

The CDE findings and conclusions regarding *EC* 35753 and 5 *CCR* 18573 conditions follow:

5.1 The new districts will be adequate in terms of number of pupils enrolled.

[1] *Ryan v. California Scholastic Federation-San Diego Section (2001)(94 Cal.App4th 1048, 1077)* and *Kuhn v. Department of General Services (1994) (22 Cal.App.4th 1627, 1633)*

Standard of Review

It is the intent of the SBE 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. (5 *CCR* 18573[a][1][A])

County Committee Evaluation

The SCOE analysis provides the following student enrollments based on data from the California Basic Educational Data System (CBEDS) for 2003-04: Bellevue UESD, 1,715; Santa Rosa HSD, 12,847; and Cotati-Rohnert Park USD, 7,478. It is anticipated that construction of new housing will generate an additional 93-186 students when development is completed in the territory to be transferred.

The SCC took no action on this condition.

Findings/Conclusion

The CBEDS provides student enrollments for 2005-06 that are comparable to the enrollment figures provided by the SCOE as depicted in the following table:

Enrollment in Affected Districts

District	2005-06 CBEDS Enrollment
Bellevue UESD	1,738
Santa Rosa HSD	12,424
Cotati-Rohnert Park USD	7,023

The student enrollment for each type district (elementary, high, and unified) currently exceeds the required 901, 301, and 1,501; and would remain well above the minimum required levels after the proposed transfer of territory since no currently enrolled students would transfer from one district to another.

The CDE concludes that this condition is substantially met.

5.2 The districts are each organized on the basis of a substantial community identity.

Standard of Review

The following criteria from 5 *CCR* 18573(a)(2) 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

The SCOE analysis concluded the SCC could find the community identity condition substantially met based on the University District Specific Plan's: (1) proximity to Cotati-Rohnert Park USD schools and social centers and Rohnert Park's community activities; and (2) "significantly greater distances" from the schools and social centers in the Bellevue UESD and Santa Rosa HSD than those in the Cotati-Rohnert Park USD.

The SCC took no action on this condition.

Findings/Conclusion

The CDE finds that the districts would be organized on the basis of a substantial community identity since the affected territory would be close to community resources and school centers. Moreover, the CDE finds that the transfer would strengthen community, school, and social ties, further enhancing community identity by:

(a) Advancing the goals of the city of Rohnert Park's 2000 general plan to create a self-contained pedestrian oriented community.

(b) Enabling residents to walk to elementary, middle, and high schools within their own district.

(c) Decreasing travel time required of students and parents to participate in school-sponsored functions.

The CDE 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 CDE reviews proposals for compliance with the provisions of *EC* 35560 and 35564 and determines which of the criteria authorized in *EC* 35736 shall be applied. The CDE also ascertains that the affected

districts and county office of education are prepared to appoint the committee described in *EC* 35565 to settle disputes arising from such division of property. (5 *CCR* 18573[a][3])

County Committee Evaluation

The SCOE analysis concludes that this condition is not applicable since the area is uninhabited and no title to real or personal property will be conveyed from one district to another.

The SCC took no action on this condition.

Findings/Conclusions

The CDE agrees that no property will be divided. Should the transfer of territory occur, the territory will drop any liability for outstanding bonded indebtedness in the Bellevue UESD and the Santa Rosa HSD and assume its proportionate share of outstanding bonded indebtedness in the Cotati-Rohnert Park USD.

The CDE concludes that this condition is substantially met.

5.4 The reorganization of the districts will preserve each affected district's ability to educate students in an integrated environment and will not promote racial or ethnic discrimination or segregation. (*EC* 35753[a][4])

Standard of Review

In 5 *CCR* Section 18573(a)(4), the SBE set forth five factors to be considered in determining whether a 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

The SCOE analysis concluded that the overall racial/ethnic balances of the districts or affected schools in the districts should not change significantly because of the relatively small number of students (ethnicity as yet unknown) likely to be affected by the transfer. Further, the SCOE analysis anticipates the transfer will not have a negative effect on factors such as distances from schools, terrain, or geographic features that may involve safety hazards to pupils or capacity of schools.

For the foregoing reasons, the SCOE concluded that the SCC could find this condition is substantially met.

The SCC took no action on this condition.

Findings/Conclusion

Using the conditions set forth in *EC* 35753(a)(4) and 5 *CCR* Section 18573, the numbers and percentages of pupils in each racial and ethnic group in the affected districts and schools in the affected districts will not change as a direct result of the boundary change because no children reside in the territory proposed for transfer. In addition, no information was presented that projects that the proposed development of the area will generate enough students to result in a statistically significant effect on the racial/ethnic balances of the districts or affected schools.

The CDE concludes that Condition 4 is substantially met.

5.5 Any increase in costs to the state as a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization.

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 discussed in this section, only potential costs to the state other than those mandated by *EC* 35735 through 35735.2 are used to analyze the proposal for compliance with this condition.

County Committee Evaluation

The SCOE analysis concluded the transfer would not result in any substantial increase in costs to the state or significantly affect any affected district's revenue limit per average daily attendance: Bellevue UESD, $4,776; Santa Rosa HSD, $5,737; and Cotati-Rohnert Park USD, $4,939.

The SCC took no action on this condition.

Findings/Conclusion

No state costs, including statutorily allowable increases to revenue limits, were identified as a direct result of the transfer of territory. As no students are currently involved in this proposed transfer of this uninhabited territory, district revenue limits will not be blended and increased for salary and benefit differentials.

The CDE concludes that this condition is substantially met.

5.6 The proposed reorganization will continue to promote sound education performance and will not significantly disrupt the educational programs in the districts affected by the proposed reorganization.

Standard of Review

The proposal or petition shall not have a significant adverse effect on the educational programs of districts affected by the proposal or petition, and the CDE 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. (5 *CCR* 18573[a][5])

County Committee Evaluation

The SCOE analysis points out that given the relatively small number of potential students that may be affected by the transfer, it is unlikely that the transfer would significantly disrupt or have any effect on the districts' educational programs.

The SCC took no action on this condition.

Findings/Conclusion

Because no district will gain or lose students solely as a result of the transfer of territory, the proposed reorganization will have no direct effect on educational programs.

The CDE concludes that this condition is substantially met.

5.7 Any increase in school facilities costs as a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization.

County Committee Evaluation

The SCOE analysis concludes that the SCC may find this condition substantially met since existing and future facilities are adequate to house the students in each district.

The SCC took no action on this condition.

Findings/Conclusion

No information was presented identifying a need for new school housing as a result of the proposed transfer.

The CDE concludes that this condition is substantially met.

5.8 The proposed reorganization is primarily designed for purposes other than to significantly increase property values. (*EC* 35753 [a][8])

County Committee Evaluation

The SCOE analysis concluded that the SCC could find this condition substantially met since: (1) no public comments were made to suggest that the transfer was requested to increase property values in the affected territory; and (2) the primary stated reason for requesting the transfer of territory is to allow all students in the University District Specific Plan area to attend schools that are five to seven miles closer to where they will live.

The SCC took no action on this condition.

Findings/Conclusion

When the petition was submitted in 2005, the University District Specific Plan area, including the transfer territory, was pending annexation to

Rohnert Park as a pedestrian oriented community where children would walk or bicycle to school. Since that time, no information has been presented to indicate that the reorganization was designed for purposes other than those stated in the petition or that property values might significantly increase if the territory is transferred.

The CDE concludes that this condition is substantially met.

5.9 The proposed reorganization will continue to promote sound fiscal management and not cause a substantial negative effect on the fiscal status of the proposed district or any existing district affected by the proposed reorganization.

County Committee Evaluation

For the following reasons the SCOE concluded the SCC could find this condition substantially met:

(a) No public hearing testimony or information received subsequent to the public hearing suggests that this transfer will negatively affect the fiscal management or fiscal status of any district.

(b) Because each district has sufficient existing housing capacity, the division of mitigation fees (if legally permissible) among the districts should not be a negative factor as it relates to students affected by the housing development and transfer of territory.

The SCC took no action on this condition.

Findings/Conclusion

The proposed transfer property represents a negligible loss in assessed value to the Bellevue UESD and the Santa Rosa HSD: 0.16 percent and 0.02 percent, respectively, of their current assessed values, according to GFS. The Cotati-Rohnert Park USD's assessed value would increase by 0.08 percent. The GFS analysis of the financial effect on the tax bases of the districts estimates a change in the tax rates for bonded indebtedness for any of the three districts of less than 0.01 cent per $100 of assessed value in 2005-06.

As no students are involved in the proposed transfer, the districts' revenue limit funding will not change; and the 2005-06 interim financial reports indicate the districts will continue to be able to meet their financial obligations and reserve requirements.

The CDE supports the SCOE findings and concludes that this condition is substantially met.

6.0 COUNTY COMMITTEE REQUIREMENTS

Under *EC* 35709 and *EC* 35710 a county committee has the following options:

(a) If the county committee determines that the conditions of *EC* 35753 are substantially met, it may approve the petition (though it is not required to do so) and order the petition granted without an election if the owner of the territory and all the affected districts have consented to the transfer of uninhabited territory or inhabited territory of less than 10 percent of the assessed valuation of the district from which the territory is being transferred. (*EC* 35709)

(b) For all other petitions to transfer territory (e.g., those to transfer inhabited territory that do not have the consent of all affected districts), the county committee must notify the superintendent of schools to call an election on the proposed transfer if it determines that the conditions of *EC* 35753 are substantially met and approves the petition. (*EC* 35710) If the election area for the petition is uninhabited territory, no election is called. (*EC* 35710.1)

(c) If the county committee determines that the conditions of *EC* 35753 are not met, it must disapprove the petition.

(d) Both *EC* 35709 and *EC* 35710 give county committees discretion to reject petitions or proposals to transfer territory for other concerns even if it finds that all the minimum conditions of *EC* 35753 have been met.

The SCC denied the petition, but the record of the proceedings does not indicate whether the SCC determined the conditions of *EC* 35753 were substantially met or the SCC's basis for denying the petition.

7.0 AREA OF ELECTION

Under *EC* 35710.5(c), if the SBE elects to review the appeal, it must affirm or reverse the action of the county committee; and if the petition will be sent to election, the SBE must determine the territory in which the election is to be held. For this appeal, the SBE must determine the area of election if it reverses the action of the SCC by approving the transfer of territory.

Generally, the interests of three distinct groups of voters must be determined for purposes of the election area: (1) voters in the petition area of the district(s) from which the territory is transferred; (2) voters who live outside the petition area of the district(s) from which the territory is transferred; and (3) voters in the district that would receive the territory (Cotati-Rohnert Park USD).

As the petition area is the territory proposed for reorganization, the petition area is also the "default" election area. (*EC* 35752). The SBE may alter the "default" election area, but the alterations must comply with the following "Area of Election Legal Principles."

Should the SBE choose not to alter the "default" election area, an election will not be called to vote on the petition to transfer territory since the election area for this petition will be uninhabited territory. (*EC* 35710.1)

7.1 Area of Election Legal Principles

The Local Agency Formation Commission (LAFCO)[2] 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 *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] *Board of Supervisors of Sacramento County, et al., v. Local Agency Formation Commission (3 Cal. 4th 903, 1992)*

(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).

7.2 Recommended Area of Election

Based on both the SCOE and CDE analyses, the impact on all affected districts would be insignificant, and no currently enrolled students would transfer from one district to another. Thus, the exclusion of the districts from the vote would meet the LAFCO court decision's rational basis test.

Therefore, if the SBE reverses the action of the SCC and approves the transfer, the CDE recommends the SBE establish the petition area as the area of election. Since the election area is uninhabited, no election would be called pursuant to *EC* 35710.1.

8.0 STATE BOARD OF EDUCATION OPTIONS

As outlined under *EC* 35710.5(c) and 35753, the SBE has two options:

(a) Ratify the county committee's decision by summarily denying review of the appeal; or

(b) Review the appeal for issues of noncompliance with the provisions of the specified *EC* sections, either on the administrative record or in conjunction with a public hearing. If the SBE elects to review the appeal, the SBE, following the review, must:

(1) Affirm or reverse the action of the county committee; and

(2) If the petition will be sent to election, determine the area of election.

9.0 RECOMMENDED ACTION

Because *EC* 35753 is permissive, providing minimum standards, the SBE has the discretion, but is not compelled, to approve a petition that substantially complies with the conditions of the section. The SBE may reject proposals for other concerns, even if it determines the proposal substantially meets all the conditions of *EC* 35753.

The CDE finds that: (1) consistent with the conclusions of the SCOE, the proposed transfer substantially meets all the provisions of *EC* 35753(a); (2) the evidence in the administrative record indicates the effect of the proposed transfer on the affected districts would be insignificant; and (3) the proposed transfer would enhance community identity.

For the foregoing reasons, the CDE recommends that the SBE adopt the proposed resolution in Attachment 2 granting the appeal, thereby reversing the SCC's disapproval of the petition. However, if the SBE should choose to affirm the action of the SCC by denying the appeal, an alternative resolution that affirms the action of the SCC is provided as Attachment 13.

CALIFORNIA STATE BOARD OF EDUCATION
March 2007

PROPOSED RESOLUTION

Appeal from a Decision of the Sonoma County Committee on School District Organization Denying a Petition to Transfer Territory from the Bellevue Union Elementary School District and the Santa Rosa High School District to the Cotati-Rohnert Park Unified School District in Sonoma County

WHEREAS, in accordance with *Education Code* Section 35710.5, the Cotati-Rohnert Park Unified School District filed an appeal on or about September 26, 2005, regarding the August 11, 2005, action of the Sonoma County Committee on School District Organization disapproving a transfer of territory from the Bellevue Union Elementary School District and the Santa Rosa High School District to the Cotati-Rohnert Park Unified School District in Sonoma County; and

WHEREAS, pursuant to *Education Code* Section 35710.5, the State Board of Education finds that the petition to transfer territory from the Bellevue Union Elementary School District and the Santa Rosa High School District to the Cotati-Rohnert Park Unified School District in Sonoma County meets the conditions of *Education Code* Section 35753; and

WHEREAS, the State Board of Education finds that transfer of the territory from the Bellevue Union Elementary School District and the Santa Rosa High School District to the Cotati-Rohnert Park Unified School District in Sonoma County would enhance community identity in the area under petition; therefore, be it

RESOLVED, that the State Board of Education, pursuant to *Education Code* Section 35710.5, approves the appeal and reverses the action of the Sonoma County Committee on School District Organization; and be it

RESOLVED further, that the State Board of Education determines that the election area for the proposed transfer of territory shall be the area under petition; and be it

RESOLVED further, that the Executive Director of the State Board of Education notify, on behalf of said Board, the Sonoma County Committee on School District Organization, the chief petitioner, and the affected school districts of the action taken by the State Board of Education.

CALIFORNIA STATE BOARD OF EDUCATION
March 2007

ALTERNATIVE RESOLUTION
(Denial of Appeal)

Appeal from a Decision of the Sonoma County Committee on School District Organization Denying a Petition to Transfer Territory from the Bellevue Union Elementary School District and the Santa Rosa High School District to the Cotati-Rohnert Park Unified School District in Sonoma County

RESOLVED, that under the authority of *Education Code* Section 35710.5, the appeal filed on or about September 26, 2005, by the Cotati-Rohnert Park Unified School District from the August 11, 2005, action of the Sonoma County Committee on School District Organization disapproving a transfer of territory from the Bellevue Union Elementary School District and the Santa Rosa High School District to the Cotati-Rohnert Park Unified School District in Sonoma County is hereby denied; and be it

RESOLVED further, that the Executive Director of the State Board of Education notify, on behalf of said Board, the Sonoma County Committee on School District Organization, the chief petitioner, and the affected school districts of the action taken by the State Board of Education.

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2007 AGENDA

SUBJECT	
Environmental Effect of the Proposed Unification of the Grant Joint Union High School District with the Del Paso Heights School District, the North Sacramento School District, and the Rio Linda Union 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 a Negative Declaration (Attachment 1), which concludes that the proposed unification would not have any significant effects on the environment.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has not heard this issue previously.

SUMMARY OF KEY ISSUES

The SBE is the lead agency for all aspects of school district unifications, including reviewing potential impacts on the environment in accordance with the California Environmental Quality Act (CEQA) and State CEQA guidelines. The CDE has completed the CEQA Initial Study (Attachment 2). The study describes the project and its potential impacts on the environment.

A copy of the Initial Study and Negative Declaration, concluding that the proposed unification would not have any significant effects on the environment, has been filed with the State Clearinghouse for state agency review. Also, the Grant Joint Union High School District, the Del Paso Heights School District, the North Sacramento School District, and the Rio Linda School District have posted a copy of the Initial Study and Negative Declaration for public review. Furthermore, a notice of the availability and intent to consider a Negative Declaration for the proposed unification, and the location and time of the public hearing, have been published in a local newspaper of general circulation. Any comments from this public review period received by CDE will be forwarded to the SBE or presented 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 (2 Pages).

Attachment 2: Initial Study/Proposed Negative Declaration for the Unification of Grant Joint Union High School District, Del Paso Heights School District, North Sacramento School District, and Rio Linda School District in Sacramento County (68 Pages).

PROPOSED NEGATIVE DECLARATION

Project: Unification of the Grant Joint Union High School District in Sacramento County

Lead Agency: California State Board of Education (SBE)

Availability of Documents: The Initial Study (IS) for this Negative Declaration (ND) is available for review at the following locations:

California Department of Education
1430 N Street, Suite 3800
Sacramento, CA 95814

Grant Joint Union High School District
1333 Grand Avenue
Sacramento, CA 95838

Del Paso Heights School District
1281 North Avenue
Sacramento, CA 95838

North Sacramento School District
670 Dixieanne Avenue
Sacramento, CA 95814

Rio Linda Union School District
627 L Street
Rio Linda, CA 95673

Project Description

The Governing Boards of the Grant Joint Union High School District (JUHSD), the Del Paso Heights School District (SD), the North Sacramento School District, (SD), and the Rio Linda Union School District (USD) propose to merge the four districts into a single unified district. Grant JUHSD, Del Paso Heights SD, North Sacramento SD, and Rio Linda USD are located in north Sacramento County, California (a relatively small portion of the Grant JUHSD is located in Placer County). Grant JUHSD serves 13,965 students in grade levels seven through twelve, whereas Del Paso Heights SD, North Sacramento D, and Rio Linda USD have enrollments of 1,865, 4,862, and 10,586 kindergarten through sixth grade students, respectively. Together, the four districts serve 31,278 students. Elverta Joint School District (JSD) and Robla School District (SD) comprise the remainder of Grant JUHSD, and seventh through eighth grade students residing in these districts would continue to attend their same schools.

Grant JUHSD has five comprehensive high schools, six comprehensive junior high schools, and three charter schools (GJUHSD 2006). Del Paso Heights SD has four kindergarten through six elementary schools (DPHSD 2006); North Sacramento SD has nine school facilities (NSSD 2006); and Rio Linda USD has 21 elementary schools (RLUSD 2006). Students from all three of these component districts move on to Grant JUHSD for their seventh through twelfth grade education.

Grant JUHSD and Del Paso Heights SD share administrative staff (e.g., superintendent, business office, and student support services). Both North Sacramento SD and Rio Linda USD have separate administrative staffs. Exhibit 2-1 shows the boundaries of the Grant JUHSD, including the boundaries of Del Paso Heights SD, North Sacramento SD, and Rio Linda USD.

The proposed unification is a discretionary action that would not lead to physical changes in the environment. The proposed unification would not cause changes to the numbers or commute patterns of administrative staff, the numbers of or school attendance boundaries for students, or bus routing or maintenance practices. The proposed unification would not create a need for nor propose new or modified school facilities in either affected school district.

Findings

An IS has been prepared to assess the proposed project's potential effects on the environment and the significance of those effects. Based on the IS, it has been determined that the proposed unification would not have any significant effects on the environment. This conclusion is supported by the following finding:

> The proposed unification would not have a significant effect related to aesthetic resources, agricultural resources, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation and traffic, and utilities and service systems.

A copy of the IS is attached. Questions or comments regarding this ND and IS may be addressed to:

Larry Shirey, Field Representative
Financial Accountability and Information Services
California Department of Education
1430 N Street, Suite 3800
Sacramento, CA 95814
Telephone: (916) 322-1468

Pursuant to Section 21082.1 of the California Environmental Quality Act, the SBE has independently reviewed and analyzed the IS and ND for the proposed project and finds that the IS and ND reflect the independent judgment of the SBE. The adoption of the ND occurs with the signature below.

_____ _____

Executive Director Date
California State Board of Education

(To be signed upon adoption of the ND after the public review period is completed.)

INITIAL STUDY / NEGATIVE DECLARATION

for the

UNIFICATION OF GRANT JOINT UNION HIGH SCHOOL DISTRICT, DEL PASO HEIGHTS SCHOOL DISTRICT, NORTH SACRAMENTO SCHOOL DISTRICT, AND RIO LINDA UNION SCHOOL DISTRICT IN SACRAMENTO COUNTY

Prepared for:

California State Board of Education
1430 N Street, Suite 5111
Sacramento, CA 95814

Prepared by:

California Department of Education
1430 N Street, Suite 3800
Sacramento, CA 95814

Contact:

Larry Shirey
Field Representative
(916) 322-1468

January 3, 2007

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PROPOSED NEGATIVE DECLARATION

Project: Unification of the Grant Joint Union High School District in Sacramento County

Lead Agency: California State Board of Education (SBE)

Availability of Documents: The Initial Study (IS) for this Negative Declaration (ND) is available for review at the following locations:

California Department of Education
1430 N Street, Suite 3800
Sacramento, CA 95814

Grant Joint Union High School District
1333 Grand Avenue
Sacramento, CA 95838

Del Paso Heights School District
1281 North Avenue
Sacramento, CA 95838

North Sacramento School District
670 Dixieanne Avenue
Sacramento, CA 95814

Rio Linda Union School District
627 L Street
Rio Linda, CA 95673

Project Description

The Governing Boards of the Grant Joint Union High School District (JUHSD), the Del Paso Heights School District (SD), the North Sacramento School District (SD), and the Rio Linda Union School District (USD) propose to merge the four districts into a single unified district. Grant JUHSD, Del Paso Heights SD, North Sacramento SD, and Rio Linda USD are located in the northern portion of Sacramento County, California. Grant JUHSD serves 13,965 students in grade levels seven through twelve, whereas Del Paso Heights SD, North Sacramento SD, and Rio Linda USD have a combined enrollment of 17,313 kindergarten through sixth grade students. Together, the three districts serve 31,278 students (CBEDS 2006). Secondary students residing in the Elverta Joint SD and Robla SD would continue to attend their same high schools and, therefore, are included in the Grant JUHSD and total enrollment numbers.

Grant JUHSD has five comprehensive high schools, six comprehensive junior high schools, and three charter schools (GJUHSD 2006). Del Paso Heights SD has four kindergarten through six elementary schools (DPHSD 2006); North Sacramento SD has nine school facilities (NSSD 2006); and Rio Linda USD has 21 elementary schools (RLUSD 2006). Students from all three of these component districts move on to Grant JUHSD for their seventh through twelfth grade education.

Grant JUHSD and Del Paso Heights SD share administrative staff (e.g., superintendent, business office, and student support services). Both North Sacramento SD and Rio Linda USD have separate administrative staffs. Exhibit 2-1 shows the boundaries of Grant JUHSD, including the boundaries of Del Paso Heights SD, North Sacramento SD, and Rio Linda USD.

The proposed unification is a discretionary action that would not lead to physical changes in the environment. The proposed unification would not cause changes to the numbers or commute patterns of administrative staff, the numbers of or school attendance boundaries for students, or bus routing or maintenance practices. The proposed unification would not create a need for nor propose new or modified school facilities in either affected school district.

Findings

An IS has been prepared to assess the proposed project's potential effects on the environment and the significance of those effects. Based on the IS, it has been determined that the proposed unification would not have any significant effects on the environment. This conclusion is supported by the following finding:

> The proposed unification would not have a significant effect related to aesthetic resources, agricultural resources, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation and traffic, and utilities and service systems.

A copy of the IS is attached. Questions or comments regarding this ND and IS may be addressed to:

Larry Shirey, Field Representative
Financial Accountability and Information Services
California Department of Education
1430 N Street, Suite 3800
Sacramento, CA 95814
Telephone: (916) 322-1468

Pursuant to Section 21082.1 of the California Environmental Quality Act, the SBE has independently reviewed and analyzed the IS and ND for the proposed project and finds that the IS and ND reflect the independent judgment of the SBE. The adoption of the ND occurs with the signature below.

_____ _____

Executive Director
California State Board of Education

Date

(To be signed upon adoption of the ND after the public review period is completed.)

1. INTRODUCTION

1.1 Overview and Regulatory Guidance

This Initial Study and proposed Negative Declaration (IS/ND) has been prepared by the California Department of Education (CDE), for the California State Board of Education (SBE), to evaluate the potential environmental effects of the proposed unification of the Grant Joint Union High School District (JUHSD) with the Del Paso Heights School District (SD), the North Sacramento School District (SD), and the Rio Linda Union School District (USD), located in north Sacramento County, California. The unification would result in the establishment of a single unified district that would be named by the newly elected governing board. The governing boards of Grant JUHSD and its five component elementary school districts are proposing this unification. This document has been prepared in accordance with the California Environmental Quality Act (CEQA), *Public Resources Code* Section 21000 *et seq*., and the CEQA Guidelines contained in Title 14*, California Code of Regulations* (*CCR*) Section 15000 *et seq*.

An Initial Study (IS) is conducted by a lead agency to determine if a project may have a significant effect on the environment. In accordance with *CCR* Section 15064(a), an Environmental Impact Report (EIR) must be prepared if there is substantial evidence that a project may have a significant effect on the environment. A Negative Declaration (ND) shall be prepared instead, if the lead agency determines that there is no substantial evidence, in light of the whole record, that a project may have a significant effect on the environment, or that potential significant effects are identified, but revisions made to the project, or agreed to by the proponent, avoid or mitigate the potentially significant effects to a less-than-significant level (*CCR* Section 15070). The lead agency prepares a written statement describing the reasons why a proposed project would not have a significant effect on the environment, and therefore, why it does not require the preparation of an EIR (*CCR* Section 15369.5).

1.2 Lead Agency

Under CEQA, the lead agency is the public agency with primary responsibility over the proposed project. In accordance with *CCR* Section 15051(b)(1), “the lead agency will normally be an agency with general governmental powers, such as a city or county, rather than an agency with a single or limited purpose.” The lead agency for the proposed project is the SBE.

1.3 Purpose and Organization of the Document

The purpose of this document is to evaluate the potential environmental effects of the proposed unification.

This document is organized as follows:

- **Proposed Negative Declaration**: The proposed ND, which precedes the IS analysis, summarizes the environmental conclusions related to the proposed project. It would be signed by a representative of the SBE, if the proposed unification is approved.
- **Chapter 1**: Introduction. This chapter provides an introduction and describes the purpose and organization of this document.
- **Chapter 2**: Project Description. This chapter describes the project location and setting, the project objectives, project background, and the physical changes related to the proposed project.
- **Chapter 3:** Environmental Checklist. This chapter provides an environmental setting by environmental issue (where appropriate), and evaluates a range of impacts classified as “no impact,” “less than significant impact,” “less than significant with mitigation incorporated,” or “potentially significant impact” in response to the environmental checklist.
- **Chapter 4**: References. This chapter identifies the references used in preparing this IS/ND.

1.4 Summary of Findings

Chapter 3 of this document contains the Environmental Checklist that identifies the potential environmental impacts (presented by environmental issue) and a discussion of each impact that would result from implementation of the proposed unification. Based on the Environmental Checklist and the supporting environmental analysis provided in this document, implementation of the proposed unification would result in no impacts for the following issues: aesthetics, agricultural resources, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation and traffic, and utilities and service systems. No potential for significant effects on the environment is evident in any environmental issue areas.

In accordance with *CCR* Section 15070(a), a ND may be prepared if the proposed project will not have a significant effect on the environment. There is no substantial evidence that the

proposed unification would have a significant effect on the environment, based on the available project information and the environmental analysis presented in this document. A ND will be adopted in accordance with CEQA and the *CCR*.

1.5 Public Review and Comment Process

This IS/ND is available for a 30-day public review period beginning **February 2, 2007**, and ending on **March 5, 2007**. Written comments responding to the IS/ND should be submitted by 5 p.m. on **March 5, 2007**, to:

Larry Shirey
Field Representative
Financial Accountability and Information Services
California Department of Education
1430 N Street, Suite 3800
Sacramento, CA 95814
Telephone: (916) 322-1468

A copy of the IS/ND may be obtained from the CDE offices at the address above. Comments may also be provided on this IS/ND at a public hearing scheduled for **March 7, 2007**, at **2:00 p.m.** at the SBE at 1430 N Street, Room 1101, Sacramento, California. Information on the public hearing will be made available on the SBE Web site at http://www.cde.ca.gov/be/ag/ag at least ten days prior to the meeting.

2. PROJECT DESCRIPTION

2.1 Introduction

This IS/ND evaluates the potential environmental effects of the proposed unification of the Grant JUHSD with the Del Paso Heights SD, the North Sacramento SD, and the Rio Linda USD. The unification would result in creation of a single unified district that would be named by a newly elected governing board. Two other elementary school districts are components of the Grant JUHSD but are proposed for exclusion from the unification. These districts are Elverta Joint School District (EJSD) and Robla School District (RSD). After unification, the seventh through eighth grade students from these districts would continue to attend the same schools that they currently attend.

2.2 Project Location and Setting

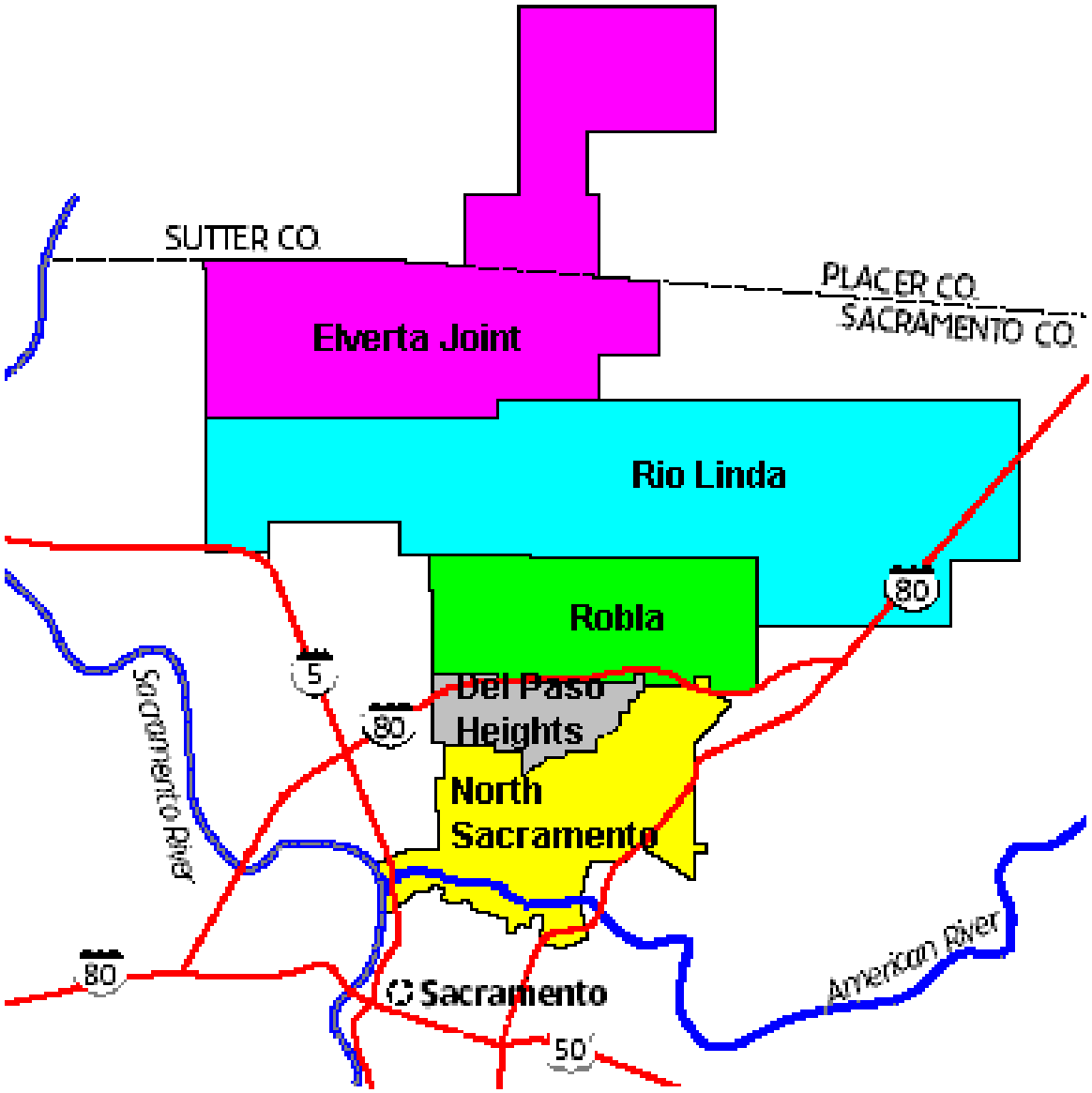
Grant JUHSD encompasses a northern portion of the city of Sacramento and surrounding unincorporated areas of north Sacramento County. The district also includes an unincorporated section of adjacent Placer County. The city of Sacramento lies along the American and Sacramento rivers. Not far downstream from the confluence with the American River, the Sacramento River (along with the San Joaquin River) forms the Sacramento River Delta and flows into the northern portion of San Francisco Bay. The terrain of the project area is relatively flat plains and grasslands.

Sacramento, the capitol of California, is located along Interstate Highways 5 and 80. The average elevation in the city is 30 feet above mean sea level. The area experiences mild winters and hot summers, with average low temperatures ranging from 39 (winter) to 58 (summer) degrees Fahrenheit and average high temperatures ranging from 54 (winter) to 93 (summer) degrees Fahrenheit. The area averages approximately 18 inches of rain throughout the year.

Grant JUHSD serves 13,965 students in grade levels seven through twelve, whereas Del Paso Heights SD, North Sacramento SD, and Rio Linda USD have a combined enrollment of 17,313 kindergarten through sixth grade students. Together, the three districts serve 31,278 students (CBEDS 2006). Seventh through eighth grade students residing in the EJSD and RSD would continue to attend their same schools and, therefore, are included in the Grant JUHSD and total enrollment numbers.

Grant JUHSD has five comprehensive high schools, six comprehensive junior high schools, and three charter schools (GJUHSD 2006). Del Paso Heights SD has four kindergarten through six elementary schools (DPHSD 2006); North Sacramento SD has nine school facilities (NSSD 2006); and Rio Linda USD has 21 elementary schools (RLUSD 2006). Students from all three of these component districts move on to Grant JUHSD for their seventh through twelfth grade education.

Grant JUHSD and Del Paso Heights SD share administrative staff (e.g., superintendent, business office and student support services). Both North Sacramento SD and Rio Linda USD have separate administrative staffs. Exhibit 2-1 shows the boundaries of Grant JUHSD, including the boundaries of Del Paso Heights SD, North Sacramento SD, and Rio Linda USD.



Grant Joint Union High School District Boundaries **Exhibit 2-1**

2.3 Project Objectives

The Del Paso Heights SD, the North Sacramento SD, and the Rio Linda USD are kindergarten through sixth grade school districts serving students living in the northern Sacramento County area. The districts send their sixth grade graduates to the Grant JUHSD. The administrative staffs of the affected districts, as well as the governing boards, have determined that unification would be in the best long-term interests of the districts and their students. Among other benefits, the proposed unification would provide:

- Enhanced opportunities for greater kindergarten through twelfth grade program articulation;
- Enhanced kindergarten through twelfth grade educational program opportunities funded through an upward and permanent adjustment to the base revenue limit funding; and,
- Improved administrative efficiencies/services and associated cost savings achieved by eliminating redundancies in the administrative operations of two districts.

2.4 Proposed Project

2.4.1 Project Background

Grant JUHSD provides seventh through twelfth grade education opportunities to five elementary school districts (also known as “component” districts). The proposed unification of Grant JUHSD with three of its component districts (Del Paso Heights SD, North Sacramento SD, and Rio Linda USD) is the subject of this IS/ND. The other two component school districts, EJSD and RSD, support the unification but desire to be excluded from the unification process and remain as independent school districts, as allowed under *Education Code (EC)* Section 35542(b).

In June 2006, the proposed unification process was initiated by petition from the governing boards of Grant JUHSD and its component school districts, prepared pursuant to *EC* Section 35700(d) and Section 35542. On July 17, 2006, the Sacramento County Superintendent of Schools verified that the petition was valid. The Sacramento County Committee on School District Organization (County Committee) held three public hearings, on August 9, 16, and 30, 2006, in the affected school district areas.

Before a recommendation for the petition was adopted by the County Committee, a feasibility study was conducted by the Sacramento County Office of Education. The feasibility study evaluated whether the proposed unification substantially met the state conditions for reorganization, or unification. On December 6, 2006, the County Committee adopted the findings of the feasibility study and recommended that the SBE approve the unification (Sacramento County Office of Education, 2006).

The County Committee then forwarded the unification petition to the SBE, which is now considering the proposed unification. A public hearing has been scheduled for **2:00 p.m**. on **March 7, 2007**, where the SBE will consider approval of the proposed unification petition, as well as adoption of this IS/ND. At this meeting, the SBE also may designate the composition of the proposed unified district's governing board with respect to the number of members (five or seven members), trustee areas (by district or population), board member term limits, and election area for the proposal. The CDE is preparing its required feasibility study to determine whether the unification substantially meets the state conditions for reorganization. Under *EC* Section 35753(a), the SBE may approve proposals for reorganization of districts, if the SBE determines that all of the following conditions are substantially met:

1. The new district is adequate in terms of number of pupils enrolled (i.e., pupil enrollment is 1,500 or more).

2. The district is organized on the basis of a substantial community identity.

3. The proposed district reorganization will result in an equitable division of property and facilities of the original district or districts.

4. The proposed district reorganization will not promote racial or ethnic discrimination or segregation.

5. The proposed district reorganization will not result in any substantial increase in costs to the state.

6. The proposed district reorganization will not significantly disrupt the educational programs in the affected districts and will continue to promote sound educational performance.

7. The proposed reorganization will not result in a significant increase in school housing costs.

8. The proposed reorganization is not primarily designed to result in a significant increase in property values.

9. The proposed reorganization will not cause a substantial negative effect on the fiscal management or fiscal status of the proposed districts or any existing district affected by the proposed unification.

10. Any other criteria as the SBE may, by regulation, prescribe.

The findings will be made available to the public approximately ten days prior to the public hearing on **March 7, 2007**.

The following table highlights the effective dates of activities that have occurred related to the proposed unification. The table also outlines a schedule for the remaining activities that would occur should the SBE approve the proposed unification at its **March 7, 2007**, meeting. If approved by the electorate, the proposed unification would be fully effective as of July 1, 2008.

Table 2-1
Actions and Events Leading to the Proposed Unification

Date	Major Actions/Activities Related to Unification
June 2006	Approval of Unification Resolutions/Petitions by Affected Governing Boards
July 2006	Sacramento County Superintendent of Schools Verifies Petition is Valid
August 2006	Public Hearings in the Affected School Districts
December 2006	Sacramento County Committee on School District Organization Recommends Approval of the Unification and Forwards Petition to the California State Board of Education
March 2007	California State Board of Education Public Hearing to Consider Approval of Proposed Unification Petition and Approval of this Initial Study/proposed Negative Declaration
March/April 2007	Sacramento County Superintendent of Schools Delivers Election Order to County Clerk for Proposed Unification
November 2007	District Election on the Proposed Unification at First Regularly Scheduled Election in 2007
December 1, 2007	If Unification Approved, Filing is Completed with the California State Board of Equalization
July 1, 2008	Unification is Fully Effective

2.4.2 Absence of Physical Changes Related to the Proposed Unification

After careful review of the studies that have been prepared in relation to the proposed project, it is evident that the proposed unification would not result in: (1) an increase or decrease in staffing levels or movement of staff from one facility to another; (2) an increase or decrease in numbers of students at any school site or movement of students from one school site to another; or (3) changes to bus routing or maintenance practices, as discussed below. Similarly,

the proposed unification would not create a need for new or modified school facilities and involves no proposed changes in facilities.

The following discussion summarizes the information that indicates a lack of physical changes related to the proposed unification. This information is relevant to the evaluation of environmental impacts in Section 3.

The proposed unification is not expected to result in changes in administrative personnel levels or their location. The same number of students will be served in the new unified district as currently are served in the four affected districts; therefore, reduction in certificated staff is not expected. Further, *EC* Section 45121 provides job protection for district classified staff for at least two years following the date of the unification election. For these reasons, the unification of the districts is unlikely to result in meaningful change in administrative staffing levels.

The proposed unification is not expected to affect student enrollment levels or to create a need for new or modified school facilities. Because students from Del Paso Heights SD, North Sacramento SD, and Rio Linda USD already advance to Grant JUHSD for their junior high and high school education, unification would not require additional or changed school facilities. The districts are considering modernization or expansion plans for existing school facilities; however, these plans are unrelated to the proposed unification. Any future need to construct a new school would be driven by projected population growth and associated increases in student enrollment independent of the unification process.

The proposed unification would make available additional funding. The additional funding would not be used for facility construction or modernization, but rather for enhanced kindergarten through twelfth grade educational program opportunities. The new funding would be realized through cost savings related to consolidating the four districts into one, and an increased base revenue limit per unit of average daily attendance that would be established to eliminate the salary and benefit differentials of the original districts by leveling up salaries, assuming the increased revenue limit covers the increased cost of raising salaries.

As described above, the proposed unification is an administrative change that would not result in any physical facility changes or operational changes related to student enrollment, travel, or personnel for any existing district. The IS in Section 3 presents the substantial evidence that the

absence of physical changes caused by the proposed unification supports the conclusion that the proposed project would not result in any significant effects on the environment.

3. Environmental Checklist

PROJECT INFORMATION		
1.	Project Title:	Unification of the Grant Joint Union High School District in Sacramento County
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:	Larry Shirey, California Department of Education (916) 322-1468
4.	Project Location:	Sacramento, Sacramento County, California
5.	Project Sponsor's Name and Address:	Governing Boards of Grant Joint Union High School District (GJUHSD), Del Paso Heights School District (DPHSD), North Sacramento School District (NSSD), and Rio Linda Union School District (RLUSD): GJUHSD 1333 Grand Avenue Sacramento, CA 95838 DPHSD 1281 North Avenue Sacramento. CA 95838 NSSD 670 Dixieanne Avenue Sacramento, CA 95815 RLUSD 627 L Street Rio Linda, CA 95673
6.	General Plan Designation:	Not applicable
7.	Zoning:	Not applicable
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.)	Refer to Chapter 2, Project Description
9.	Surrounding Land Uses and Setting: (Briefly describe the project's surroundings)	Refer to Chapter 3, Section IX, Land Use and Planning
10.	Other public agencies whose approval is required: (e.g., permits, financing approval, or participation agreement)	Not applicable

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 checklist on the following pages.		
☐ Aesthetics	☐ Agriculture Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Geology / Soils
☐ Hazards & Hazardous Materials	☐ Hydrology / Water Quality	☐ Land Use / Planning
☐ Mineral Resources	☐ Noise	☐ Population / Housing
☐ Public Services	☐ Recreation	☐ Transportation / Traffic
☐ Utilities / Service Systems	☐ Mandatory Findings of Significance	☒ None

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 revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED 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 "potentially significant impact" or "potentially significant unless mitigated" impact 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. 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, because all potentially significant effects (a) have been analyzed adequately in an earlier **EIR** or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier **EIR** or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required. ☐

Signature	*Date*
Larry Shirey	Field Representative
Printed Name	*Title*
California Department of Education	
Agency	

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 is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). 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. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than 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 “Earlier Analyses,” as described in (5) below, 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. *CCR* Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
   a) Earlier Analysis Used: Identify 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 Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

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.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify: the significance criteria or threshold, if any, used to evaluate each question; and the mitigation measure identified, if any, to reduce the impact to less than significance.

	ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
I.	Aesthetics. Would the project:				
	a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
	b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
	c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒
	d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒

Environmental Setting

There are no officially designated scenic highways located within or near the affected school districts (Caltrans 2007); thus no school sites in any of the four districts are located along a scenic highway. Grant JUHSD, Del Paso Heights SD, North Sacramento SD, and Rio Linda USD schools are located within the city of Sacramento and adjacent unincorporated portions of Sacramento and Placer counties.

Discussion

a) Have a substantial adverse effect on a scenic vista?

There are no scenic highways or viewshed points within or near the affected school districts. For this reason, and because the proposed unification would not create a need for any new or modified school facilities, it would not have an adverse effect on any scenic vistas. Therefore, no impact would occur.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

Because no Grant JUHSD, Del Paso Heights SD, North Sacramento SD, and Rio Linda USD school sites are located along an eligible state scenic highway and the fact that the proposed unification would not create a need for nor propose any new or modified

school or administrative facilities, there would be no change or damage to any scenic resources near a state scenic highway. Therefore, no impact would occur.

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

No Grant JUHSD, Del Paso Heights SD, North Sacramento SD, and Rio Linda USD school sites are located near viewshed points. Because of this, and the fact that the proposed unification would not create a need for nor propose any new or modified school or administrative facilities, there would be no substantial degradation of the visual character or quality of any of the school sites or other areas within the districts' boundaries. Therefore, no impact due to the proposed unification would occur.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

The proposed unification would not create a need for nor propose any new or modified school or administrative facilities, including exterior and interior lighting that could have an adverse effect on day or nighttime views in the area. Therefore, no impact would occur.

	ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
II.	Agricultural Resources.				
	In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997, as updated) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland.				
	Would the project:				
	a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
	b) Conflict with existing zoning for agricultural use or a Williamson Act contract?	☐	☐	☐	☒
	c) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	☐	☐	☐	☒

Environmental Setting

Farmlands are mapped by the State of California Department of Conservation under the Farmland Mapping and Monitoring Program (FMMP). The FMMP was created by the State of California to provide data for decision makers to use in planning for current and future uses of the state's agricultural lands. Farmlands fall into a number of categories, including: Prime Farmland; Farmland of Statewide Importance; Unique Farmland; and Farmland of Local Importance. The Prime Farmland category describes farmland with the best combination of physical and chemical features able to sustain long-term agricultural production. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date. Farmland of Statewide Importance is farmland similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date. Unique Farmland is farmland of lesser quality soils used for the production of

the state's leading agricultural crops. This land is usually irrigated. Land must have been cropped at some time during the four years prior to the mapping date. Farmland of Local Importance is either currently producing crops or has the capability of production. This farmland category is determined by each county's board of supervisors and a local advisory committee. Land classified into all four of these farmland categories exists within the northwestern portion of the Grant JUHSD.

The Williamson Act allows counties to protect agricultural land by offering tax incentives to owners and by entering into contracts that maintain the land in agricultural production. A number of these agricultural preserves are located in the northwestern portion of the Grant JUHSD (Sacramento County General Plan Update: Agricultural Element, 2006).

Discussion

(a-c) Conversion of farmland, conflict with zoning for agricultural use or Williamson Act, or changes leading to conversion of farmland (all questions in this section).

The proposed unification would not create a need for nor propose new school or administrative facilities, cause any modifications to existing facilities, or involve other physical changes to the existing environment. For these reasons, the proposed unification would not convert farmland, conflict with agricultural zoning or Williamson Act land, make changes that could indirectly lead to conversion of farmland, or otherwise affect any agricultural resources. Therefore, no impact would occur.

	ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
III.	Air Quality.				
	Where available, the significance of criteria established by the applicable air quality management or air pollution control district may be relied on to make the following determinations.				
	Would the project:				
	a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
	b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒
	c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	☒
	d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒
	e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒

Environmental Setting

The affected school districts are located in Sacramento County. Air quality in Sacramento County is regulated by several jurisdictions including the Environmental Protection Agency (EPA), the California Air Resources Board (CARB), and the Sacramento Metropolitan Air Quality Management District (SMAQMD). Each jurisdiction develops its own rules, regulations, policies, and/or goals to enforce ambient air quality standards. Although EPA regulations may not be superseded, both state and local regulations may be more stringent.

Ambient air quality standards represent the levels of air pollutant concentrations considered safe to protect public health and welfare. They are designed to protect people most sensitive to respiratory distress, such as asthmatics, the elderly, very young children, people already weakened by other disease or illness, and persons engaged in strenuous work or exercise. The Sacramento metropolitan area is currently designated as a non-attainment area for both federal and state ozone and particulate matter air quality standards (CARB 2006). In Sacramento, air

pollutants of greatest concern are ozone precursors [reactive organic gases and nitrogen oxides, carbon monoxide, and particulate matter (PM_{10} and $PM_{2.5}$). The largest single source of air pollutants in the Sacramento area is automobile exhaust; ozone and carbon monoxide pollution are largely attributable to automobile use. Agriculture and construction/demolition activities also contribute to high levels of suspended particulates (SMAQMD 2007).

Discussion

a) Conflict with or obstruct implementation of the applicable air quality plan?

Projects resulting in an increase in population or employment growth beyond that identified in local plans may result in an increase in vehicle miles traveled (VMT) and corresponding mobile source emissions, which could conflict with the SMAQMD air quality planning efforts, since SMAQMD uses these plans as the basis for preparing air quality emissions inventories and subsequent attainment plans. Consequently, an increase in VMT beyond projections in local plans could potentially result in a significant adverse incremental effect on the region's ability to attain and/or maintain state and national ambient air quality standards. The proposed unification would not cause changes in administrative staffing levels and student populations or their travel patterns, or bus routing or maintenance practices. In addition, the proposed unification would not create a need for nor propose any new or modified school or administrative facilities. Therefore, the project would not increase VMT, nor would it result in the construction or operation of any stationary emission sources. Because the proposed unification would not increase air emissions beyond current levels, it would not conflict with or obstruct implementation of the applicable air quality attainment plans. Therefore, no impact would occur.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Construction emissions that are temporary in duration, but which have the potential to represent a significant impact with respect to air quality (especially fugitive dust emissions [PM_{10}]), generally are described as "short-term." The proposed unification would not create a need for nor propose new or modified school facilities and, therefore, would not produce any short-term construction emissions. Similarly, the proposed unification would not cause changes in administrative staffing levels and student

populations or their travel patterns, and would have no effect on bus routing. For these reasons, the proposed unification would not change traffic volumes and VMT on local roadways from existing conditions. Thus, the project would not cause an increase in long-term emissions and would not violate any air quality standard or contribute to an existing or projected air quality violation. Therefore, no impact would occur.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

As previously stated, the proposed project is located within Sacramento County under the jurisdiction of the SMAQMD. Sacramento County is designated as non-attainment with respect to state suspended particulate matter (PM_{10}) standards. As discussed above in items (a) and (b), operation of the proposed project would not result in the construction or operation of any stationary emission sources. Similarly, the proposed unification would not cause an increase in mobile source emissions, because the proposed project would not cause an increase in student or administrative staff commute trips, populations, VMT, or growth beyond current projections used by the SMAQMD in its air quality planning efforts. For these reasons, the proposed unification would not contribute to a cumulatively considerable net increase in ozone or particulate matter emissions for which the region is designated non-attainment. Therefore, no impact would occur.

d) Expose sensitive receptors to substantial pollutant concentrations?

As discussed in items (a), (b), and (c) above, the proposed unification would not generate short-term or long-term emissions nor would it relocate any existing air quality sensitive receptors. For these reasons, the proposed unification would not expose on-site sensitive receptors at school district sites, nor would it expose other receptor locations within the district boundaries to any change in pollutant concentrations. Therefore, no impact would occur.

e) Create objectionable odors affecting a substantial number of people?

The proposed unification would not involve the use of any materials or equipment that could create objectionable odors. Therefore, no impact would occur.

	ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
IV.	**Biological Resources. Would the project:**				
	a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service?	☐	☐	☐	☒
	b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service?	☐	☐	☐	☒
	c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
	d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
	e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
	f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Environmental Setting

Natural habitats in Sacramento County include vernal pools, wetlands, special status species habitats, riparian, oak woodland, and grassland prairies. Wetland and riparian areas in the county include backwater basins along the Sacramento River and the American River Parkway. Sacramento County is home to a variety of native tree and grassland habitats. The native tree habitats are defined as oak woodlands, oak savannah, and mixed riparian woodlands, and the dominant grassland habitat being that of the California Prairie. Riparian habitats occur adjacent to streams, creeks and rivers, and support high levels of biological diversity. The riparian

habitats along the Sacramento and American Rivers provide some of the most important habitat areas for threatened and endangered species.

Sacramento County includes a portion of the Pacific Flyway for many migratory bird species (including special status species). Special status wildlife species noted in the project area include Swainson's hawk, Cooper's hawk, northern harrier, white-tailed kite, osprey, loggerhead shrike, and little willow flycatcher.

The Sacramento and American Rivers (and associated drainages and water bodies) provide habitat for a variety of fish, including both anadromous and resident species. Anadromous fish include chinook salmon, steelhead trout, striped bass, shad, sturgeon, and lamprey. Resident fish include warm water fish (such as bass, crappie, catfish, bullhead, sunfish, and carp), and cold water fish (such as rainbow and brown trout, and salmon).

Special-status plant species in the project area include big scale balsamroot, Boggs Lake hedge-hyssop, dwarf downingia, legenere, Red Bluff dwarf rush, Rose mallow, and Sanford's arrowhead.

Discussion

a) Have a substantial adverse effect, directly or through habitat modifications, on species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service?

Special-status species include plants and animals that are legally protected, or that are otherwise considered sensitive by federal, state, or local resource conservation agencies and organizations. Because the proposed unification would not create a need for nor propose new or modified school facilities and would not result in any physical changes, no construction or change in student populations at the schools would occur. The proposed unification would not alter any existing habitat on school district properties, disturb existing species inhabiting the properties or surrounding area, or change the level or type of uses of the properties. Consequently, the proposed unification would not have an adverse effect on any special-status species. Therefore, no impact would occur.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service?

Sensitive natural communities are plant communities that are especially diverse, regionally uncommon, or of special concern to local, state, and federal agencies. As discussed in item (a) above, the proposed unification would not result in construction activities that could have an effect on any habitats, including sensitive natural communities. Therefore, no impact would occur.

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

The U.S. Army Corps of Engineers has jurisdiction over navigable bodies of water and other waters of the United States, including wetlands. As discussed in item (a) above, the proposed unification would not result in any construction activities that could have an effect on any habitats, including protected wetlands through direct removal, filling, hydrological interruption, or other means. Therefore, no impact would occur.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

A wildlife corridor is generally a topographical/landscape feature or movement area that connects two areas of natural habitat. As discussed in item (a) above, the proposed unification would not result in any construction activities that could interfere with the movement of wildlife or impede the use of native wildlife nursery sites. Therefore, no impact would occur.

e & f) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, or the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

As discussed in item (a) above, the proposed unification would not result in any construction activities. For this reason, implementation of the proposed unification would

not conflict with any local policies or ordinances protecting any of the biological resources found within the project area or the provisions of an approved local, regional, or state habitat conservation plan. Therefore, no impact would occur.

	ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
V.	**Cultural Resources. Would the project:**				
	a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	☐	☐	☐	☒
	b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	☐	☐	☐	☒
	c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒
	d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒

Environmental Setting

In Sacramento County, culturally sensitive areas are sites that have special importance to Native Americans. Geographically, these sites primarily are along major river drainages, tributary streams, and sloughs. The flat grasslands between these water courses were used for hunting and gathering activities, but these activities leave little, if any, archeological evidence. The affected school districts are in the area formerly populated by the Nisenan, a branch of the Maidu group of the Penutian language family. Tribes of this language family dominated the Central Valley, San Francisco Bay areas, and western Sierra Nevada foothills at the coming of the Europeans. (Elverta Specific Plan 2006)

The history of more recent settlers in Sacramento County is seen at the historic sites of explorers and settlers who came to trap, mine, and farm. Such historic sites are concentrated along river and stream beds; in areas that are still inhabited (such as the City of Sacramento and the City of Folsom); the Delta; and along old travel routes like the Jackson Highway, Central California Traction Railroad, and Southern Pacific Railroad routes. (Elverta Specific Plan 2006)

Discussion

a & b) Cause a substantial adverse change in the significance of a historical resource, as defined in *CCR* Section 15064.5, or an archaeological resource, pursuant to *CCR* Section 15064.5?

The proposed unification would not create a need for nor propose new school or administrative facilities, cause any modifications to existing facilities, or involve construction or any other physical changes to the existing environment. For these reasons, the proposed unification would not cause change in the significance of any historical or archaeological resources. Therefore, no impact would occur.

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

As discussed in item (a) and (b) above, the proposed unification would not result in any construction activities. For this reason, the proposed unification would not directly or indirectly destroy a unique paleontological resource or site or geologic feature. Therefore, no impact would occur.

d) Disturb any human remains, including those interred outside of formal cemeteries?

As discussed in item (a) and (b) above, the proposed unification would not result in any construction activities. For this reason, the proposed unification would not have the potential to disturb any human remains. Therefore, no impact would occur.

	ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VI.	Geology and Soils. Would the project:				
	a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
	i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to California Geological Survey Special Publication 42.)	☐	☐	☐	☒
	ii) Strong seismic ground shaking?	☐	☐	☐	☒
	iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
	iv) Landslides?	☐	☐	☐	☒
	b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒
	c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☐	☒
	d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as updated), creating substantial risks to life or property?	☐	☐	☐	☒
	e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒

Environmental Setting

The present geology of Sacramento County has been shaped over time by the ongoing processes of erosion and deposition. Material eroded from the Sierra Nevada Mountains was deposited in an ancient sea that once occupied the Sacramento Valley floor. Subsequent glacier and volcanic activity added layers of sediment to the valley floor. Under present geologic conditions, alteration continues through stream erosion of the valley sediments and subsequent deposition in adjacent floodplains.

Seismic hazards in the county include ground shaking, liquefication, subsidence, and seiche potential. Although there are no historically active earthquake faults located in Sacramento County, the county is subject to groundshaking due to rupture along earthquake faults located in other areas of Northern California. Liquefaction is a process whereby water in certain soil types is subjected to pressure, usually produced by ground motion, causing these materials to behave like quicksand. The Delta and the downtown area of the City of Sacramento are the only two areas of the county that are subject to liquefaction. Subsidence is ground settling or sinking. There are no known subsidence areas within the affected school districts, but there may exist a potential for subsidence due to the pumping of groundwater. Seiches are earthquake-generated waves within enclosed or restricted bodies of water, such as lakes, channels, and reservoirs. Earthquakes occurring miles away can produce seiches in local bodies of water which could damage levees and dams. A majority of the Delta levees are subject to such overtopping and subsequent failure. Reservoirs also are sometimes subject to seiches during earthquakes.

Other geological hazards in Sacramento County include landslides and soil stability. Only a narrow strip of the northeastern part of the county is considered at risk for landslides; therefore the project area is not at risk for landslides. Expansive soils represent approximately one third of all soil types in Sacramento County. They are largely comprised of clays, which greatly increase in volume when water is absorbed and shrink when dried. Erosion from agriculture poses few problems in most of the County. The central and western portions of the County are fairly level and very little erosion takes place in these areas unless soils are exposed for some length of time due to poor farming practices or construction activities. (Sacramento County General Plan: Safety Element 2006)

Discussion

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to California Geological Survey Special Publication 42.)

Fault rupture can occur along fault systems during seismic events (earthquakes). If the rupture extends to the surface, movement on a fault is visible as a surface rupture. The occurrence of fault rupture depends on several factors including location of the epicenter in relation to the project site and the characteristics of the earthquake, such as intensity and duration. The hazards associated with fault rupture generally occur in the immediate vicinity of the fault system.

As stated previously, there are no known historically active faults in Sacramento County that could expose people or structures in the project vicinity to hazards associated with fault rupture. The project area does not lie within an Alquist-Priolo Special Study Zone. Because the proposed unification would not cause changes in administrative staffing levels or student populations, and would not result in the construction of any new or modified school facilities, it would not create a change in risk related to fault rupture. Therefore, no impact would occur.

ii) Strong seismic ground shaking?

Strong earthquakes generated along a fault system generally create ground shaking, which attenuates with distance from the epicenter. In general, the area affected by strong ground shaking would depend on the characteristics of the earthquake such as intensity and duration and the location of the epicenter from the project site. As described above, there are no historically active faults in Sacramento County. A potential for ground shaking exists from earthquakes on regional faults outside the immediate vicinity. However, because the proposed unification would not cause changes in administrative staffing levels or student populations, and would not result in the construction of any new or modified school facilities, it would not create a change in risk related to seismic events and associated ground shaking. Therefore, no impact would occur.

iii) Seismic-related ground failure, including liquefaction?

Primary factors in determining the liquefaction potential are soil type, the level and duration of seismic ground motions, the type and consistency of soils, and the depth to groundwater. The project area is not subject to liquefaction. Additionally, because the proposed unification would not cause changes in administrative staffing levels or student

populations, and would not result in the construction of any new or modified school facilities, it would not create a change in risk related to ground failure. Therefore, no impact would occur.

iv) Landslides?

Landslide hazards exist only in the northeastern areas of Sacramento County and, therefore, are not a hazard in the project area. Because the proposed unification would not cause changes in administrative staffing levels or student populations, and would not result in the construction of any new or modified school facilities, it would not create a change in risk related to landslides. Therefore, no impact would occur.

b) Result in substantial soil erosion or the loss of topsoil?

The proposed unification would not involve construction, create a need for new school facilities, cause any modifications to existing facilities, or involve other physical changes to the existing environment. For these reasons, the proposed project would not result in erosion or the loss of topsoil. Therefore, no impact would occur.

c & d) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse, or on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as updated), creating substantial risks to life or property?

As discussed in item (b) above, the proposed unification would not result in any construction activities. For this reason, the proposed project would not create substantial risks to life or property by being located on a geologic unit or soil that is unstable or on expansive soils. Therefore, no impact would occur.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

The proposed unification would not create a need for new school facilities, cause any modifications to existing facilities, or involve other physical changes to the existing environment. For these reasons, the proposed unification would have no impact on existing septic or other waste water systems.

	ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VII.	Hazards and Hazardous Materials. Would the project:				
	a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
	b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒
	c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
	d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
	e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
	f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
	g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
	h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒

Environmental Setting

Since World War II, several sectors of the Sacramento economy (including the aerospace, electronics, and agriculture sectors) have increased their reliance on chemicals. As this chemical usage increased, legislation such as the Clean Air Act and Clean Water Act regulated the use, transport, storage, and disposal of such hazardous waste. Due to these regulations, as well as rising disposal costs, there has been a significant decrease over the past 20 years in the

amount of hazardous waste being generated annually in Sacramento County. There still is a significant amount of hazardous waste generated and the threats caused by improper management of hazardous materials are still very serious. Additionally, a large volume of hazardous material moves through the county through commercial and small-scale transportation means. (Sacramento County General Plan: Hazards Element 2006)

The project area contains numerous leaking underground fuel tanks and land disposal sites that are listed by the State Water Resources Control Board (GeoTracker 2006). Also in the project area are five State and Federal Superfund sites, including one of the nation's most polluted Superfund sites—McClellan Air Force Base, ranked by the United States Environmental Protection Agency as the worst polluted air force base.

Agricultural pesticide applications in the county are tracked by the California Department of Food and Agriculture, which reports a decreasing amount of restricted pesticides applied to farmlands over the past 20 years. However, this reporting represents only a portion of the total pesticide use in Sacramento County since the reporting is required only for commercial applicators and for certain restricted pesticides. (Sacramento County General Plan: Hazards Element 2006)

Discussion

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

The proposed unification includes consolidating four school districts into one and would not involve the routine, transport, use, or disposal of hazardous materials. Therefore, no impact would occur.

b & c) Create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment, or emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

The proposed unification would not cause changes in administrative staffing levels or their commute trips, student populations or their travel patterns, or bus routing or maintenance practices. In addition, the proposed unification would not create a need for

or propose any new or modified school or administrative facilities. Existing bus maintenance facilities at the affected districts may contain diesel and gasoline fuel storage tanks, and may include the use and storage of minor amounts of lubricating oils and other hazardous substances used in vehicle maintenance. The use of buses and other district vehicles would not change as a result of the proposed unification, because student populations, district employees, and travel patterns would not be modified. The proposed unification would have no effect on the storage and use of these materials. Therefore, no impact would occur.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or the environment?

The proposed unification would include consolidating Grant JUHSD, Del Paso Heights SD, North Sacramento SD, and Rio Linda USD into a single unified district. The proposed unification would not create a need for nor propose new or modified school facilities. No change in the use of existing school district facilities is proposed. For these reasons, the proposed project would not create a significant hazard to the public or the environment by being located on a hazardous materials site. Therefore, no impact would occur.

e & f) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport, public use airport, or private airstrip, would the project result in a safety hazard for people residing or working in the project area?

No affected school sites are located within two miles of the Sacramento International Airport. The former McClellan Air Force Base is located within the project area. Although the air force base is closed, operations have increased at this facility since its conversion from a military airfield to a public/commercial facility. However, the proposed unification would have no effect on existing conditions related to any airport. Therefore, no impact would occur.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

The proposed unification would include consolidating four districts into a single unified district. The proposed unification would not cause changes in administrative staffing

levels or their commute trips, student populations or their travel patterns, or bus routing. In addition, the proposed unification would not create a need for new or modified school facilities. For these reasons, the proposed project would not impair the implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Therefore, no impact would occur.

h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

Wildland fires are not a significant concern for the project area (see Section XIII-Public Services for a discussion of fire protection in the project area). The proposed unification would not cause changes in administrative staffing levels or their commute trips, student populations or their travel patterns, or bus routing or maintenance practices. In addition, the proposed unification would not create a need for new or modified school facilities. For these reasons, the proposed project would not create a change in fire risk. Therefore, no impact would occur.

	ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VIII.	Hydrology and Water Quality. Would the project:				
	a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒
	b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒
	c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial on- or off-site erosion or siltation?	☐	☐	☐	☒
	d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in on- or off-site flooding?	☐	☐	☐	☒
	e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒
	f) Otherwise substantially degrade water quality?	☐	☐	☐	☒
	g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
	h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	☐	☐	☐	☒
	i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
	j) Result in inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

Environmental Setting

Sacramento County is part of the Sacramento Hydrologic Basin Planning Area and contains seven planning watersheds. Two of these watersheds, the Lower American and the Lower Sacramento watersheds, drain the project area. (Sacramento River Watershed Program 2006)

The most prominent hydrologic features in the area are the American River and the Sacramento River. The American River runs from the Sierra Nevada mountains and flows into the Sacramento River. The Sacramento River, the longest river in California, flows 382 miles from the Cascade Range near Mount Shasta. Not far downstream from the confluence with the American River, the Sacramento River (along with the San Joaquin River) forms the Sacramento River Delta and then flows into the northern portion of San Francisco Bay.

During winter storms and spring snow melts, the volume of water in the American and Sacramento rivers increases. When the Sacramento River reaches its peak capacity, the American River and other tributaries that flow into it cannot flow at a normal rate. Under these conditions, "backflows" occur causing tributaries to overflow and flood local areas. The Sacramento River is also affected by ocean tides that periodically raise and lower the water level. High tides that occur simultaneously with flooding conditions increase the rate of flooding.

The Sacramento River Flood Control System consists of the Fremont Weir, Sacramento Weir, Yolo Bypass Channel, and levees along the Sacramento River, Lower American River, Natomas East Main Drain, Arcade Creek, Natomas Cross Channel, and the Sacramento Bypass Channels. Studies conducted by the U.S. Army Corps of Engineers (Corps) indicate that the flood control system can only provide protection from about a 63-year flood. The Corps found that about 30 percent of the levee system requires remedial work to bring the system up to federal standards. The Corps also found that levees on both the Sacramento and American Rivers have stability problems and inadequate freeboard (the factor of safety usually expressed in feet above a flood level). (Sacramento County General Plan: Conservation Element 2006)

The western portion of the project area (and the area between the project area and the Sacramento River) is in a floodplain immediately northeast of the confluence of the American and Sacramento Rivers. A single major levee break could flood these areas.

Water supplies within Sacramento County consist of surface water from major rivers and pumped groundwater from underground aquifers. Various water districts distribute the water supply to mostly municipal and agricultural users. Individual private wells also supply rural residential and agricultural uses within the county. There are three primary groundwater zones in Sacramento County, with the project area located within the North Sacramento groundwater zone (north of the American River). Groundwater levels in the project area have historically been declining about one and a half feet per year.

In general, the groundwater quality throughout most of the county meets all of the California Department of Health Services' drinking water quality standards, with the exception of iron and manganese. Iron and manganese create aesthetic concerns (such as discoloration of water and taste) but do not pose health hazards. (Elverta Specific Plan 2006)

Discussion

a) Violate any water quality standards or waste discharge requirements?

Because the proposed unification would not result in the construction of any new or modified school facilities, it would not alter runoff water quality from current conditions. No change in the number of students or employees would occur, so the use of water and generation or disposal of wastewater by the districts would not be altered. Therefore, the proposed unification would not contribute to a violation of water quality standards or waste discharge requirements. No impact would occur.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of preexisting nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?

Because the proposed unification would not cause changes in administrative staffing levels or student populations, and would not result in the construction of any new or modified school facilities that could alter groundwater recharge, and it would not involve the use of new or expanded water entitlements other then utilizing those already existing within the affected districts. Further, the project would have no effect on groundwater

supplies, because the number of employees and students associated with the unified school district would not change. Therefore, no impact would occur.

c & d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial on- or off-site erosion or siltation or substantially increase the rate or amount of surface runoff in a manner which would result in on- or off-site flooding?

Because the proposed unification would not result in the construction of any new or modified school facilities and would not create new impervious surfaces, the project would not alter any existing drainage patterns in the project area. Therefore, no impact would occur.

e & f) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff or otherwise substantially degrade water quality?

Because the proposed unification would not result in the construction of any new or modified school facilities, it would not involve the addition of any new impervious surfaces that would create or contribute runoff water. Therefore, no impact to the capacity of existing or planned storm water drainage systems would occur, nor would the project provide substantial additional sources of polluted runoff. Therefore, no impact would occur.

g & h) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map or Place within a 100-year flood hazard area structures that would impede or redirect flood flows?

Because the proposed unification would not result in the construction of housing or other structures, no impact would occur.

i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?

Because the proposed unification would not cause changes in administrative staffing levels or student populations or locations, or result in the construction of any new or

modified school facilities, it would not create a change in risk related to flooding. Therefore, no impact would occur.

j) Result in inundation by seiche, tsunami, or mudflow?

Because the proposed unification would not cause changes in administrative staffing levels or student populations, and would not result in the construction of any new or modified school facilities, it would not create a change in risk related to inundation by seiche, tsunami, or mudflow. Therefore, no impact would occur. See Section VI-Geology and Soils for a further discussion of seiches.

	ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
IX.	Land Use and Planning. Would the project:				
	a) Physically divide an established community?	☐	☐	☐	☒
	b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒
	c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

Environmental Setting

Six distinct educational communities exist within the project area: five elementary school districts (Del Paso Heights, Elverta Joint, North Sacramento, Rio Linda Union, and Robla), and one high school district (Grant). The project would consolidate three of these elementary school districts with the high school district and leave the Elverta and Robla educational communities unchanged. See Chapter 2, Project Description, for further information regarding the school districts.

Discussion

a) Physically divide an established community?

The proposed unification would not create a need for new school facilities, result in any construction, cause any modifications to existing facilities, or involve other physical changes to the existing environment. Therefore, no impact would occur related to the physical division of an established community.

b & c) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect, or with any applicable habitat conservation plan or natural community conservation plan?

The proposed unification would include consolidating four existing districts into a single unified district. The proposed unification would not cause changes in administrative

staffing levels or their commute trips, student populations or their travel patterns, or bus routing or maintenance practices. In addition, the proposed unification would not create a need for new or modified school facilities. No land use changes would occur at any district properties. For these reasons, the proposed unification would not conflict with any land use plans, policies, or regulations adopted for environmental protection nor would it conflict with any habitat conservation plan or natural community conservation plan. Therefore, no impact would occur.

	ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
X.	Mineral Resources. Would the project:				
	a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
	b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	☒

Environmental Setting

The principal mineral resources in production in Sacramento County are aggregate (sand and gravel), clay, and natural gas. The project area does not contain any significant natural gas production sites or clay deposits. Although aggregate deposits are located in the project area, there exists no significant production of sand and gravel. (Sacramento County General Plan Update: Conservation Element 2006)

Discussion

a & b) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state, or of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

The proposed unification would not create a need for new school facilities, cause any modifications to existing facilities, or involve other physical changes to the existing environment. No change in land use of any district properties would occur. For these reasons, the proposed unification would not result in the loss of availability of known mineral resources or of a locally important mineral resource recovery site. Therefore, no impact would occur.

	ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XI.	Noise. Would the project result in:				
	a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or federal standards?	☐	☐	☐	☒
	b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒
	c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
	d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
	e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
	f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Environmental Setting

Sacramento County recognizes the guidelines established by the Office of Noise Control in the State Department of Health Services for General Planning and zoning purposes. The major sources of noise in Sacramento County include traffic on highways and streets, railroads, aircraft, commercial and industrial uses, park recreation areas, and outdoor school play areas. The project area, which includes Grant JUHSD, Del Paso Heights SD, North Sacramento SD, and Rio Linda USD, includes portions of the following highway corridors: Interstate Highways 5 and 80, Interstate Business Route 80, and State Highway 160. Additionally, numerous heavily used surface streets are included within the project area. One heavy rail operator (Burlington Northern Santa Fe) has trackage in the project area.

Sacramento International Airport is located west of the project area but no territory of the project area is located within the noise contours of this airport. McClellan Airport is located entirely within the project area. Since its conversion from a military airfield to a public/commercial facility, operations have increased at this facility. All of this airport's noise contours also are within the project area. (Sacramento County General Plan Update: Noise Element 2006)

Discussion

a & c) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or federal standards, or a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

The proposed unification would not result in an increase in short- or long-term ambient noise levels for several reasons. First, the proposed unification would not cause changes in administrative staffing levels or their commute trips, student populations or their travel patterns, or bus routing or maintenance practices. In addition, the proposed unification would not create a need for new school facilities, cause any modifications to existing facilities, or involve other physical changes to the existing environment. For these reasons, the project would not result in changes in traffic volumes on local roadways or corresponding roadside noise levels, nor would it result in the construction or operation of any stationary noise sources. The project would have no effect on long-term operational noise levels. For these reasons, the project would not result in an increase in ambient noise levels in the project vicinity above levels existing without the project. Further, the proposed unification would not shift the location of persons, nor would it have the potential to expose persons to noise levels in excess of established noise level standards beyond any exceedances that already exist. Therefore, no impact would occur.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

The proposed unification would not create a need for new school facilities, cause any modifications to existing facilities, or involve other physical changes to the existing environment. Therefore, the proposed unification would not result in construction

activities that could generate excessive groundborne vibration or groundborne noise levels. Therefore, no impact would occur.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

As discussed in item (b) above, the proposed unification would not result in construction activities that could generate a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. Therefore, no impact would occur.

e & f) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport, public use airport, or private airstrip would the project expose people residing or working in the project area to excessive noise levels?

The McClellan Airport is located within the project area. However, the proposed unification would not result in any changes to the exposure of people residing or working in the project area to excessive noise levels related to airports. Therefore, no impact would occur.

	ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XII.	Population and Housing. Would the project:				
	a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
	b) Displace substantial numbers of existing homes, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
	c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Environmental Setting

At the time of the 2000 U.S. Census, Sacramento County had a population of 1,223,499 people. The Grant JUHSD had a 2000 U.S. Census population of 167,055, with Del Paso Heights SD at 15,590, North Sacramento SD at 44,265, and Rio Linda USD at 87,050. Population growth has been the greatest in the northern section of Grant JUHSD.

Discussion

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

The proposed unification would not induce population growth either directly or indirectly, as the proposed unification would not cause changes in administrative staffing levels or student populations. In addition, the proposed unification would not create a need for new school facilities, cause any modifications to existing facilities, or involve other physical changes to the existing environment. For these reasons, no impact relative to population growth would occur.

b & c) Displace substantial numbers of people or existing homes, necessitating the construction of replacement housing elsewhere?

As discussed in item (a) above, the proposed unification would not result in any construction activities. For these reasons, the proposed unification would not displace any people or existing housing. Therefore, no impact would occur.

	ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XIII.	Public Services. Would the project:				
	a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				
	Fire protection?	☐	☐	☐	☒
	Police protection?	☐	☐	☐	☒
	Schools?	☐	☐	☐	☒
	Parks?	☐	☐	☐	☒
	Other public facilities?	☐	☐	☐	☒

Environmental Setting

The Sacramento County Sheriff's Department provides general police protection services to the unincorporated areas of the county and provides specialized law enforcement services to both the incorporated and unincorporated areas. In January 2002, the State Department of Finance estimated that over 47 percent of the county's population lived in the unincorporated area, giving Sacramento County one of the largest unincorporated populations among all counties in the State. The Sheriff's Department maintains six patrol districts in the unincorporated areas of the county. The project area is in the Northwest Division (McClellan Station), which is located at the former McClellan Air Force Base and serves the communities of Antelope, Elverta, Foothill Farms, Garden Highway, McClellan Park, Natomas Industry, North Highlands, and Rio Linda. (Sacramento County General Plan Update: Public Facilities Element 2006) The portion of the project area in the city of Sacramento receives police services from the Sacramento City Police Department.

Sacramento County is served by 17 fire protection districts. The project area is served by four of these districts: the American River Fire Protection District, the Sacramento County Fire

Protection District, the Natomas Fire Protection District, and the Sacramento Metropolitan Fire District. (Sacramento County General Plan Update: Safety Element 2006)

School facilities in the project area are described in Chapter 2, Project Description. Grant JUHSD serves four elementary or “component” school districts, which include Del Paso Heights SD, North Sacramento SD, and Rio Linda USD, as well as Elverta Joint School District (SD) and the Robla SD that are excluded from the unification. Elverta Joint SD and the Robla SD school sites also are described in Chapter 2, Project Description. Students from all five elementary school districts move on to Grant JUHSD for their seventh through twelfth grade education.

Refer to Section XIV, Recreation, for a discussion of existing parks and other recreation opportunities.

Discussion

a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any public services.

The proposed unification would not cause changes in administrative staffing levels or locations, or student populations or locations, nor would it create a need for new or modified school facilities. For these reasons, the proposed unification would not impair an emergency response or evacuation plan, nor would it degrade existing levels of fire protection and emergency response or cause an increased demand for police protection services. No additional parks or other public facilities would be needed to implement the proposed unification. Therefore, no impact would occur.

	ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XIV.	Recreation. Would the project:				
	a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
	b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	☐	☐	☐	☒

Environmental Setting

Opportunities for recreation are abundant in Sacramento County, offering a wide range of activities including: hiking, cycling, rafting, kayaking, windsurfing, horseback riding, running, and fishing. The Sacramento County Department of Regional Parks oversees a number of recreational areas in the project area, including the American River Parkway (with Discovery Park), the Dry Creek Parkway, and Gibson Ranch. There also are a number of local parks operated by one of the three park districts serving the project area: North Highlands Recreation and Park District, Sacramento City Department of Parks and Recreation, and Rio Linda-Elverta Parks. (Sacramento County Department of Regional Parks 2006) Other recreational options, either in the project area or nearby, include golf courses, the Cherry Island Soccer Complex, and Arco Arena (home of the National Basketball Association's Sacramento Kings and a venue for concerts and other activities).

Discussion

a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

The proposed unification would not generate additional demand or have any other effect on existing recreational facilities, because the proposed project would not generate an increase in population or cause a shift in the location or use of existing recreational facilities by students, administrative staff, or other persons. Therefore, no impact would occur on recreational resources with implementation of the proposed unification.

b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?

The proposed unification would not cause changes in administrative staffing levels or locations, or student populations or locations. For these reasons, the proposed unification would not create a need for new or modified school facilities, and therefore, would not displace existing recreational facilities or cause a need to construct new recreational facilities. No impact would occur on recreational resources with implementation of the proposed unification.

	ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XV.	Transportation/Traffic. Would the project:				
	a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	☐	☐	☐	☒
	b) Exceed, individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒
	c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
	d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
	e) Result in inadequate emergency access?	☐	☐	☐	☒
	f) Result in inadequate parking capacity?	☐	☐	☐	☒
	g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	☒

Environmental Setting

The project area is served by two major interstate freeways: Interstate Highway 5 and Interstate Highway 80. Interstate Highway 5 connects the area with points north and south, extending from the Canadian/State of Washington border to San Diego. Interstate Highway 80 connects the area with points east and west, running from San Francisco to New York City. The Burlington Northern Santa Fe Rail Road runs through the project area and the Sacramento International Airport and McClellan Airport allows air transport service. Public transportation services in the project area are provided by the Sacramento Regional Transit District.

Discussion

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

The proposed unification would not cause changes in administrative staffing levels and student populations, their travel patterns, or bus routing. In addition, the proposed unification would not create a need for any new or modified school facilities. No changes in traffic generation would occur. Therefore, the project would not increase vehicle trips, nor would it change the volume to capacity ratio on roads or congestion at intersections from current conditions. Therefore, no impact would occur.

b) Exceed, individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

As discussed in item (a) above, the proposed unification would not generate any additional trips beyond current conditions. For this reason, the proposed unification would not change the level of service of any roadway, nor would it cause an exceedance of a level of service standard established by the county congestion management agency for designated roads or highways. Therefore, no impact would occur.

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

The proposed unification would not increase the population in the area, nor would it cause any change in air traffic operations. Therefore, no impact would occur related to air traffic patterns and safety risks.

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

The proposed unification would not result in the construction or modification of any school facilities, nor would it alter land uses so as to introduce incompatible uses. Therefore, no impact would occur.

e & f) Result in inadequate emergency access or parking capacity?

Because the proposed unification would not result in the construction of any new or modified school facilities, it would not result in inadequate emergency access or parking capacity. Therefore, no impact would occur.

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

The proposed unification would not result in the construction of any new or modified school facilities, nor would it result in any permanent features that could affect regional transportation or interfere with construction of any future planned facilities that are intended to service alternative modes of transportation (e.g., bus turnouts, bicycle lanes). Therefore, potential conflicts with alternative transportation policies, plans, or programs would not occur.

	ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVI.	Utilities and Service Systems. Would the project:				
	a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
	b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
	c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
	d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒
	e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand, in addition to the provider's existing commitments?	☐	☐	☐	☒
	f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒
	g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒

Environmental Setting

Existing public liquid waste facilities of Sacramento County include a regional sewer system for the urbanized area. In the project area, the Sacramento Regional County Sanitation District (SRCSD) and County Sanitation District No. 1 (CSD-1) provide public sewer service to the City of Sacramento and the urban portion of unincorporated Sacramento County. The remainder of the unincorporated county in the project area is served by private septic systems. CSD-1 provides local sewage collection and transport from its facilities to the regional sewage transmission, treatment, and disposal facilities operated by SRCSD. Treated wastewater is ultimately discharged to the Sacramento River at the Sacramento Regional Wastewater Treatment Plant, located near Freeport.

Sacramento County currently has enough landfill capacity to address solid waste demands through the year 2037. There are nine active solid waste facilities in the county that are publicly owned and operated. Two of these are located within the project area—the City of Sacramento Landfill and the North Area Transfer Station. Solid waste collection is provided to all residential, commercial, and industrial waste generators in the county through a non-exclusive commercial solid waste franchise system. (Sacramento County General Plan Update: Public Facilities Element 2006)

Discussion

a, b, c) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board or require or result in the construction of new or expanded water or wastewater treatment facilities, or new or expanded storm water drainage facilities, the construction of which could cause significant environmental effects?

Because the proposed unification would not cause changes in administrative staffing levels or student populations, and would not result in the construction of any new or modified school facilities, it would not result in an increased need for wastewater treatment by any sewer service district. Further, the proposed unification would not in itself cause an exceedance of the wastewater treatment requirements of the Central Valley Regional Water Quality Control Board, nor would it result in the construction of new or expanded water or wastewater treatment facilities, or storm water drainage facilities. Therefore, no impact would occur.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

As discussed in items (a), (b), and (c) above, the proposed unification would not result in changes in administrative staffing or student population levels, or school facilities. For these reasons, the proposed unification would not create the need for additional water supplies. Therefore, no impact would occur.

e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand, in addition to the provider's existing commitments?

As discussed in items (a), (b), and (c) above, the proposed unification would not result in changes in staffing or student population levels, or school facilities. For these reasons, the proposed unification would not create the need for additional or altered wastewater treatment systems. Therefore, no impact would occur.

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

As discussed in items (a), (b), and (c) above, the proposed unification would not result in changes in staffing or student population levels, or school facilities. For these reasons, the proposed unification would not affect the amount of waste generated in the county, solid waste disposal practices, or permitted landfill capacity. Therefore, no impact would occur.

g) Comply with federal, state, and local statutes and regulations related to solid waste?

As discussed above in item (f), the proposed unification would not change the amount of waste generated in the county, nor would it change the county's solid waste disposal practices. For these reasons, the proposed unification would not conflict with federal, state, and local statutes and regulations related to solid waste. Therefore, no impact would occur.

	ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVII.	Mandatory Findings of Significance.				
	a) Does the project have the potential to substantially degrade the 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 an endangered, rare, or threatened species, or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☒
	b) 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.)	☐	☐	☐	☒
	c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

Discussion

a) Does the project have the potential to substantially degrade the 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 an endangered, rare, or threatened species, or eliminate important examples of the major periods of California history or prehistory?

The proposed unification would not create a need for nor propose new school or administrative facilities, cause any modifications to existing facilities, or involve other physical changes to the existing environment. No change in land use of any district properties would occur. The proposed unification would not cause changes in administrative staffing levels or locations, or student populations or locations. Implementation of the proposed unification would, therefore, not degrade the 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 or restrict the range of rare, threatened, or endangered plants or animals; or eliminate important examples of the major periods of California history or prehistory. Therefore, no impact would occur.

b) 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.)

No contribution to cumulatively considerable impacts would occur with implementation of the proposed unification, because no construction, need for new or modified school or administrative facilities, or change in employees or student population would occur. There is no evidence to suggest that the unification itself would encourage or discourage the construction of a new high school, or alter the pattern of shifting student enrollment. No other related past, current, or probable future projects were identified in the project area. The environmental analysis in this document preliminarily finds that the proposed unification would have no effect on the environment. Therefore, the proposed unification would not result in any cumulatively considerable impacts.

c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?

No significant and unavoidable environmental effects of the proposed unification were identified in this environmental analysis. Therefore, no substantial adverse effects on human beings, either directly, or indirectly, would occur.

4. REFERENCES

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CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2007 AGENDA

SUBJECT	
Proposed Unification of the Grant Joint Union High School District with the Del Paso Heights School District, the North Sacramento School District, and the Rio Linda Union 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 approving the joint petition to unify the Grant Joint Union High School District (JUHSD) with the Del Paso Heights School District (SD), the North Sacramento SD, and the Rio Linda Union SD.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has not heard this fourth in a series of relatively recent proposals to reorganize the Grant JUHSD. The first proposal was invalidated by the Sacramento County Superior Court; the second (a proposal to split Grant JUHSD into a North and a South unified school district) was disapproved by the SBE at its November 2006 meeting; and the third (a proposal submitted by Grant JUHSD and Del Paso Heights SD) will be withdrawn by those districts, pursuant to legislation that became effective January 1, 2007, if the current unification proposal is approved by the SBE.

SUMMARY OF KEY ISSUES

The Grant JUHSD, the Del Paso Heights SD, the North Sacramento SD, and the Rio Linda Union SD submitted this joint petition to unify, excluding the two remaining component elementary school districts: Elverta Joint SD and Robla SD. The school districts excluded from the unification will continue to enroll their middle and high school students in the proposed unified district under the same terms and conditions as existed previously in the high school district, if the SBE approves the exclusions (California *Education Code* [*EC*] Section 35542[b]).

At its December 6, 2006, meeting, the Sacramento County Committee (SCC) on School District Organization voted that all nine conditions required by *EC* Section 35753(a) for unification are substantially met and recommended approval of the reorganization. CDE staff concurs with the SCC's findings and recommends that the SBE approve the petition to unify the Grant JUHSD, the Del Paso Heights SD, the North Sacramento SD, and the Rio Linda Union SD. Staff's analysis is provided as Attachment 1. A proposed

SUMMARY OF KEY ISSUES (CONT.)

resolution approving the unification petition is provided as Attachment 2 for the SBE's consideration.

FISCAL ANALYSIS (AS APPROPRIATE)

Based on 2005-06 data from the Sacramento County Office of Education (SCOE), the blended revenue limit for the new unified school district, including enhancements due to salary and benefit differentials, is estimated to be $5,724 per average daily attendance (ADA). The blended, or weighted average, revenue limit per ADA is revenue neutral and does not result in an increase in state costs. Only the $8.5 million adjustment for salary and benefit differentials yields new revenues. Increases in Proposition 98 revenue limit funding due to reorganization are not considered as increased costs to the state for purposes of this analysis since these funding increases are provided for in statute and are capped.

No other effects to state costs due to the reorganization are identified.

ATTACHMENT(S)

Attachment 1: Report of Required Conditions for Reorganization (17 Pages).

Attachment 2: Proposed Resolution (1 Page).

Attachment 3: Del Paso Heights, Grant, North Sacramento, and Rio Linda Governing Board Resolution for Unification (13 pages). (This attachment is not available for Web viewing. A printed copy is available for viewing in the SBE Office.)

Attachment 4: Elverta and Robla Governing Board Resolutions for Exclusion (4 Pages). (This attachment is not available for Web viewing. A printed copy is available for viewing in the SBE Office.)

Attachment 5: Sacramento County Committee on School District Organization, December 6, 2006. Actions Taken in Reference to the Joint Governing Board Petition for the Unification of the Del Paso Heights Elementary School District, the Grant Joint Union High School District, the North Sacramento Elementary School District, and the Rio Linda Union Elementary School District (2 Pages). (This attachment is not available for Web viewing. A printed copy is available for viewing in the SBE Office.)

Attachment 6: Alternative Resolution (1 Page).

PROPOSED UNIFICATION OF THE GRANT JOINT UNION HIGH SCHOOL DISTRICT WITH THE DEL PASO HEIGHTS SCHOOL DISTRICT, THE NORTH SACRAMENTO SCHOOL DISTRICT, AND THE RIO LINDA UNION SCHOOL DISTRICT IN SACRAMENTO COUNTY

REPORT OF REQUIRED CONDITIONS FOR REORGANIZATION

1.0 RECOMMENDATION

California Department of Education (CDE) staff recommends that the State Board of Education (SBE) adopt the resolution in Attachment 2, thereby approving the petition to form a unified school district from territory of the Grant Joint Union High School District (JUHSD). This unification includes three of the Grant JUHSD component elementary school districts: Del Paso Heights School District (SD), North Sacramento SD, and Rio Linda Union SD. The petition expressly excludes the Elverta Joint SD and Robla SD from the unification. By authority in California *Education Code* (*EC*) Section 35542(b), the SBE may exclude elementary districts that are totally within a high school district's boundaries from a unification of the high school district.

2.0 BACKGROUND

Currently, five elementary school districts (Del Paso Heights, Elverta Joint, North Sacramento, Rio Linda Union, and Robla) are component districts within the Grant JUHSD. By June 19, 2006, the Sacramento County Superintendent of Schools (County Superintendent) received resolutions from the majority of the members of the Grant JUHSD, the Del Paso Heights SD, the North Sacramento SD, and the Rio Linda Union SD governing boards proposing unification of the four districts (Attachment 3). The proposed unification expressly excludes the other two component elementary school districts (Elverta Joint SD and Robla SD).

The county superintendent of schools is required to examine petitions for a proposed school district organization and determine whether the petitions are sufficient and signed as required by law (*EC* 35704). On or about July 17, 2006, the County Superintendent determined that the petition for the unification of the Grant JUHSD, the Del Paso Heights SD, the North Sacramento SD, and the Rio Linda Union SD was sufficient and signed as required by law.

Public hearings were held August 9, 16, and 30, 2006. A deliberation meeting was held on December 6, 2006, at which time the Sacramento County Committee (SCC) on School District Organization voted unanimously to recommend approval of the petition.

3.0 REASONS FOR THE UNIFICATION

The Grant JUHSD, the Del Paso Heights SD, the North Sacramento SD, and the Rio Linda Union SD support the concept of unification. As stated in their joint resolution, they "believe that unified school districts provide for greater educational opportunities … through seamless articulation and consolidation of programs and resources." (Attachment 3)

4.0 POSITIONS OF SCHOOL DISTRICTS

The Grant JUHSD, the Del Paso Heights SD, the North Sacramento SD, and the Rio Linda Union SD support the unification for the reason stated in Section 3.0. The Elverta Joint SD and the Robla SD have requested that they be excluded from the unification pursuant to *EC* 35542(b). (Attachment 4)

5.0 *EC* 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 *EC* 35753. Those conditions are further clarified by the *California Code of Regulations*, Title 5, (5 *CCR*), Section 18573.

For its analysis of the current proposal, staff reviewed the following information provided by the Sacramento County Office of Education (SCOE) and the affected districts:

(a) Joint petition for the proposed unification.

(b) "Proposed Unification of the Del Paso Heights Elementary School District, the Grant Joint Union High School District, the North Sacramento Elementary School District, and the Rio Linda Elementary School District. A Report to the Sacramento County Committee on School District Organization" (SCOE Report), prepared by Sacramento County Office of Education staff, November 14, 2006.

(c) Miscellaneous related documents.

Staff findings and conclusions regarding the required conditions in *EC* 35753 and 5 *CCR* Section 18573 conditions follow:

5.1 The reorganized districts will be adequate in terms of number of pupils enrolled.

Standard of Review

It is the intent of the SBE 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. (5 *CCR* Section 18573[a][1][A])

County Committee Evaluation/Vote

Based on a projected enrollment of 31,278 students in 2005-06, the SCOE Report concludes the new unified district would exceed the minimum enrollment of 1,501 specified in regulations. The SCC voted unanimously that this condition is substantially met. (Attachment 5)

Staff Findings/Conclusion

As stated previously, a new unified district is adequate in terms of number of pupils if the projected enrollment is 1,501 or greater on the date the new district becomes effective for all purposes. The following table depicts the 2005-06 California Basic Educational Data System (CBEDS) enrollment for the current districts, as well as the combined enrollment for the proposed unified district.

Current Enrollment in Affected Districts

District	2005-06 CBEDS Enrollment
Grant JUHSD	13,965
Del Paso Heights SD	1,865
North Sacramento SD	4,862
Rio Linda Union SD	10,586
Proposed Unified School District	31,278

The following table displays historical enrollment in the two districts proposed for unification and the percent growth for each year.

Five-Year Enrollment Trend for Proposed Unified District

Year	Enrollment	Percent Growth
2000-01	30,525	
2001-02	30,553	0.1%
2002-03	30,523	-0.1%
2003-04	30,346	-0.6%
2004-05	30,583	0.8%
2005-06	31,278	2.3%

Enrollment in the proposed unified school district significantly exceeds the required 1,501. Although elementary school district enrollment within the high school district has been declining over the past few years, overall enrollment has been relatively stable due to the fact that enrollment in the Grant JUHSD has increased by almost 13 percent over the past five years.

Staff concludes this condition is substantially met.

5.2 The districts are each organized on the basis of a substantial community identity.

Standard of Review

The following criteria from 5 *CCR* Section 18573(a)(2) 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 SCOE Report notes that a distinct educational community already exists within the boundaries of the proposed unified school district since it would have the same boundaries as the existing high school district. The new district would not split or combine parts of any existing districts or communities, the community served by the districts would not change, and all students would continue to go to the same schools. The SCC voted unanimously that this condition is substantially met. (Attachment 5)

Staff Findings/Conclusion

Since the proposed district would have the same boundaries as the existing high school district and continue to serve the same communities as do the existing educational agencies, staff 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 CDE reviews the proposal for compliance with the provisions of *EC* 35560 and 35564 and determines which of the criteria authorized in *EC* 35736 shall be applied. The CDE also ascertains that the affected districts and county office of education are prepared to appoint the committee described in *EC* 35565 to settle disputes arising from such division of property. (5 *CCR* Section 18573[a][3])

County Committee Evaluation/Vote

The SCOE Report indicates that the property, facilities, funds, and obligations of the existing districts (including the bonded indebtedness of the Grant JUHSD) would become the property, facilities, funds, and obligations of the new unified district. The proposed unified school district and the geographic areas within that new district (the areas currently in the Grant JUHSD) would continue to remain liable for the outstanding bonds of the Grant JUHSD. The SCC voted unanimously that this condition is substantially met. (Attachment 5)

Staff Findings/Conclusion

Staff concludes that this condition is substantially met. Staff agrees with the SCOE Report that there is no need to divide property, facilities, funds, and obligations because no affected districts will be divided. Staff also agrees that the bonded indebtedness of the existing high school district will remain the liability of property owners within the entire proposed unified school district. Bonded indebtedness of the three included elementary school districts would become the responsibility of the new unified school district.

5.4 The reorganization of the districts will preserve each affected district's ability to educate students in an integrated environment and will not promote racial or ethnic discrimination or segregation.

Standard of Review

In 5 *CCR* Section 18573(a)(4), the SBE 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 Report notes that the percentages of racial/ethnic groups in the proposed unified school district would look somewhat similar to Grant JUHSD since that district would contribute about 42 percent of the total student population of the new district. The table below depicts information provided in the SCOE Report.

Enrollment Contribution of Each Affected School District

District	2005-06 Enrollment	Percent Minority	Percent of New District Enrollment
Grant JUHSD	13,965	56.1%	41.6%
Del Paso Heights SD	1,865	87.4%	8.6%
North Sacramento SD	4,862	81.7%	21.1%
Rio Linda Union SD	10,586	51.5%	28.7%
Proposed New District	31,278	60.3%	

The SCOE Report noted that the new unified school district would be ethnically mixed with student composition approximately 36 percent White, 29 percent Hispanic, 17 percent African-American, and 10 percent Asian. The SCOE Report further noted that, if current trends in the area continue, the percentage of Hispanic students would increase and the percentage of White and African-American students would decrease over time.

The SCOE finds that no students would be required to change schools as a result of the proposed unification. As a result, the unification would have no effect on the racial/ethnic composition of any school. The SCC voted unanimously that this condition is substantially met. (Attachment 5)

Staff Findings/Conclusion

The current (2005-06 CBEDS) percent of minority students in the Grant JUHSD and its component elementary districts is depicted in the following table. The percentages of minority students in the proposed unified school district and the excluded component districts also are displayed.

Percentage of Minority Students in Affected Districts*

District	Percent Minority Students
Grant JUHSD	60.6%
Del Paso Heights SD	90.2%
North Sacramento SD	82.8%
Rio Linda SD	51.7%
Elverta Joint SD	24.2%
Robla SD	78.0%
Proposed unified district	62.8%
Excluded component districts	70.9%

** Does not include Multiple or No Response categories*

The unification proposes a consolidation of the Grant JUHSD with the Del Paso Heights SD, the North Sacramento SD, and the Rio Linda Union SD. The two excluded component districts will continue to operate their own kindergarten through sixth grade programs and send seventh through twelfth grade students to the new unified district under the same terms and conditions as existed previously in the high school district. Thus, the proposed unification will not cause any student to move from one school to another.

Staff finds that the proposed unification will have no negative effects on: (1) the districts' duty to take steps to alleviate any segregation of minority pupils in-schools; and (2) any factor that may have an effect on the feasibility of the integration of any affected school. Given the lack of negative effects and the fact that no students will be displaced or transferred to different schools as a result of the proposal, staff finds that this condition is substantially met.

5.5 Any increase in costs to the state as a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization.

Standard of Review

EC 35735 through 35735.2 mandate a method of computing revenue limits without regard to this condition. Although the estimated revenue limit is discussed in this section, only potential costs to the state other than those mandated by *EC* 35735 through 35735.2 are used to analyze proposals for compliance with this condition.

County Committee Evaluation/Vote

The SCOE Report includes a calculation of the projected revenue limit for the proposed unified school district. Based on this calculation, unification of the Grant JUHSD, Del Paso Heights SD, North Sacramento SD, and Rio Linda SD will increase the revenue limit for that area by approximately 5.3 percent. The SCOE Report also notes that the reorganization proposal would not affect continued eligibility for the current funding levels of state categorical programs and entitlements: gifted and talented pupils, home-to-school transportation, instructional materials, staff development, school improvement program, and other miscellaneous programs. The SCC voted unanimously (with one abstention) that this condition is substantially met. (Attachment 5)

Staff Findings/Conclusion

Current law specifies that when computing the base revenue limit of the new unified school district, the total base revenue limit for all affected districts is divided by the total average daily attendance (ADA) for the newly reorganized district. This blended, or weighted average, calculation is revenue neutral since it yields the same total base revenue limit for the proposed district as it did for the existing districts. Once the base revenue limit is established, it is used to determine the new district's funding levels.

Based on 2005-06 data from the SCOE, the blended Grant JUHSD, Del Paso Heights SD, North Sacramento SD, and Rio Linda Union SD revenue limit, including enhancements due to salary and benefit

differentials, is estimated to be $5,724 per ADA for the new district. Should the proposed unified district become effective for all purposes, the actual revenue limit will be calculated by staff in the CDE's Principal Apportionment Unit using information submitted by the SCOE based on second prior fiscal year data (2006-07 for a July 1, 2008, effective date), including any adjustments for which the proposed district may be eligible. Increases in revenue limit funding due to reorganization are not considered to be increased costs to the state for purposes of this condition since these funding increases are statutorily authorized.

As no increases in state costs beyond those permitted by statute were identified, staff supports the SCC vote that this condition is substantially met.

5.6 The proposed reorganization will continue to promote sound education performance and will not significantly disrupt the educational programs in the districts affected by the proposed reorganization.

Standard of Review

The proposal or petition shall not have a significant adverse effect on the educational programs of districts affected by the proposal or petition, and the CDE 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. (5 *CCR* Section 18573[a][5])

County Committee Evaluation/Vote

The SCOE Report notes that “Establishing a unified school district with a single governing board has the potential to enhance articulation of the curriculum and the streamlining of operation, and will generate additional revenue. Moreover, no students will be displaced or transferred to different schools as a result of the unification. The unification, therefore, has the potential to have a positive effect on the implementation of the educational program at the schools.” The SCC voted 6-1 that this condition is substantially met. (Attachment 5)

Staff Findings/Conclusion

Staff supports the opinion of the SCOE that establishing a unified school district with a single governing board will have the potential to enhance the articulation of curriculum from kindergarten to twelfth grade.

No students will be displaced or transferred to different schools as a result of the proposal. No educational program (high school, middle school, or

elementary school) will be threatened due to reduction in student or staffing level. Thus, the unification should have minimal effects (if any) on ability to implement the educational program at the school site level.

Staff agrees with the SCC's finding that this condition is substantially met.

5.7 Any increase in school facilities costs as a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization.

County Committee Evaluation/Vote

Because students would attend the same schools they currently attend, the proposed unification should have no effect on school facilities costs according to the SCOE Report. The SCC voted unanimously that this condition is substantially met. (Attachment 5)

Staff Findings/Conclusion

Since no students will be displaced or transferred to different schools and no additional facilities will be required as a result of the proposed unification, staff agrees with the findings of the SCOE Report and the SCC vote that this condition is substantially met.

5.8 The proposed reorganization is primarily designed for purposes other than to significantly increase property values.

County Committee Evaluation/Vote

The SCOE Report found that the proposed unification would be an administrative change affecting only the districts. The SCC voted unanimously that this condition is substantially met.

Staff Findings/Conclusion

No evidence was presented that indicates the proposed formation of a new unified school district would increase property values in the petition area. Nor is there any evidence from which it can be discerned that an increase in property values is the primary motivation for the proposed reorganization. Staff concludes this condition is substantially met.

5.9 The proposed reorganization will continue to promote sound fiscal management and not cause a substantial negative effect on the fiscal status of the proposed district or any existing district affected by the proposed reorganization.

County Committee Evaluation/Vote

The SCOE Report notes that, from 1999-2000 through 2005-06, all four affected districts have:

(a) Adopted budgets and interim reports that have been approved by the County Superintendent.

(b) Been able to meet all of their fiscal obligations.

(c) Met the minimum reserve level for economic uncertainties.

(d) Remained solvent.

The SCOE Report also notes that the reorganization would result in greater than a 5 percent increase in revenue. The SCC voted unanimously that this condition is substantially met. (Attachment 5)

Staff Findings/Conclusion

To assess the financial impact of the proposed reorganization, CDE staff reviewed each district's annual audit report and information provided by the SCOE. CDE staff concluded that if the proposed unification was approved, the reorganization would result in the following:

(a) The new district would have adequate reserves. All of the affected districts have sustained at least the recommended reserves for the past three years. Currently, each district has the viability to continue operating as a separate entity.

(b) The new district would receive a blended, or weighted average, revenue limit. This blended revenue limit is adjusted for salary and benefit differentials. Thus, the new unified district will receive approximately $8.5 million more in revenue limit funding than would be received by the combined affected school districts. This increase is predicated on differences among districts' average costs of salaries and benefits for full-time equivalent staff. The new district could raise all salary levels to that of the district with the highest rates. However, the new district is not obligated to adopt the highest salary schedules. The new schedules will be a product of negotiations between the new district and its employees' bargaining units.

(c) While Grant JUHSD and Del Paso Heights SD currently share administrative staff, North Sacramento SD and Rio Linda Union SD have separate existing administrative structures. The unification should not cause an expansion in the combined administrative

overhead but, instead, should result in a reduction in fixed administrative expenses. Further incremental savings may be achieved over time due to attrition, and as some functions in the areas of business, superintendent, and board are streamlined.

CDE staff concurs with the findings of the SCOE Report and with the SCC vote that this condition is substantially met.

6.0 County Committee EC 35707 Requirements

EC 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 approval of the proposal to unify the Grant JUHSD and three of its component elementary school districts: Del Paso Heights SD, North Sacramento SD, and Rio Linda Union SD.

6.2 Effect on School District Organization of the County

EC 35707 requires a county committee to report whether the proposal would adversely affect countywide school district organization. The SCC voted unanimously that the proposed unification would not adversely affect the school district organization of the county.

6.3 County Committee Opinion Regarding EC 35753 Conditions

A county committee must submit to the SBE its opinion regarding whether the proposal complies with the provisions of EC 35753. The SCC voted that the proposal substantially complies with all nine of conditions of EC 35753(a).

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 *EC* (commencing with Section 35730). These provisions include:

Membership of Governing Board/Trustee Areas

The unification proposal contained no provision for the size of the governing board of the new district or establishment of trustee areas for electing governing board members. The SCC, however, added a provision to increase the size of the governing board from five to seven members. The SCC further recommends that governing board members be elected from trustee areas by the voters of the entire school district.

Election of the First Governing Board

A proposal for unification may include a provision specifying that the election for the first governing board be held at the same time as the election on the unification of the school district. The petition did not contain such a provision but the SCC voted to include it in the proposal. (Attachment 5)

Staff believes that there are at least two advantages in holding the governing board election at the same time as the election on the unification proposal. First, only one election is required, which reduces local costs. Second, the earlier election of board members gives the new board at least an additional four months to prepare for the formation of the new district. Thus, CDE staff generally recommends that a provision specifying the election for the first governing board be held at the same time as the election on the unification of the school district be included as part of the unification proposal.

Computation of Base Revenue Limit

A proposal for reorganization of school districts must include a computation of the base revenue limit per ADA for each reorganized district. The SCOE included in the proposal an estimated base revenue limit of $5,724 per ADA based on 2005-06 data.

Division of Property and Obligations

A proposal may include provisions for the division of property (other than real property) and obligations of any district whose territory is being divided among other districts. Since no district is divided as a result of the current unification proposal, there will be no division of property and obligations.

Method of Dividing Bonded Indebtedness

A proposal for reorganization may include a method of dividing the bonded indebtedness other than the method established in *EC* 35576 for the purpose of providing greater equity in the division. No current bonded indebtedness will be divided as a result of the unification proposal. Grant JUHSD's apportionment of outstanding bonded indebtedness to all property owners within the area of the new unified school district will remain at existing levels. Bonded indebtedness of the three included elementary school districts would become the responsibility of the new unified school district.

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 *EC* Article 3 (see 7.1 above) that the SBE may add or amend. *EC* 35756 also indicates that, should the SBE approve the proposal, the SBE must determine the area of election.

The area proposed for reorganization encompasses the total Grant JUHSD. Thus, pursuant to *EC* 35732, the "default" election area is this school district. The SBE may alter this "default" election area if it determines that such alteration complies with the following area of election legal principles.

Area of Election Legal Principles

The Local Agency Formation Commission (LAFCO)[1] 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:

[1] *Board of Supervisors of Sacramento County, et al., v. Local Agency Formation Commission (3 Cal. 4th 903, 1992)*

(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 *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).

CDE Staff Recommendation for Area of Election

The SBE may reduce the election area from the entire Grant JUHSD, which includes all component elementary school districts, if it determines that such reduction is in accordance with the above area of election legal principles. Although the reorganization proposal calls for the exclusion of two component elementary districts from the unification process, staff recommends the entire Grant JUHSD as the area of election should the SBE approve the unification proposal. The new unified school district will provide the seventh through twelfth grade education program for all students residing within the district, including those students residing in the excluded districts. Voters within these two excluded component districts also will vote for governing board members of the unified district and general obligation bond measures targeted for seventh through twelfth grade facilities.

7.3 Exclusion of Component Elementary Districts

EC 35542(b), added by Chapter 1186, Statutes of 1994, provides that:

> [A]n elementary school district that has boundaries that are totally within a high school district may be excluded from an action to unify those districts if the governing board receives approval for an exclusion from the State Board of Education. Any elementary school district authorized by the State Board of Education to be excluded from an action to unify may continue to feed into the coterminous high school under the same terms that existed before any action to unify . . . .

Residents of the excluded component elementary districts may continue to enroll their children in the new unified school district under the same terms and conditions as existed previously in the high school district. This form of unification allows continued self-determination by the voters of the excluded component elementary districts while assuring that:

(a) Voters in the excluded component elementary districts will participate in the election of governing board members for the unified district.

(b) Voters in the excluded component elementary districts will participate with the rest of the voters in the unified district in voting in any future bond elections affecting high school facilities just as they did in the previous high school district, and will pay their prorated shares for any such bond issues passed just as they did in the previous high school district.

8.0 STATE BOARD OF EDUCATION OPTIONS

EC 35753 and 35754 outline the SBE's options:

(a) The SBE shall approve or disapprove the proposal. (*EC* 35754)

(1) The SBE may approve the proposal if it determines all the conditions in EC 35753(a) have been substantially met.

(2) The SBE may approve the proposal pursuant to *EC* 35753(b) if it determines the conditions in *EC* 35753(a) are not substantially met but it is not possible to apply the conditions literally and an exceptional situation exists.

(b) If the SBE approves the proposed unification, it may exclude the Elverta Joint SD and the Robla SD from the unification. (*EC* 35542[b])

(c) If the SBE approves the formation of the proposed districts, it may amend or include in the proposal any of the appropriate provisions of EC Article 3, commencing with Section 35730. Per staff recommendation, three items would be incorporated into the proposal and also approved if the SBE approves the overall petition:

(1) The estimated base revenue limit based on 2005-06 data would be $5,724 per ADA.

(2) The governing board of the new unified district would have seven governing board members who would be elected from seven trustee areas by voters of the entire district.

(3) The election for the first governing board of the new district should be held at the same election as the proposed unification.

(d) If the SBE approves the proposal, it must determine the area of election (EC 35756). As previously discussed, staff recommends the territory of the entire high school district as the area of election.

9.0 RECOMMENDED ACTION

Staff recommends that the SBE approve the proposed unification of Grant JUHSD with the Del Paso Heights SD, the North Sacramento SD, and the Rio Linda Union SD. A proposed resolution addressing all the above recommendations is included as Attachment 2.

An alternative resolution is provided as Attachment 6 should the SBE decide to disapprove the unification proposal.

CALIFORNIA STATE BOARD OF EDUCATION
March 2007

PROPOSED RESOLUTION

Petition to Unify
the Grant Joint Union High School District,
the Del Paso Heights School District,
the North Sacramento School District, and
the Rio Linda Union School District
in Sacramento County

RESOLVED, that under the authority of *Education Code* Section 35754, the joint petition to form a new unified school district from the Grant Joint Union High School District, the Del Paso Heights School District, the North Sacramento School District, and the Rio Linda Union School District which was filed on or about June 19, 2006, with the Sacramento County Office of Education pursuant to *Education Code* Section 35700(d) and Section 35542(b), is hereby approved; and be it

RESOLVED further, that the 2005-06 base revenue limit per unit of average daily attendance for the new unified district is estimated to be $5,724 and shall be recalculated using second prior fiscal year data from the time the unification becomes effective for all purposes; and be it

RESOLVED further, that Elverta Joint School District and Robla School District shall be excluded from the action to unify the high school district and residents of the excluded elementary districts may continue to enroll their children in the new unified school district under the same terms and conditions as existed previously in the high school district; and be it

RESOLVED further, that the governing board of the new unified district shall consist of seven members, each required to reside within one of seven trustee areas and each elected by the voters of the entire unified school district; and be it

RESOLVED further, that the territory in which the election regarding the proposed unification is to be held shall be the entire Grant Joint Union High School District; and be it

RESOLVED further, that the election of the first governing board of the new district be held at the same election as the proposed unification; and be it

RESOLVED further, that the Executive Director of the State Board of Education shall notify, on behalf of said Board, the Sacramento County Committee on School District Organization and the affected school districts of the action taken by the State Board of Education.

CALIFORNIA STATE BOARD OF EDUCATION
March 2007

ALTERNATIVE RESOLUTION

Petition to Unify
the Grant Joint Union High School District,
the Del Paso Heights School District,
the North Sacramento School District, and
the Rio Linda Union School District
in Sacramento County

RESOLVED, that under the authority of *Education Code* Section 35754, the joint petition to form a new unified school district from the Grant Joint Union High School District, the Del Paso Heights School District, the North Sacramento School District, and the Rio Linda Union School District which was filed on or about June 19, 2006, with the Sacramento County Office of Education pursuant to *Education Code* Section 35700(d) and Section 35542(b), is hereby disapproved; and be it

RESOLVED further, that the Executive Director of the State Board of Education shall notify, on behalf of said Board, the Sacramento County Committee on School District Organization and the affected school districts of the action taken by the State Board of Education.

ITEM #21

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2007 AGENDA

SUBJECT	
San Ramon Valley Unified School District Request to be a Single District Special Education Local Plan Area (SELPA)	☒ Action ☒ Information ☐ Public Hearing

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the San Ramon Valley Unified School District (SRVUSD) application to be a single district Special Education Local Plan Area (SELPA) pursuant to Chapter 2, Administration, Article 1, SBE, California *Education Code* (*EC*) Section 56100, Chapter 2.5 Governance, *EC* Section 56195, Article 1 Local Plans, and Chapter 3. Elements of the Local Plan, Article 1.1 State Requirements, *EC* Section 56205.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Pursuant to *EC* Section 56100(b), the SBE adopted criteria and procedures for review and approval of SELPA local plans. In 1983, the SBE adopted size and scope standards for determining the efficacy of local plans submitted by SELPAs, pursuant to *EC* Section 56195.1(a).

Each SELPA submits a local plan for review and approval. The Superintendent of Public Instruction (SPI) reviews the plans and recommends approval or disapproval to the SBE. In January 2000, the SBE voted to approve criteria for development and approval of the local plans (*EC* Section 56100(b)), and delegate approval of SELPA local plans to the SPI.

In June 2003, the Tri-County SELPA requested to reconfigure and form three separate, single county SELPAs in Amador, Calaveras, and Tuolumne. Individually, the counties did not meet the size and scope standards, and the CDE recommended disapproval. The three counties appealed this decision to the SBE. The SBE waived the size and scope standards and allowed the formation individual county SELPAs.

SUMMARY OF KEY ISSUES

Background

California Master Plan for Special Education

- Developed in the 1970's
- Adopted by State Board of Education (1974)
- AB 4040, (Chapter 1532, Statutes of 1974), implemented a pilot project of the Master Plan in no more than 10 local comprehensive plan areas during FY 1975-76, 1976-77, 1977-78. The pilot regions included single district schools, multiple district schools and the county office of education.
- AB1250, (Chapter 1247, Statutes of 1977), was refined, based on the results obtained through the pilot program and called for systematically phasing in the Master Plan statewide
- SB 1870, (Chapter 797, Statutes of 1980), implemented the Master Plan statewide, brought California into compliance with Public Law 94-142 (eligibility for federal funding), required SELPAs to develop a Local Plan, revised the role of the county office so that all local comprehensive plans within the county go through the county office, who either approves or disapproves the plan based on the ability of the plan to assure that special education services are provided to all individuals with exceptional needs
- SB 1345 (Chapter 1201, Statutes of 1982), established SELPAs
- State Board of Education adopted size and scope standards for SELPAs (1983)

Individuals with Disabilities Education Act (IDEA)'97– Reauthorization (P.L. 105-17)

- Changed the Local Plan and submission requirements as originally outlined in the Master Plan

Assembly Bill 602 (Chapter 854, Statutes of 1997)

- Established Annual Budget and Service Plans

Analysis

The SRVUSD is currently a member of the Contra Costa County SELPA. In a letter dated June 20, 2006, the SRVUSD requested approval to form a single district SELPA effective July 1, 2007. On September 12, 2006, the CDE, the SRVUSD, and the Contra Costa County SELPA staff discussed proposed local plans and timelines.
The CDE reviewed both the Contra Costa County and the SRVUSD proposed SELPA local plans. All requirements were met with the exception that SRVUSD did not meet size and scope standards to qualify as a single district SELPA (i.e., student population

SUMMARY OF KEY ISSUES (Cont.)

of 30,000 students). Despite not meeting size and scope standards, the Contra Costa County and the SRVUSD superintendents assured a free appropriate public education (FAPE) for all identified students with disabilities will be provided. In addition, both Superintendents indicate the SRVUSD will soon reach the 30,000 student population requirement. The remaining Contra Costa County SELPA members (16) approved the Contra Costa local plan as revised removing the SRVUSD as a participating member.

Currently, there are 122 SELPAs, 36 operate as single district SELPAs.

FISCAL ANALYSIS (AS APPROPRIATE)

Should the SBE approve the SRVUSD application, the Contra Costa County Superintendent, the Contra Costa County SELPA, and the SRVUSD stated the establishment of the SRVUSD as a single district SELPA does not fiscally impact the Contra Costa County SELPA in its ability to provide FAPE nor does it compromise its size and scope.

ATTACHMENT(S)

Attachment 1: California State Board of Education Special Education Local Plan Area Size and Scope Requirements (3 pages)

Attachment 2: San Ramon Valley Special Education Local Plan Area (37 pages)

CALIFORNIA STATE BOARD OF EDUCATION
SPECIAL EDUCATION LOCAL PLAN AREA
SIZE AND SCOPE REQUIREMENTS
(http://www.cde.ca.gov/sp/se/lr/szscpselpa.asp)

The county superintendent of schools shall submit to the Superintendent of Public Instruction a description of how districts within the county intend to develop special education local plans. (EC 56140)

The following standards are to be used by the county and districts to determine if they are of sufficient size and scope to qualify as a Special Education Local Plan Area (SELPA). (EC 56195.1).

In addition to being of sufficient size and scope to qualify as a Special Education Local Plan Area, the SELPA shall cooperate with the Office of the County Superintendent of Schools and other school districts in the geographic area in order to assure that the SELPA is compatible with other SELPAs in the county, as required by Education Code Section 56195.3.

A region may not become a Special Education Local Plan Area without approval of the SELPA by the county superintendent or a decision of the Superintendent of Public Instruction to overrule the disapproval of the county superintendent of schools, pursuant to Education Code Section 56140.

Metropolitan Areas

A metropolitan area is defined as an area that has a pupil population density of 200 pupils or more per square mile. Population density is computed by dividing total number of K-12 pupils in the Special Education Local Plan Area by the square miles to determine number of pupils per square mile. All SELPAs in metropolitan areas shall have comprehensive special education programs. A County Superintendent of Schools may allow a minimum of contract services for low-incidence programs with justification, in addition to utilizing State Special School programs for low-incidence sensory-handicapped pupils.

Single-District SELPAs

A single district must have kindergarten through twelfth grades and 30,000 or more pupils.

Multi-district or District-County SELPAs

Method one:

a. Kindergarten through 12th grade;
b. 30,000 or more pupils;
c. No more than 15 miles from border to border of the SELPA at the longest distance.

Method Two:

a. Kindergarten through 12th grade;

b. 25,000 to 30,000 pupils;
c. No more than 20 miles from border to border of the SELPA at the longest distance.

Multi-district or District-County SELPAs (continued)

Method Three:

a. Kindergarten through 12th grade;
b. 20,000 to 25,000 pupils;
c. No more than 30 miles from border to border of the SELPA at the longest distance.

Non-metropolitan Areas

Population density of less than 200 pupils per square mile.

Single-District (Non-metropolitan Area) SELPAs

In a non-metropolitan area, a single-district plan shall have:

a. 15,000 or more pupils;
b. A comprehensive special education program;
c. Contracting may be allowed, with justification, for low-incidence programs.

Multi-district, District-County, Multi-county SELPAs (Non-metropolitan Areas)

a. Must have a comprehensive special education program.
b. Contracting is allowed, with justification, for low-incidence programs in addition to utilizing State Special School programs for sensory-handicapped pupils.

Contracting

All contracts for low-incidence programs shall contain the clause that neither party may cancel the contract without a 12-month notice or upon mutual agreement of all parties to the contract.

CALIFORNIA STATE BOARD OF EDUCATION
SPECIAL EDUCATION LOCAL PLAN AREA
SIZE AND SCOPE REQUIREMENTS
(http://www.cde.ca.gov/sp/se/lr/szscpselpa.asp)

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* Approved and adopted by the State Board of Education, November 17-18, 1983

San Ramon Valley
Special Education
Local Plan Area

LOCAL PLAN FOR SPECIAL EDUCATION

ADOPTED NOVEMBER 2006

San Ramon Valley Unified School District
699 Old Orchard Drive
Danville, CA 94526

LOCAL PLAN COMMITTEE 2006

Stephanie Brown-Myers, Speech and Language Specialist
Ann Clark, Special Education Teacher
Todd Gary, Parent
Karen Heilbronner, Assistant Director, Special Programs
Rachel Hurd, Parent and Chairperson of PTA Special Needs Committee
Grant Kimura, Parent
Carol Loflin, Site Principal
Linda Rowley Thom, Assistant Director, Special Programs
Kate Smith, General Education Teacher
Nancy Vandell, Parent and GENESEA Project Manager
Chris Williams, Assistant Superintendent, Educational Services

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Note: All citations refer to California Education Code – Part 30, unless otherwise noted.

CERTIFICATIONS

1. SED-LP 1 – Certification of Participation, Compatibility and Compliance
2. SED-LP 2 – Community Advisory Committee Certification
3. SED-LP 3 – Local Plan Assurance and Policy Grid
4. SED-LP 4 – Elements of the Local Plan

Note: original signatures on file at CDE

SED-LP-1 CERTIFICATION OF PARTICIPATION, COMPATIBILITY, AND COMPLIANCE ASSURANCES

CDS Code 0761804	SELPA NAME SAN RAMON VALLEY	Application Date 12-1-06
Check (4) mark one, as applicable: [X] Single District [ ] Multiple District [ ] District/County		
CERTIFICATION BY AGENCY DESIGNATED AS ADMINISTRATIVE AND FISCAL AGENCY FOR THIS PROGRAM (RLA)		
SELPA Name San Ramon Valley	Name/Title of RLA Superintendent Robert Kessler	Telephone Number (925)552-2933
Street Address 699 Old Orchard Drive	Superintendent Signature Date	Date of RLA Board Approval
City Danville	Name/Title SELPA Director Linda Rowley Thom	Telephone Number (925)552-5011
Zip 94526	Street Address of SELPA Director 699 Old Orchard Drive	City Danville Zip 94526
3. CERTIFICATION OF COMPATIBILITY BY THE COUNTY SUPERINTENDENT OF SCHOOLS		
Pursuant to Education Code Section 56140, this plan ensures that all individuals with exceptional needs residing within the county, including those enrolled in alternative education programs, including but not limited to, alternative schools, charter schools, opportunity schools and classes, community day schools operated by school districts, community schools operated by the county office of education, and juvenile court schools, will have access to appropriate special education programs and related services.		
County Office Name Contra Costa County Office of Education	Name of Authorized Representative Joseph A. Ovick, Ed.D.	Title Contra Costa County Superintendent of Schools
Street Address 77 Santa Barbara Road	Authorized Representative Signature	Date
City Pleasant Hill	Zip 94523	Telephone Number (925) 942-3432
4. CERTIFICATION OF ASSURANCES		
I certify, 1) that this plan has been adopted by the appropriate local board(s) (district/county) and is the basis for the operation and administration of special education programs; and 2) that the agency(ies) herein represented will meet all applicable requirements of state and federal laws, regulations and state policies and procedures, including compliance with the Individuals with Disabilities Education Act, 20 USC 1400 et.seq, and implementing regulations under 34 CFR, Parts 300 and 303, Section 504 of Public Law, the Federal Rehabilitation Act of 1973, as amended, and the provisions of the California Education Code, Part 30 and Chapter 3, Division 1 of Title VI of the California Code of Regulations.		
Signature of RLA Superintendent		Date
5. CERTIFICATION OF COMMUNITY ADVISORY COMMITTEE		
(See attached)		
FOR DEPARTMENT OF EDUCATION USE ONLY		
Recommended for Approval by the Superintendent of Public Instruction: Date: _____ By: _____ Date of Approval: _____		

SED-LP-2 COMMUNITY ADVISORY COMMITTEE (CAC) CERTIFICATION

Note: original signatures on file at CDE

CAC signature and verification:

I certify :

1. that the Community Advisory Committee (CAC) has advised the policy and administrative agency during the development of the local plan pursuant to Education Code (E.C.) Section 56194;
   [ ] YES [ ] NO

2. that to ensure adequate and effective participation and communication pursuant to E.C. 56195.9, parent members of the CAC, or parents selected by the CAC, participated in the development and update of the plan for special education;
   [ ] YES [ ] NO

3. that the CAC has had 30 days to review the plan prior to submission to the Local Governing Boards and the California Department of Education for approval pursuant to E.C. 56200 (f);
   [ ] YES [ ] NO

4. that the CAC has reviewed any revisions made to the local plan as a result of recommendations or requirements from the California Department of Education;
   [ ] YES [ ] NO

CERTIFICATION OF COMMUNITY ADVISORY COMMITTEE	
Signature of CAC Chairperson	Date
Name of Chairperson Todd Gary	Phone Number (925) 820-6815

If you checked [4] NO for any of the above certifications, you must submit specific information, in writing, as to why you did not certify that the SELPA met the requirement. (Attach separate sheet, if necessary.) The Department will take this into consideration in its review of this local plan application.

Note: SELPAs are strongly advised to submit a draft of changes or amendments to the local plan to the California Department of Education prior to formal adoption by Local Governing Boards. A prior 30 day review by the CAC is not required for such drafts.

SED-LP-3 LOCAL PLAN ASSURANCE AND POLICY/PROCEDURE GRID

(GUIDANCE DOCUMENT)

Federal Requirements	Federal Reference(s)	State Education Code Reference(s)	Signed Assurances Submitted to CDE	Local Policy /Procedures Submitted to CDE	Local Policy /Procedures (held on file locally)
1. Free appropriate public education	20 USC Section 1412, CFR 300.24, 300.300 (a) (3), 300.340 – 300.351 of Part B Regulations	56205(a), 5 CCR Chapter 3, Article 1, Section 3001(b)	X		
2. Full educational opportunity	20 USC 1412 (a) (2)	48926, 56205(a), 56205(c), 56345 (b)(3), 56368(b)(5)	X		
3. Child find	20 USC Section 1412 (a) (3) (A-B), 34 CFR Sections 300.125	56205(a), 56301	X		X
4. Individual Education Plan	20 USC Section 1412 (a) (4), 1414(d), 1436(d), CFR 300.344 (c) (1) (ii) , 300.345(a)	56205(a), 56195.7(a), 56195.8(a)(3)	X		X
5. Least restricted environment	20 USC 1412 (a) (5) (A)	56205(a), 56031, 56201, 56206, 56303, State Board Policy (10/10/1986)	X		
6. Procedural safeguards	20 USC 1412 (a) (6), 20 USC 1415	56205(a), 56195.7(a), 56195.8(a)(3)	X		X
7. Annual/Triennial Reassessment	20 USC Section 1412 (a) (7), 1414 (a-c), 34 CFR 300.128, 300.220	56205(a), 56320-333, 56380(a), CCR Title 5, 3021-3029	X		
8. Confidentiality	20 USC 1412 (a) (8), 1417	56205(a)	X		
9. Part C transition (Interagency Agreement)	20 U.S.C. 1412(a)(9)	56205(a), 56429, 17 CCR 52140	X	X	
10. Private schools	20 USC Section 1412 (a) (10) (A-C), CFR 300.454	56205(a)	X		X
11. Compliance assurances (See SED-LP 1)	20 USC 1412	56205(a)(11)	X		
12. Governance (See State Requirements)	20 USC 1412 (a), 20 USC 1413 (a)(1), 20 USC 1413 (a)(5)	56205(a)(12), 56001(f), 56190-4, 56195.1(b)(c),56195.3, 56195.9, 56205(b)(4), 56205(b)(5), 47640-47647			
13. Copies of joint powers agreements (See Governance)	20 USC 1412 (a), 20 USC 1413 (a)(1), 20 USC 1413 (a)(5) 9	56205(a), 56195(e)			
14. Comprehensive System Of Personnel Development (CSPD)	20 USC 1412 (a) (14-15), 1413 (a) (3)	56205(a), State Board Policy 6/11/98	X		X
15. Personnel standards	20 USC 1412 (a) (14-15), 1413 (a) (3)	56205(a), State Board Policy 6/11/98	X		X
16. Performance goals and indicators (See SED-LP 1)	20 USC 1412 (a) (16)	56205(a)	X		
17. Participation in State/District Assessments	20 USC 1412 (a) (17)	56205(a)	X		X
18. Supplementation of state/federal funds (Annual Budget Plan)	20 USC 1412 (a) (18)	56205(a)	X		
19. Maintenance of financial effort (Annual budget plan)	20 USC 1412 (a) (19), CFR 30.231-2	56205(a)	X		
20. Public participation (See Governance)	20 USC 1412 (a) (20)	56205(a)			
21. Suspension/expulsion rates	20 USC 1412 (a) (22)	56205(a)	X	X VIA CASEMIS	
22. Part C - Interagency Agreement	20 USC 1431-35	EC 52140, EC 56205 (b) (3), EC 56429, 14 GC 95000 et seq., 17 CCR 52000-52175			
STATE REQUIREMENTS		State Education Code Reference(s)	Signed Assurances Submitted to CDE	Local Policy /Procedures Submitted to CDE	Local Policy /Procedures (held on file locally)
Governance		56195, 56205		X	It is advised that you maintain a copy of the submitted Policies/Procedures on file locally.
Regionalized services		56195.7(c)(1-6), 56205 (a)12(B)		X	

Public participation	56205(b)(4)		X	
Dispute resolution process (Multi-district or JPA only)	56205(b)(5)		X	
Charter schools	56207.5 (a-c), 56195.1(f)		X	
Method of distributing funds (Multi-district or JPA only)	56195.3		X	
Literacy	State Board Requirement		X	
Behavioral Interventions Plans	5 CCR 3052(j), Hughes Bill		X	
Annual service plan	56205(b)(2)		X	
Early education program description (birth-5 Yrs.)	56205 (b) (3)		X	
Annual budget plan	56205(b)(1), 56195.7(h)		X	
Supplementation of state/federal funds	56205(a)		X	
Maintenance of financial effort	56205(a)		X	
Use of Property Taxes	56205(b)(1)(G)		X	
	NOTE: Shaded areas still in development.			
LOCAL REQUIREMENTS	State Education Code Reference(s)	Signed Assurances Submitted to CDE	Local Policy /Procedures Submitted to CDE	Local Policy /Procedures (held on file locally)
Joint powers/contracts (JPA only)	56195(e), 56205(a)			X
Coordination with other agencies	56195.7(d-g)			X
Policymaking (Multi-district)	56195.7(i)			X
Hospital, LCI, Agencies Juvenile Court	56195.7(d-g)			X
NPS monitoring	56195.7(e), 56195.8(b)(1), 56205 (c)			X
Specialized equipment & services	56206			X
Community Advisory Committee Certification (See SED-LP-2)	56205 (b)(6)	X		
Consideration of general education program resources	56303			X
Identify/referral/assessment/planning/implementation/review	56195.7(a), 56303, 56205(b)(7)			X
Review of class assignment at Teacher's request	56195.8(a)(2)			X
Resource Specialists Program	56195.8(b)(4), 56362			X
Transportation	56195.8(b)(5)			X
Information on number of pupils being provided special education/related services	56195.8(b)(6)			X
Caseloads for speech/language therapists ages (3-5)	56195.8(b)(7), 56440			X
Governing Board members/due process hearing procedures	56195.8(c)			X
Local Plan developed and updated by committee	56195.9			X
Distribution of state and local funds	56195.10			X

SED-LP-4 ELEMENTS OF THE LOCAL PLAN

CHAPTER 3. ELEMENTS OF THE LOCAL PLAN	**Cross Reference**	**Page # where criteria can be located in Local Plan**	Compliance Checklist
Article 1. 1 State Requirements			
56205 (a) Each special education local plan area submitting a local plan to the superintendent under this part shall demonstrate, in conformity with subsection (a) of Section 1412 of, and paragraph (1) of subsection (a) of section 1413 of, Title 20 of the United States Code, that it has in effect policies, procedures, and programs that are consistent with state laws, regulations, and policies governing the following:	56195.1 (a)(12)(D)	—	
56205 (a) (12) (A) A description of the governance and administration of the plan, including identification of the governing body of a multi-district plan or the individual responsible for administration in a single district plan, and of the elected officials to whom the governing body or individual is responsible.	56195.1 (a)(12)(D)	20-21	Yes (X) No ( )
56205 (a) (12) (B) A description of the regionalized operations and services listed in Section 56836.23 and the direct instructional support provided by program specialists in accordance with Section 56368 to be provided through the plan		25-26	Yes (X) No ( )
56205 (a) (12) (C) Verification that a community advisory committee has been established pursuant to Section 56190.		7, 27	Yes (X) No ( )
Multidistrict SELPAs **56205 (a) (12) (D)** Multidistrict plans, submitted pursuant to subdivision (b) or (c) of Section 56195.1, shall do the following:		—	
56205 (a) (12) (D) (i) Specify the responsibilities of each participating county office and district governing board in the policymaking process, the responsibilities of the superintendents of each participating district and county in the implementation of the plan, and the responsibilities of district and county administrators of special education in coordinating the administration of the local plan.	56195.1	19, 23	Yes (X) No ( )

CHAPTER 3. ELEMENTS OF THE LOCAL PLAN	**Cross Reference**	**Page # where criteria can be located in Local Plan**	Compliance Checklist
Article 1. 1 State Requirements			
56205 (a) (12) (D) (ii) Identifying the respective roles of the administrative unit and the administrator of the special education local plan area and the individual local education agencies within the special education local plan area in relation to the following:	56195.1 (b)	20, 23	
56205 (a) (12) (D) (ii) (I) The hiring supervision, evaluation, and discipline of the administrator of the special education local plan area and staff employed by the administrative unit in support of the local plan.		23-26	Yes (X) No ( )
56205 (a) (12) (D) (ii) (II) The allocation from the state of federal and state funds to the special education local plan area administrative unit or to local education agencies within the special education local plan area.	56195.1 (b)	N/A Multi-District	Yes (X) No ( )
56205 (a) (12) (D) (ii) (III) The operation of special education programs.		21-22	Yes (X) No ( )
56205 (a) (12) (D) (ii) (IV) Monitoring the appropriate use of federal, state, and local funds allocated for special education programs.		30	Yes (X) No ( )
56205 (a) (12) (D) (ii)(V) The preparation of program and fiscal reports required of the special education local plan area by the state.		24-26	Yes (X) No ( )
56205 (a) (13) Copies of joint powers agreements or contractual agreements, as appropriate, for districts and counties that elect to enter into those agreements pursuant to subdivision (b) or (c) of Section 56195.1.		N/A Single District	Yes (X) No ( )
56205 (b) (1) Each local plan submitted to the superintendent under this part shall also contain all the following:		—	

CHAPTER 3. ELEMENTS OF THE LOCAL PLAN	**Cross Reference**	**Page # where criteria can be located in Local Plan**	Compliance Checklist
Article 1. 1 State Requirements			
(1) An Annual Budget Plan that shall be adopted at a public hearing held by the special education local plan area. Notice of this hearing shall be posted in each school in the local plan area at least 15 days prior to the hearing. The annual budget plan may be revised during any fiscal year according to the policymaking process established pursuant to subparagraph (D) and (E) of paragraph (12) of subdivision (a) and consistent with subdivision (f) of Section 56001 and Section 56195.9. The annual budget plan shall identify expected expenditures for all items required by this part which shall include, but not be limited to, the following:		To be submitted one year after plan is approved by CDE 30	OK
56205(b) (1) (A) Funds received in accordance with Chapter 7.2 (commencing with Section 56836).			Yes ( ) No ( )
56205(b) (1) (B) Administrative costs of the plan.			Yes ( ) No ( )
56205(b) (1) (C) Special education services to pupils with severe disabilities and low incidence disabilities.			Yes ( ) No ( )
56205(b) (1) (D) Special education services to pupils with nonsevere disabilities.			Yes ( ) No ( )
56205(b) (1) (E) Supplemental aids and services to meet the individual needs of pupils placed in regular education classrooms and environments.			Yes ( ) No ( )
56205(b) (1) (F) Regionalized operations and services, and direct instructional support by program specialists in accordance with Article 6 (commencing with Section 56836.23) of Chapter 7.2.			Yes ( ) No ( )
56205(b) (1) (G) The use of property taxes allocated to the special education local plan area pursuant to Section 2572.			Yes ( ) No ( )

CHAPTER 3. ELEMENTS OF THE LOCAL PLAN	**Cross Reference**	**Page # where criteria can be located in Local Plan**	Compliance Checklist
Article 1. 1 State Requirements			
56205 (b) (2) An Annual Service Plan shall be adopted at a public hearing held by the special education local plan area. Notice of this hearing shall be posted in each school district in the special education local plan area at least 15 days prior to the hearing. The annual service plan may be revised during any fiscal year according to the policymaking process established pursuant to subparagraphs (D) and (E) and paragraph (12) of subdivision (a) and consistent with subdivision (f) of Section 56001 and with Section 56195.9. The annual service plan shall include a description of services to be provided by each district and county office, including the nature of the services and the physical location at which the services will be provided, including alternative schools, charter schools, opportunity schools and classes, community day schools operated by school districts, community schools operated by county offices or education, and juvenile court schools, regardless of whether the district or county office of education is participating in the local plan. This description shall demonstrate that all individuals with exceptional needs shall have access to services and instruction appropriate to meet their needs as specified in their individualized education programs.		To be submitted one year after plan is approved by CDE 29	OK Yes ( ) No ( )
56205 (b) (3) A description of programs for early childhood special education from birth through five years of age.		32	Yes (X) No ( )

CHAPTER 3. ELEMENTS OF THE LOCAL PLAN	**Cross Reference**	**Page # where criteria can be located in Local Plan**	Compliance Checklist
Article 1. 1 State Requirements			
56205 (b) (4) A description of the method by which members of the public, including parents or guardians of individuals with exceptional needs who are receiving services under the plan, may address questions or concerns to the governing body or individual.	56205 (b) (1) 56205 (b) (2)	22	Yes (X) No ( )
56205 (b) (5) A description of a dispute resolution process, including mediation and final binding arbitration to resolve disputes over the distribution of funding, the responsibilities for service provision, and the other governance activities specified within the plan.		N/A Single District	Yes (X) No ( )
56207.5 A request by a charter school to participate as a local educational agency in a special education local plan area may not be treated differently from a similar request made by a school district. In reviewing and approving a request by a charter school to participate as a local educational agency in a special education local plan area, the following requirements shall apply:		22	
56207.5 (a) The special education local plan area shall comply with Section 56140.		22	Yes (X) No ( ) Through signature on certification
56207.5 (b) The charter school shall participate in state and federal funding for special education and the allocation plan developed pursuant to subdivision (i) of Section 56195.7 or Section 56836.05 in the same manner as other local educational agencies of the special education local plan area.	56195.1 (f) 56203	22	Yes (X) No ( )

CHAPTER 3. ELEMENTS OF THE LOCAL PLAN	**Cross Reference**	**Page # where criteria can be located in Local Plan**	Compliance Checklist
Article 1. 1 State Requirements			
56207.5 (c) The charter school shall participate in governance of the special education local plan area in the same manner as other local educational agencies of the special education local plan area.	56195.1 (f) 56203	22	Yes (X) No ( )
Reading Criteria: In order to improve the educational results for students with disabilities, SELPA Local Plans shall include specific information to ensure that all students who require special education will participate in the California Reading Initiative. Further, SELPA Local Plans shall include assurances that special education instructional personnel will participate in staff development inservice opportunities in the area of literacy that includes:	State Board Requirement 2/10/99	—	
a. Information about current literacy and learning research		31	Yes (X) No ( )
b. State adopted standards and frameworks		31	Yes (X) No ( )
c. Increased participation of students with disabilities in statewide student assessments		31	Yes (X) No ( )
d. And, research based instructional strategies for teaching reading to a wide range of diverse learners in order to increase the percentage of children with disabilities who are literate.		31	Yes (X) No ( )
Local Plans shall also include assurances that students with disabilities will have full access to:		—	
a. All required core curriculum including state adopted core curriculum text books and supplementary text books		31	Yes (X) No ( )

CHAPTER 3. ELEMENTS OF THE LOCAL PLAN	**Cross Reference**	**Page # where criteria can be located in Local Plan**	Compliance Checklist
Article 1. 1 State Requirements			
b. Instructional materials and support in order that students with disabilities attain higher standards in reading		31	Yes (X) No ( )

Special Education Local Plan Area Local Education Agency (LEA) Assurance Statement

1. FREE APPROPRIATE PUBLIC EDUCATION (FAPE)

It shall be the policy of this LEA that a free appropriate public education is available to all children residing in the LEA between the ages of birth and 21 inclusive, including children with disabilities who have been suspended or expelled from school. Appropriate education is that combination of educational and related service(s) as determined on an Individualized Education Program (IEP) that meets the unique needs of each individual in order to benefit from his/her access to educational opportunities.

2. FULL EDUCATIONAL OPPORTUNITY

It shall be the policy of this LEA that all pupils with disabilities have access to the variety of educational programs and services available to non-disabled pupils including nonacademic and extra-curricular services and activities.

3. CHILD FIND

It shall be the policy of this LEA that all children with disabilities, including children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services are identified, located and evaluated.

4. INDIVIDUALIZED EDUCATIONAL PROGRAM (IEP)

It shall be the policy of this LEA that an Individualized Educational Program (IEP) or an Individualized Family Service Plan (IFSP) is developed, reviewed and revised for each child with a disability who requires special education and related services in order to benefit from his/her individualized education program.

5. LEAST RESTRICTIVE ENVIRONMENT

It shall be the policy of this LEA that to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled. Special classes, separate schooling, or other removal of children with disabilities from the general educational environment, occurs only when the nature or severity of the disability of the child is such that education in general education classes with the use of supplemental aids and services cannot be achieved satisfactorily.

6. PROCEDURAL SAFEGUARDS

It shall be the policy of this LEA that children with disabilities and their parents shall be provided with safeguards throughout the identification, evaluation, placement process, and the provision of a free appropriate public education to the child.

7. ANNUAL / TRIENNIAL REASSESSMENT

It shall be the policy of this LEA that a review will be conducted on at least an annual basis to review the child's progress. This review shall include, but is not limited to, the achievement of annual goals, the appropriateness of placement, and the necessity of any revisions.

The LEA shall conduct a reassessment of each child with a disability at least once every three years, or more frequently, if conditions warrant a reassessment or if the child's parent or teacher requests a reassessment and development of a new Individualized Education Program (IEP).

8. CONFIDENTIALITY

It shall be the policy of this LEA that the confidentiality of personally-identifiable data information and records maintained by the LEA relating to children with disabilities, and their parents and families shall be protected at collection, storage, disclosure, and destruction.

9. PART C, TRANSITION

It shall be the policy of this LEA that children participating in Early Intervention Programs (IDEA, Part C) and who will participate in preschool programs (IDEA, Part B) experience a smooth and effective transition between these programs.

10. PRIVATE SCHOOLS

It shall be the policy of this LEA to assure that children with disabilities voluntarily enrolled by their parents in private school shall receive special education and related services in accordance with local procedures. The required proportion of federal funds received will be allocated for the purpose of providing special education services to children with disabilities voluntarily enrolled in private school by their parents.

11. COMPLIANCE ASSURANCES

It shall be the policy of this LEA that the local plan shall be adopted by the appropriate local board(s) (district/county) and is the basis for the operation and administration of special education programs; and that the agency herein represented will meet all applicable requirements of state and federal laws and regulations, including compliance with the Individuals with Disabilities Education Act , Section 504 of Public Law and the provisions of the California Education Code, Part 30.

12.-13. GOVERNANCE

It shall be the policy of this LEA to support and comply with the provisions of the governance structure and any necessary administrative support to implement the plan.

14. COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT (CSPD)

It shall be the policy of this LEA that it will support and assist the state's efforts and activities to ensure an adequate supply of qualified special education, general education, and related services personnel.

15. PERSONNEL STANDARDS

It shall be policy of this Local Education Agency (LEA) to make an ongoing, good faith effort to recruit and hire appropriately and adequately trained personnel, as defined by state standards to provide special education and related services to children with disabilities. Where there is a shortage of such personnel, the most qualified individuals available who are making satisfactory progress toward completing applicable coursework necessary to meet state standards, shall be assigned.

16. PERFORMANCE GOALS & INDICATORS

It shall be the policy of this LEA to comply with the requirements of the performance goals and indicators developed by the state and provide data as required by the state.

17. PARTICIPATION IN ASSESSMENTS

It shall be the policy of this LEA that students with disabilities are included in general State and district-wide assessment programs, with appropriate accommodations, where necessary. For those children with disabilities who cannot participate, alternate assessment will be conducted.

18. SUPPLEMENTATION OF STATE/FEDERAL FUNDS

It shall be the policy of this LEA to include this information in the Annual Budget Plan submitted annually to the State.

19. MAINTENANCE OF EFFORT

It shall be the policy of this LEA to provide assurances that funds received from Part B of the IDEA will be expended in accordance with the applicable provisions of the IDEA; will be used to supplement state, local and other Federal funds and not to supplant those funds; and will not be used to reduce the level of local funds and/or combined level of local and state funds expended for the education of children with disabilities except as provided in Federal law and regulations.

20. PUBLIC PARTICIPATION
It shall be the policy of this LEA that, prior to its adoption of policies and procedures, the LEA shall make the policies and procedures available to the general public, hold public hearings and provide an opportunity for comment by the general public.

21. SUSPENSION/EXPULSION

It shall be the policy of this LEA that data on suspension and expulsion rates will be provided in a manner prescribed by the State.

22. PART C

It shall be the policy of this LEA to submit the Part C Local Interagency Agreements to the State as part of the Annual Service Plan.

In accordance with Federal and State laws and regulations, San Ramon Valley SELPA ensures that policies and procedures covered by this assurance statement are on file at the Local Education Agency/SELPA office.

Be it further resolved that the superintendent shall administer the local implementation of procedures, in accordance with state and federal laws, rules, and regulations, which will ensure full compliance.

Adopted this _____ day of _____, 200_____.

Yeas: _____ Nays: _____

Signed: _____, President of Board of Education

Signed: _____, Superintendent of Board of Education

Signed copies of Assurances are on file in the SELPA office and California Department of Education.

Local Plan for Special Education

MANDATE

56195 Each special educational local plan area, as defined in subdivision 9(d) of Section 56195.1, shall administer local plans submitted pursuant to Chapter 3 (commencing with Section 56200) and shall administer the allocation of funds pursuant to Chapter 7.2 (commencing with Section 56836).

General Description of the SELPA

[EC 56195.1(b)]

The San Ramon Valley Unified School District (SRVUSD) is a single district Special Education Local Plan Area (SELPA) that offers comprehensive special education services for students with exceptional needs. The service area encompassed within the geographic limits of the San Ramon Valley Unified School District shall be known as the San Ramon Valley SELPA.

San Ramon Valley Unified School District serves approximately 25,000 students and is located in Contra Costa County. The San Ramon Valley Unified School District encompasses the communities of Alamo, Danville, Diablo, Blackhawk, and San Ramon as well as a small portion of the cities of Walnut Creek and Pleasanton. Thirty-three schools serving students in Kindergarten through Grade 12 comprise the San Ramon Valley Unified School District. The district's population is predicted to grow from the present 25,000 to nearly 30,000 by 2010. Population growth within this highly developing area has averaged 3-10% annually. Businesses and people will continue to be lured to the San Ramon Valley by the availability of single family homes, community amenities, proximity to major metropolitan areas and local business centers.

The San Ramon Valley Unified School District covers 104 square miles in Contra Costa County, with approximately 240 students per square mile. It is one of the fastest growing communities in the San Francisco East Bay, with over 95,000 residents. The district is approximately 45 miles east of San Francisco and 30 miles east of Oakland. It is bordered by the Dublin, Pleasanton, and Walnut Creek School Districts.

In the event that San Ramon Valley Unified School District chooses to become a multi-district SELPA, the Board of Education shall cooperate with the County Superintendent of Schools and other local education agencies (LEAs) in the geographic area in planning this option.

GOVERNANCE AND ADMINISTRATIVE SUPPORT

[EC 56195.1 (a)(12)(D), 56205 (a)(12)(A), 56195(a)(12)(D)]

The governing body of the San Ramon Valley SELPA shall be the San Ramon Valley Unified School District Board of Education.

SRVUSD, pursuant to Section 56195 of the California Education Code has the responsibility to adopt a plan in accordance with California Education Code 56200 to assure access to special education and services for all eligible individuals with disabilities residing in the geographic area served by San Ramon Valley SELPA. The district/ SELPA shall be responsible for providing special education services for students with exceptional needs within the service area. Special education services will be provided as specified in the local plan for special education and Board policy.

It is the responsibility of San Ramon Valley Unified School District to establish policy that will address the following areas as prescribed by education code: policy making process, public participation, administration of the plan, community advisory committee and regionalized services. The Community Advisory Committee for Special Education (CAC) serves in an advisory capacity to the Board and SELPA.

IMPLEMENTATION OF ADMINISTRATIVE FUNCTIONS

The San Ramon Valley Unified School District shall act as the administrative unit for the San Ramon Valley SELPA. It shall be responsible for functions such as, but not limited to:

1. Receipt and distribution of special education funds to district accounts for the operation of special education programs and services.

2. Receipt and distribution of special education funds to accounts exclusively designated for special education.

3. The employment of staff to support SELPA functions.

The Special Programs Department, under the leadership of the SELPA Administrator, is the primary entity responsible for the administration of the Local Plan and assuring that the SELPA is in compliance with all applicable laws and regulations. It is the responsibility of the entire district, students, employees, and community, to support the intentions of the law and be accountable for the collaborative implementation of the Local Plan for special education.

POLICY MAKING PROCESS

[56205(a)(12)(E), 56001(f), 56195.3(a), 56195.9]

The Board of Education is responsible for the submission of an adopted Local Plan for Special Education to the State Superintendent of Public Instruction and for establishing a local governance structure with necessary administrative support for implementing the plan. SELPA policies shall be adopted by the SRVUSD Board of Education at regularly scheduled public meetings and are included as part of the local plan for special education. Input may be received from parents, students, staff, public and non-public agencies and members of the public at large.

The functions of the Board of Education include the following:

1. Review, approve, and implement the local plan for special education to assure access to special education and services for all eligible individuals with disabilities residing in the geographic area served by San Ramon Valley Unified School District. (EC 56195, 56200)

2. Hold public board of education meetings in compliance with state law.

3. Receive and allocate funds including regionalized services and program specialist revenues.

4. Assume responsibility and be fiscally accountable for the special education services operated by the SELPA.

5. Appoint members to the Community Advisory Committee for Special Education.

6. Approve interagency agreements with other agencies participating in the plan for the purpose of delivering services to students.

7. Contract with non-public schools and agencies, when necessary to provide services to students.

8. Authorize placement of students in non-public settings, when necessary [56170(b)(1), 56200(c)(2)].

9. Develop and adopt policies and administrative regulations related to the governance and operation of the SELPA.

10. Provide appropriate facilities for special education programs and services.

11. Ensure compliance with all elements of the local plan.

12. Designate the San Ramon Valley SELPA Administrator as the official representative of the San Ramon Valley SELPA. The San Ramon Valley SELPA Administrator has the authority to act as the Board designee to approve contacts, agreements, and other documents required to operate the SELPA and recommend policy revisions and adoptions to the Board of Education for adoption.

The policies agreements, regulations and procedures adopted by the Board of Education may be contained in a variety of documents. [56205(a)(12)(D)(ii)(I-II)]

Policies and procedures shall be established, including but not limited to:

- Child Find
- Procedural safeguards
- Records and report requirements
- Programs and services
- Students and eligibility criteria
- Uniform procedures for notification, identification, referral, assessment, Individualized Education Plan (IEP) development, implementation, and review, and placement
- Transportation
- Complaints and hearings

- Private Schools
- Personnel Standards
- Participation in state/district-wide assessments
- Hospital/Foster/LCI/Juvenile Court schools
- Equipment and services
- Consideration of general education resources after referral

Regionalized Services Policies shall include but not be limited to:
[56205(a)(12)(B)]; 56205(b)(1)(F)]

- Interagency coordination and development of agreements
- Non-public school/agency coordination and development of master contracts including rate setting on behalf of member LEAs and uniform procedures for individual service agreements
- Provision of Program Specialist service
- Evaluation, program review, and data collection as required
- Curriculum and program development, as required
- Provision of SELPA personnel and employment standards
- Provision of regionalized staff development
- Resource acquisition
- Resource allocation and distribution according to policy
- Dispute resolution to support parents and LEAs in solving conflict
- Coordination of necessary services

LOCAL PLAN DEVELOPMENT AND REVISION

Involvement of Teachers and Parents in the Development of the Local Plan

[56195.3(a), 56205(a)(12)(E), 56195.9]

To ensure adequate and effective communication, the local plan will be developed and revised/updated cooperatively by a committee. The committee will include representatives of special and general education teachers and administrators selected by the groups they represent and with participation by representatives of the Community Advisory Committee or parents selected by the Community Advisory Committee. The SELPA Administrator or designee will serve as committee chairperson.

Schedule of Regular Consultation Regarding Policy and Budget Development

[EC 56205(a)(12)(E)]

Revisions or amendments to permanent sections of the local plan will be considered during the Annual Service and Budget Plan process, unless a prior date is required. Amendment(s) will become permanent upon approval by the Board of Education and the State Board of Education.

Prior to the adoption or amendment of any policies or procedures/administrative regulations needed to comply with the federal or state law, a public hearing will be held in accordance with Board of Education policy. This will include adequate notice of the hearing and an opportunity for the general public, including parents of children with disabilities, to comment.

The Annual Budget Plan shall be developed, revised, and adopted as part of the district's annual budget process. The Annual Budget and Service Plans shall be adopted at a public hearing held during regularly scheduled Board of Education meetings. Notice of the hearing will be posted in each school at least 15 days prior to the hearing, as required by education code.

Public Participation

[EC 56205 (b)(1)(2)(4)]

Members of the public, including parents or guardians of individuals with exceptional needs who are receiving services under the local plan, may address questions and concerns to the SELPA Administrator by phone, letter or by scheduling an appointment. A parent or guardian may address the Board of Education during regularly scheduled Board of Education meetings as per the applicable bylaws.

Requests for SELPA Membership: LEAs And Charter Schools

[56207.5, 56207.5(a), 56207.5(b), 56207.5 (c)]

A request by an LEA or a charter school to participate, as a local educational agency in the San Ramon Valley SELPA special education local plan will not be treated differently from a similar request made by a school district. In reviewing and approving a request by a LEA or a

charter school to participate as local educational agency in the San Ramon Valley SELPA, the following requirements shall apply:

The LEA or charter school shall participate in state and federal funding for special education and the allocation plan developed in the same manner as other local educational agencies of the SELPA.

The LEA or charter school shall participate in the governance of the SELPA in the same manner as other local educational agencies of the SELPA.

A redrafting of a new local plan and action by each member's governing body shall follow the approval of additional members to the San Ramon Valley SELPA by the San Ramon Valley Board of Education.

ADMINISTRATION OF THE PLAN

[EC 56205 (a)(12)(A)]

The local plan will be administrated by the Board of Education of the San Ramon Valley Unified School District.

San Ramon Valley Unified School District Board of Education

[EC 56205 (a)(12)(A)]

The Board of Education is elected by the citizens of the San Ramon Valley Unified School District and is comprised of five elected school board members. The Board appoints the District Superintendent, who participates in the selection of the SELPA Administrator and makes a hiring recommendation to the Board. The Board designates the SELPA Administrator as the individual responsible for administration of the local plan.

Responsibility of the District Superintendent

The district superintendent is responsible to the Board of Education. The superintendent designates responsibility for special education services operated by the SELPA and for implementing all requirements of the local plan. The responsibilities of the superintendent include:

1. Providing leadership in support of the special education programs and services.

2. Recommending the adoption of SELPA policies to the Board of Education.

3. Participating in the selection process for SELPA administration and making hiring recommendations to the governing board.

4. Supervising or designating supervision of the SELPA Administrator.

5. Recommending a district budget to the Board of Education, which includes the SELPA's budget plan and when required by education code, the SELPA's annual budget plan.

6. Receiving notification from the California Department of Education of due process hearings and compliance complaints.

7. The maintenance and operations of facilities provided for special education services.

8. Presenting non-public school placements to the governing board for consideration of the associated cost of placements.

9. Designating the responsibility for developing, revising and implementing the policies and procedures found in the local plan to the SELPA Administrator.

10. Annually recommends to the Board of Education the modifications of special education programs that are included in the annual service and budget plans. Such modifications may be necessary to meet the changing needs of the students and/or changes in state or federal regulations.
11.

Responsibility of the SELPA Administrator

The SELPA Administrator is hired by the San Ramon Valley Unified School District using district personnel procedures. The recommendation for selection will include input from the Community Advisory Committee for Special Education. The SELPA Administrator is responsible for the coordination of special education services and for implementation of the local plan. The SELPA Administrator has the authority to implement local plan policies and procedures.

The SELPA Administrator will hold an administrative credential and will have training and experience in special education law, budget, program planning and evaluation. The responsibilities of the SELPA Administrator shall include the following:

1. Administers policies and procedures approved by the Board of Education.

2. Supervises and supports to the department to which special education programs and services are assigned.

3. Assists the Human Resources Department in recruiting, interviewing and recommending special education staff to the Board of Education for approval.

4. Assures that all of the following functions are performed in accordance with the local plan:

- Coordination of the SELPA local plan area and implementation of the local plan.
- A coordinated system of procedural safeguards including complaints, due process and local dispute resolution.
- A coordinated system of staff development and parent education.
- A coordinated system of curriculum development and alignment with the district's core curriculum and standards.
- Coordinated system of internal program review, evaluation of the effectiveness of the local plan, and implementation of a local plan accountability mechanism.
- Coordinated system of data collection and management.
- Coordination of interagency agreements.
- Coordination of services to medical facilities.
- Coordination of services to licensed children's institutions and foster family homes.
- Preparation and transmission of required special education reports.

6. Acts as liaison with and provides fiscal and logistical support to the Community Advisory Committee for Special Education.

7. Provides oversight and evaluation of placements in non-public, nonsectarian schools.

8. Provides fiscal administration of the special education/SELPA budget including monitoring the appropriate use of federal, state, and local funds allocated for special education programs. [56205 (a)(12)(D)(ii)(IV)]

9. Assigns and supervises regionalized service staff including instructional support that may be provided by a program specialist in accordance with 556836.23.

10. Assigns and supervises staff, including itinerant services providers. Assists in the development of the annual budget plan and annual SELPA operations budget.

11. Coordinates the funds for low incidence services, equipment and materials in accordance with established procedures.

12. Applies for discretionary funds and other grants that become available to the San Ramon Valley SELPA.

13. Assists in the development and coordinate the implementation of agreements and contracts with non-public school agencies providing services to exceptional students.

14. Assists in the development and coordination of the implementation of agreements with other SELPAs and agencies.

15. Assists in the identification of special education program and service needs for the San Ramon Valley SELPA.

16. Acts as a liaison between and among the San Ramon Valley SELPA, the State Department of Education, the Community Advisory Committee, Federal Departments and elected government officials.

17. Updates the Board of Education and others on legislative changes, proposal, trends, and related concerns.

18. Performs other duties as directed by the District Superintendent.

Responsibility of the Special Education Administrators And/Or Program Specialists
[EC 56205 (D)(ii)]

Special education administrators and program specialists serve under the direction of the SELPA Administrator. The SELPA Administrator participates in the selection process and makes a recommendation for employment to the district superintendent. Special education administrators will hold an administrative services credential and may directly supervise employees and provision of services, and participate in the evaluation of employees.

A special education administrator and/or program specialist will hold a valid special education, clinical rehabilitative services health services credential, or pupil services credential, and will have related experience in the education of children with exceptional needs. Special education administrators and program specialists provide direct instructional support in accordance with EC 56368 and perform the following functions:

1. Provides coordination, consultation, and program development.

2. Chairs IEP meetings; assist with mediation, due process and compliance proceedings by providing special expertise and knowledge of special education law and regulations.

3. Provides direct instructional support in accordance with EC56368. Working on a consultative basis with principals and administrators who operate special education programs.

4. Coordinates placement of students outside their district of residence.

5. Assists with dispute resolution and legal compliance.

6. Serves as liaison and consultant to other professionals, appropriate agencies and the community.

7. Other duties as needed to support the special education department.
8.

Regionalized Services

[EC 56205(a)(12)(B), 56368(a-c), 56836.23]

Funds for regionalized operations and services and direct instructional support provided by program specialists are apportioned to the SELPA to ensure that the functions of the local plan are carried out.

Regionalized operations services are described per EC 56836.23 as:

1. Coordination and implementation of the special education local plan.
2. Coordinated system of identification and assessment.
3. Coordinated systems of:
    - Procedural safeguards.
    - Staff development and parent education.
    - Curriculum development and alignment with the core curriculum.
    - Internal program review, evaluation of the effectiveness of the local plan, and implementation of a local plan accountability mechanism.
    - Data collection and management.
4. Coordination of interagency agreements.
5. Coordination of services to medical facilities.
6. Coordination of services to licensed children's institutions and foster families homes.
7. Preparation and transmission of required special education local plan area reports.
8. Fiscal and logistical support of the community advisory committee.
9. Coordination of transportation services for children with disabilities.
10. Coordination of career and vocational education and transition services.
11. Fiscal administration and the allocation of state and federal funds.
12. Direct instructional support that may be provided by program specialists.

Program specialists are knowledgeable of the full range of placement options within and outside of the SELPA. They assure students equal access to all programs and services; placement of students in the least restrictive environment; arrange for specialized assessment; and serve as chairpersons for selected annual, three year reassessments, and

special Individualized Education Program (IEP) meetings. Program specialists may make arrangements for classroom placements, prepare annual class lists and arrange transportation for students. When an expanded IEP meeting is convened to consider a more restrictive placement for a student, a program specialist may arrange and serve as chairperson for the meeting and arrange subsequent placement, when appropriate.

Program specialists assist the SELPA Administrator with mediation, due process and compliance proceedings by providing special expertise and knowledge of special education law and regulations.

Direct instructional support provided by Program specialists in accordance with EC 56368 includes the following:

1. Observe, consult with, and assist resource specialists, designated instruction and services instructors, and special class teachers.

2. Plan programs, coordinate curricular resources, and evaluate effectiveness of programs for individuals with exceptional needs.

3. Participate in each school's staff development, program development, and innovation of special methods and approaches by participating in district level planning committees such as curriculum and staff development that are committees that effect school level services.

4. Provide coordination, consultation, and program development.

5. Be responsible for assuring that students have full educational opportunity.

Community Advisory Committee for Special Education (CAC)

[EC 56190-94, EC 56205 (a)(12)(c)]

Establishment of a SELPA CAC

It shall be the policy of the District/SELPA to establish a Community Advisory Committee for Special Education, as authorized in California Education Code. Members shall be appointed by the Board of Education.

Advisory Capacity

[EC 56190]

The Community Advisory Committee for Special Education shall serve only in an advisory capacity.

Members of the CAC are appointed by and responsible to the Board of Education. Committee members are responsible for contacting parent groups, program specialists, principals, community agencies or other appropriate groups for nominees for membership.

Appointment Procedure

(EC 56191)

The SELPA Administrator or designee submits the names of the nominees to the Superintendent for appointment by the Board of Education.

Term of Office

(EC 56191)

When there is sufficient membership, the term of appointment is for at least one year and annually staggered to ensure that no more than one half of the membership serves the first year of the term. A term constitutes any portion of a calendar year.

Committee Composition

(EC 56192)

Membership may include parents of individuals with exceptional needs in public or non-public schools served by the SELPA/District, other parents of students enrolled in local schools, students and adults with disabilities, general education teachers, special education teachers and other school personnel, representatives of other public and private agencies, and persons concerned with the needs of individuals with exceptional needs.

Parent Majority

(EC 56193)

A maximum of one member per school site is appointed by the Board of Education as a voting member on an annual basis. All other persons serve as advisory members. At least a majority of the appointed members are parents of individuals with exceptional needs.

CAC Officers

The members of the CAC shall select a Chair and Vice-chair for one-year terms. Election for each office shall be held annually in alternating years.

CAC Meetings

All CAC meetings shall be open to the public. A posting at each school shall minimally make notification of meetings. Participation of non-appointed attendees may be limited based on the number of attendees at the meeting and the nature of the agenda. The agenda shall be set by the Chair and Vice-chair in cooperation with the SELPA Administrator. The SELPA Administrator or designee shall serve as staff to the CAC.

CAC Responsibilities

[EC 56194]

The responsibilities of the CAC include, but are not limited to the following:

1. Advising the policy and administrative entity of the district/SELPA, regarding the development, amendment, and review of the local plan. The entity shall review and consider comments from the community advisory committee.

2. Recommending annual priorities to be addressed by the plan.

3. Reviewing the local plan within 30 days of submission of the plan to the Department of Education.

4. Assisting in parent education and in recruiting parents and other volunteers who may contribute to the implementation of the plan.

5. Encouraging community involvement in the development and review of the local plan.

6. Supporting legislation and other activities on behalf of individuals with exceptional needs.

7. Assisting in parent awareness of the importance of regular school attendance.

ANNUAL SERVICE DELIVERY PLAN

[56205(b)(2)]

San Ramon Valley SELPA is required to submit an "Annual Service Delivery Plan" to the California Department of Education. The Board of Education shall conduct the public hearing as required prior to submission to the California Department of Education. The purpose of the Annual Service Delivery Plan is to provide the public with an overview of the programs and services available within the San Ramon Valley SELPA.

The Board of Education shall adopt policies to describe the uniform labels to be used in the San Ramon Valley SELPA to identify the continuum of program and service options available. Innovative service designs or the piloting of new options is encouraged. However, after one year of operation, the service must present the new service delivery model to the Board of Education for adoption.

The Board of Education may provide guidelines for staff patterns, student patterns, curriculum, and/or instructional methodology.

To assure that a full continuum of program options is available in San Ramon Valley SELPA will work toward achievement of the following goals:

1. To the maximum extent possible provide special education program and service options in general education environments will be available at local neighborhood schools.

2. Special education programs, to the maximum extent appropriate and possible based on students needs will be housed on regular school campuses and dispersed throughout the district.

3. The physical location of the program facilitates will be assigned to support continuing social interaction with non-disabled students.

4. Individuals with exceptional needs will have equal access to all general education activities, programs, and facilities on the regular school site and participate in those activities as appropriate to their needs.

5. Placement outside of these guidelines may be appropriate when justified and documented by the IEP process.

ANNUAL BUDGET PLAN

The San Ramon Valley SELPA is required to submit an "Annual Budget Plan" to the California Department of Education. The Board of Education shall conduct the public hearing as required prior to submission of the plan to the California Department of Education. The purpose of the Annual Budget Plan is to provide the public with an overview of the resources available as allocated special education.

Distribution of Special Education Resources for Operation of Special Education Programs and Services
[56205(b)(1)(A-G)]

The Special Education Funding Reform Act of 1996 blended state apportionment, federal local assistance, property tax, and other sources for the distribution of special education funding to SELPAs.

The Board of Education shall adopt policies for the allocation of Special Education Resources to the cost of special education programs and services through the district's budget process. The budget process shall specifically address the use of the following funds if received:

- State Apportionment
- Property Tax although currently received by the Contra Costa County Office of Education
- Federal Local Assistance
- Federal Preschool Grants
- Infant Units
- Infant Grants
- Inservice Grant
- Special education revenue limit for special day class and non-public school attendance including Extended School Year
- Non-Public School Excess Costs
- Licensed Children's Institution Non-Public School reimbursement
- Other funds restricted to special education.

The district shall establish and maintain the appropriate accounting records in accordance with and required by State and Federal laws. These funds shall be expended in accordance with all State and Federal laws. State and federal funds that are restricted shall not be used for other purposes except as permitted by law.

Allocation of Regionalized Service Funds

Regionalized services and program specialist funds shall be allocated to support regionalized services and other administrative costs of the plan in accordance with this plan and the standards in state law. The Board of Education shall review and adopt an expenditure plan for the utilization of these funds in accordance with Education Code.

Process for the Utilization of Low-Incidence Funds

Low Incidence Equipment Funds and Low Incidence Service Funds are restricted in use for students in the following disability categories: hard of hearing, deaf, visual disability, orthopedically impaired and deaf-blind. The Board of Education shall adopt policies and regulations to administer use of these funds as required by law.

LITERACY

[Article 1.1 State Requirements]

All students with special needs will have the opportunity to participate in the general education curriculum as developed by the IEP team. The IEP team will consider the special needs of a student on an individual basis. One of the areas of participation will be the California Reading Initiative. All special education instructional personnel will participate in staff development inservice opportunities in the area of literacy that includes;

1. Information about current literacy and learning research

2. State adopted standards and frameworks

3. Increased participation of students with disabilities in statewide student assessments

4. Research based instructional strategies for teaching reading to a wide range of diverse learners in order to increase the percentage of children with disabilities who are literate.

All students with disabilities will have full access to:

1. All required core curriculum including state adopted core curriculum text books and supplementary text books

2. Instructional materials and support in order that students with disabilities attain higher standards in reading.

Part C, Infant to Preschool Transition Statement

It is the intent of the San Ramon Valley SELPA to participate in a local interagency agreement with Regional Center of the East Bay to provide services for children eligible for Part C of the Individuals with Disabilities Act (IDEA). Early education program descriptions and transition to preschool procedures will be submitted as part of the Annual Service Plan. The Interagency Agreement will be included as an Appendix to the Local Plan.

APPENDIX

Part C Infant to Preschool Transition – Interagency Agreement

ITEM #22

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2007 AGENDA

SUBJECT	
Nonpublic School and Agency Certification: Adopt Proposed Regulations for Title 5 of the *California Code of Regulations*, Sections 3001 et seq.	☒ Action ☒ Information ☐ Public Hearing

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE):

- Approve the Final Statement of Reasons;
- Take action to adopt the regulations; and
- Direct CDE staff to submit the rulemaking file to the Office of Administrative Law.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At the July 2006 SBE meeting the SBE approved commencement of the rulemaking process. The public comment period began on July 22, 2006, and ended at 5:00 p.m. on September 5, 2006. The public hearing was held on September 5, 2006, at 9:00 a.m.

At the November 2006 SBE meeting, the SBE approved commencement of an additional 15-day comment period (due to substantive changes in the proposed regulations as a result of the public comment process) and directed the CDE to present the regulations to the SBE for adoption in January 2007. The 15-day comment period began on November 16, 2006, and ended on November 30, 2006.

At the January 2007 SBE meeting, the SBE approved commencement of a second 15-day comment period (due to substantive changes in the proposed regulations as a result of the 15-day public comment process) and directed the CDE to present the regulations to the SBE for adoption in March 2007. The 15-day comment period began on January 17, 2007, and ended on January 31, 2007.

SUMMARY OF KEY ISSUES

Requirements for certification of California nonpublic schools and agencies are referenced in Part 30 of *Education Code (EC)* sections 56365 through 56366.12. Implementing regulations to clarify requirements for certification of California nonpublic schools and agencies are referenced in Title 5 of the *California Code of Regulations* sections 3001 et seq.

SUMMARY OF KEY ISSUES (Cont.)

The intent of these proposed regulations is to make technical changes to existing regulation language and to add new regulations implementing sections in Part 30 of the *EC* added by Assembly Bill (AB) 1858 (Chapter 914, Statutes of 2004). New provisions added to the *EC* by AB 1858 increase monitoring of nonpublic schools and agencies, require that nonpublic students have access to the same educational materials, services, and programs to the extent available at the local educational agency in which the nonpublic school is located. New provisions also align nonpublic schools and agency requirements for certification to the public school standards of instructional materials and qualified personnel.

These proposed regulations are necessary to clarify consistent procedures and criteria in the administration of California's nonpublic school and agency certification program to ensure that affected public and private agencies and interested persons are informed of their rights and responsibilities in the certification process.

FISCAL ANALYSIS (AS APPROPRIATE)

The proposed amendments to the regulations impose no additional costs upon state and local government.

ATTACHMENT(S)

Attachment 1: The revised Title 5, California Code of Regulations
Division 1. State Department of Education
Chapter 3. Handicapped Children
Subchapter 1. Special Education Nonpublic Schools and Agencies
(32 pages)

Attachment 2: Final Statement of Reasons, Nonpublic Schools (10 pages)

Title 5, California Code of Regulations

Division 1. California Department of Education

Chapter 3. Handicapped Children

Subchapter 1. Special Education

§ 3001. Definitions.

In addition to those found in Education Code sections 56020-56033, Public Law 94-142 as amended (20 USC 1401 et seq.), and Title 34, Code of Federal Regulations, Part 300 and 301, the following definitions are provided:

(a) "Access" means that the nonpublic, nonsectarian school must provide the same standards-~~based~~ aligned core curriculum and the same instructional materials used by the local school district in which the nonpublic school is located, unless otherwise stated in the student's individualized education program (IEP).

(1) Each student will have a copy of textbooks and other instructional materials used to implement the standards-~~based~~ aligned core curriculum in each subject area.

(2) Photocopies of portions of textbooks or instructional materials, or photocopies of entire textbooks or instructional materials used by the local education agency (LEA) to implement standards-~~based~~ aligned core curriculum is not sufficient access.

~~(a)~~(b) "Applicant" means an individual, firm, partnership, association, or corporation who has made application for certification as a nonpublic, nonsectarian school, or agency.

~~(b)~~(c) "Assessment and development of the ~~individualized education program~~ IEP" ~~(IEP)~~ means services described in Education Code sections 56320 et seq. and 56340 et seq.

~~(c)~~(d) "Behavioral emergency" is the demonstration of a serious behavior problem:

(1) which has not previously been observed and for which a behavioral intervention plan has not been developed; or

(2) for which a previously designed behavioral intervention is not effective. Approved behavioral emergency procedures must be outlined in the special education local planning area (SELPA) local plan.

~~(d)~~(e) “Behavioral intervention” means the systematic implementation of procedures that result in lasting positive changes in the individual’s behavior. “Behavioral intervention” means the design, implementation, and evaluation of individual or group instructional and environmental modifications, including programs of behavioral instruction, to produce significant improvements in human behavior through skill acquisition and the reduction of problematic behavior. “Behavioral interventions” are designed to provide the individual with greater access to a variety of community settings, social contacts and public events; and ensure the individual’s right to placement in the least restrictive educational environment as outlined in the individual’s IEP. “Behavioral interventions” do not include procedures which cause pain or trauma. “Behavioral interventions” respect the individual’s human dignity and personal privacy.” Such interventions shall assure the individual’s physical freedom, social interaction, and individual choice.

~~(e)~~(f) “Behavioral intervention case manager” means a designated certificated school/district/county/nonpublic school or agency staff member(s) or other qualified personnel pursuant to subsection (ac) contracted by the school district or county office or nonpublic school or agency who has been trained in behavioral analysis with an emphasis on positive behavioral interventions. The “behavioral intervention case manager” is not intended to be a new staffing requirement and does not create any new credentialing or degree requirements. The duties of the “behavioral intervention case manager” may be performed by any existing staff member trained in behavior<u>al</u> analysis with an emphasis on positive behavioral interventions, including, but not limited to, a teacher, resource specialist, school psychologist, or program specialist.

~~(f)~~(g) “Behavioral intervention plan” is a written document which is developed when the individual exhibits a serious behavior problem that significantly interferes with the implementation of the goals and objectives of the individual’s IEP. The “behavioral intervention plan” shall become part of the IEP. The plan shall describe the frequency of the consultation to be provided by the behavioral intervention case manager to the staff members and parents who are responsible for implementing the plan. A copy of the plan shall be provided to the person or agency responsible for implementation in

noneducational settings. The plan shall include the following:

(1) a summary of relevant and determinative information gathered from a functional analysis assessment;

(2) an objective and measurable description of the targeted maladaptive behavior(s) and replacement positive behavior(s);

(3) the individual's goals and objectives specific to the behavioral intervention plan;

(4) a detailed description of the behavioral interventions to be used and the circumstances for their use;

(5) specific schedules for recording the frequency of the use of the interventions and the frequency of the targeted and replacement behaviors; including specific criteria for discontinuing the use of the intervention for lack of effectiveness or replacing it with an identified and specified alternative;

(6) criteria by which the procedure will be faded or phased-out, or less intense/frequent restrictive behavioral intervention schedules or techniques will be used;

(7) those behavioral interventions which will be used in the home, residential facility, work site or other noneducational settings; and

(8) specific dates for periodic review by the IEP team of the efficacy of the program.

~~(g)~~(h) "Board" means the California State Board of Education.

~~(h)~~(i) "Certification" means authorization by the California State Superintendent of Public Instruction (Superintendent) for a nonpublic school or nonpublic agency to service individuals with exceptional needs under a contract pursuant to the provisions of Education Code section 56366~~(c)~~(d).

~~(i)~~(j) "Contracting education agency," means a school district, a ~~special education local plan area~~ SELPA, a charter school participating as a member of a special education local plan area, or a county office of education.

~~(j)~~(k) "Credential" means any valid credential, life diploma, ~~permit,~~ or document in special education or pupil personnel services issued by, or under the jurisdiction of, the

California State Board of Education prior to 1970 or the California Commission on Teacher Credentialing, which entitles the holder thereof to perform services for which certification qualifications are required.

~~(k)~~(l) "Department" means the California Department of Education.

~~(l)~~(m) "Department of Consumer Affairs" means the California Department of Consumer Affairs.

~~(m)~~(n) "Dual enrollment" means the concurrent attendance of the individual in a public education agency and a nonpublic school and/or a non public agency.

~~(n)~~(o) "Feasible" as used in Education Code section 56363(a) means the ~~individualized education program~~ IEP team:

(1) has determined the regular class teacher, special class teacher, and/or resource specialist possess the necessary competencies and credentials/certificates to provide the designated instruction and service specified in the ~~individualized education program~~ IEP, and

(2) has considered the time and activities required to prepare for and provide the **~~designated instruction and~~** **related** service by the regular class teacher, special class teacher, and/or resource specialist.

~~(o)~~(p) "Free appropriate public education" means special education and related services that:

(1) have been provided at public expense, under public supervision and direction and without charge~~.~~;

(2) meets any of the standards established by state or federal law;

(3) include an appropriate preschool, elementary, or secondary school education in California; and

(4) are provided in conformity with the **~~individualized education program~~** **IEP** required under state and federal law.

~~(p)~~(q) "Individual Services Agreement" means a document, prepared by the ~~local education agency~~ LEA, that specifies the length of time for which special education and

~~designated instruction and~~ related services are to be provided, by nonpublic schools and/or nonpublic agencies, to individuals with exceptional needs.

~~(q)~~(r) “Instructional day” shall be the same period of time as constitutes the regular school day for that chronological peer group unless otherwise specified in the ~~individualized education program~~ IEP.

~~(r)~~(s) “License” means a valid nonexpired document issued by a licensing agency within the California Department of Consumer Affairs or other state licensing office authorized to grant licenses and authorizing the bearer of the document to provide certain professional services or refer to themselves using a specified professional title. If a license is not available through an appropriate state licensing agency, a certificate of registration with the appropriate professional organization at the national or state level which has standards established for the certificate that are equivalent to a license shall be deemed to be a license.

~~(s)~~(t) “Linguistically appropriate goals, objectives, and programs” means:

(1)(A) ~~T~~those activities which lead to the development of English language proficiency; and

(B) ~~T~~those instructional systems either at the elementary or secondary level which meets the language development needs of the English language learner.

(2) For individuals whose primary language is other than English, and whose potential for learning a second language, as determined by the ~~individualized education program~~ IEP team, is severely limited, nothing in this section shall preclude the **~~individualized education program~~ IEP** team from determining that instruction may be provided through an alternative program pursuant to a waiver under Education Code section 311~~(c)~~, including a program ~~provided in the individual’s primary language,~~ provided that the ~~individualized education program~~ IEP team periodically, but not less than annually, reconsiders the individual’s ability to receive instruction in the English language.

~~(t)~~(u) “Local education agency” means a ~~public board of education or other public authority legally constituted in California for either administrative control or direction of,~~

~~or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of California, or such combination of school districts or counties as are recognized in California as an administrative agency for its public elementary or secondary~~ school~~s~~ district, a county office of education, a charter school participating as a member of a special education local plan area, or a special education local plan area.

~~(u)~~(v) "Local governing board" means either district or county board of education.

~~(v)~~(w) "Master contract" means the legal document that binds the public education agency and the nonpublic school or nonpublic agency.

~~(w)~~(x) "Nonsectarian" means a private, nonpublic school or agency that is not owned, operated, controlled by, or formally affiliated with a religious group or sect, whatever might be the actual character of the educational program or the primary purpose of the facility and whose articles of incorporation and/or by-laws stipulate that the assets of such agency or corporation will not inure to the benefit of a religious group.

~~(x)~~(y) "Primary language" means the language other than English, or other mode of communication, the person first learned, or the language which is spoken in the person's home.

~~(y)~~(z) "Qualified" means that a person has met federal and state certification, licensing, registration, or other comparable requirements which apply to the area in which he or she is providing special education or related services, or, in the absence of such requirements, the state-education-agency-approved or recognized requirements, and adheres to the standards of professional practice established in federal and state law or regulation, including the standards contained in the California Business and Professions Code. Nothing in this definition shall be construed as restricting the activities in services of a graduate needing direct hours leading to licensure, or of a student teacher or intern leading to a graduate degree at an accredited or approved college or university, as authorized by state laws or regulations.

~~(z)~~(aa) "Related Services" means transportation, and such developmental, corrective, and other supportive services (including speech pathology and audiology, psychological services, physical and occupational therapy, recreation, including

therapeutic recreation, social work services, counseling services, including rehabilitation counseling, and medical services, except that such medical services shall be for diagnostic and evaluation purposes only) as required to assist an individual with exceptional needs to benefit from special education, and includes the early identification and assessment of disabling conditions in children. Related services include, but are not limited to, Designated Instruction and Services. The list of related services is not exhaustive and may include other developmental, corrective, or supportive services if they are required to assist a child with a disability to benefit from special education. Each related service defined under this part may include appropriate administrative and supervisory activities that are necessary for program planning, management, and evaluation.

~~(aa)~~(ab) “Serious behavior problems” means the individual’s behaviors which are self-injurious, assaultive, or cause serious property damage and other severe behavior problems that are pervasive and maladaptive for which instructional/behavioral approaches specified in the student’s IEP are found to be ineffective.

(ac) “Special education” means specially designed instruction, at no cost to the parents, to meet the unique needs of individuals with exceptional needs whose educational needs cannot be met with modification of the regular instruction program, and related services, at no cost to the parent, that may be needed to assist these individuals to benefit from specially designed instruction.

(ad) “Specialized physical health care services” means those health services prescribed by the individual’s licensed physician and surgeon requiring medically related training for the individual who performs the services and which are necessary during the school day to enable the individual to attend school.

~~(ab)~~(ae) “Specified education placement” means that unique combination of facilities, personnel, location or equipment necessary to provide instructional services to an individual with exceptional needs, as specified in the IEP, in any one or combination of public, private, home and hospital, or residential setting. The IEP team shall document its rationale for placement in other than the pupil’s school and classroom in which the pupil would otherwise attend if the pupil were not disabled. The documentation shall indicate why the pupil’s disability prevents his or her needs from

being met in a less restrictive environment even with the use of supplementary aids and services.

~~(ae)~~(af) "Superintendent" means the California State Superintendent of Public Instruction.

~~(af)~~(ag) "Temporary physical disability" means a disability incurred while an individual was in a regular education class and which at the termination of the temporary physical disability, the individual can, without special intervention, reasonably be expected to return to his or her regular education class.

NOTE: Authority cited: Sections 56100 and 56523~~(a)~~, Education Code.

Reference: Sections 33000, 33126, 33300, 49423.5, 56026, 56026.3, 56034, 56320, 56361, 56366, 56520 and 56523, Education Code; Section 2, Article IX, Constitution of the State of California; 20 USC ~~Sections~~ 1401~~**(8) and (17)**, United States Code, Title 20~~; and 34 CFR ~~Sections~~ 300.4 and 300.**15** ~~**12**, Code of Federal Regulations, Title 34~~.

Article 5. Implementation (Program Components)

§ 3051. Standards for ~~Designated Instruction and~~ Related Services ~~(DIS).~~

(a) General Provisions.

(1) ~~Designated instruction and~~ Related services may be provided to individuals or to small groups in a specialized area of educational need, and throughout the full continuum of educational settings.

(2) ~~Designated instruction and~~ Related services, when needed as determined by the ~~individualized education program~~ IEP, shall ~~including~~ include the frequency and duration of services.

(3) All entities and individuals providing ~~designated instruction and~~ related services shall be qualified.

(4) All entities and individuals providing ~~designated instruction and~~ related services shall be either:

(A) Employees of the school district or county office, or

(B) Employed under contract pursuant to Education Code sections 56365-56366.~~7~~ Such persons shall be certified by the Department pursuant to ~~S~~sections 3060-~~3064~~ 3065 of this ~~T~~title, or

(C) Employees, vendors or contractors of the State Departments of Health Services or Mental Health, or any designated local public health or mental agency.

NOTE: Authority cited: Sections 33031, 56100~~(a) and (i)~~ and 56366.1~~(l)(5)~~, Education Code. Reference: Sections 56363 and 56365-56366~~.7~~, Education Code; and 34 CFR ~~Section~~ 300.12~~, Code of Federal Regulations, Title 34~~.

Article 6. Nonpublic, Nonsectarian School and Agency Services

§ 3060. Application for Certification.

(a) Any school, person or agency desiring to obtain certification as a nonpublic school or nonpublic agency shall file an application with the Superintendent on forms developed and provided by the Department.

(b) Applications to be certified as a nonpublic school or nonpublic agency shall be filed at the time allowed by Education Code section 56366.1(b) and (h).

(c) Each nonpublic school or nonpublic agency application shall include all information required by the Department's application pursuant to Education Code section 56366.1(a) and (b):

(1) the name and address of the nonpublic school or nonpublic agency;

(2) the name of the administrator and contact person;

(3) the telephone and FAX number~~s~~ and e-mail address;

(4) for nonpublic schools, the name of the teacher(s) with a credential authorizing service in special education;

(5) the types of disabling conditions served;

(6) the age, gender and grade levels served;

(7) the total student capacity of the program;

(8) a brief description of the program including entrance criteria and exit criteria for transition back to the public school setting, and specific services designed to address student needs;

(9) standards-~~based~~ aligned core-curriculum and instructional materials used by the local school district in which the nonpublic school is located, unless otherwise stated in the IEP;

~~(9)~~(10) per hour, per day or monthly fees for services provided;

~~(10)~~(11) written directions and a street map describing the location of the nonpublic school from the major freeways, roads, streets, thoroughfares and closest major airport;

(12) annual operating budget, including projected costs and revenues for each agency and school program, providing documentation that justifies each service fee.

(13) Commencing July 1, 2006, an entity-wide audit in accordance with generally accepted accounting and auditing principles including each entity's costs and revenues.

(14) A list of all qualified staff, including subcontractors identifying their assignment and qualifications in providing services to pupils.

~~(11)~~(15) tuberculosis ~~expiration~~ clearance dates for all staff;

~~(12)~~(16) criminal record summary or criminal history clearance dates for all staff, including subcontractors, who ~~may~~ have contact with pupils;

~~(13)~~(17) a list of ~~school districts, county offices of education and special education local plan areas~~ contracting local education agencies for whom the applicant has a contract to provide school and/or related services;

~~(14)~~(18) for out-of-state applicants, a copy of the current certification or license by the state education agency to provide education services to individuals with exceptional needs under the Individuals with Disabilities Education Act;

~~(15)~~(19) for in-state private schools currently providing educational services to six ~~(6)~~ or more students, a copy of the Private School Affidavit which has been filed with ~~their county superintendent of schools~~ the Department;

~~(16)~~(20) a copy of the current school year calendar ~~; and~~ weekly class schedule, and

daily schedule with number of instructional minutes by each grade level served;

~~(17)~~(21) a fire inspection clearance completed within the past twelve months~~.~~;

(22) a copy of a business license (if applicable);

(23) a written disaster and mass casualty plan of action;

(24) a building safety inspection clearance; and

(25) a health inspection clearance.

~~(d)~~(26) ~~In addition to the requirements set forth section 3060.2,~~ For each nonpublic school with a residential component the application shall include~~, as part of the application for certification~~:

~~(1)~~(A) the name of the residential program attached to the nonpublic school;

~~(2)~~(B) a copy of the current residential care license;

~~(3)~~(C) the proprietary status of the residential program;

~~(4)~~(D) a list of all residential facilities affiliated with the nonpublic school;

~~(5)~~(E) the total capacity of all the residential facilities affiliated with the nonpublic school;

~~(6)~~(F) the per day or monthly fee for the residential component; and

~~(7)~~(G) the rate of care level (California schools only) for each residential facility affiliated with the nonpublic school.

~~(e)~~(d) The applicant shall file affidavits, assurances and clearances that verify compliance with:

(1) Fair Employment Act;

(2) Drug Free Workplace Act ~~of 1988~~;

(3) Section 504 of the Rehabilitation Act ~~of 1973~~;

(4) Individuals with Disabilities Education Act;

(5) Civil Rights Act ~~of 1964, as amended~~;

~~(6) Education Code Section 33190 (Private School Affidavit);~~

~~(7)~~(6) Nonsectarian status;

(7) Positive Behavior Interventions pursuant to Education Code section 49001 and California Code of Regulations, title 5, section 3052;

(8) OSHA Bloodborne Pathogens Standards;

(9) all local, county, or state ordinances and/or statutes relating to fire, health, sanitation, and building safety;

(10) use permit, conditional permit or zoning; and

(11) other assurances as required by state or federal law set forth in the Assurance Statement in the nonpublic school or nonpublic agency application for certification.

~~(f)~~(e) The applicant shall submit, with the application, a fee in accordance with Education Code ~~S~~section 56366.1~~(k)~~(m).

~~(g)~~(f) No fee shall be refunded to the applicant if the application is withdrawn or if the Superintendent denies the application.

~~(h)~~(g) Applicants shall submit a separate application for each nonpublic school or non public agency site pursuant to Education Code section 56366.1(c).

~~(i) A nonpublic school or agency shall be certified for a period of two years, terminating on December 31 of the second year. An annual renewal application shall be required. The renewal application shall require the nonpublic school or agency to update information that has changed since the submission of its previous application including, but not limited to, a copy of the current school year calendar and if the nonpublic school has a residential component, a copy of the current residential care license.~~

~~(j) To allow transition of separate cycles between nonpublic schools and nonpublic agencies, beginning January 2000, nonpublic schools shall receive a one-time three year certification that requires annual updates. Beginning January 2000, nonpublic agencies shall begin a two-year period of certification that requires annual updates. When nonpublic school certifications expire on December 31, 2003, the two-year period of certification shall become effective thereafter.~~

NOTE: Authority cited: Sections 33031, 56100, ~~and~~ 56366~~(e)~~ and 56366.10, Education Code. Reference: Section 56366.1, Education Code.

§ 3061. Service Fees, Finance and Maintenance of Records.

All certified nonpublic schools and agencies shall:

~~(a) provide the Superintendent with specified cost data, pursuant to Education Code Section 56366.7 for providing education and designated instruction and services to individuals with exceptional needs,~~

~~(b)~~(a) maintain cost data in sufficient detail to verify the annual operating budget in providing education and ~~**designated instruction and**~~ **related** services to individuals with disabilities for each nonpublic and/or nonpublic agency site. Fiscal records shall be maintained for a minimum of five years from the date or origination or until audit findings have been resolved, whichever is longer;

~~(c)~~(b) make available any books and records associated with the delivery of education and ~~**designated instruction and**~~ **related** services to individuals with exceptional needs for audit inspection or reproduction by the Superintendent or the Superintendent's authorized representatives. These records shall include those management records associated with the delivery of education and ~~**designated instruction and**~~ **related** services, including purchase order records demonstrating that all students have received standards-aligned instructional materials, costs of providing services and personnel records necessary to ensure that staff qualifications comply with the requirements contained in ~~A~~article 6 of these regulations; and

~~(d)~~(c) not charge parents for services covered in the master contract with the public education agency.

NOTE: Authority cited: Sections 33031, 56100, ~~and~~ 56366~~(e)~~, Education Code. Reference: Section 56366.7, Education Code.

§ 3062. Contracts and Agreements.

(a) A master contract shall be used by a ~~local education agency~~ LEA for entering

into formal agreements with certified nonpublic schools or nonpublic agencies. The term of the contract shall not exceed one year. The contract shall specify the administrative and financial agreements between the ~~local education agency~~ LEA and the nonpublic school or nonpublic agency.

(b) No master contract with the ~~local education agency~~ LEA shall be contingent upon nonpublic school or nonpublic agency individual contracts or agreements with parents.

(c) The master contract shall, at a minimum, include:

(1) general provisions relating to modifications and amendments, notices, waivers, disputes, contractor's status, conflicts of interest, termination, inspection and audits, compliance with applicable state and federal laws and regulations, attendance, record-keeping, and reporting requirements;

(2) payment schedules to include, but not limited to, payment amounts, payment demand, right to withhold, and audit exceptions;

(3) indemnification and reasonable insurance requirements; and

(4) procedures and responsibilities for attendance and unexcused absences.

(d) All master contracts shall be re-negotiated prior to June 30.

(e) Services may be provided through dual enrollment in public and nonpublic school or nonpublic agency programs to meet the educational requirements specified in the ~~individualized education program~~ IEP. The master contract or individual service agreement shall specify the provider of each service. The individual with exceptional needs shall be formally enrolled in both nonpublic and public school programs. The nonpublic school or nonpublic agency shall be reimbursed by the **~~local educational agency~~** **LEA** for services as agreed upon in the contract.

(f) Substitute teachers shall be used consistent with the provisions of Education Code ~~S~~section 56061.

(g) Nonpublic schools and nonpublic agencies shall provide contracting **~~local Education agencies~~** **LEAs** with copies of current valid California credentials and licenses for staff providing services to individuals with exceptional needs.

(h) Nonpublic schools and agencies shall notify the Superintendent and ~~**contracting local education agencies**~~ **LEAs** in writing within ~~forty-five (45)~~ days of any change in credential or licensed personnel ~~changes~~, and registered staff, including but not limited to persons who provide direct services to students. Failure to provide properly qualified personnel to provide services as specified in the ~~individualized education program~~ IEP shall be cause for the termination of all contracts between the ~~local education agency~~ LEA and the nonpublic school or nonpublic agency.

NOTE: Authority cited: Sections 33031, 56100 and 56366~~(e)~~, Education Code. Reference: Sections 56366 and 56366.1, Education Code.

§ 3063. Program Reviews.

(a) The Superintendent shall conduct a validation review of the nonpublic school prior to an initial conditional certification. An on-site review shall be conducted within 90 days of the initial conditional certification and student enrollment. On-site reviews shall be scheduled at least once every ~~four~~ three years thereafter.

(b) The nonpublic school, the contracting ~~education agency~~ LEA, and the ~~**special education local plan area**~~ **SELPA** shall be given a minimum of ~~thirty (30)~~ days prior notice before an on-site review.

(c) The person serving as the lead of the review team shall confer with the school administrator at least 48 hours prior to the on-site review to discuss the procedures and the number of days required for the review. The lead of the review team shall identify those persons who are to participate in the on-site review.

(d) Nonpublic schools and nonpublic agencies may be visited at any time without prior notice when there is substantial reason to believe that there is an immediate danger to the health, safety, or welfare of a child or group of children. The Superintendent shall document the concern and submit it to the nonpublic school or nonpublic agency at the time of the on-site monitoring.

(e) On-site reviews shall include the following procedures:

(1) an entrance meeting to acquaint the on-site review team with the nonpublic school or nonpublic agency staff and site to discuss the purpose and objectives of the review;

(2) a review and examination of files and documents, classroom observations, and interviews with the site administrator, teachers, students, volunteers, and parents to determine compliance with all applicable state and federal laws and regulations; and

(3) an exit meeting to provide the nonpublic school or nonpublic agency with a preliminary preview of the on-site review findings, verify compliance, and offer technical assistance including how to resolve issues of noncompliance.

(f) The Superintendent shall provide the nonpublic school or nonpublic agency, the contracting educational agency, and the ~~special education local plan area~~ SELPA with a written report within 60 days of the on-site review.

(g) The Superintendent shall request a written response, within a timeframe to be determined by the Superintendent, but in no case to exceed 180 days, to any noncompliance finding that resulted from the on-site review.

(h) The Superintendent shall provide a written notification, within 30 days of receipt, to the nonpublic school or nonpublic agency regarding their response to each noncompliance finding.

(i) On-site reviews shall be conducted only by personnel who have been trained by Department staff to perform such administrative and program examinations.

NOTE: Authority cited: Sections 33031, 56100, 56366.9, 56366.10 and 56366~~(e)~~, Education Code. Reference: Sections 56366.1 and 56366.8, Education Code.

§ 3064. Staff Qualifications-Special Education Instruction.

(a) The nonpublic school ~~or nonpublic agency~~ shall deliver instruction utilizing personnel who possess a credential authorizing the holder to deliver special education instruction according to the age range and disabling conditions of individuals with exceptional needs enrolled in the nonpublic school.

(b) Instruction shall be directed and delivered pursuant to the IEP, the master contract, and the individual service agreement.

(c) To provide special education instruction for individuals with exceptional needs younger than three years of age, as described in Education Code, ~~P~~part 30, ~~C~~chapter 4.4, the nonpublic school shall comply with the provisions of Education Code ~~S~~section 56425 et seq., and Education Code ~~S~~section 56426.2(e) regarding adult to child ratios.

(d) To provide special education instruction for individuals with exceptional needs between the ages of three and five years, inclusive, as described in Education Code, ~~P~~part 30, ~~C~~chapter 4.45, the nonpublic school shall comply with the provisions of Education Code ~~S~~section 56440 et seq., and Education Code ~~S~~section 56441.5 regarding appropriate instructional adult to child ratios.

(e) Nonpublic schools and nonpublic agencies shall comply with the personnel standards and qualifications pursuant to Education Code ~~S~~section 45340 et seq., and Education Code ~~S~~section 45350 et seq., regarding instructional aids and teacher assistants, respectively.

(f) Nonpublic schools and nonpublic agencies shall comply with all of the laws and regulations governing the licensed professions, in particular the provisions with respect to supervision. Nonpublic schools and nonpublic agencies may use assistants to the extent authorized by state and federal law.

NOTE: Authority cited: Sections 33031, 56100 and 56366~~(e)~~, Education Code. Reference: Sections 45340, 45350, 56366.1 and 56425, Education Code.

§ 3065. Staff Qualification-Related Services ~~including Designated Instruction and Services~~.

To be eligible for certification to provide ~~designated instruction and services~~ related services to ~~for~~ individuals with exceptional needs, nonpublic schools and agencies shall meet the following requirements

(a)(1) “Adapted physical education” means:

(A) a modified general physical education program, or a specially designed physical

education program in a special class; or

(B) consultative services provided to pupils, parents, teachers, or other school personnel for the purpose of identifying supplementary aids and services or modifications necessary for successful participation in the general physical education program or specially designed physical education programs.

(2) Adapted physical education shall be provided only by personnel who possess a credential issued by the California Commission on Teacher Credentialing that authorizes service in adapted physical education.

(b)(1) “Assistive technology service” means any service that directly assists an individual with exceptional needs in the selection or use of an assistive technology device that is educationally necessary. The term includes the evaluation of the needs of an individual with exceptional needs including a functional evaluation of the individual in the individual’s customary environment; coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education programs and rehabilitation plans and programs; training or technical assistance for an individual with exceptional needs or, where appropriate, the family of an individual with exceptional needs or, if appropriate, that individual’s family; and training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with exceptional needs.

(2) Assistive technology services shall be provided only by personnel who possess a:

(A) license in Physical Therapy issued by a licensing agency within the Department of Consumer Affairs, where the utilization of assistive technology services falls within the scope of practice of physical therapy as defined in Business and Professions Code section 2620 and implementing regulations; or;

(B) ~~certificate of registration as an Occupational Therapist pursuant to Business and Professions Code section 2570 et seq., where the utilization of assistive technology services falls within the scope of practice of occupational therapy; or~~ license in

Occupational Therapy issued by a licensing agency within the Department of Consumer Affairs; or

(C) license in Speech-Language Pathology issued by a licensing agency within the Department of Consumer Affairs or a valid document, issued by the California Commission on Teacher Credentialing, where the function of the assistive technology service is augmentative communication; or

(D) baccalaureate degree in engineering, with emphasis in assistive technology; or

(E) baccalaureate degree in a related field of engineering with a graduate certificate in rehabilitation technology or assistive technology; or

(F) certification from the Rehabilitation Engineering and Assistive Technology Society of North America and Assistive Technology Provider (RESNA/ATP); or

(G) a certificate in assistive technology applications issued by a regionally accredited post-secondary institution; or

(H) a credential that authorizes special education of physically handicapped, orthopedically handicapped, or severely handicapped pupils.

(c)(1) “Audiological services” means aural rehabilitation (auditory training, speech reading, language habilitation, and speech conversation) and habilitation with individual pupils in the general classroom; monitoring hearing levels, auditory behavior, and amplification for all pupils requiring personal or group amplification in the instructional setting; planning, organizing, and implementing an audiology program for individuals with auditory dysfunctions, as specified in the ~~individualized education program~~ IEP; or consultative services regarding test finding, amplification needs and equipment, otological referrals, home training programs, acoustic treatment of rooms, and coordination of educational services to hearing-impaired individuals.

(2) Audiological services shall be provided only by personnel who possess:

(A) a license in Audiology issued by a licensing agency within the Department of Consumer Affairs; or

(B) a credential authorizing audiology services.

(d) Behavior intervention shall be designed or planned only by personnel who have:

(1) pupil personnel services credential that authorized school counseling or school psychology; or

(2) credential authorizing the holder to deliver special education instruction; or

(3) license as a Marriage~~,~~ and Family~~, and Child Counselor~~ Therapist **, or Marriage, and Family Therapist Interns under supervision,** issued by a licensing agency within the Department of Consumer Affairs; or

(4) license as a Clinical Social Worker**, or Associate Clinical Social Worker under supervision,** issued by a licensing agency within the Department of Consumer Affairs; or

(5) license as an Educational Psychologist issued by a licensing agency within the Department of Consumer Affairs; or

(6) license as a Psychologist ~~**issued by a licensing agency within**~~**, or regulated by the Board of Psychology, within** the Department of Consumer Affairs; or

(7) master's degree issued by a regionally accredited post-secondary institution in education, psychology, counseling, behavior analyst, behavior science, human development, social work, rehabilitation, or in a related field.

(e) To be eligible for certification to provide behavior intervention, including implementation of behavior modification plans, but not including development or modification of behavior intervention plans, a nonpublic school or agency shall deliver those services utilizing personnel who:

(1) possess the qualifications under subdivision (d); or

(2)(A) are under the supervision of personnel qualified under subdivision (d);

(B) possess a high school diploma or its equivalent; and

(C) receive the specific level of supervision required in the pupil's IEP.

(f)(1) "Counseling and guidance" means educational counseling in which the pupil is assisted in planning and implementing his or her immediate and long-range educational program; career counseling in which the pupil is assisted in assessing his or her

aptitudes, abilities, and interests in order to make realistic career decisions; personal counseling in which the pupil is helped to develop his or her ability to function with social and personal responsibility; or counseling with parents and staff members on learning problems and guidance programs for pupils.

(2) Counseling and guidance shall be provided only by personnel who possess a:

(A) license as a Marriage~~,~~ and Family~~, and Child Counselor~~ Therapist **, or Marriage, and Family Therapist Interns under supervision,** issued by a licensing agency within the Department of Consumer Affairs; or

(B) license in Clinical Social Work**, or Associate Clinical Social Worker under supervision,** issued by a licensing agency within the Department of Consumer Affairs; or

(C) license as an Educational Psychologist issued by a licensing agency within the Department of Consumer Affairs; or

(D) license as a Psychologist **~~issued by a licensing agency~~, or regulated by the Board of Psychology,** within the Department of Consumer Affairs; or

(E) pupil personnel services credential, which authorized school counseling or school psychology.

(g)(1) “Early education programs for children with disabilities” means the program and services specified by Education Code, ~~P~~part 30, section 56425 et seq.

(2) Early education programs for children with disabilities shall be provided only by personnel who meet the appropriate personnel qualifications set forth in this ~~A~~article and comply with all other requirements of Education Code, ~~C~~chapter 4.4 commencing with ~~S~~section 56425.

(h)(1) “Health and nursing services” means:

(A) managing the child’s health problems on the school site;

(B) consulting with pupils, parents, teachers, and other personnel;

(C) group and individual counseling with parents and pupils regarding health problems;

(D) maintaining communication with health agencies providing care to individuals with disabilities; or

(E) providing services by qualified personnel.

(2) Health and nursing services shall be provided only by personnel who possess:

(A) a license as a Registered Nurse, issued by a licensing agency within the Department of Consumer Affairs; or

(B) a license as a Vocational Nurse, issued by a licensing agency within the Department of Consumer Affairs, under the supervision of a licensed R~~r~~egistered N~~n~~urse; or

(C) a school nurse credential; or

(D) demonstrated competence in cardio-pulmonary resuscitation, current knowledge of community emergency medical resources, and skill in the use of equipment and performance of techniques necessary to provide specialized physical health care services for individuals with exceptional needs. In addition, possession of training in these procedures to a level of competence and safety that meet the objectives of the training as provided by the school nurse, public health nurse, licensed physician and surgeon, or other training programs. “Demonstrated competence in cardio-pulmonary resuscitation” means possession of a current valid certificate from an approved program; or

(E) a valid license, certificate, or registration appropriate to the health service to be designated, issued by the California agency authorized by law to license, certificate, or register persons to practice health service in California.

(i)(1) “Home and hospital services” means instruction delivered to children with disabilities, individually, in small groups, or by teleclass, whose medical condition such as those related to surgery, accidents, short-term illness or medical treatment for a chronic illness prevents the individual from attending school.

(2) Home or hospital instruction shall be provided only by personnel who possess a ~~valid teaching~~ credential issued by the California Commission on Teacher Credentialing authorizing the holder to deliver special education instruction according to age range

and disabling condition of the individual(s).

(j)(1) “Language and speech development and remediation” means screening, assessment, ~~individualized education program~~ IEP development, and direct speech and language services delivered to children with disabilities who demonstrate difficulty understanding or using spoken language to such an extent that it adversely affects their educational performance and cannot be corrected without special education and related services.

(2) Language and speech development and remediation shall be provided only by personnel who possess:

(A) a license in Speech-Language Pathology issued by a licensing agency within the Department of Consumer Affairs; or

(B) a credential authorizing language or speech services.

(k)(1) “Occupational therapy” means the use of various treatment modalities including self-help skills, language and educational techniques, as well as sensory motor integration, physical restoration methods, and pre-vocation exploration to facilitate physical and psychosocial growth and development.

(2) Occupational therapy shall be provided only by personnel who ~~have certification in good standing with the National Board for Certification in Occupational Therapy, Inc. as a registered occupational therapist (OTR) or certified occupational therapy assistant (COTA)~~ possess a license in occupational therapy issued by a licensing agency within the Department of Consumer Affairs.

(l)(1) “Orientation and mobility instruction” means specialized instruction for individuals in orientation and mobility techniques, or consultative services to other educators and parents regarding instructional planning and implementation of the ~~individualized education program~~ IEP relative to the development of orientation and mobility skills and independent living skills.

(2) Orientation and mobility instruction shall be provided only by personnel who possess a credential that authorizes services in orientation and mobility instruction.

(m)(1) “Parent counseling and training” means assisting parents in understanding

the special needs of their child and providing parents with information about child development.

(2) Parent counseling and training shall be provided only by personnel who possess a:

(A) credential that authorizes special education instruction; or

(B) credential that authorizes health and nursing services; or

(C) license as a Marriage~~,~~ and Family~~, and Child Counselor~~ Therapist, **or Marriage, and Family Therapist Interns under supervision,** issued by a licensing agency within the Department of Consumer Affairs; or

(D) license as a Clinical Social Worker, **or Associate Clinical Social Worker under supervision,** issued by a licensing agency within the Department of Consumer Affairs; or

(E) license as an Educational Psychologist, issued by a licensing agency within the Department of Consumer Affairs; or

(F) license as a Psychologist**~~, issued by a licensing agency~~** **or regulated by the Board of Phychology,** within the Department of Consumer Affairs; or

(G) pupil personnel services credential that authorizes school counseling or school psychology or school social work.

(n)(1) “Physical therapy” means the:

(A) administration of active, passive, and resistive therapeutic exercises and local or general massage, muscle training and corrective exercises and coordination work;

(B) administration of hydrotherapy treatments;

(C) assistance in administering various types of electrotherapy including ultraviolet, infrared, diathermy and inductothermy;

(D) teaching of parents of hospitalized pupils exercises which are to be continued at home and interpret to them the significance of physical therapy services; and

(E) instruction in walking, standing, balance, use of crutches, cane, or walker and in

the care of braces and artificial limbs.

(2) Physical therapy shall be provided only by personnel who possess a valid license in Physical Therapy issued by a licensing agency within the Department of Consumer Affairs.

(o)(1) “Psychological services” means:

(A) psychological counseling provided to children with disabilities;

(B) consultative services to parents, pupils, teacher, and other school personnel; or

(C) planning and implementing a program of psychological counseling for children with disabilities and parents by a credentialed or licensed psychological or other qualified personnel.

(D) This term does not include assessment services and the development of an ~~individualized education program~~ IEP.

(2) Psychological services, other than assessment and development of the ~~individualized education program~~ IEP, shall be provided only by personnel who possess a:

(A) license as a Marriage~~,~~ and Family~~, and Child Counselor~~ Therapist, **or Marriage, and Family Therapist Interns under supervisions,** issued by a licensing agency within the Department of Consumer Affairs; or

(B) license as a Clinical Social Worker, **or Associate Clinical Social Worker under supervision,** issued by a licensing agency within the Department of Consumer Affairs; or

(C) license as an Educational Psychologist, issued by a licensing agency within the Department of Consumer Affairs; or

(D) license **as a Psychologist** ~~**in Psychology, issued by a licensing agency**~~ **or regulated by the Board of Psychology,** within the Department of Consumer Affairs; or

(E) pupil personnel services credential that authorizes school psychology.

(p)(1) “Recreation services” means:

(A) therapeutic recreation and specialized instructional programs designed to assist

pupils to become as independent as possible in leisure activities, and when possible and appropriate, facilitate the pupil's integration into general recreation programs;

(B) recreation programs in schools and the community which are those programs that emphasize the use of leisure activity in the teaching of academic, social, and daily living skills, the provision of nonacademic and extracurricular leisure activities, and the utilization of community recreation programs and facilities; or

(C) leisure education programs which are those specific programs designed to prepare the pupil for optimum independent participation in appropriate leisure activities, and develop awareness of personal and community leisure resources.

(2) Recreation services shall be provided only by personnel who possess a:

(A) certificate, issued by the California Board of Recreation and Park Certification; or

(B) certificate issued by the National Council for Therapeutic Recreation; or

(C) the National Recreation and Park Association, authorizing services in recreation or therapeutic recreation.

(q)(1) "Social worker services" means:

(A) individual and group counseling with the individual and his or her immediate family;

(B) consultation with pupils, parents, teachers, and other personnel regarding the effects of family and other social factors on the learning and developmental requirements of children with disabilities; or

(C) developing a network of community resources, making appropriate referral and maintaining liaison relationships among the school, the pupil, the family, and the various agencies providing social income maintenance, employment development, mental health, or other developmental services.

(2) Social worker services shall be provided only by personnel who possess a:

(A) license in Clinical Social Work, **or Associate Clinical Social Worker under supervision,** issued by a licensing agency within the Department of Consumer Affairs, or;

(B) license as a Marriage~~,~~ and Family~~, and Child Counselor~~ Therapist, **or Marriage and Family Therapist Interns under supervision,** issued by a licensing agency within the Department of Consumer Affairs; or

(C) credential authorizing school social work.

(r)(1) “Specialized driver training instruction” means instruction to children with disabilities to supplement the general driver-training program.

(2) Specialized driver education and driver training shall be provided only by personnel who possess a credential that authorizes service in driver education and driver training.

(s)(1) “Specially designed vocational education and career development” means: (A) providing prevocational programs and assessing work-related skills, interests, aptitudes, and attitudes;

(B) coordinating and modifying the general vocational education program;

(C) assisting pupils in developing attitudes, self-confidence, and vocational competencies to locate, secure, and retain employment in the community or shelter environment, and to enable such individuals to become participating members of the community;

(D) establishing work training programs within the school and community;

(E) assisting in job placement;

(F) instructing job trainers and employers as to the unique needs of the individuals;

(G) maintaining regularly scheduled contact with all work stations and job-site trainers; or

(H) coordinating services with the Department of Rehabilitation, the Employment Development Department, and other agencies as designated in the ~~individualized education program~~ IEP.

(2) Specially designed vocation education and career development shall be provided only ~~be~~ by personnel who possess a:

(A) adult education credential with a career development authorization; or

(B) credential that authorizes instruction in special education or vocational education; or

(C) pupil personnel services credential that authorizes school counseling.

(t) Specialized interpreting or transcribing services for pupils with low incidence disabilities shall be provided only by the following personnel:

(1) Interpreters for deaf and hard of hearing pupils shall possess certification issued by the Registry of Interpreters for the Deaf or equivalent, or if providing cued speech services, by any certifying body recognized by the National Cued Speech Association; and

(2) Transcribers for visually impaired pupils shall have a certificate issued by the Library of Congress as a Braille Transcriber.

(u)(1) “Specialized services for low-incidence disabilities” means:

(A) specially designed instruction related to the unique needs of pupils with low-incidence disabilities; or

(B) specialized services related to the unique needs of individuals with low-incidence disabilities.

(2) Specialized services for pupils with low-incidence disabilities shall be provided only by personnel who possess a credential that authorizes services in special education or clinical or rehabilitation services in the appropriate area of disability.

(v)(1) “Vision services” means:

(A) adaptations in curriculum, media, and the environment, as well as instruction in special skills; or

(B) consultative services to pupils, parents, teachers, and other school personnel.

(2) Vision services shall be provided only by personnel who possess:

(A) a license as an Optometrist, Ophthalmologist, Physician or Surgeon, issued by a licensing agency within the Department of Consumer Affairs and authorizing the licensee to provide the service rendered; or

(B) a valid credential authorizing vision instruction or services.

(w) Other ~~**designated instruction and**~~ **related** services not identified in this section shall only be provided by staff who possess a**:**

(1) license ~~issued by a licensing agency~~ by an entity within the Department of Consumer Affairs ~~authorizing the licensee to provide the specific service~~ or another state licensing office; or

(2) ~~possess a~~ credential by the California Commission on Teacher Credentialing authorizing the service ~~or is qualified to provide the service~~.

NOTE: Authority cited: Sections 33031, 56100 and 56366~~(e)~~, Education Code.

Reference: Sections 2620 and 17505.2, Business and Professions Code; Section 56366.1, Education Code; 20 USC 1401~~**(1);**~~ and 34 CFR **300.34 and 300.156(b)(1) 300.136 and 300.23** ~~Sections 300.136 and 300.23, Title 34, Code of Federal Regulations~~.

§ 3066. Out-of-State Nonpublic Schools/Agencies.

For purposes of determining eligibility for certification for a nonpublic school or nonpublic agency located in a state other than California, the Department may accept a valid certificate, credential, license, or registration issued by another state for the requirements set forth in ~~S~~sections 3064 and 3065.

NOTE: Authority cited: Sections 33031, 56100 and 56366~~(e)~~, Education Code.
Reference: Section 56366.1, Education Code.

§ 3067. Certification Status.

(a) Certification shall become effective on the date when the nonpublic school or nonpublic agency meets all the application requirements and is approved by the Superintendent except as specified in ~~S~~subdivision 3067(d)(1).

(b) Certification may be retroactive, provided the nonpublic school or nonpublic agency met all the requirements for certification on the date the retroactive certification

is effective.

(c) The certification status of a nonpublic school or nonpublic agency shall be one of the following:

(1) approved certification with no conditions or limitations;

(2) conditional certification for a limited period of time. A conditional certification indicates that the nonpublic school or nonpublic agency has not met all the certification requirements

(3) suspended certification for a defined period of time pursuant to the provisions of Education Code ~~S~~section 56366.4. Nonpublic schools or nonpublic agencies with a suspended certification cannot accept new pupils.

(d) Any ~~local education agency~~ LEA that contracts with a certified nonpublic school or nonpublic agency may request the Superintendent to review the status of the nonpublic school or nonpublic agency. Such requests shall be in writing and a copy shall be sent to the nonpublic school or nonpublic agency.

NOTE: Authority cited: Sections 33031, 56100 and 56366~~(e)~~, Education Code. Reference: Sections 56366.1 and 56366.4, Education Code.

§ 3068. Appeals and Waivers.

(a) Within ~~twenty (~~20~~)~~ working days of receipt of notice, nonpublic schools or nonpublic agencies (appellant) may file a written petition (appeal), on forms provided by the Superintendent, to request a review of the decision to deny, suspend, or revoke certification pursuant to Education Code ~~S~~section 56366.6

(b) All appeals shall be mailed to the Office of Administrative Hearings, Department of General Services.

(c) There shall be three options for appealing the denial, suspension, or revocation of certification. The nonpublic school or nonpublic agency may request:

(1) a written review of the decision to deny, suspend, or revoke certification. The Office of Administrative Hearings shall analyze the documentation provided by the

appellant and materials provided by the Department and render a decision;

(2) a written review with an oral argument. The Office of Administrative Hearings shall analyze the documentation provided by the appellant and materials provided by the Department. The appellant shall also appear before a hearing officer, on a date scheduled by the Office of Administrative Hearings, to provide oral testimony in support of the appeal. The Department shall also attend the hearing and present testimony to support the decision to deny, suspend, or revoke certification. The hearing officer may ask questions of either party. All testimony shall be tape-recorded; or

(3) an oral hearing. The appellant shall appear before a hearing officer, on a date scheduled by the Office of Administrative Hearings, to provide oral testimony in support of the appeal. The Department shall also attend the hearing and present testimony to support the decision to deny, suspend, or revoke certification. The hearing officer shall provide the opportunity for both parties to review evidence, call witnesses, and cross-examine witnesses. If the appellant fails to appear at the hearing, the petitioner waives the right to a future hearing, unless the hearing officer agrees to reschedule the hearing because of extenuating circumstances.

(d) The Office of Administrative Hearings shall issue the decision, in writing, simultaneously to the appellant and to the Department within ~~thirty (~~30~~)~~ working days after receipt of all materials and evidence. This shall be the final administrative decision.

(e) ~~**Local education agencies**~~ **<u>LEAs</u>** and nonpublic school and agencies may request the Superintendent to waive Education Code sections 56365, 56366, 56366.3~~,~~ <u>and</u> 56366.6 ~~and 56366.7~~. Such petitions shall be made in accordance with the provisions of Education Code section 56366.2 and shall be necessary in order to provide services to individuals with exceptional needs consistent with their ~~individualized education program~~ <u>IEP</u>.

NOTE: Authority cited: Sections 33031, 56100 and 56366~~(e)~~, Education Code. Reference: Sections 56101, 56366.2 and 56366.6, Education Code.

§ 3069. Annual Review of Individualized Education Program <u>(IEP)</u>.

Review of the pupil's ~~individualized education program~~ <u>IEP</u> shall be conducted at

least annually by the public education agency. The public education agency shall ensure that review schedules are specified in the ~~individualized education program~~ IEP and contract for the pupil. An elementary school district shall notify a high school district of all pupils placed in a nonpublic school or agency programs prior to the annual review of the ~~individualized education program~~ IEP for each pupil who may transfer to the high school district.

NOTE: Authority cited: Sections 56100~~(a), (i) and (j)~~, Education Code**~~; 20 U.S.C. 1414(c)(2)(B); and 34 C.F.R. 300.600~~**. Reference: Sections 56345, 56365-56366.5, Education Code; and 34 C~~.~~F~~.~~R~~.~~ 300.4, 300.**104** **~~302, 300.317~~**, **300.323-324** **~~300.343-348~~** and 300.**145-148**~~400-403~~.

§ 3070. Graduation.

When an individual with exceptional needs meets public education agency requirements for completion of the prescribed course of study ~~and adopted differential proficiency standards as~~ designated in the pupil's ~~individualized education program~~ IEP, the public education agency which developed the ~~individualized education program~~ IEP shall award the diploma.

NOTE: Authority cited: Sections 56100~~(a), (i) and (j)~~, Education Code**~~; 20 U.S.C. 1414(c)(2)(B); and 34 C.F.R. 300.600~~**. Reference: Sections 56345, 56365-56366.5, Education Code; and 34 C~~.~~F~~.~~R~~.~~ 300.4, **300.104** **~~300.302~~**, **~~300.317,~~** 300.**323-324** ~~343-348~~ and 300.**145-148** **~~400-403~~**.

FINAL STATEMENT OF REASONS
Nonpublic Schools

SECTION 3001. Definitions.
SECTION 3051. Standards for Designated Instruction and Services.
SECTION 3060. Application for Certification.
SECTION 3061. Service Fees, Finance and Maintenance of Records.
SECTION 3062. Contracts and Agreements.
SECTION 3063. Program Reviews.
SECTION 3064. Staff Qualifications – Special Education Instruction.
SECTION 3065. Staff Qualifications-Designated Instruction and Services.
SECTION 3067. Certification Status.
SECTION 3068. Appeals and Waivers.
SECTION 3070. Graduation.

UPDATE OF INITIAL STATEMENT OF REASONS

The intent of these proposed regulations is to assure conformity with the federal Individuals with Disabilities Education Act or IDEA (20 USC sections 1400 et seq.), its implementing regulations (section 300.1 et seq. of Title 34 of the Code of Federal Regulations), Part 30 of the Education Code and its implementing regulations (section 3001 et seq. of title 5 of the California Code of Regulations. These proposed regulations are supplemental to, and in the context of, federal and state laws and regulations relating to the provisions of special education and related services by private schools and agencies.

A public hearing was held on September 5, 2006. There was one testifier at the public hearing. Twenty-five written comments were received during the public comment period.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE INITIAL NOTICE PERIOD OF JULY 22, 2006 THROUGH SEPTEMBER 5, 2006

Comment: Catherine L. Godfrey and Mary Riemersma of the California Association of Marriage and Family Therapists, Sherry Skelly Griffith and Brett McFadden, Association of California School Administrators (ACSA), and Christy Berger, Board of Behavioral Science, California Department of Consumer Affairs, request that the regulations be amended to allow for MFT interns and clinical social worker associates to provide services to students attending a nonpublic school.

Response: We agree with the recommendation and propose that the language in section 3065 be amended to read “license as a Marriage and Family Therapist, or Marriage and Family Therapist interns under supervision” and “license as a Clinical Social Worker, or Associate Clinical Social Worker under supervision”.

Comment: Gilbert Newman of the Wright Institute, Owen Fudim of Switzer Learning Center, Robin Sablosky, licensed psychologist, Robert Kahane, the California Department of Consumer Affairs, Board of Psychology, Nicette Short, California Alliance

of Child and Family Services, Sherry Skelly Griffith and Brett McFadden, Association of California School Administrators (ACSA), and Amanda Levy of the California Psychological Association, request that the regulations be amended to allow for pre licensed psychologists to provide services to students attending a nonpublic school. In addition, they suggest that the meaning of "psychological services" be more specific.

Response: We agree with the first recommendation and propose that the language in section 3065 be amended to read "license as a Psychologist, or regulated by the Board of Psychology, within the Department of Consumer Affairs". The explanation for changing "Psychological services" to "Counseling services" is not specific and therefore, we can not respond.

Comment: Wayne Miyamoto of the California Association of Private Special Education Schools (CAPSES), states that the cost impact statement on the Notice of Proposed Rulemaking does not take into effect the significant cost to the nonpublic schools of purchasing the same curriculum and instructional materials as the district in which it is located.

Response: A cost analysis review by the California Department of Education (CDE) determined that the cost of educational materials, including textbooks is considered a part and parcel of operating a school and therefore, is consistent with the cost of running an educational program. In addition, the law was enacted to ensure that students with disabilities progress in the general education curriculum and achieve the same goals as their non-disabled peers.

Comment: Wayne Miyamoto of CAPSES, Rebecca Evers and Timothy Welch, North Valley School, Redding, Terry Crumpacker, North Valley School, Lodi, Anne Boyes, North Valley School, Chico, Mandy Hoffman, North Valley School, Santa Rosa, Damon Coleman, North Valley School, San Bernardino, and Pam Raymond, Spectrum Center Schools, state that the highly qualified teacher requirement does not apply to nonpublic school teachers.

Response: The reauthorization of IDEA on December 3, 2004, the federal statute requires special education teachers to be highly qualified. The passage of Assembly Bill (AB) 1858 alligned nonpublic schools with the NCLB (No Child Left Behind) and IDEA (Individuals With Disabilities Act) staffing requirements. Ed Code 56366.1(n) requires nonpublic schools to employ staff with the equivalent credentialing document as staff in a public school are required to hold.

Comment: Wayne Miyamoto of CAPSES, Sandra Sternig-Babcock and Theresa Burns of the Dubnoff Center for Child Development, Rebecca Evers and Timothy Welch, North Valley School, Redding, Terry Crumpacker, North Valley School, Lodi, Anne Boyes, North Valley School, Chico, Mandy Hoffman, North Valley School, Santa Rosa, Damon Coleman, North Valley School, San Bernardino, Craig Cotter and Robert Ketch of Five Acres School, Pam Raymond, Spectrum Center Schools, Maureen Graves and Kathryn Dobel, of California Association for Parent-Child Advocacy (CAPCA), and Sherry Skelly Griffith and Brett McFadden, Association of California School Administrators (ACSA) do not agree with the definition of "access" to curriculum, specifically that photocopying of

textbooks should be allowed, and that the law does not state that each student be provided with a textbook for each of the core subjects.

Response: The definition of “access” has been amended to comply with the meaning of this term as mandated in IDEA of 2004. AB 1858 adds to Education Code 56366.10 and therefore requires that pupils have access to the same standards-based core curriculum and the same instructional materials used by the district in which the nonpublic school is located. Furthermore, resulting from the Williams Settlement Legislation, Education Code 60119(c)(1)-(2) states that sufficient textbooks or instructional materials does not include photocopied sheets.

Comment: Wayne Miyamoto of CAPSES, and Maureen Graves and Kathryn Dobel, of CAPCA, recommend that the term “permit” not be deleted from the definition of “credential”.

Response: In order to meet the requirements of NCLB and the reauthorization of IDEA, teachers must meet the standards of “highly qualified”. A teacher holding a special education certification, waivers, or any emergency, temporary, or provisional document do not meet the standards of highly qualified.

Comment: Wayne Miyamoto of CAPSES, and Sherry Skelly Griffith and Brett McFadden, Association of California School Administrators (ACSA), state that “annual operating budget” is unclear and requires further clarification.

Response: The CDE is working to address this issue. Further guidance will be provided to the NPS when it is accessible.

Comment: Wayne Miyamoto of CAPSES, and Maureen Graves and Kathryn Dobel, of CAPCA object to the deletion of “nonpublic agency” as a provider of special education instruction.

Response: A nonpublic agency does not provide special education instruction, it provides related services to students with special needs. Therefore, the CDE disagrees with CAPSES objection.

Comment: Wayne Miyamoto of CAPSES recommends that the phrase “or is qualified to provide the service” be put back in Section 3065(w) to allow for individuals providing DIS services who are qualified by other provisions of law.

Response: The California Department of Consumer Affairs and the California Commission on Teacher Credentialing establish and regulate the professional services provided by each agency.

Comment: Wayne Miyamoto of CAPSES recommends the submission of the application for certification in 3060(b) be amended to provide further guidance.

Response: Section 3060 (b) requirements are clearly stated and supported by Education Code 56366.1.

Comment: Wayne Miyamoto of CAPSES, Rebecca Evers and Timothy Welch, North Valley School, Redding, Terry Crumpacker, North Valley School, Lodi, Anne Boyes, North Valley School, Chico, Mandy Hoffman, North Valley School, Santa Rosa, and Damon Coleman, North Valley School, San Bernardino recommend that the CDE mail the annual renewal application to the nonpublic school by July 1 of each year to allow the full 120 days to comply with all of the provisions of law.

Response: The July 1 requirement is not in statute and cannot be changed by regulations. Education Code section 56366.1(b)(3) clearly states that the CDE shall mail renewal application materials to certified nonpublic schools and agencies *at least* 120 days prior to the date their current certification expires. The CDE mails the renewal at a minimum of 120 days before the certification expires on December 31.

Comment: Wayne Miyamoto of CAPSES recommends that the CDE review each nonpublic school renewal application within 120 days of submittal.

Response: This request is not in law, therefore it cannot be added by regulation.

Comment: Wayne Miyamoto of CAPSES recommends that the regulations include guidance on how student progress should be evaluated in order for the process to be specified in the Master Contract.

Response: It clearly states in Education Code 56366(a)(2)(B)(i) that the LEA will evaluate the educational progress of each student, including all state assessments.

Comment: Wayne Miyamoto of CAPSES recommends that CDE provide clarification on how the nonpublic school will participate in the alternative accountability program.

Response: The CDE is working to address this issue. Further guidance will be provided to the NPS when it is accessible.

Comment: Wayne Miyamoto of CAPSES and Sandra Sternig-Babcock and Theresa Burns of the Dubnoff Center for Child Development, have the following concerns with the statewide assessments (STAR): the STAR testing is disruptive, and recommend that the testing materials for administration of the statewide assessments (STAR) be directly distributed to, and collected from, the NPS and then received their students' test scores directly.

Response: Education Code section 56366(a)(8)(B) allows for the nonpublic school to determine its STAR testing period. Education Code 56366(a)(8)(B) states that the LEA's school board shall adopt regulations to facilitate the distribution of and collection of testing materials.

Comment: Wayne Miyamoto of CAPSES recommends that the regulations include a requirement that master contracts are in place by July 1 unless there is a disagreement.

Response: This request is not in law, therefore it cannot be changed by regulation.

Comment: Wayne Miyamoto of CAPSES, Rebecca Evers and Timothy Welch, North Valley School, Redding, Terry Crumpacker, North Valley School, Lodi, Anne Boyes, North Valley School, Chico, Mandy Hoffman, North Valley School, Santa Rosa, and Damon Coleman, North Valley School, San Bernardino recommend that the CDE review the self-review report and send a report back to the nonpublic school within 60 days of submittal.

Response: This request is not in law, therefore it cannot be changed by regulation.

Comment: Wayne Miyamoto of CAPSES recommends that the CDE give the nonpublic school 90 days notice of an on-site review.

Response: Regulation 3060(b) provides nonpublic schools a 30 day prior notice before an on-site review. CDE has determined that this is sufficient notice.

Comment: Wayne Miyamoto of CAPSES recommends that the CDE conduct a follow-up visit to each nonpublic school the year after it has completed an on-site review and provide a report back to the NPS within 60 days.

Response: This request is not in law, therefore it cannot be added by regulation.

Comment: Wayne Miyamoto of CAPSES recommends that the on-site review team consist of at least four people, which include, but is not limited to, the CDE.

Response: On-site reviews are conducted by a minimum of two CDE reviewers. The CDE provides additional CDE reviewers when needed. In addition, this request is not in law, therefore it cannot be added to regulation.

Comment: Wayne Miyamoto of CAPSES recommends that the on-site review team be trained by the CDE.

Response: As addressed in Regulation 3063(i) all personnel who conduct on-site reviews are required to be trained by the department.

Comment: Maureen Graves and Kathryn Dobel, of CAPCA, state the proposed requirement in section 3060(c)(8) that nonpublic schools describe “entrance criteria and exit criteria” as part of the certification process is confusing and requires further explanation.

Response: The CDE application requirements for the nonpublic school certification process are supported by Education Code section 56366.1. The proposed regulation for an entrance criteria and exit criteria clarifies one of the components of the application.

Comment: Maureen Graves and Kathryn Dobel, of CAPCA, state that the reporting requirement in section 3062(h) of “registered staff” to the CDE is vague and needs clarification.

Response: Staff reporting requirements in regulation 3062(h) clearly state that the nonpublic school shall report all licensed or credential staff personnel changes.

Comment: Sherry Skelly Griffith and Brett McFadden, Association of California School Administrators (ACSA), and Kay Altizer, Special Education Local Plan Area Administrators recommend that the qualifications for staff providing "behavior intervention" be amended to meet NCLB requirements.

Response: The NCLB requirements apply to paraprofessionals with instructional duties in any program supported by Title I funds. A paraprofessional provides instructional support. Staff providing behavior intervention do not meet the definition of paraprofessional and are therefore not required to follow the requirements of NCLB.

Comment: Sherry Skelly Griffith and Brett McFadden, Association of California School Administrators (ACSA), and Sandra Vargas, Strategic Education Services state that the term "instructional day" needs more clarification.

Response: The definition of "instructional minutes" is clearly written in section 3001(r).

Comment: Kris Rodriguez, Terri Fesperman, California Commission on Teacher Credentialing and Kay Altizer, Special Education Local Plan Area Administrators, recommend that the term "designated instruction and service" be replaced consistently with "related services"

Response: The CDE agrees and has corrected the inconsistency throughout the proposed regulations.

Comment: Kris Rodriguez made several editing suggestions.

Response: Due to a lack of specificity regarding proposed comments, we can not respond.

Comment: Kay Altizer, Special Education Local Plan Area Administrators, recommends that the Master Contract include additional assurances.

Response: Due to a lack of specificity regarding proposed comments, we can not respond.

Comment: Kay Altizer, Special Education Local Plan Area Administrators, recommends that staff who design or plan behavior intervention also have a credential or license.

Response: Staff qualifications for behavior intervention development are clear in 3065(d) (7).

Comment: Kay Altizer, Special Education Local Plan Area Administrators, recommends that "recreational therapy" and "pre-vocational exploration" be added to the description of "occupation therapy".

Response: These are two different professions and do not meet the definition of "occupational therapy".

Comment: Kay Altizer, Special Education Local Plan Area Administrators, recommend that "qualified occupational therapist" and "credentialed adapted physical education teacher" be added to "recreation services".

Response: We do not agree with this recommendation. These are two different professions, regulated by different standards and college degrees.

Comment: Terri Fesperman, California Commission on Teacher Credentialing, recommends that the words "credential, life diploma, permit" be deleted from the definition of "credential" and leave only the word "document".

Response: The word "document" is too broad a term for the definition of "credential". All teachers, to be considered highly qualified, must have a "credential", not a "document".

Comment: Terri Fesperman, California Commission on Teacher Credentialing, suggested "technical clean-up" language.

Response: Due to a lack of specificity regarding proposed comments, we can not respond.

Comment: Sherry Skelly Griffith and Brett McFadden, Association of California School Administrators (ACSA), and Kay Altizer, Special Education Local Plan Area Administrators recommend that "recreational therapy be added to the description of "occupational therapy" and therefore, "Qualified Occupational Therapist" be added to "recreation services".

Response: We do not agree with this recommendation. "Recreation Services" and "Occupational Therapy" are two different fields. They are regulated by different standards, a different college degree and experience requirements.

COMMENT AT PUBLIC HEARING ON SEPTEMBER 5, 2006

Comment: Amanda Levy of the California Psychological Association, testified that the regulations be amended to allow for pre-licensed psychologists to provide services to students attending a nonpublic school. In addition, they suggest that the meaning of "psychological services" be more specific.

Response: We agree with the first recommendation and propose that the language in section 3065 be amended to read "license as a Psychologist, or regulated by the Board of Psychology, within the Department of Consumer Affairs". The explanation for changing "Psychological services" to "Counseling services" is not specific and therefore, we can not respond.

LATE COMMENT RECEIVED AFTER 45 DAY COMMENT PERIOD ENDED

Comment: Los Angeles Unified School District recommends:

- the definition of related services should be replaced with the federal definition;
- the definition of "occupational therapy" should include "recreational therapy";
- a timetable consistent with the fiscal year calendar should be designed to replace the current timeline for certification;
- the qualification for nonpublic school staff be aligned with staff in a public school; and
- staff providing behavior intervention implementation comply with NCLB requirements.

Response: Comments submitted after closing of the public comment period. No response required.

Comment: Rebecca Foo, Switzer Learning Center recommends that the definition of definition of personnel excludes pre-licensed psychologists from providing counseling and guidance and that the definition of psychological services is not consistent with current state law.

Response: Comments submitted after closing of the public comment period. No response required.

AMENDMENTS TO AUTHORITY AND REFERENCE CITATIONS

Federal Code and Federal Regulation citations were removed from all of the authority cited areas as the California State Board of Education (SBE) derives its authority from State law.

Reference citations were changes in sections 3001, 3051, 3065, 3069, and 3070 to reflect the newly issued Individuals with Disabilities Education Act.

COMMENTS RECEIVED DURING THE PERIOD THE 15-DAY NOTICE AND PROPOSED REGULATION TEXT WAS AVAILABLE TO THE PUBLIC

The modified text was available to the public from November 16, 2006 through November 30, 2006, inclusive.

Comment: Sherry Skelly Griffith and Brett McFadden, Association of California School Administrators (ACSA): ACSA's original comments written on August 31, 2006, during the 45-day comment period, were misinterpreted by CDE staff and further clarification was requested from ACSA during the additional 15-day comment period. ACSA recommends the following clarification to the regulations:

- Section 3060 (c)(9) be amended to read: standards-~~based~~, aligned core curriculum and instructional materials used by the local school district in which the nonpublic school is located, unless otherwise stated in the IEP.

Response: The CDE agrees with ACSA's recommendation as it provides further clarification to the regulation. The comment is also in section 3001(a), definition of the term "access".

And:

- Section 3061 (b) be amended to read: These records shall include those management records associated with the delivery of education and related services, <u>including purchase order records demonstrating that all students have received standards aligned instructional materials</u>,

Response: The CDE agrees with ACSA's recommendation as it provides further clarification to the regulation.

Comment: Mary Riemersma and Catherine L. Godfrey, California Association of Marriage and Family Therapists, are in agreement with the proposed changes to regulation 3065.

Comment: Robert Kahane, Board of Psychology, Department of Consumer Affairs, and Amanda Levy, California Psychological Association oppose the proposed regulation with regards to the term "psychological services".

Response: These comments were responded to in the 45-day comment period.

Comment: Wayne Miyamoto, CAPSES, opposes the following:

- The definition of the term "access", in particular, that each student will have a copy of textbooks and instructional materials, and the use of photocopies of textbooks and instructional materials;
- The submission of an annual operating budget as part of a nonpublic school's application requires more clarification; and
- The deletion of "nonpublic agency" as a provider of special education instruction.

Response: Each of these comments was responded to in the 45-day comment period.

<u>COMMENTS RECEIVED DURING THE PERIOD THE SECOND 15-DAY NOTICE AND PROPOSED REGULATION TEXT WAS AVAILABLE TO THE PUBLIC</u>

The modified text was available to the public from January 17, 2007 through January 31, 2007, inclusive. Three comments were received.

Comment: Kathryn Dobel and Maureen Graves, California Association for Parent-Child Advocacy, do not agree with the proposed requirement that nonpublic schools provide upon request "purchase order records demonstrating that all students have received standards-aligned instructional materials" as this would "place certifications and student services in jeopardy for alleged violations of vague paperwork obligations".

Response: The CDE currently requests purchase orders/invoices when further evidence is needed as proof of purchase that the nonpublic school has provided students with access to the same standards-aligned core curriculum and instructional materials used by the local school district in which the nonpublic school is located. Therefore, this statement, as recommended by ACSA, was added to provide further clarification to the regulation.

Comment: Jo Rupert Behm, Learning Disabilities Association of California, disagrees with the definition of "access".

Response: This comment was responded to in the 45-day comment period.

Comment: Ann Boyes, North Valley Schools, Inc., states the following:

- Opposes the definition of "access";
- The self-review document should be evaluated with 60 days of receipt;
- The cost-impact statement is inaccurate as purchasing curriculum and instructional materials is costly to the nonpublic schools;
- Teachers at nonpublic schools should not have to follow the same qualifications as teachers in the public schools;
- Recommends that "permit" not be deleted from the definition of credential;
- Nonpublic school renewal applications should be mailed no later than July 1 of each year.

Response: These comments were responded to in the 45-day comment period.

ALTERNATIVES DETERMINATION

The SBE 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 regulation.

LOCAL MANDATE DETERMINATION

The proposed regulations do not impose any mandate on local agencies or school districts.

ITEM #23

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2007 AGENDA

SUBJECT	
High Priority Schools Grant Program: Approve Applications and Action Plans from Cohort 2 Schools	☒ Action ☒ Information ☐ Public Hearing

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve applications and action plans from Cohort 2 of the High Priority Schools Grant Program (HPSGP).

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In June 2002, the SBE approved 544 school applications for participation in Cohort 1 of the HPSGP. Other school applications required revision before they could be recommended for approval. After their resubmission and a second review, successful applications were brought forward to the SBE for approval. Using this process the SBE approved an additional 19 schools in January 2003. Additional funds were made available in May 2003; this allowed an additional 30 schools to be approved in June and 12 more in November 2003.

The application process required these schools to provide narrative summary responses to seven questions about key elements of each school's HPSGP School Action Plan.

SUMMARY OF KEY ISSUES

The Budget Act of 2005 authorized funding for a second cohort of schools to participate in the HPSGP. Assembly Bill (AB) 2254 (Statutes of 2006) revised legislative timelines for implementation of Cohort 2 of the HPSGP, including timelines for submission and approval of school applications. Schools in decile ranks one and two were invited to participate in the second cohort based on priorities and eligibility requirements for participation established in law, and were provided with $50,000 to plan school improvement activities and prepare applications for HPSGP implementation funding.

The State Superintendent of Public Instruction (SSPI) responded to concerns about the effectiveness of summary narrative responses to elements of the School Action Plan among Cohort 1 schools by redesigning the application process, requiring Cohort 2 schools to submit an application that contains a full HPSGP School Action Plan and

SUMMARY OF KEY ISSUES (Cont.)

supporting documentation for review by CDE staff rather than the more limited narrative response required for Cohort 1 schools.

CDE staff have reviewed applications for Cohort 2 of the HPSGP to verify that they fulfill the requirements described in the *HPSGP Cohort 2 Guidance and Application* document. The review process focuses on the quality and sufficiency of the HPSGP School Action Plan. To obtain a recommendation for approval the School Action Plan must:

- Be of high quality and provide a framework for whole school reform;
- Include school goals, activities, and expenditures for improving the academic performance of students to the proficient level and beyond;
- Ensure that instructional personnel complete the Mathematics and Reading Professional Development Program (Senate Bill 472) and the Principal Training Program (AB 430), as appropriate;
- Ensure that each pupil is provided with the most recent standards-aligned instructional materials approved by the SBE in all core subjects;
- Contain continuous improvement strategies and processes for monitoring implementation and revising the School Action Plan as needed to meet changing school needs;
- Address school wide performance and the specific needs of numerically significant student subgroups, including English learners, students with disabilities, and socioeconomically disadvantaged students;
- Include evidence of significant local educational agency (LEA) fiscal and programmatic participation in school improvement plans and activities; and
- Be approved by the local governing board or chartering authority at a public meeting.

In developing the HPSGP School Action Plan, the LEA and school must:

- Assess the school's current conditions and performance, focusing on potential barriers to pupil academic achievement;
- Use the Academic Program Survey (APS) and the District Assistance Survey (DAS) in the assessment process;

SUMMARY OF KEY ISSUES (Cont.)

- Ensure effective collaboration in School Action Plan development among the school community, the LEA and an external entity that has expertise in school improvement.

Applications containing HPSGP School Action Plans that were properly completed and received by the CDE by January 12, 2007, were reviewed by CDE staff for completeness, coherence, and integrity in adherence to the program requirements. A critical component of the CDE's review process was to ensure that the school's HPSGP budget is appropriate to and consistent with its HPSGP Plan. Applications that met or exceeded requirements are recommended to the SBE for approval through this item.

Similar to Cohort 1 schools whose applications were found to be incomplete or that did not meet the requirements, applicants are being provided with the opportunity to review, reconvene their teams, and modify specific portions of their School Action Plan, then resubmit their Plans to the CDE. This process will require considerable technical assistance from the CDE to ensure adequate processes were conducted that result in full LEA and school community agreement. CDE staff will continue to review and evaluate all applications and make recommendations regarding those that meet the requirements to the SBE for approval in subsequent SBE meetings. If a district, on behalf of an eligible school under its jurisdiction, fails to submit an approvable plan by July 31, 2007, the school cannot be funded as part of Cohort 2 (*Education Code* Section 52055.610[d][9]).

FISCAL ANALYSIS (AS APPROPRIATE)

The Legislature has appropriated $201 million in fiscal year 2006-07 for this program. There is enough money in the line item to fund all of the schools considered at the March 2007 SBE meeting.

ATTACHMENT(S)

Attachment 1: The list of schools to be funded will be provided in an item addendum.

Cohort 2 High Priority Schools Grant Program: Schools Recommended for Funding

CDS	County	District	School	Implementation Funds
01611926000913	Alameda	Hayward Unified	Cherryland Elementary	$355,600
01611926001101	Alameda	Hayward Unified	Park Elementary	$238,400
01611926001127	Alameda	Hayward Unified	Ruus Elementary	$311,600
01612340130484	Alameda	Newark Unified	Crossroads High (Alternative)	$50,000
01612590100792	Alameda	Oakland Unified	Think College Now	$83,200
01612590100826	Alameda	Oakland Unified	Mandela High	$141,600
01612590100834	Alameda	Oakland Unified	Media College Preparatory	$150,800
01612590100842	Alameda	Oakland Unified	Robeson School of Visual and Performing Arts	$156,000
01612590101063	Alameda	Oakland Unified	College Preparatory and Architecture Academy	$145,200
01612590102954	Alameda	Oakland Unified	Business and Information Technology High	$194,400
01612590102962	Alameda	Oakland Unified	East Oakland School of the Arts	$140,000
01612590102988	Alameda	Oakland Unified	EnCompass Academy Elementary	$60,800
01612590106468	Alameda	Oakland Unified	Youth Employment Partnership Charter	$25,000
01612590106906	Alameda	Oakland Unified	Bay Area Technology	$58,400
01612590107276	Alameda	Oakland Unified	Explorer Middle	$79,200
01612590107417	Alameda	Oakland Unified	Leadership Preparatory High	$180,000
01612590130575	Alameda	Oakland Unified	LIFE Academy	$99,200
01612590135905	Alameda	Oakland Unified	Oakland High	$804,000
01612590136051	Alameda	Oakland Unified	Oakland Technical High	$664,400
01612596001804	Alameda	Oakland Unified	Sherman Elementary	$87,600
01612596002000	Alameda	Oakland Unified	Lazear Elementary	$140,800
01612596002067	Alameda	Oakland Unified	Maxwell Park Elementary	$133,200
01612596118616	Alameda	Oakland Unified	International Community	$97,600
01612596118640	Alameda	Oakland Unified	Melrose Leadership Academy	$78,400
01612916002372	Alameda	San Leandro Unified	Garfield Elementary	$155,600
01613090137810	Alameda	San Lorenzo Unified	San Lorenzo High	$654,400
01613096002562	Alameda	San Lorenzo Unified	Edendale Middle	$355,200
01613096002612	Alameda	San Lorenzo Unified	Hesperian Elementary	$282,800

Cohort 2 High Priority Schools Grant Program: Schools Recommended for Funding

CDS	County	District	School	Implementation Funds
01613096002620	Alameda	San Lorenzo Unified	Hillside Elementary	$220,400
04100410430090	Butte	Butte COE	Learning Community Charter	$212,400
04615310430132	Butte	Paradise Unified	Paradise Charter Network (155)	$50,000
04733796002927	Butte	Pioneer Union Elementary	Berry Creek Elementary	$50,000
06616140635250	Colusa	Pierce Joint Unified	Pierce High	$147,600
07616486003594	Contra Costa	Antioch Unified	Fremont Elementary	$236,800
07616486057178	Contra Costa	Antioch Unified	Antioch Middle	$396,400
07617546003974	Contra Costa	Mt. Diablo Unified	Bel Air Elementary	$206,000
07617546004055	Contra Costa	Mt. Diablo Unified	Fair Oaks Elementary	$149,200
07617546004154	Contra Costa	Mt. Diablo Unified	Meadow Homes Elementary	$356,400
07617546004261	Contra Costa	Mt. Diablo Unified	Riverview Middle	$365,200
07617546004295	Contra Costa	Mt. Diablo Unified	Shore Acres Elementary	$256,400
07617546004410	Contra Costa	Mt. Diablo Unified	Ygnacio Valley Elementary	$218,400
07617960732164	Contra Costa	West Contra Costa Unified	De Anza Senior High	$496,000
07617966004782	Contra Costa	West Contra Costa Unified	Harding Elementary	$115,600
07617966004865	Contra Costa	West Contra Costa Unified	Montalvin Manor Elementary	$159,600
08618206005391	Del Norte	Del Norte County Unified	Joe Hamilton Elementary	$144,400
08618206005417	Del Norte	Del Norte County Unified	Margaret Keating Elementary	$50,000
10621171030469	Fresno	Clovis Unified	Enterprise Alternative	$54,800
10621171031004	Fresno	Clovis Unified	Gateway High (Continuation)	$139,200
10621660107532	Fresno	Fresno Unified	Academy for New Americans	$246,000
10621661030642	Fresno	Fresno Unified	School of Unlimited Learning	$136,800
10621666006076	Fresno	Fresno Unified	Aynesworth Elementary	$392,000
10621666006191	Fresno	Fresno Unified	Easterby Elementary	$400,400
10621666006274	Fresno	Fresno Unified	Heaton Elementary	$274,000
10621666006530	Fresno	Fresno Unified	Viking Elementary	$290,000
10622650105692	Fresno	Kings Canyon Joint Unified	A. L. Conner Elementary	$162,400
10622656006803	Fresno	Kings Canyon Joint Unified	Lincoln Elementary	$170,000

Cohort 2 High Priority Schools Grant Program: Schools Recommended for Funding

CDS	County	District	School	Implementation Funds
10622656006878	Fresno	Kings Canyon Joint Unified	Washington Elementary	$144,800
10623316007009	Fresno	Orange Center Elementary	Orange Center Elementary	$124,000
10623640107409	Fresno	Parlier Unified	S. Ben Benavidez Elementary	$201,200
10623806007074	Fresno	Raisin City Elementary	Raisin City Elementary	$110,000
10624301030758	Fresno	Selma Unified	Selma Independent	$50,000
10625476007421	Fresno	Westside Elementary	Westside Elementary	$114,400
10752346006647	Fresno	Golden Plains Unified	Helm Elementary	$25,000
10752346007397	Fresno	Golden Plains Unified	Tranquillity Elementary	$106,800
11626531132109	Glenn	Stony Creek Joint Unified	Elk Creek Junior-Senior High	$25,000
12626870107110	Humboldt	Northern Humboldt Union High	Six Rivers Charter High	$50,000
12627376007728	Humboldt	Cuddleback Union Elementary	Cuddeback Elementary	$51,600
12629686008080	Humboldt	Orick Elementary	Orick Elementary	$50,000
12629846008106	Humboldt	Peninsula Union Elementary	Peninsula Union Elementary	$25,000
12753821230135	Humboldt	Mattole Unified	Mattole Valley Charter (#159)	$350,800
13630996008346	Imperial	Calexico Unified	Dool Elementary	$282,000
13630996111587	Imperial	Calexico Unified	William Moreno Junior High	$503,200
13631316008502	Imperial	Heber Elementary	Heber Elementary	$301,600
13631986008619	Imperial	Meadows Union Elementary	Meadows Elementary	$202,400
15633216008882	Kern	Bakersfield City	College Heights Elementary	$369,200
15633216008940	Kern	Bakersfield City	Fremont Elementary	$374,400
15633216009005	Kern	Bakersfield City	Curran Middle	$388,000
15633216009013	Kern	Bakersfield City	Jefferson Elementary	$202,000
15633216009047	Kern	Bakersfield City	Leo G. Pauly Elementary	$269,200
15633216009062	Kern	Bakersfield City	Longfellow Elementary	$293,200
15633216009070	Kern	Bakersfield City	McKinley Elementary	$305,600
15633216009088	Kern	Bakersfield City	Mt. Vernon Elementary	$326,800
15633216009096	Kern	Bakersfield City	Munsey Elementary	$257,200
15633216009161	Kern	Bakersfield City	Voorhies Elementary	$292,400

Cohort 2 High Priority Schools Grant Program: Schools Recommended for Funding

CDS	County	District	School	Implementation Funds
15633216009187	Kern	Bakersfield City	Wayside Elementary	$269,600
15633216109060	Kern	Bakersfield City	Stella I. Hills Elementary	$213,600
15633216111264	Kern	Bakersfield City	Walter Stiern Middle	$578,800
15633706009278	Kern	Buttonwillow Union Elementary	Buttonwillow Elementary	$152,000
15635036009559	Kern	Greenfield Union Elementary	Fairview Elementary	$227,600
15635036009591	Kern	Greenfield Union Elementary	Planz Elementary	$303,600
15635606009682	Kern	Lamont Elementary	Lamont Elementary	$263,600
15635786090591	Kern	Richland Union Elementary	Golden Oak Elementary	$292,800
15635946102792	Kern	Lost Hills Union Elementary	A. M. Thomas Middle	$97,200
15638006010110	Kern	Taft City Elementary	Conley Elementary	$114,800
15638006010128	Kern	Taft City Elementary	Jefferson Elementary	$70,000
15638006010169	Kern	Taft City Elementary	Taft Primary	$72,800
15739086009765	Kern	McFarland Unified	Kern Avenue Elementary	$342,800
15739086106306	Kern	McFarland Unified	McFarland Middle	$305,600
16638750101717	Kings	Armona Union Elementary	Crossroads Charter	$77,200
16638756010284	Kings	Armona Union Elementary	Parkview Middle	$170,000
16638911632207	Kings	Corcoran Joint Unified	Corcoran High	$370,800
16638916010367	Kings	Corcoran Joint Unified	Mark Twain Elementary	$249,600
17640226010615	Lake	Konocti Unified	Burns Valley Elementary	$153,600
17640711737006	Lake	Upper Lake Union High	Upper Lake High	$126,400
18641390106385	Lassen	Lassen Union High	Diamond Mountain Charter High	$25,000
18750366010714	Lassen	Fort Sage Unified	Fort Sage Middle	$25,000
18750366096341	Lassen	Fort Sage Unified	Sierra Primary	$50,000
19101990102020	Los Angeles	Los Angeles COE	Today's Fresh Start Charter	$210,400
19642121930361	Los Angeles	ABC Unified	Artesia High	$758,400
19642126010912	Los Angeles	ABC Unified	Ella P. Melbourne Elementary	$248,400
19642126061238	Los Angeles	ABC Unified	Pharis F. Fedde Middle	$231,200
19642796011241	Los Angeles	Azusa Unified	Clifford D. Murray Elementary	$256,800

Cohort 2 High Priority Schools Grant Program: Schools Recommended for Funding

CDS	County	District	School	Implementation Funds
19642796011266	Los Angeles	Azusa Unified	Gladstone Street Elementary	$200,000
19642796011274	Los Angeles	Azusa Unified	Henry Dalton Elementary	$158,800
19642796011332	Los Angeles	Azusa Unified	Valleydale Elementary	$199,600
19642876011407	Los Angeles	Baldwin Park Unified	Deanza Elementary	$339,600
19642876011415	Los Angeles	Baldwin Park Unified	Elwin Elementary	$230,000
19642876011449	Los Angeles	Baldwin Park Unified	Kenmore Elementary	$299,600
19642876096135	Los Angeles	Baldwin Park Unified	Sierra Vista Junior High	$339,600
19643291995893	Los Angeles	Bonita Unified	Vista (Alternative)	$50,000
19643520101642	Los Angeles	Centinela Valley Union High	Media Art Academy at Centinela	$50,000
19644856013007	Los Angeles	East Whittier City Elementary	Evergreen Elementary	$232,400
19645016013155	Los Angeles	El Monte City Elementary	Columbia Elementary	$419,600
19645016013247	Los Angeles	El Monte City Elementary	Potrero Elementary	$352,000
19646346014518	Los Angeles	Inglewood Unified	La Tijera	$317,200
19646346014526	Los Angeles	Inglewood Unified	Warren Lane Elementary	$352,400
19646426014609	Los Angeles	Keppel Union Elementary	Antelope Elementary	$116,000
19646426105969	Los Angeles	Keppel Union Elementary	Lake Los Angeles Elementary	$208,800
19646426106272	Los Angeles	Keppel Union Elementary	Daisy Gibson Elementary	$255,200
19646676014716	Los Angeles	Lancaster Elementary	Mariposa Elementary	$299,600
19647090100610	Los Angeles	Lennox Elementary	Dolores Huerta Elementary	$262,000
19647096106736	Los Angeles	Lennox Elementary	Lennox Middle	$898,800
19647251996503	Los Angeles	Long Beach Unified	Renaissance High School for the Arts	$198,800
19647256015572	Los Angeles	Long Beach Unified	Mary Butler Elementary	$403,600
19647256015671	Los Angeles	Long Beach Unified	Webster Elementary	$288,000
19647256057806	Los Angeles	Long Beach Unified	Jefferson Leadership Academies	$460,800
19647330100289	Los Angeles	Los Angeles Unified	New Economics for Women Academy of Science	$62,400
19647330100297	Los Angeles	Los Angeles Unified	Cornerstone Prep Charter	$128,000
19647330100776	Los Angeles	Los Angeles Unified	Imagine Academy Charter	$59,200
19647330101659	Los Angeles	Los Angeles Unified	Crenshaw Arts-Technology High	$86,400

Cohort 2 High Priority Schools Grant Program: Schools Recommended for Funding

CDS	County	District	School	Implementation Funds
19647330106872	Los Angeles	Los Angeles Unified	Bert Corona Charter	$80,800
19647330106948	Los Angeles	Los Angeles Unified	Charles White Elementary	$204,000
19647330106955	Los Angeles	Los Angeles Unified	Harmony Elementary	$379,200
19647330106971	Los Angeles	Los Angeles Unified	Vista Middle	$736,000
19647330106989	Los Angeles	Los Angeles Unified	Southeast Area New Middle School 3	$547,200
19647331933043	Los Angeles	Los Angeles Unified	Benjamin Franklin Senior High	$1,310,000
19647331939859	Los Angeles	Los Angeles Unified	Woodrow Wilson Senior High	$1,242,400
19647331996594	Los Angeles	Los Angeles Unified	Discovery Charter	$144,800
19647336015820	Los Angeles	Los Angeles Unified	Annalee Avenue Elementary	$181,600
19647336016091	Los Angeles	Los Angeles Unified	Bridge Street Elementary	$166,400
19647336016117	Los Angeles	Los Angeles Unified	Broadacres Avenue Elementary	$178,400
19647336016414	Los Angeles	Los Angeles Unified	Century Park Elementary	$282,000
19647336016620	Los Angeles	Los Angeles Unified	Corona Avenue Elementary	$567,600
19647336016968	Los Angeles	Los Angeles Unified	Euclid Avenue Elementary	$446,000
19647336017008	Los Angeles	Los Angeles Unified	Farmdale Elementary	$279,200
19647336017099	Los Angeles	Los Angeles Unified	First Street Elementary	$307,200
19647336017404	Los Angeles	Los Angeles Unified	Gulf Avenue Elementary	$532,400
19647336017461	Los Angeles	Los Angeles Unified	Harbor City Elementary	$286,800
19647336017537	Los Angeles	Los Angeles Unified	Hazeltine Avenue Elementary	$474,400
19647336017545	Los Angeles	Los Angeles Unified	Heliotrope Avenue Elementary	$376,400
19647336018030	Los Angeles	Los Angeles Unified	Manhattan Place Elementary	$258,000
19647336018105	Los Angeles	Los Angeles Unified	McKinley Avenue Elementary	$392,800
19647336018261	Los Angeles	Los Angeles Unified	Murchison Street Elementary	$281,200
19647336018360	Los Angeles	Los Angeles Unified	Charles W. Barrett Elementary	$482,400
19647336018501	Los Angeles	Los Angeles Unified	One Hundred Fifty-Third Street	$232,000
19647336018626	Los Angeles	Los Angeles Unified	Oxnard Street Elementary	$267,200
19647336019285	Los Angeles	Los Angeles Unified	Soto Street Elementary	$140,400
19647336019384	Los Angeles	Los Angeles Unified	Sunny Brae Avenue Elementary	$344,000

Cohort 2 High Priority Schools Grant Program: Schools Recommended for Funding

CDS	County	District	School	Implementation Funds
19647336019418	Los Angeles	Los Angeles Unified	Sylvan Park Elementary	$450,800
19647336019756	Los Angeles	Los Angeles Unified	Victoria Avenue Elementary	$345,200
19647336104814	Los Angeles	Los Angeles Unified	Ninth Street Elementary	$185,600
19647336107411	Los Angeles	Los Angeles Unified	Teresa Hughes Elementary	$628,800
19647336112411	Los Angeles	Los Angeles Unified	San Antonio Elementary	$314,000
19647336118186	Los Angeles	Los Angeles Unified	Ellen Ochoa Learning Center	$766,400
19647336119929	Los Angeles	Los Angeles Unified	Academia Semillas del Pueblo	$127,200
19647336120489	Los Angeles	Los Angeles Unified	Para Los Ninos Charter	$78,400
19647586020085	Los Angeles	Los Nietos Elementary	Aeolian Elementary	$191,200
19647746020317	Los Angeles	Lynwood Unified	Wilson Elementary	$242,000
19648166020770	Los Angeles	Mountain View Elementary	Parkview Elementary	$399,200
19648166020788	Los Angeles	Mountain View Elementary	Willard F. Payne Elementary	$301,600
19648401936467	Los Angeles	Norwalk-La Mirada Unified	Norwalk High	$959,200
19648406114474	Los Angeles	Norwalk-La Mirada Unified	Dolores Huerta Elementary	$144,400
19648570105981	Los Angeles	Palmdale Elementary	Desert Willow Intermediate	$336,000
19648736021422	Los Angeles	Paramount Unified	Lakewood Elementary	$195,200
19648810106591	Los Angeles	Pasadena Unified	Nia Educational Charter	$84,800
19648816021505	Los Angeles	Pasadena Unified	Altadena Elementary	$140,800
19649071995547	Los Angeles	Pomona Unified	Pomona Alternative	$226,400
19649076021786	Los Angeles	Pomona Unified	Alcott Elementary	$421,600
19649076021885	Los Angeles	Pomona Unified	Lexington Elementary	$319,200
19649076021901	Los Angeles	Pomona Unified	Madison Elementary	$320,800
19649076021919	Los Angeles	Pomona Unified	Montvue Elementary	$171,200
19649076021943	Los Angeles	Pomona Unified	Roosevelt Elementary	$438,800
19649076061642	Los Angeles	Pomona Unified	Palomares Middle	$274,000
19734526022289	Los Angeles	Rowland Unified	Hurley Elementary	$278,000
19734526022388	Los Angeles	Rowland Unified	Villacorta Elementary	$250,400
20651936023907	Madera	Chowchilla Elementary	Wilson Middle	$256,400

Cohort 2 High Priority Schools Grant Program: Schools Recommended for Funding

CDS	County	District	School	Implementation Funds
20651936023931	Madera	Chowchilla Elementary	Fairmead Elementary	$236,000
23655576025092	Mendocino	Arena Union Elementary	Arena Elementary	$83,600
23656072334563	Mendocino	Round Valley Unified	Round Valley High	$57,200
23656150101147	Mendocino	Ukiah Unified	Grace Hudson Elementary	$174,400
23656156025209	Mendocino	Ukiah Unified	Hopland Elementary	$57,200
23656236104590	Mendocino	Willits Unified	Sherwood	$25,000
23739166025308	Mendocino	Laytonville Unified	Laytonville Elementary	$102,800
23752186025118	Mendocino	Leggett Valley Unified	Leggett Valley Elementary	$50,000
24658216120448	Merced	Planada Elementary	Cesar E. Chavez Middle	$119,200
24736196025746	Merced	Gustine Unified	Romero Elementary	$108,800
24753176112940	Merced	Dos Palos Oro Loma Joint Unified	Bernhard Marks Elementary	$199,200
24753660105817	Merced	Delhi Unified	Harmony Elementary	$219,600
27660506026124	Monterey	King City Union Elementary	San Lorenzo Middle	$329,600
27660506026132	Monterey	King City Union Elementary	Santa Lucia Elementary	$305,200
27661596118129	Monterey	Salinas Union High	La Paz Middle	$400,800
27738256026397	Monterey	North Monterey County Unified	Castroville Elementary	$227,600
27754736066955	Monterey	Gonzales Unified	La Gloria Elementary	$359,600
28662666026918	Napa	Napa Valley Unified	Pueblo Vista Elementary	$96,800
30664236027346	Orange	Anaheim City	Marshall (John) Elementary	$372,800
30664236027361	Orange	Anaheim City	Gauer (Melbourne A.) Elementary	$305,600
30664236113393	Orange	Anaheim City	Olive Street Elementary	$357,600
30664646027643	Orange	Capistrano Unified	San Juan Elementary	$249,200
30664646117733	Orange	Capistrano Unified	Kinoshita Elementary	$269,200
30665066028179	Orange	Fullerton Elementary	Valencia Park Elementary	$347,600
30665066113617	Orange	Fullerton Elementary	Maple Elementary	$198,400
30665976029326	Orange	Newport-Mesa Unified	Everett A. Rea Elementary	$302,800
30666216029805	Orange	Orange Unified	Handy Elementary	$256,400
30666216029912	Orange	Orange Unified	Prospect Elementary	$207,600

Cohort 2 High Priority Schools Grant Program: Schools Recommended for Funding

CDS	County	District	School	Implementation Funds
30666470102897	Orange	Placentia-Yorba Linda Unified	Melrose Elementary	$237,200
30666706095152	Orange	Santa Ana Unified	Franklin Elementary	$188,400
31668943130135	Placer	Placer Union High	Maidu High	$16,400
33669856031645	Riverside	Banning Unified	Susan B. Coombs Intermediate	$316,000
33669856112080	Riverside	Banning Unified	Nicolet Middle	$301,200
33670906032163	Riverside	Jurupa Unified	Glen Avon Elementary	$268,400
33670906032205	Riverside	Jurupa Unified	Pedley Elementary	$291,200
33671246032288	Riverside	Moreno Valley Unified	Armada Elementary	$292,400
33671246109979	Riverside	Moreno Valley Unified	Landmark Middle	$615,200
33671733330818	Riverside	Palm Springs Unified	Desert Hot Springs High	$688,400
33671816061782	Riverside	Palo Verde Unified	Blythe Middle	$334,000
33671996032502	Riverside	Perris Elementary	Good Hope Elementary	$321,600
33671996032510	Riverside	Perris Elementary	Perris Elementary	$349,200
33672316109581	Riverside	Romoland Elementary	Harvest Valley Elementary	$337,200
33672490102723	Riverside	San Jacinto Unified	Clayton A. Record, Jr. Elementary	$207,200
33672496032809	Riverside	San Jacinto Unified	Hyatt Elementary	$194,800
33672496106884	Riverside	San Jacinto Unified	De Anza Elementary	$282,400
33736760100248	Riverside	Coachella Valley Unified	Las Palmitas Elementary	$313,600
33736760100255	Riverside	Coachella Valley Unified	Desert Mirage High	$506,000
33736760100263	Riverside	Coachella Valley Unified	Toro Canyon Middle	$390,800
33736766031728	Riverside	Coachella Valley Unified	Valley View Elementary	$327,600
33736766032841	Riverside	Coachella Valley Unified	Westside Elementary	$220,800
33736766117774	Riverside	Coachella Valley Unified	Mountain Vista Elementary	$430,000
33751923330636	Riverside	Temecula Valley Unified	Rancho Santa Rosa High	$31,200
33752420106096	Riverside	Val Verde Unified	Columbia Elementary	$211,200
33752420106104	Riverside	Val Verde Unified	Red Maple Elementary	$171,600
33752426111447	Riverside	Val Verde Unified	Tomas Rivera Middle	$414,000
34673146033005	Sacramento	Elk Grove Unified	Charles E. Mack Elementary	$401,200

Cohort 2 High Priority Schools Grant Program: Schools Recommended for Funding

CDS	County	District	School	Implementation Funds
34673146109821	Sacramento	Elk Grove Unified	Samuel Jackman Middle	$486,400
34673630101766	Sacramento	Grant Joint Union High	Grant Community Outreach Academy	$286,000
34673630101832	Sacramento	Grant Joint Union High	Futures High	$130,800
34674056033559	Sacramento	Rio Linda Union Elementary	Oakdale Elementary	$160,800
34674390101295	Sacramento	Sacramento City Unified	Sol Aureus College Preparatory	$51,600
34674390101899	Sacramento	Sacramento City Unified	America's Choice	$70,800
34674390101915	Sacramento	Sacramento City Unified	Genesis High	$114,800
34674390102343	Sacramento	Sacramento City Unified	Capitol Heights Academy	$61,200
34674393430519	Sacramento	Sacramento City Unified	Capital City Independent Study	$195,600
34674396033849	Sacramento	Sacramento City Unified	Clayton B. Wire Elementary	$247,600
34674396033856	Sacramento	Sacramento City Unified	Collis P. Huntington Elementary	$117,600
34674396034037	Sacramento	Sacramento City Unified	Jedediah Smith Elementary	$120,000
34674396034060	Sacramento	Sacramento City Unified	John D. Sloat Elementary	$121,600
34674396034136	Sacramento	Sacramento City Unified	Mark Twain Elementary	$178,800
34674476034540	Sacramento	San Juan Unified	Thomas Edison Elementary	$164,000
36675870107425	San Bernardino	Adelanto Elementary	George Visual and Performing Arts Magnet and Midd	$320,800
36675870107433	San Bernardino	Adelanto Elementary	Columbia Middle	$328,000
36676116035372	San Bernardino	Barstow Unified	Lenwood Elementary	$130,800
36676376035471	San Bernardino	Bear Valley Unified	Fallsvale Elementary	$25,000
36676863630399	San Bernardino	Colton Joint Unified	Washington High	$105,200
36676863632742	San Bernardino	Colton Joint Unified	Colton High	$1,325,600
36676866035604	San Bernardino	Colton Joint Unified	Crestmore Elementary	$354,400
36676866035653	San Bernardino	Colton Joint Unified	Mary B. Lewis Elementary	$349,600
36676866035729	San Bernardino	Colton Joint Unified	Walter Zimmerman Elementary	$360,800
36676866035745	San Bernardino	Colton Joint Unified	Woodrow Wilson Elementary	$308,000
36676866059380	San Bernardino	Colton Joint Unified	Bloomington Middle	$376,000
36676866101034	San Bernardino	Colton Joint Unified	Alice Birney Elementary	$324,400
36678190100107	San Bernardino	Ontario-Montclair Elementary	Vista Grande Elementary	$245,200

Cohort 2 High Priority Schools Grant Program: Schools Recommended for Funding

CDS	County	District	School	Implementation Funds
36678196036446	San Bernardino	Ontario-Montclair Elementary	Vineyard Elementary	$258,400
36678506036628	San Bernardino	Rialto Unified	Casey Elementary	$349,600
36678506036669	San Bernardino	Rialto Unified	Morgan Elementary	$317,600
36678506114920	San Bernardino	Rialto Unified	William G. Jehue Middle	$633,600
36678760107730	San Bernardino	San Bernardino City Unified	ASA Charter	$157,600
36678763630548	San Bernardino	San Bernardino City Unified	Alternative Learning Center	$50,000
36678763630993	San Bernardino	San Bernardino City Unified	Provisional Accelerated Learning Academy	$66,400
36678766036750	San Bernardino	San Bernardino City Unified	Ramona-Alessandro Elementary	$306,400
36678766036792	San Bernardino	San Bernardino City Unified	Bradley Elementary	$280,800
36678766036826	San Bernardino	San Bernardino City Unified	Manuel A. Salinas Creative Arts Elementary	$247,200
36678766036941	San Bernardino	San Bernardino City Unified	Lankershim Elementary	$410,000
36678766068209	San Bernardino	San Bernardino City Unified	Oehl Elementary	$295,600
36679340105833	San Bernardino	Victor Valley Union High	High Desert Acdy. of Applied Arts and Sciences	$56,000
37679916037675	San Diego	Cajon Valley Union Elementary	Johnson Elementary	$264,400
37680236037824	San Diego	Chula Vista Elementary	Castle Park Elementary	$207,600
37680236038004	San Diego	Chula Vista Elementary	Silver Wing Elementary	$201,200
37680236038046	San Diego	Chula Vista Elementary	Vista Square Elementary	$271,600
37680236070825	San Diego	Chula Vista Elementary	Los Altos Elementary	$154,000
37680236095038	San Diego	Chula Vista Elementary	Otay Elementary	$238,800
37680496119564	San Diego	Dehesa Elementary	Dehesa Charter	$238,000
37680980102608	San Diego	Escondido Union Elementary	Farr Avenue	$306,000
37680986038194	San Diego	Escondido Union Elementary	Del Dios Middle	$425,600
37680986038210	San Diego	Escondido Union Elementary	Mission Middle	$470,400
37680986038236	San Diego	Escondido Union Elementary	Lincoln	$263,200
37680986038251	San Diego	Escondido Union Elementary	Rose Elementary	$333,600
37682136085054	San Diego	Mountain Empire Unified	Clover Flat Elementary	$50,000
37682136097190	San Diego	Mountain Empire Unified	Potrero Elementary	$66,800
37682216108559	San Diego	National Elementary	Rancho de la Nacion	$176,800

Cohort 2 High Priority Schools Grant Program: Schools Recommended for Funding

CDS	County	District	School	Implementation Funds
37683380107037	San Diego	San Diego Unified	Learn, Explore, Achieve, Discover and Serve	$197,200
37683380107045	San Diego	San Diego Unified	Cultural Investigations in a Mult. Atmosphere	$175,600
37683380107052	San Diego	San Diego Unified	School of Bus. at San Diego High Ed. Complex	$178,800
37683380107060	San Diego	San Diego Unified	Media, Visual, and Performing Arts	$219,200
37683380107078	San Diego	San Diego Unified	School of Digital Media and Design at Kearny High	$185,200
37683380107177	San Diego	San Diego Unified	School of Mult. and Visual Arts at Crawford	$171,200
37683380107185	San Diego	San Diego Unified	School of Comm. Health and Med. Prac. at Crawford	$173,200
37683380107193	San Diego	San Diego Unified	School of Law and Business	$172,400
37683380107201	San Diego	San Diego Unified	Invention and Design Educational Academy	$158,800
37683380107219	San Diego	San Diego Unified	SCITECH High	$218,800
37683383730116	San Diego	San Diego Unified	John Muir	$113,200
37683386039515	San Diego	San Diego Unified	Encanto Elementary	$314,800
37683796085146	San Diego	San Ysidro Elementary	Smythe Elementary	$280,800
37683796098453	San Diego	San Ysidro Elementary	San Ysidro Middle	$414,400
37683956040463	San Diego	South Bay Union Elementary	Bayside Elementary	$178,800
37683956040513	San Diego	South Bay Union Elementary	Nestor Elementary	$376,000
37683956040539	San Diego	South Bay Union Elementary	Sunnyslope Elementary	$276,800
37683956094973	San Diego	South Bay Union Elementary	Howard Pence Elementary	$293,200
37683956098487	San Diego	South Bay Union Elementary	George Nicoloff Elementary	$406,800
37684113731304	San Diego	Sweetwater Union High	MAAC Community Charter	$106,000
37684113731502	San Diego	Sweetwater Union High	San Ysidro High	$998,800
37684116062012	San Diego	Sweetwater Union High	Southwest Middle	$336,400
37684520105882	San Diego	Vista Unified	Foothill Oak Elementary	$252,400
37684526040596	San Diego	Vista Unified	Bobier Elementary	$327,600
37684526040646	San Diego	Vista Unified	Olive Elementary	$280,400
37737916039085	San Diego	San Marcos Unified	San Marcos Elementary Academy	$221,600
37754166040661	San Diego	Warner Unified	Warner Elementary	$50,000
38684780102087	San Francisco	San Francisco Unified	Aim High Academy	$93,200

Cohort 2 High Priority Schools Grant Program: Schools Recommended for Funding

CDS	County	District	School	Implementation Funds
38684786040778	San Francisco	San Francisco Unified	Bryant Elementary	$88,000
38684786041032	San Francisco	San Francisco Unified	Brown, Jr. (Willie L.) College Prep. Academy	$66,400
38684786041503	San Francisco	San Francisco Unified	Rosa Parks Elementary	$93,200
39685696041941	San Joaquin	Lincoln Unified	Village Oaks Elementary	$182,400
39685856042097	San Joaquin	Lodi Unified	George Washington Elementary	$238,000
39685856042170	San Joaquin	Lodi Unified	Live Oak Elementary	$115,600
39685856042204	San Joaquin	Lodi Unified	Clyde W. Needham Elementary	$146,800
39686276119309	San Joaquin	New Jerusalem Elementary	Delta Charter High	$82,400
39686766042501	San Joaquin	Stockton Unified	Adams Elementary	$244,000
39686766042535	San Joaquin	Stockton Unified	Cleveland Elementary	$301,600
39686766042618	San Joaquin	Stockton Unified	Harrison Elementary	$256,000
39686766042766	San Joaquin	Stockton Unified	Taft Elementary	$191,200
39686766042808	San Joaquin	Stockton Unified	Victory Elementary	$292,800
39686766104665	San Joaquin	Stockton Unified	George Washington Elementary	$77,600
39754996042832	San Joaquin	Tracy Joint Unified	Central Elementary	$191,600
41689244133393	San Mateo	Jefferson Union High	Jefferson High	$506,800
41690056044473	San Mateo	Redwood City Elementary	Garfield Charter	$276,400
41690056044556	San Mateo	Redwood City Elementary	McKinley Institute of Technology	$122,800
42691200102848	Santa Barbara	Santa Maria-Bonita Elementary	David J. Sanchez Sr. Elementary	$273,600
42691200102863	Santa Barbara	Santa Maria-Bonita Elementary	Liberty Elementary	$266,800
42691206045959	Santa Barbara	Santa Maria-Bonita Elementary	William Laird Adam Elementary	$289,600
42691206045967	Santa Barbara	Santa Maria-Bonita Elementary	Alvin Elementary	$254,800
42691206046049	Santa Barbara	Santa Maria-Bonita Elementary	Calvin C. Oakley Elementary	$312,400
42691206046056	Santa Barbara	Santa Maria-Bonita Elementary	William Rice Elementary	$308,000
42691206119820	Santa Barbara	Santa Maria-Bonita Elementary	Arellanes Junior High	$201,200
42692296045561	Santa Barbara	Lompoc Unified	Arthur Hapgood Elementary	$220,000
43104390102905	Santa Clara	Santa Clara COE	Leadership Public Schools - East San Jose	$68,400
43694274330668	Santa Clara	East Side Union High	Latino College Preparatory Academy	$155,600
43696666048433	Santa Clara	San Jose Unified	Anne Darling Elementary	$240,000

Cohort 2 High Priority Schools Grant Program: Schools Recommended for Funding

CDS	County	District	School	Implementation Funds
43696666048649	Santa Clara	San Jose Unified	Lowell Elementary	$192,000
44697990102665	Santa Cruz	Pajaro Valley Unified	Radcliff Elementary	$162,000
44697990102673	Santa Cruz	Pajaro Valley Unified	Landmark Elementary	$222,800
45701364530309	Shasta	Shasta Union High	North State Independence High	$122,000
47703596050801	Siskiyou	Hornbrook Elementary	Hornbrook Elementary	$25,000
47704906050959	Siskiyou	Willow Creek Elementary	Willow Creek Elementary	$25,000
48705326051049	Solano	Dixon Unified	Silveyville Primary	$170,400
48705816051486	Solano	Vallejo City Unified	John Davidson Elementary	$100,400
48705816051494	Solano	Vallejo City Unified	Lincoln Elementary	$80,400
48705816095913	Solano	Vallejo City Unified	Vallejo Middle	$362,000
48705816099667	Solano	Vallejo City Unified	Grace Patterson Elementary	$204,400
49707064932109	Sonoma	Geyserville Unified	Geyserville Educational Park High	$50,000
49707066051734	Sonoma	Geyserville Unified	Geyserville Elementary	$50,000
50710435030168	Stanislaus	Ceres Unified	Endeavor Alternative	$73,200
50711346052591	Stanislaus	Keyes Union	Keyes Elementary	$216,400
50755645031950	Stanislaus	Oakdale Joint Unified	East Stanislaus High	$50,000
51714566053334	Sutter	Winship-Robbins	Winship Elementary	$25,000
51714645130075	Sutter	Yuba City Unified	Yuba City Unified Alternative	$59,200
52715556053540	Tehama	Kirkwood Elementary	Kirkwood Elementary	$25,000
52716136053615	Tehama	Plum Valley Elementary	Plum Valley Elementary	$25,000
52716395230065	Tehama	Red Bluff Joint Union High	Red Bluff Independent Study High	$66,800
54718605430095	Tulare	Cutler-Orosi Joint Unified	Esperanza High	$50,000
54718606118111	Tulare	Cutler-Orosi Joint Unified	El Monte Junior High	$269,600
54719025430335	Tulare	Earlimart Elementary	Alila	$237,200
54720586054217	Tulare	Pleasant View Elementary	Pleasant View Elementary	$219,600
54722566054704	Tulare	Visalia Unified	Union Elementary	$156,000
54722726054761	Tulare	Woodlake Union Elementary	Woodlake Valley Middle	$219,200
54753250106021	Tulare	Farmersville Unified	Freedom Elementary	$150,000

Cohort 2 High Priority Schools Grant Program: Schools Recommended for Funding

CDS	County	District	School	Implementation Funds
54755235430251	Tulare	Porterville Unified	Granite Hills High	$591,600
54755235430350	Tulare	Porterville Unified	Prospect Education Center	$54,000
54755235434113	Tulare	Porterville Unified	Porterville High	$774,400
54755236054241	Tulare	Porterville Unified	John J. Doyle Elementary	$282,400
54755236054266	Tulare	Porterville Unified	Pioneer Intermediate	$309,200
54755310102707	Tulare	Dinuba Unified	John F. Kennedy Academy	$181,200
56724546054985	Ventura	Fillmore Unified	Piru Elementary	$132,400
56725126055172	Ventura	Ocean View Elementary	Mar Vista Elementary	$253,600
56725386055354	Ventura	Oxnard Elementary	McKinna Elementary	$302,400
56725386055388	Ventura	Oxnard Elementary	Sierra Linda Elementary	$310,400
56725386100333	Ventura	Oxnard Elementary	Lemonwood Elementary	$306,800
56725465632849	Ventura	Oxnard Union High	Hueneme High	$899,600
56725616055529	Ventura	Rio Elementary	Rio Real Elementary	$206,800
56725876055578	Ventura	Santa Paula Elementary	Glen City Elementary	$256,400
56725876055586	Ventura	Santa Paula Elementary	Grace S. Thille Elementary	$134,400

Total funding = $101,987,400

ITEM #24

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2007 AGENDA

SUBJECT	
No Child Left Behind Act of 2001: Approve Local Educational Agency Plans, Title 1, Section 1112	☒ Action ☒ Information ☐ Public Hearing

RECOMMENDATION

The California Department of Education recommends that the State Board of Education (SBE) approve the Local Educational Agency (LEA) Plans.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

As of the January 2007 meeting, the SBE has approved a total of 1,308 LEA Plans.

SUMMARY OF KEY ISSUES

The purpose of the LEA Plan is to develop an integrated, coordinated plan that describes educational services for all students and can be used to guide program implementation and resource allocation. LEA Plans from direct-funded charter schools will be recommended for full approval. This approval allows the schools to access federal and state categorical funding.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no fiscal impact to state operations.

ATTACHMENT(S)

Attachment 1: Local Educational Agency Plans for Direct-Funded Charter Schools Recommended for Full State Board of Education Approval, March 2007 (1 Page)

An item addendum will be provided with a list of additional direct-funded charter schools with LEA Plans recommended for full SBE approval.

Local Educational Agency Plans for Direct-Funded Charter Schools
Recommended for Full State Board of Education Approval
March 2007

CoDistCode	**SchCode**	**Direct-Funded Charter Schools**
0161259	0112474	Junior Space Exploration
0161259	0112482	Space Exploration Academy

ITEM #25

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2007 AGENDA

SUBJECT	
Consolidated Applications 2006-07: Approval	☒ Action ☒ Information ☐ Public Hearing

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) fully approve the 2006-07 Consolidated Applications (ConApps) submitted by certain 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 the SBE approve applications for funding Consolidated Categorical Aid Programs submitted by LEAs. To date, the SBE has approved ConApps for 1,281 LEAs for 2006-07.

Approximately $3.2 billion of state and federal funding is distributed annually through the ConApp process. There are 13 state and federal programs that LEAs may apply for in the ConApp. The state funding sources include: Cal-SAFE; Economic Impact Aid (which is used for State Compensatory Education and/or English learners); Peer Assistance and Review; School Safety and Violence Prevention; and Tobacco Use Prevention Education. The federal funding sources include Title I, Part A Basic Grant (Low Income); Title I, Part A (Neglected); Title I, Part D (Delinquent); Title II, Part A (Teacher Quality); Title III, Part A (Limited English Proficient (LEP) Students); Title IV, Part A (Safe and Drug-Free Schools and Communities); Title V, Part A (Innovative); and Title VI, Part B (Rural, Low-Income).

The CDE provides the SBE with two types of approval recommendations. Regular approval is recommended when an LEA has submitted a correct and complete ConApp, Part I, and has no serious noncompliant issues over 365 days. Conditional approval is recommended when an LEA has submitted a correct and complete ConApp, 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 under the condition that it resolves or makes significant progress toward resolving noncompliant issues. In extreme cases, conditional approval may include the withholding of funds. There are no LEAs recommended for conditional approval at this time.

SUMMARY OF PREVIOUS…(Cont.)

The attachment includes ConApp entitlement figures from school year 2005-06. If fiscal data are absent, it indicates that the LEA is new or is applying for direct funding for the first time.

SUMMARY OF KEY ISSUES

The CDE recommends regular approval of the ConApp for 15 LEAs (see Attachment 1 for the list of LEAs).

FISCAL ANALYSIS (AS APPROPRIATE)

There is minimal CDE cost to track the SBE approval status of the ConApp for approximately 1,300 LEAs.

ATTACHMENT(S)

Attachment 1: ConApp List (2006-07) Regular Approvals (1 Page)

Recommended for Regular Approval

The following LEAs have submitted a correct and complete ConApp, 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	2005-06 ConApp Entitlement	2005-06 Entitlement Per Student	2005-06 Title I Entitlement
5010504	0101501	Archway Academy	0	0	0
1964733	0112128	Aspire L. A. Secondary Charter	0	0	0
4168916	0112284	California Virtual Academy @ San Mateo	0	0	0
5171423	0111161	California Virtual Academy @ Sutter	0	0	0
1964733	0109959	Crescendo Charter	93591	547.32	85805
1964733	0112219	Crescendo Charter Academy	0	0	0
1964733	0112342	Crescendo Charter Conservatory	0	0	0
0161259	0111476	Education for Change Upper Elementary	0	0	0
1964733	0112433	Fredrick Douglas Academy M.S.	0	0	0
1062166	1030733	Fresno Prep Academy	72086	590.87	61933
3768338	0108548	IFTIN Charter	0	0	0
5071159	0112409	La Grange Charter Academy	0	0	0
1964733	0109934	Our Community Charter	5779	34.81	0
5610561	0112417	School of Arts & Global Education	0	0	0
5010504	5030234	Valley Charter High	0	0	0

15	Total number of LEAs in the report
$171,456	Total ConApp entitlement for districts receiving regular approval

ITEM # 26

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2007 AGENDA

SUBJECT	
California Technology Assistance Project Grants and Statewide Education Technology Services Contracts: Including, but not limited to, approval of the 2005-2006 California Technology Assistance Project Statewide Evaluation Report for the period of July 1, 2005, to June 30, 2006, and approval of funding for the 11 California Technology Assistance Project lead agencies for the period of July 1, 2007, to June 30, 2008	☒ Action ☒ Information ☐ Public Hearing

RECOMMENDATION

The California Department of Education (CDE) recommends the State Board of Education (SBE) approve the 2005-2006 California Technology Assistance Project Statewide Evaluation Report for the period of July 1, 2005, to June 30, 2006, and approve funding for the 11 California Technology Assistance Project (CTAP) regional lead agencies for the period of July 1, 2007, to June 30, 2008.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At its May 2006 meeting, the SBE approved the funding for the 11 California Technology Assistance Project (CTAP) regional lead agencies for the period of July 1, 2006, to June 30, 2007, with the following conditions: (1) The CDE provide written evidence to the SBE Executive Director that the 11 CTAP regional lead agencies have provided a plan to address the recommendations listed in each region's evaluation report as summarized in the Summary Evaluation Report; and (2) Funds will be held, pending approval of the SBE Executive Director that the plans are in order.

SUMMARY OF KEY ISSUES

According to *Education Code* Section 51871 (a), CTAP shall be administered by the CDE to provide a regionalized network of technical assistance to schools and school districts on the implementation of education technology as set forth in policies of the SBE.

Over the past eight years, the 11 CTAP regional lead agencies have continued to evolve into effective service and support providers for their client county offices and districts. They have provided extensive local support for the Enhancing Education Through Technology (EETT) Formula and Competitive grants, School Renovation Technology Grant (SRTG), E-rate, and the Education Technology for High Schools Grant (AB 2882) programs.

The CDE is fully satisfied with the services and support provided by CTAP and the new process CTAP has used to evaluate and improve services. The CDE has conducted four meetings with the external evaluators and has defined the focus, framework, and process to be used to determine the impact of services provided by CTAP. Copies of the CTAP 2005-06 Statewide Evaluation Report are on file in the SBE Office.

Attachment 1 is the 2005-06 CTAP Statewide Evaluation Report with a one page Executive Summary. Although each region provides region-specific services, there are some common conclusions regarding the impact of these services across the state. They are:

1. Educators who use CTAP services report that the services enable them to apply knowledge/skills acquired in both teaching practice and in school administration.

2. Students of teachers who participated in CTAP professional development showed increased ability to meet the CA content standards in writing skills.

3. The four CTAP Program Areas of emphasis generally match CTAP-user needs but should be adjusted to new state and local demands such as using technology to support data-driven decision-making.

4. CTAP has directly increased administrator's use of technology for school management as a result of providing professional development under AB 75 and the current AB 430.

5. CTAP training on conducting classroom and student observations using hand-held technologies has resulted in data collection and analysis at the school and classroom level to inform changes in instructional practice.

6. CTAP regions are reporting collaboration with other education programs but all regions suggest a need to increase this effort.

7. The new emphasis on data to document use of impact of CTAP services is enabling CTAP staff to use data to inform program improvements that better target the needs of clients.

8. The CTAP funding has leveraged additional Federal and State funding through partnerships, planning, and grant development from the state to the school levels.

9. Based on the analysis of all evaluation reports and surveys it is concluded that CTAP provides a highly valued service necessary for educators to effectively use technology to support both school administration and classroom instruction.

10. While the existing services are generally effective, there is room for improvement as outlined in the recommendations of this report.

SUMMARY OF KEY ISSUES (Cont.)

Attachment 2 is the documentation from the 11 CTAP regional lead agencies describing how they have addressed the recommendations listed in each region's 2005-06 Mid-Year Evaluation Report and the plan to address the recommendations contained in each region's 2005-06 End-of-Year Evaluation Report, as summarized in the CTAP 2005-06 Statewide Evaluation Report.

Attachment 3 is the 2005-06 SETS Statewide Evaluation Report with a one page Executive Summary. Although each SETS project provides services specific to their purpose, as stated in *Education Code* Section 51872 (b), there are some common conclusions regarding the impact of these services across the state. They are:

1. SETS information and support have indirectly enabled administrators to use data to inform instructional planning.

2. SETS information and support have helped teachers to identify and use effective and engaging technology applications that support the California Content Standards.

3. The case studies and EETT grant evaluation reports have documented that use of these resources has indirectly increased student learning opportunities, motivation, and achievement.

Attachment 4 is the documentation from the 4 SETS project lead agencies describing their plan to address the recommendations contained in each project's 2005-06 End-of-Year Evaluation Report, as summarized in the SETS 2005-06 Statewide Evaluation Report.

FISCAL ANALYSIS (AS APPROPRIATE)

Following State Board approval of the 2005-06 CTAP Statewide Evaluation Report of CTAP Services, and contingent upon authorization in the 2007-08 State Budget, the CDE will release funding to each region for the third year of this program period. The CDE anticipates receiving from the State and Federal budget approximately $13 million for CTAP regional services for the 2007-08 fiscal year.

ATTACHMENT(S)

Attachment 1: 2005-06 CTAP Statewide Evaluation Report with a one page Executive Summary. This attachment is available on the CDE Web site at http://www.cde.ca.gov/ls/et/rs/documents/stctaprpt0506.doc. A copy of the evaluation is also available for viewing at the State Board office. (75 Pages)

Attachment 2: CTAP Form R from the 11 CTAP lead agencies (29 pages)

ATTACHMENT(S) (Cont.)

Attachment 3: 2005-06 SETS Statewide Evaluation Report with a one page Executive Summary. This attachment is available on the CDE Web site at http://www cde.ca.gov/ls/et/rs/documents/stsetsrpt0506.doc. A copy of the evaluation is also available for viewing at the State Board office (87 Pages)

Attachment 4: SETS Form Year 2 from the 4 SETS lead agencies (17 pages)

California Department of Education
Form R

California Technology Assistance Project
Regional Education Technology Services

Summary of 2006-2007 Plan to Address Mid-Year and End-of-Year 2005-2006 Evaluation Report Recommendations

California Technology Assistance Project Region 1

Mid-Year Recommendations	
Recommendation:	1. Increase the use of videoconferencing to deliver professional development and to conduct RGC and regional management meetings.
Summary:	Half of the regional management meetings are being held via videoconference as are the RGC meetings scheduled for the remainder of the year. CTAP is assisting the COEs and districts with planning to increase videoconference capability throughout the region.
Pages in Plan:	
Recommendation:	2. Continue to increase central management and monitoring of county-developed/delivered CTAP funded services and to determine which of these services might be more cost-effectively delivered on a region-wide basis both from the CTAP 1 LEA and the other COEs. It might be that some services could be delivered in the very north (Humboldt and Del Norte) and also in the south, given the distance from one end of the region to the other.
Summary:	Planning with the partner COEs has focused on expansion of services throughout the region. This has included a training-of-trainer model for professional development topics that are identified as region-wide needs. In addition, the MOUs between MCOE and the partner counties are being revised for 2006-07 to reflect requirements for region-wide service delivery.
Pages in Plan:	
Recommendation:	3. Continue to increase regional involvement in planning and providing feedback regarding CTAP 1 services.
Summary:	Planning meetings were held in June with the COE assistant superintendents and technology coordinators, and then a follow-up planning for implementation all-day meeting was held in August to plan in greater detail for 2006-07. In June, priorities were set for the region, and resources from among the counties were identified. These priorities and resources have informed the Year 2 update.
Pages in Plan:	
Recommendation:	4. Seek ways to increase activities and services and therefore participation in the counties currently exhibiting low participation in CTAP 1 professional development and consultation. Closely monitor the training/consulting conducted following the planned training-of-trainers to determine level of local implementation.
Summary:	The new MOUs with the partner COEs require participation in the online professional development system. Ongoing consultation between the Director and the county partners is occurring as part of the monitoring process. The follow up training conducted by the trainers trained by CTAP will be monitored by CTAP central for use of the online professional development system.
Pages in Plan:	

Recommendation:	5. Identify and disseminate information throughout the region with the use of case studies on information about CTAP-developed professional development programs and practices.
Summary:	The Sonoma COE partner has procured a video server with the capability to store video case studies as they are developed. The region has identified several areas of need for case study topics as well as potential sites to study and videotape. This will be a Year 2 activity.
Pages in Plan:	
Recommendation:	6. Revise the online data collection system to ensure an accurate count of persons, by job function, who uses CTAP services on a county by county level.
Summary:	There is increased monitoring in place to gather more accurate participation data. CTAP 1 worked with CTAP 6 on the re-design of the online system. In addition, the 2006-07 MOUs with the partner counties require use of the online system.
Pages in Plan:	
Recommendation:	7. Establish or adopt a CTAP user-registration system for tracking and following up on all persons who use CTAP Level 1, 2, and 3 services as well as long-term consultation.
Summary:	The various registration systems used by several of the larger CTAPs have been determined to be too costly for CTAP 1. During 2006-07, when the new IT staff person has been hired, the feasibility of a registration system will be explored further.
Pages in Plan:	
Recommendation:	8. Continue to work on identifying and documenting exemplary EETT projects in the region so that these examples can be used to stimulate more effective use of technology based on what is already being implemented.
Summary:	At each RGC and CTAP Tech Coordinators meeting, time is allocated for updates on the implementation of the EETT and other projects.
Pages in Plan:	
End-of-Year Recommendations	
Recommendation:	**1. Identify staffing needs and hire staff and/or consultants as soon as possible.**
Summary:	At the beginning of the 2006-07 year, a position was advertised and will be filled on October 30, 2006. An educator within the region with expertise in EETT plan development has been hired on a consulting contract to support EETT plan development and reading. Professional development and other consultants are being identified to meet the training needs within the region.
Pages in Plan:	NA
Recommendation:	**2. Work with regional coordinating councils and GOAT to determine the optimum configuration for the CTAP RGC and submit to CDE for approval.**

Summary:	The reconfiguration of the RGC is in progress. At the annual August planning retreat, suggestions were made by the Coordinating Council. The Mendocino County Superintendent has consulted with the other county superintendents in the region. Additional input is being gathered from the assistant superintendents. The preliminary plan is to use the existing Regional Governance Council comprised of the assistant superintendents from the counties for overall governance, with an expanded coordinating council that includes both county and district representation for specific activity planning.
Pages in Plan:	NA
	3. The face-to-face meeting of RGC on CTAP legislative mandates, CDE regulations, current plan, current recommendations and implementation issues resulted in the revision of the benchmarks, service delivery, and data collection to meet the mandates as well as needs of the region. RGC and Regional Coordinators need to establish a formalized process for establishing needs assessment from their County districts
Summary:	This overview is planned for a fall meeting of the regional RGC (assistant superintendents). The overview will be provided by the CTAP1 Director and Mendocino County Assistant Superintendent. This took place at the RGC meeting on May 8 and was developed at the June 11 final planning meeting
Pages in Plan:	NA
Recommendation:	**4. Explore revisions to the website with appropriate sub-committee of RGC and/or coordinating council.**
Summary:	Preliminary planning has been done with the coordinating council. When the new IT person begins work on October 30, work will begin on a revised website.
Pages in Plan:	NA
Recommendation:	**5. For distributed services, such as training of trainers in each county, establish reporting mechanism to CTAP 1 for numbers of educators served, evaluation of services and other accounting as needed. Will use the ESS/CTAP 6 online system**
Summary:	This increased accountability is has been built into the MOUs between CTAP1/MCOE and the county partners as part of the 2006-07 MOU agreements.
Pages in Plan:	NA
Recommendation:	**6. Explore and implement strategies to increase equitable access to CTAP 1 services throughout the region.**
Summary:	Beginning in 2006-07, professional development activities will be open to educators throughout the region, rather than in a specific county. Some activities that may be appropriate for a limited audience (such as tech coordinators) may be offered twice (in the north and the south) so that travel time is minimized. Each county partner has, as part of their MOU with CTAP 1, a plan for advertising and extending access to professional development activities beyond their own county.
Pages in Plan:	NA

Recommendation:	**7. To the extent possible, increase awareness, access, and use to SETS resources in all districts in the region and within non-teaching focused programs.**
Summary:	CTAP 1 has been among the most successful in dissemination of SETS information in the region. In 2006-07, additional responsibility for this dissemination will be included in the partners' MOUs. Information and use of the SETS projects has been built into the relevant professional development activities such as AB 430, Tech Plan workshops and tech integration professional development
Pages in Plan:	NA
Recommendation:	**8. Consider revising benchmarks to more accurately reflect realistic activity levels and outreach throughout the region.**
Summary:	The benchmarks related to professional development have been revised to reflect goals of reaching educators rather than districts. The benchmarks related to consultation with districts have been revised to reflect districts/schools that are eligible for services (eg EETT eligible, K-12 Ed Tech Voucher eligibility etc.)
Pages in Plan:	NA

California Department of Education
Form R

California Technology Assistance Project
Regional Education Technology Services

Summary of 2006-2007 Plan to Address Mid-Year and End-of-Year 2005-2006 Evaluation Report Recommendations

California Technology Assistance Project
Region: 2

Recommendation: (Mid Year)	1. The region may wish to examine its current objectives and benchmarks in light of the new CTAP Focus Framework. If the region can more closely align its own benchmarks with the statewide document, it may be easier to compare regional progress with statewide efforts and examine areas needing additional effort. The region may also wish to consider consolidating some existing objectives, resulting in fewer objectives that are more focused on teachers' needs. By doing this, the region may be able to spend time more efficiently; focusing efforts on helping teachers change how they teach and how children learn instead of monitoring multiple objectives.
Summary:	The region is in the process of revising the year two plan, including examination of current objectives, benchmarks and activities, especially those not met.
Pages in Plan:	Form F2 and Revised Plan pages 10-29
Recommendation: (Mid-Year)	2. The region needs to implement a region-wide electronic workshop evaluation and data collection system. The lack of such a system seriously hampers staff's ability to gather and evaluate data in a time-efficient manner. Once a regional data collection system is in place, the region will need to collect data for a period of time and analyze the data to answer questions such as: Is there equity of access to CTAP activities by individuals in all counties? Are the needs of all appropriate job classifications being met?
Summary:	The region has purchased and implemented an Online Management System (OMS) for establishing, documenting and evaluating professional development activities. Use of this tool has begun. Region 2 also uses the online workshop evaluation system currently hosted by Region 6 and implemented by several other regions.
Pages in Plan:	**Revised Plan Page 2**
Recommendation: (Mid-Year)	3. The region should continue its past history of leadership in distributing professional development activities and technology tools throughout the region, including the most remote areas. This has been a strength of the region in the past, and should be a continued emphasis in the future.
Summary:	See below recommendation 6 and response
Pages in Plan:	**Revised Plan Page 7- 9**
Recommendation: (End of Year)	4. The region should continue to examine current objectives benchmarks, and activities in light of the statewide CTAP Focus Framework. The region should work toward decreasing the number of activities provided, and focus on those that meet the greatest needs consistent with the resources allocated to the region. The region should revise objectives that were not met met due to factors beyond the region's control so they become more attainable.

Summary:	See recommendation and response 1
Pages in Plan:	Form F2 and Revised Plan pages 10-29
Recommendation: (End of Year)	• 5. The region should require all participants in professional development activities to complete an online evaluation form. The data from these evaluations will help inform regional staff in their analysis of the effectiveness and distribution of professional development activities
Summary:	In process
Pages in Plan:	**Revised Plan Page 2**
Recommendation: (End of Year)	• 6. The region should reexamine its distribution of activities and explore new ways to ensure equitable distribution of activities and improve participation in all areas of the region.
Summary:	Video Conferencing to increase professional development opportunities to all county offices, district office, and school sites. CTAP Region 2 has developed several opportunities and continues to explore emerging possibilities to provide professional development activities and support to the remote educational entities throughout the nine counties. Use of the K-12 High Speed Network (HSN) and equipment provided by the K12 HSN reduces travel for presenters and participants and therefore increases opportunity for involvement in professional development activities.
Pages in Plan:	**Revised Plan Page 7- 9**

Add or delete rows as is appropriate for the Mid-Year & End-of-Year Evaluation Report Recommendations.

California Department of Education
Form R

California Technology Assistance Project
Regional Education Technology Services

Summary of 2006-2007 Plan to Address Mid-Year and End-of-Year 2005-2006 Evaluation Report Recommendations

California Technology Assistance Project
Region: 4

Recommendation 1 *(Mid-year Report)*	In order to **increase its ability to reach all the districts and schools** in the region, CTAP IV can expand its online offerings and **offer "hybrid courses"** with a mixture of online and face-to-face activities.
Modification to Plan	In year two, CTAP plans to begin webcasting of major events and archiving them on the region IV website. Major events include such activities as Bay Area Regional CTAP (BARC) meetings, institute follow up support meetings/workshops, and site administrator trainings. CTAP will also pilot using Breeze or Articulate to make some workshop content available online.
Pages in Plan	Not in the original 2005-2008 plan. This item was discussed and approved by the Region IV Council.
Recommendation 2 *(Mid-year Report)*	While making progress in reaching administrators, CTAP IV can be planning for more activities in the coming school year and alerting educators about planned efforts at this time.
No plan modification needed	In Year Two, CTAP Region IV has planned a series of administrator workshops: one set in the fall (repeated in multiple locations), another in the winter (repeated in multiple locations), and a three-day summer institute. CTAP has expanded its outreach, as per the recommendation. Informational flyers for this series have already been distributed throughout the region.
Pages in Plan	Page 22 – 23 of the original plan.
Recommendation 3 *(Mid-year Report)*	More “train the trainer” activities will help build capacity in the region, but will require additional support for participants before they are ready to implement the trainings.
No plan Modification needed	In the spring of 2006, CTAP conducted two train-the-trainer workshops regarding the Middle School Math Project. Other train-the-trainers will be sponsored when appropriate to the content.
Pages in Plan	Page 11 of the original plan.

Recommendation 4 *(End-of-year Report)*	CTAP IV can build on its success in reaching a large number of participants and districts; there is still ample room to **increase participation**. In particular, CTAP offerings can focus in more depth on helping educators use technology to support **differentiated instruction**, especially for those who work with the lowest performing students and **Program Improvement Schools**.
Modification to Plan	a) The Middle School Math Project (MSMP) team has added a series of resources in the area of Differentiation of Math Instruction using technology (http://www.ctap4.org/math/di.htm). The MSMP presented the new resources at the Spring 2006 CUE conference and the NECC 2006. They will present in Fall 2006 at the California Math Council conferences, both south and north. b) The CTAP program improvement team has partnered with the Region IV Regional System of District and School Support (RSDSS) to assist administrators and teachers in using data to differentiate classroom instruction. CTAP Region IV is developing electronic tools to assist in this effort, <http://www.ctap4.org/pi/>.
Pages in Plan	Page 15 of the original plan with adaptation described above
Recommendation 5 *(End-of-year Report)*	A growing area of need is for support with issues of **cyber safety**, given student access to social networking sites. CTAP should continue and **expand its efforts** to assist districts with both the technical and the instructional sides of this issue.
Modification to Plan	a) CTAP Region IV has partnered with the Safe School Regional Planning Group to sponsor at least two workshops/activities in Year Two regarding this topic b) In Spring, 2006, CTAP Region IV partnered with AT&T Education to develop and distribute a poster on Cyber Safety. <http://www.ctap4.org/cybersafety/>. c) At its Cyber Safety website, CTAP Region IV will provide resources for parents, teachers/administrators, and students in six areas of cyber safety: personal information, cyber predators, inappropriate conduct, social networks, intellectual property, and cyber bullying. d) The CTAP team will present their resources at the *GOVERNOR'S 2006 CYBER SAFETY SUMMIT.*
Pages in Plan	Not in the original 2005-2008 plan; added due to new legislation legislation (AB 307) and Region IV Council advice.

Recommendation 6 ***(****End-of-year Report)*	In addition, CTAP can continue to work on **building partnerships**, such as with the Santa Cruz New Teacher Center, that extend outreach and build capacity in the region. Partnerships with other regional programs, such as Regional System of District and School Support (RSDSS), will enable CTAP to provide greater support to districts in the area of data management, as well as other areas.
Modification to Plan	a) CTAP Region IV has developed a partnership with Regional System of District and School Support (RSDSS) – see #4 above. b) CTAP Region IV is establishing a partnership with the New Teacher Center in Santa Cruz in the development and delivery of a one-day workshop for BTSA coaches in the area of Standard 16 support to teachers. It will include online resources.
Pages in Plan	Page 15 of the original plan; increases collaboration with RSDSS and expands collaboration beyond BTSA regional centers for greater outreach.
Recommendation 7 *(Mid-year Report)*	In terms of **reaching more rural and technologically underserved districts**, one idea is to pair them with nearby successful districts that could offer continuing support and training, with the assistance of CTAP staff.
Alternative solution proposed – See recommendation 9	In spring 2006, CTAP staff investigated the feasibility of setting up such a partnership among districts. There was little interest from the rural districts or their neighboring districts. It seems that the needs and interests of each is so different that the partnership would not be successful. See alternative solution described below.
Pages in Plan	Not in the original 2005-2008 plan.

Recommendation 8 *(Recommended in both Mid-year Report and End-of-year Report)*	CTAP IV is particularly strong in the area of **funding and coordination**, and this is always a high priority need for districts and schools, particularly those that are rural or technologically underserved. In addition to its current activities, CTAP could **target its efforts more specifically at the rural and underserved districts** that have as yet been unresponsive.
Modification to Plan	CTAP will continue to publish the *Funding Alert,* which is distributed to all schools in the region. In addition, the CTAP staff member who publishes the *Funding Alert* will target these districts and provide periodic information regarding grants that would be of interest to rural districts and schools.
Pages in Plan	Pages 27-28 of the original plan with additional activity described above, specifically earmarked for rural districts.
Recommendation 9 ***(****End-of-year Report)*	For rural districts, CTAP can work to **address multiple needs within the locally based workshops** targeted at rural districts, rather than focusing on a narrow range of topics.
Modification to Plan	a) Based on a needs assessment, CTAP will sponsor a second professional development in each rural/underserved district. The staff will address multiple needs in each session, moving beyond the technology integration and curriculum resource focus of Year One. b) The staff will also make a concerted effort to include rural/underserved districts in other professional development via video conferencing or web casting.
Pages in Plan	Pages 9 and 15 of the original plan with adaptation described above.

California Department of Education
Form R

California Technology Assistance Project
Regional Education Technology Services

Appendix J - Summary of 2006-2007 Plan to Address Mid-Year and End-of-Year 2005-2006 Evaluation Report Recommendations

California Technology Assistance Project
Region: 5

Recommendation: (Mid-year) & (End of Year)	1. **Move from the "sub-region" organizational concept to a regionalized delivery model with "*coordination of services and resources provided on a regional basis to ensure equitable access by all schools, districts, and county offices of education*" (from RFP).**
Summary:	Promote cultural change through the assistant superintendent instructional leaders to implement the CTAP RFP guidelines for regionalization. Focus on collaborative regional activities such as the *Leadership in Instruction Institute* which was planned, taught and attended by participants from each CTAP 5 county. Support regionalized grant management for technology plans, Ed Tech K-12 Voucher and EETT formula and competitive grant support.
Pages in Plan:	Page 5
Recommendation: (Mid-year) & (End of Year)	2. **Implement a data collection system to track activities, participation rate and impact of CTAP services on participants by using the Online Professional Development Assessment or comparable system.**
Summary:	Contract arrangements have been made to use CTAP Region 10's OMS system to track activities, participation rate and participant impact of CTAP 5 services. ESS and Region 10 will work collaboratively to develop OMS modifications, yielding extraction of required common data and participant assessments.
Pages in Plan:	Page 6
Recommendation: (End of Year)	3. **Insure that activities reported in OMS system represent CTAP events and are aligned with the Region 5 CTAP Plan.**
Summary:	Use the OMS system to collect activity and participant data in a consistent manner throughout the region. Include all CTAP 5 activities that fully align with plan implementation.
Pages in Plan:	Page 6
Recommendation: (Mid-year) & (End of Year)	4. **Focus on building district level capacity for professional development in instructional integration through implementation of *Leadership in Instruction Institute* as a training-of-trainer program.**
Summary:	Support the *Leadership for Instruction Institute* sessions and follow-up with participants who have completed the Institute by encouraging them to provide training for others. Insure that trainers track participant involvement through the OMS data gathering system.
Pages in Plan:	Page 10
Recommendation: (Mid-year) & (End of Year)	5. **Develop a system to identify the degree to which participants in training-of-trainers workshops train others. Identify the impact of that training on teachers' abilities to integrate technology into lessons.**
Summary:	OMS system will collect data from district level trainings as a result of

	Leadership in Instruction Institute. *Leadership in Instruction Institute* trainers will be instructed on how to use the OMS system. Data entered into the OMS system will be collected and analyzed. Workshop leaders will understand the importance of using the system and will complete entries in a timely, accurate manner.
Pages in Plan:	Page 10
Recommendation: (Mid-year) & (End of Year)	6. **Increase video conferencing to deliver professional development and conduct regional management meetings.**
Summary:	Expand use of video conferencing for regional distribution of information for trainings such as K-12 EdTech Voucher. Increase use of Breeze Live for regional meetings and trainings. As regionalization becomes more prevalent, using video conference resources will become more viable. CTAP 5 Director does not recommend video conferencing for regular RGC meetings as he feels, and the evaluators concur, building a regional team is better achieved through face-to-face interactions.
Pages in Plan:	Page 11
Recommendation: (End of Year)	7. **Analyze 2005-06 expenditures carefully and make appropriate recommendations to the RGC which will result in a balanced budget.**
Summary:	The CTAP 5 Director understands the budget and long-term ramifications. He will work with the RGC to explore methods for cost recovery on some offerings and identify creative ways to deliver services at reduced cost. The goal is to place additional monies into more full-time FTE regional staff and use that staff in work with county liaisons to serve the unique needs of the region.
Pages in Plan:	Page 6
Recommendation: (End of Year)	8. **Modify RGC meeting agendas to allow more member input and participatory decision-making.**
Summary:	Dedicate time on each agenda for more active RGC participation in meeting and decision-making where appropriate.
Pages in Plan:	Page 6
Recommendation: (Mid-year) & (End of Year)	9. **Identify and disseminate regional information using case study information about CTAP-developed professional development programs and practices.**
Summary:	Identify exemplary instructional technology implementation models and develop case studies to describe and share effective practices. CTAP 5 plans more technology showcase outreach to validate successfully implemented EETT competitive programs and other creative programs in schools.
Pages in Plan:	Pages 32

Recommendation: (End of Year)	10. **Modify Benchmarks 1.1 and 1.3 either to remove reference to using CTAP^2 as an evaluation tool or to establish a process to collect the appropriate information.**
Summary:	Current benchmark will be kept and implemented. CTAP 5 staff is in the process of creating a group to track their CTAP^2 progress resulting from CTAP professional development participation.
Pages in Plan:	Objectives and Benchmarks 1.1 & 1.3

Add or delete rows as is appropriate for the Mid-Year & End-of-Year Evaluation Report Recommendations.

California Department of Education
Form R

California Technology Assistance Project
Regional Education Technology Services

Summary of 2006-2007 Plan to Address Mid-Year and End-of-Year 2005-2006 Evaluation Report
Recommendations
California Technology Assistance Project Region: 6

Recommendation:	**1. Increase the use of videoconferencing to deliver professional development and to conduct RGC and regional management meetings.**
Summary:	Videoconference use increased the second part of 2005-06 year to reduce transportation costs and time and increased to a greater extent for 2006-07.
Pages in Plan:	6
Recommendation:	**2. Increase central management and monitoring of county-developed/delivered CTAP funded services and to ensure that such services directly relate to the approved CTAP 6 Plan.**
Summary:	CTAP 6 has already increased central management and monitoring of county developed/delivered CTAP funded services with implementation of a formal application process whereby any county that provides services must establish a memo of understanding with specified deliverables to align to the CTAP 6 Plan. Increased focus on this process is planed for 2006-07.
Pages in Plan:	7
Recommendation:	**3. Revise the online data collection system to ensure an accurate count of persons by job function using CTAP services on a county by county level.**
Summary:	The online system was modified to include county level data for 2006-2007 and will be improved as needed with feedback from users and the external evaluator.
Pages in Plan:	27-29
Recommendation:	**4. Adapt the current online data collection system to include a CTAP feature for tracking and following up on persons who use CTAP Level 1, 2, and 3 services as well as consultation.**
Summary:	ESS, the external evaluator, conducted an online survey using an alternative survey system and database of a sample of CTAP 6 users to determine self-rated impact of existing services as well identifying new services needed and the results are presented in this report. This assessment system will be modified and improved as needed during 2006-07 based on user-feedback and utility of data collected.
Pages in Plan:	29
Recommendation:	**5. Identify, document, and post as appropriate, promising or exemplary EETT and other projects in the region to provide examples to stimulate more effective use of technology.**
Summary:	EETT schools will share their examples at state and local education conference and meetings as appropriate. CTAP 6 will continue to work on identifying and documenting exemplary EETT projects in the region during 2006-07 as well as additional case studies for possible inclusion in the CLRN database of effective practices.
Pages in Plan:	30-31

California Department of Education
Form R

California Technology Assistance Project
Regional Education Technology Services

Summary of 2006-2007 Plan to Address Mid-Year and End-of-Year 2005-2006 Evaluation Report Recommendations

California Technology Assistance Project
Region: 7

Mid-Year Recommendation:	1. The region should consider how it could increase the emphasis on multi-day workshops to more closely align its offerings with current professional development research.
Summary:	With the inclusion of an organizational management system, our region will be more proficient in documenting our level 1 (multi-day with follow-up) services. Moreover, our regional follow-up services will now include virtual follow-up training through an online webinar software tool (locally funded), allowing for greater access to our clients.
Pages in Plan:	34
Mid-Year Recommendation:	2. The region should examine its current objectives and benchmarks in light of the new CTAP Focus Framework. If the region can more closely align its own benchmarks with the statewide document, it may be easier to compare regional progress with statewide efforts and note areas needing additional effort.
Summary:	Our region has revised all of our current goals and objectives to more closely align with the new CTAP Focus Framework.
Pages in Plan:	34
Mid-Year Recommendation:	3. The lower participation in some program areas, some job classifications and some counties areas may indicate a need to reassess the types of professional development activities offered by the region. The region may wish to revise its needs assessment instruments, reassess the needs of regional clients, and revise objectives and activities to more accurately meet those needs. The regional office should ensure that all county offices provide the number of activities specified in their contracts and accurately report all required data for those activities.
Summary:	With the inclusion of an organizational management system, our region will be more proficient in documenting our progress. Our region also revised the activity planning document to closely align to state-mandated Form A, which reports the planned activities by county.
Pages in Plan:	34
Mid-Year Recommendation:	4. CTAP VII needs to implement a region-wide electronic workshop evaluation system. The lack of such a system seriously hampers staff's ability to gather and evaluate data in a time-efficient manner.
Summary:	With the inclusion of an organizational management system, our region will be more proficient in documenting our progress.
Pages in Plan:	34
Mid-Year Recommendation:	5. The region may also wish to consider consolidating some existing objectives, resulting in fewer objectives that are more focused on teachers' needs. By doing this, the region may be able to spend time more efficiently; focusing efforts on helping teachers change how they teach and how children learn.

Summary:	All CTAP work in region 7 is focused on "helping teachers change how they teach and how children learn." Our region has revised all of our current goals and consolidated certain objectives to more closely align with the new CTAP Focus Framework, which are focused on teachers' needs.
Pages in Plan:	34-35
Mid-Year Recommendation:	6. While the current system of decentralized activities has the potential for meeting local needs more effectively than through centralized offerings, that potential does not appear to be realized in some parts of the region. The numbers of activities and participants reported seems to be low in comparison to the cost. The RGC should consider methods to increase membership from other stakeholder groups beyond just county office staff.
Summary:	Currently, the RGC membership includes county office and district level membership. A re-evaluation of the RGC Bylaws will take place prior to June 30, 2007.
Pages in Plan:	34-35
End of Year Recommendation:	7. The region should continue to reexamine the current practice of distributing funding for activities to county offices throughout the region.
Summary:	The RLA has addressed the current practice of distributing funding for activities by contracting with individual counties for specific services that meet our regional objectives.
Pages in Plan:	34-35
End of Year Recommendation:	8. The region should increase funding for marketing to increase participation. The regional office should be responsible for marketing all CTAP funded activities. This information should also include ways to improve communication about grants and funding available. COE's should then be responsible for providing timely activity information to the regional office (through the OMS) for inclusion in biannual printed and online schedules of courses.
Summary:	Our region agrees that an increase in funding for marketing is necessary for participation; however, as a result of a cut in overall funding, 75% of all marketing expenses will be funded locally. The regional office will be responsible for marketing all CTAP funded activities through development of a strong web-presence & collaborative forum, providing materials to contracting counties, and developing a regional listserv to advertise activities and services. Additionally, the regional office will also publish 5 grants and funding alerts and two regional services catalogs (Fall/Winter & Spring/Summer).
Pages in Plan:	34-35
End of Year Recommendation:	9. The region should revise the project plan for 2006-07 to simplify the objectives, making them more focused on a single goal. This will allow the region to better plan and document professional development activities.
Summary:	We have revised the CTAP Region 7 project plan for 2006-07 by simplifying the objectives, so that most activities can be aligned to a single objective, thus allowing for stronger documentation of professional development activities.
Pages in Plan:	34-35

End of Year Recommendation:	10. The region should align each activity to a single objective, in the single area of greatest emphasis, rather than having multiple objectives for each activity.
Summary:	We have revised the CTAP Region 7 project plan for 2006-07 by simplifying the objectives, so that most activities can be aligned to a single objective, thus allowing for stronger documentation of professional development activities.
Pages in Plan:	34-35

California Department of Education
Form R

California Technology Assistance Project
Regional Education Technology Services

Summary of 2006-2007 Plan to Address Mid-Year and End-of-Year 2005-2006 Evaluation Report Recommendations

California Technology Assistance Project
Region: 8

	Mid-year Report Recommendations
Recommendation:	1. CTAP Region 8 should work to increase regional coordination by using an online evaluation system to provide consistent and complete data.
Summary:	Region 8 administrators met to choose a region-wide evaluation system. The system chosen to address this recommendation is the online evaluation tool developed by Region 6.
Pages in Plan:	**20**
Recommendation:	2. More time should be allocated to Region 8 CTAP issues at Regional Governing Council meetings. CTAP should be a regular agenda item and reports made regularly by the CTAP Region 8 Director.
Summary:	The Regional Governing Council was contacted and it was requested that CTAP be a regular part of the agenda. The CTAP Director will attend the meetings and report on the status of CTAP activities.
Pages in Plan:	**13-17**
Recommendation:	3. CTAP Region 8 administrators should explore ways of expanding communications using technology. The methods for disseminating information need to include multiple parties, and encompass the sharing of information.
Summary:	CTAP Region 8 has expanded the use of videoconferencing equipment, including supporting the use of multi-point conferencing with Regional Governing Council meetings.
Pages in Plan:	**14, 31**
Recommendation:	4. As objective 1.2 is difficult to measure, specifically the method of determining the percentage of level-one uncertified teachers, CTAP Region 8 should review the objective and develop a more measurable method for evaluation.
Summary:	After reviewing the objective at a Regional meeting, the objective was deleted.
Pages in Plan:	**21-22**
Recommendation:	5. Region 8 counties should “norm” the relationship between activities, objectives and consultations, with the goal of showing how the activities align to objectives and benchmarks.
Summary:	CTAP administrators met with the programmer of the workshop registration system with the goal of generating a consistent activity report to be downloaded by the CTAP administrators and by the external evaluator.
Pages in Plan:	
	End of Year Recommendations
Recommendation:	1. Region 8 should work to develop new technologies to assist with the portfolio and professional development process, allowing greater region-wide access to the certification process.

Summary:	A regional project was developed using the Moodle open source content delivery system. All level 1 certification materials have been placed into the system and can be accessed region-wide. The Regional Governing Council will discuss the access issues for districts gaining access to the system. Issues remain concerning the way Moodle accounts are distributed in some counties, where they are supported on a fee-basis by county offices of education.
Pages in Plan:	**18-22**
Recommendation:	2. CTAP Region 8 should work to increase regional coordination by using an online evaluation system to provide consistent and complete data.
Summary:	Region 8 is now utilizing the online evaluation tool developed by Region 6. In addition, a CTAP activity report module was added to our online registration system.
Pages in Plan:	**20**
Recommendation:	3. More time should be allocated to Region 8 CTAP issues at Regional Governing Council meetings. CTAP should be a regular agenda item and reports made regularly by the CTAP Region 8 Director.
Summary:	The Regional Governing Council meetings now have CTAP as a part of the agenda. The CTAP Director attends 4 of the meetings in person and gives a report on the status of CTAP activities.
Pages in Plan:	**13-17**
Recommendation:	4. CTAP Region 8 administrators should explore ways of expanding communications using technology. The methods for disseminating information need to include multiple parties, and encompass the sharing of information.
Summary:	CTAP Region 8 has expanded the use of videoconferencing equipment, including supporting the use of multi-point conferencing with Regional Governing Council meetings. Joint workshops have been held for school administrators region-wide using this technology.
Pages in Plan:	**14, 31, 33-34**
Recommendation:	5. As objective 1.2 is difficult to measure, specifically the method of determining the percentage of level-one uncertified teachers, CTAP Region 8 should review the objective and develop a more measurable method for evaluation.
Summary:	After reviewing the objective at a Regional meeting, the objective was deleted.
Pages in Plan:	**21-22**
Recommendation:	6. Region 8 counties should “norm” the relationship between activities, objectives and consultations, with the goal of showing how the activities align to objectives and benchmarks.
Summary:	A new module was developed for the region-wide workshop registration system which both defines the activity and generates a consistent activity report. The reports can be downloaded by the CTAP administrators and by the external evaluator. This data is reviewed by the evaluator and CTAP administrators. Accurate participation data will assist the region in promoting the use of digital learning resources.
Pages in Plan:	**23-24, 26, 29**

California Department of Education
Form R

California Technology Assistance Project
Regional Education Technology Services

Summary of 2006-2007 Plan to Address Mid-Year and End-of-Year 2005-2006 Evaluation Report Recommendations

California Technology Assistance Project
Region: 9

Mid-Year Evaluation Report Recommendation:	1. The evaluation process has revealed inconsistencies among the individual staff members' understanding of some of the objectives, particularly from one county to the next. It is recommended that a face to face staff meeting of key personnel from each county be held to develop common understandings which will lead to more consistent activity data tabulation.
Summary:	On March 17, 2006, CTAP 9 staff met face-to-face in San Diego to review their understanding of the plan's objectives. The meeting was facilitated by the External Evaluator. In addition, the Regional LEA and selected CTAP 9 staff met via conference call with the External Evaluator January 5, 23, 24, Feb27, 28, April 27, May 10, June 6, August 24, August 29 and October 18 to discuss and hone activity data tabulation.
Pages in Plan:	Evaluation Process, pages 41-42, Evaluation Expectations, pages 42-43. Annual Evaluation Report, pages 42-43.
End-of-Year Evaluation Report Recommendation:	2. Continue to improve data collection processes to ensure accuracy
Summary:	Online Participant Data Activity forms have been standardized but more work still needs to be done on standardizing input of the data. CTAP 9 staff will continue to work with its External Evaluator to continue to improve data collection processes to ensure accuracy. In addition, CTAP 9 staff will continue to work internally to ensure the accuracy of data collection processes so we can best serve our clients.
Pages in Plan:	Evaluation Process, pages 41-42, Evaluation Expectations, pages 42-43. Annual Evaluation Report, pages 42-43.
End-of-Year Evaluation Report Recommendation:	3. Consider the use of a region wide professional development registration system to collect the participant information necessary to meet legislated requirements.
Summary:	While CTAP 9 has also made significant strides in their efforts to implement new region wide systems to assist with standardizing efforts across the region there is still a need to get a better handle on the scheduling and tracking of activities, workshops, trainings, and consultations provided for clients. A region-wide scheduling, tracking and reporting system continues to be a discussion item at monthly CTAP 9 staff meetings. The RLEA has released an Events Management System for local use. Its reporting capabilities are still in production. Online Participant Data Activity forms have been standardized but more work still needs to be done on standardizing input of the data.
Pages in Plan:	Evaluation Process, pages 41-42, Evaluation Expectations, pages 42-43.
Mid-Year Evaluation Report Recommendation:	4. It is recommended that CTAP 9 look to the state for clearer definitions of key activities, particularly concerning consultation.

Summary:	Based on the recommendation above and discussion at the September 12, 2006 Regional Council meeting the CTAP Director and the External Evaluator plan to be involved in all opportunities provided by the State Evaluators and CDE to clarify definitions and other data collection issues.
Pages in Plan:	
Mid-Year Evaluation Report Recommendation:	5. The evaluator recommends that the staff set aside a specific time to look at the progress being made toward the objectives within each program area. As reported above, all objectives are being addressed, yet a more assertive effort on targeted objectives may be necessary to meet the end of year benchmark.
Summary:	The External Evaluator's Annual Report was distributed to Regional Council members and CTAP 9 staff prior to the September 12, 2006 face-to-face Regional Council meeting for their review. The External Evaluator led a discussion providing highlights of the report and going over the recommendations. The External Evaluator will meet with the staff periodically throughout the coming year to provide them with progress information so they can target specific objectives if necessary.
Pages in Plan:	Activities for Year Two, pages 22-23, 28, 34, and 39.
Mid-Year Evaluation Report Recommendation:	6. It is recommended that the staff consider including a segment of time in the regular Regional Council agenda for the sharing of exceptional programs. This responsibility could be rotated from county to county to further encourage the expansion of exceptional programs.
Summary:	CTAP 9 has made time during the regular Regional Council agenda to share exceptional programs (January 18: Project Live, May 18: Stellar High School Program, September 12: Rising Star Management System) and will continue to allocate time at upcoming Regional Council meetings (November 28, 2006 and January 18 and May 24, 2007) to share exceptional programs.
Pages in Plan:	Page 19 line 12, page 22 lines 13-14, page 23 lines 1-3, page 26 Section F.
Mid-Year Evaluation Report Recommendation:	7. It is recommended that at least one Regional Council meeting each year be held in a face-to-face format. While the video conference format has been very beneficial and made participation from all counties more feasible, participant surveys have contained comments that indicate they would like the opportunity to have a little more interaction with other county Regional Council members at least occasionally. Possibly an extended meeting, a full day or 1½ days could be scheduled to include break out sessions for sub committees and networking time.
Summary:	CTAP 9 conducted its September 12, 2006 Regional Council meeting face-to-face at the North County Regional Education Center in San Marcos. This provided Regional Council members the opportunity to have more interaction with members from the other counties in the region. It also provides time for meetings of the Regional Council subcommittees: Communication & Collaboration, Evaluation, K12 HSN Applications, Leveraging & Buying, and Professional Development.
Pages in Plan:	Section 4c pages 13-15.

End-of-Year Evaluation Report Recommendation:	8. As part of a staff exercise, Needs Assessment data should be reviewed and correlated with the objectives for the 2006-2007 renewal plan.
Summary:	A needs assessment was distributed to CTAP Region 9 educators in January, 2006 in an effort to understand and refine priorities for local educational technology needs during 2006-2007. Staff will be asked to review and correlate the findings from the Needs Assessment with the objectives listed in the 2006-2007 renewal plan during a staff conference call this fall.
Pages in Plan:	CTAP 9 Plan, pages 10–13, Annual Evaluation Report, pages 9-15.
End-of-Year Evaluation Report Recommendation:	9. Consider how even greater collaboration with TechSETS may help address technical support issues identified in the open-ended question of the Needs Assessment.
Summary:	CTAP 9 has continued to ramp up its collaborative efforts with TechSETS as evidenced by the K12 Ed Tech Voucher information meetings conducted for Region 9 clients face-to-face and via videoconference on September 6 and 7 and captured via Webcast and archived for future reference. In addition, there is always a TechSETS report/update given by the State TechSETS Director at each CTAP 9 Regional Council meeting as well as at the monthly CTAP 9 staff meetings.
Pages in Plan:	Local Needs Assessment, page12, Section B, page 25, Chart page 28, item C, Section 4d(4)(c), page 36, page 38 Activity C on chart.

Add or delete rows as is appropriate for the Mid-Year & End-of-Year Evaluation Report Recommendations.

California Department of Education
Form R

California Technology Assistance Project
Regional Education Technology Services

Summary of 2006-2007 Plan to Address Mid-Year and End-of-Year 2005-2006 Evaluation Report Recommendations

California Technology Assistance Project
Region: 10

Mid-Year Report Recommendations	
Recommendation:	1. Because professional development activities are often carried out at remote sites where Internet connectivity is not always available, participants are not always able to complete the ESS online assessment. As a workaround, instead of having activity participants fill out the assessment online, activity providers have participants fill out hard copy assessment forms that are later entered into the system. Other solutions to this problem should continue to be explored with the evaluators.
Summary:	CTAP Region 10 will utilize the common evaluation instrument created by our outside evaluator. This online evaluation will be provided to all participants in all CTAP Region 10 workshops. In the case where workshops are held and there are no computers or online access, a paper version of the evaluation will be administered. The results from the paper evaluations will be input into the online evaluation system by CTAP Region 10 staff after the workshop. CTAP Region 10 will continue to look for ways to automate the paper evaluation process. One idea that CTAP Region 10 staff will pursue is to send workshop participants an email with the evaluation link after the workshop requesting that the participants fill out the evaluation electronically in the next few days after the workshop. Participation rates will be monitored to determine if this process is better than the paper evaluation.
Pages in Plan:	Page 36
Recommendation:	2. Region 10 was one of the initial regions to be trained in the strategic exploration tool, Implications Wheel. Pilot the use of Implications Wheel system to determine if it works effectively to guide regional or local decision-making.
Summary:	CTAP Region 10 staff will also consider using a strategic planning tool, such as the Implication Wheel, to assist in both regional and local decision making.
Pages in Plan:	Page 16
Recommendation:	3. Continue to work with the counties in the region to focus more on services that relate to school program improvement (PI) with an emphasis on getting schools out of PI, and helping schools avoid getting into PI.
Summary:	CTAP Region 10 staff will prioritize their work to meet the needs of identified Program Improvement (PI) schools and districts. Workshops will be identified that help both teachers and administrators to enhance their data-driven decision-making. Objective 1 of 4 in Program Area 3 has been revised for 2006-2007 to reflect a stronger connection to PI schools and districts. By June 2007, CTAP Region 10 staff will provide training and assistance in using appropriate technology tools to access, analyze and apply academic data to inform instruction to 45% of 66 districts in the region. Program Improvement (PI) schools/districts will receive priority.

Pages in Plan:	Page 28
Recommendation:	4. We recommend that region staff continue to collaborate with ESS in refining the data collection process and instruments for the purpose of improving the ability to effectively evaluate the progress toward meeting regional objectives and impact of services. Although EdTechProfile is used in every instance when the region works with districts to develop staff development programs, we recommend finding ways that might be more targeted to specific benchmarks. to analyze some of the region's professional development initiatives or programs.
Summary:	CTAP Region 10 is adding an objective to our Form F's in the Program Area 3 to reflect better use of the data found in the EdTechProfile database. The addition of this objective reflects work that CTAP Region 10 is doing to enhance the data available to schools and districts in the EdTechProfile reports. This report will be useful for schools and districts when they create or revise school and district technology plans. This report will also assist EETT Competitive school districts to meet reporting requirements and determine the effectiveness of their project objectives. By June 2007, CTAP Region 10 staff will work with EdTechProfile to coordinate data from EdTechProfile and the California School Technology Survey to enhance the data found in the School Technology Status Report (STSR).
Pages in Plan:	Page 28
Recommendation:	5. The region has a system called DataTrek for principals to track what happens in schools, but there is a need to better use data at the classroom level. Resources developed/identified for the ELAR component of CLRN and TICAL as well as within other regions may be useful.
Summary:	CTAP Region 10 staff will develop a Data Coaching Academy that addresses the need for better use of data at the classroom level. The Data Coaching Academy will be piloted in a PI district during Year 2 of the plan.
Pages in Plan:	Page 31
Recommendation:	6. Although the region uses video conferencing for all RGC meetings, most staff meetings and where applicable for staff development, continue to work with the counties/districts on increasing the use of videoconferencing to take full advantage of the K12 High-speed network.
Summary:	CTAP Region 10 currently utilizes video conferencing to facilitate both staff meetings and RGC meetings. During Year 2 of the plan, CTAP Region staff will identify additional opportunities to utilize video conferencing for consultations and workshops. Staff will also utilize K-12 High Speed network video conferencing tool and will explore additional video conferencing technologies such as webcasts.
Pages in Plan:	Page 24
Recommendation:	7. Continue central management and monitoring of CTAP funded services.
Summary:	CTAP Region 10 will continue central management and monitoring of CTAP funded services.
Pages in Plan:	No revision in plan necessary. Pages 14, 15, 16

Recommendation:	8. Continue regional involvement in planning and providing feedback regarding CTAP 10 services.
Summary:	CTAP Region 10 will continue regional involvement in planning and providing feedback regarding CTAP 10 services.
Pages in Plan:	No revision in plan necessary. Pages 14, 15, 16
Recommendation:	9. Identify and disseminate information throughout the region with the use of case studies on information about CTAP-developed professional development programs and practices.
Summary:	CTAP Region 10 staff will identify and disseminate case studies that document exemplary EETT Competitive projects and school district projects that integrate quality professional development, instructional strategies and curriculum. A new objective has been added to Program Area 4 to reflect this work. By June 2007, RIMS CTAP will identify and disseminate 6 case studies that document exemplary EETT Competitive projects and school district projects that integrate quality professional development, instructional strategies and curriculum.
Pages in Plan:	Page 33
Recommendation:	10. Continue to work on identifying and documenting exemplary EETT projects in the region so that these examples can be used to stimulate more effective use of technology based on what is already being implemented.
Summary:	CTAP Region 10 staff will identify and disseminate case studies that document exemplary EETT Competitive projects and school district projects that integrate quality professional development, instructional strategies and curriculum. A new objective has been added to Program Area 4 to reflect this work. By June 2007, RIMS CTAP will identify and disseminate 6 case studies that document exemplary EETT Competitive projects and school district projects that integrate quality professional development, instructional strategies and curriculum.
Pages in Plan:	Page 33
End-of-Year Report Recommendations	
Recommendation:	1. Continue to work with the RGC and County Offices of Education and Districts to increase localization of professional development by making it more accessible and more closely related to local needs. This was based on comments from respondents to the User Survey.
Summary:	CTAP Region 10 staff has been assigned to be liaisons to all of our rural and remote schools and districts. Coordinated efforts will lead to enhanced offerings for both curriculum resources and professional development
Recommendation:	2. Consider re-writing objectives 1.2b and 1.3b in terms of numbers of educators rather than number of districts. Specifically, the statement “By June 2006, X% of the surveyed *districts* will indicate increased training capacity as a result of the training” could be re-written as “By June 2006, X% of the surveyed *participants* will indicate increased training capacity as a result of the training.”

Summary:	We will change objectives 1.2b and 1.3b to reflect the data collection changes suggested by our outside evaluator.
Recommendation:	3. Strengthen efforts to gather end-of-activity evaluation surveys. This will provide more complete data for both CTAP 10 program planning and evaluation.
Summary:	CTAP Region 10 staff have identified an 80% or above target for the number of evaluations returned for each workshop or event where evaluations are implemented. This should dramatically increase the data available to our outside evaluators.

California Department of Education
Form R

California Technology Assistance Project
Regional Education Technology Services

Summary of 2006-2007 Plan to Address Mid-Year and End-of-Year 2005-2006 Evaluation Report
Recommendations
California Technology Assistance Project Region 11

Mid-Year Recommendations and Actions Taken	
Recommendation:	1. Increase the use and evaluation of online delivered professional development.
Summary:	CTAP 11 is expanding the online resources throughout the 2006-07 year, accessible through the CTAP 11 website. Additional offerings are available through CTAP 11 Online. Training files and resources are available online. Podcasts are being created during the year as a new dissemination medium.
Pages in Plan:	NA
Recommendation:	2. Continue to increase central management and monitoring of sub-region developed/delivered CTAP funded services and to determine which of these services might be more cost-effectively delivered on a region-wide basis. Continue to increase regional involvement in planning and providing feedback regarding CTAP 11 services.
Summary:	The RGC discusses current offerings of CTAP 11 as well as sub-regions to determine need and feasibility of region-wide delivery at the quarterly meetings. When a course or program is seen as needed throughout the region, plans are made by the RGC and staff to provide the service as quickly as possible. An example is the use of Podcasting to disseminate training and information in a cost-effective manner.
Pages in Plan:	NA
Recommendation:	3. Seek ways to increase activities and services and therefore participation in the districts currently exhibiting low participation in CTAP 11 professional development and consultation. Closely monitor the training/consulting conducted following the planned training-of-trainers to determine level of local implementation.
Summary:	The RGC assesses local needs and access to resources issues throughout the year, and strategies to increase participation are discussed at the quarterly meetings. Subsidized substitute released time is a strategy the RGC has implemented to support district/school participation. Local implementation of training will be assessed as part of the annual evaluation survey of CTAP clients this year. The CTAP SETS Liaisons participated in “refresher” training in Fall 2006, and greater emphasis is now placed on documentation of trainings conducted.
Pages in Plan:	NA
Recommendation:	4. Revise the online data collection system to ensure an accurate count of persons, by job function, which use CTAP services on a sub-region or district level.
Summary:	CTAP 11 is making changes to the online data collection system that will allow greater desegregations by sub-groups. Systems are now in place to increase data collection for each activity.

Pages in Plan:	NA
Recommendation:	5. Expand the CTAP user-registration system to include the areas assessed by the evolving statewide CTAP monitoring system.
Summary:	CTAP 11 is making changes to the online data collection system that will allow greater desegregations by sub-groups. Systems are now in place to increase data collection for each activity. (same as #4)
Pages in Plan:	
Recommendation:	6. Continue to work on identifying and documenting exemplary EETT projects in the region so that these examples can be used to stimulate more effective use of technology based on what is already being implemented.
Summary:	RGC members share examples of exemplary EETT projects as part of the quarterly meetings, projects are highlighted in the “case studies” as part of the annual evaluation.
Pages in Plan:	NA
Recommendation:	7. Provide for an assessment to determine the independent effects and benefits of specific CTAP 11 services such as CTAP 11 Online, Proficiency Academies, handheld workshops, AB 75 Training, ITO grants, etc.
Summary:	With the revisions to the online data collection system, this will be possible in 2006-07. (see #4 and #5 above)
Pages in Plan:	NA
Recommendation:	8. Provide for a database of adoptable or adaptable technology integration practices as a resource to persons preparing mini-grants, EETT grants and others.
Summary:	The CTAP 11 staff will explore the feasibility of such a database with the website developer.
Pages in Plan:	NA
Recommendation:	9. Incorporate the ELAR resource component of CLRN into the AB 430 Administrator Training as well as any events having to do with data literacy as appropriate.
Summary:	The CTAP 11 Liaisons were updated on ELAR as part of the fall 2006 training of trainers. Information is being incorporated into administrator training as appropriate.
Pages in Plan:	NA
End-of-Year Recommendations and Actions Taken	
Recommendation:	**1. Increase documentation of sub-region developed/delivered CTAP funded services.**
Summary:	CTAP 11 is making changes to the online data collection system that will allow greater desegregations by sub-groups. Systems are now in place to increase data collection for each activity.
Pages in Plan:	NA

Recommendation:	**2. Adapt the existing LACOE user-registration system to include the areas assessed by the evolving statewide CTAP activities tracking and assessment system.**
Summary:	CTAP 11 is working with the registration system to include additional data fields that will allow data collection and reporting to meet CTAP needs.
Pages in Plan:	NA
Recommendation:	**3. Identify and document exemplary EETT projects in the region so that these examples can be used to stimulate more effective use of technology based on what is already being implemented.**
Summary:	The CTAP 11 RGC is assisting CTAP staff in continuing to identify exemplary projects that will be included as “case studies” in the annual report. Several examples were included with the 2005-06 evaluation report.
Pages in Plan:	NA
Recommendation:	**4. Work with external evaluator to provide for an assessment to determine the independent effects and benefits of specific CTAP 11 services such as CTAP 11 Online, Proficiency Academies, handheld workshops, AB 430 Training, ITO grants, etc.**
Summary:	CTAP 11 is making changes to the online data collection system that will allow greater desegregations by specific activity. Systems are now in place to increase data collection for each activity.
Pages in Plan:	NA
Recommendation:	**5. Incorporate the ELAR resources component of CLRN into the AB 430 Administrator Training or events having to do with data literacy as appropriate.**
Summary:	The ELAR resources component of CLRN is being included as part of the revisions to the Technology Integration Academies, Principals’ Training and consultation activities, as appropriate.
Pages in Plan:	NA

California Department of Education
Form SETS Year 2

Statewide Education Technology Services

Summary of 2006-2007 Plan to Address Year 1 Evaluation Report Recommendations
Statewide Education Technology Services
Project: California Learning Resource Network

Recommendation:	1. With the Sacramento County Office of Education, create a system where users can be identified to determine who uses CLRN and how it is used.
Summary:	This recommendation is continuing to be discussed with both Management Team and Advisory Committee to determine the best possible method to gather data. Topic will be revisited at advisory committee meeting
Pages in Scope of Work:	N/A
Recommendation:	2. Focus attention on the registered user database as part of the marketing effort.
Summary:	• Update and implement marketing plan based on user needs, stakeholder, and CLRN Advisors and Management input • Publish and distribute monthly CLRN electronic newsletter to registered users and post on CLRN website
Pages in Scope of Work:	Attachment 1: Goals/Objects Page 3, 2006-2007 Benchmark #1 Page 4, 2006-2007 Benchmark #4
Recommendation:	3. Analyze conference attendance to reduce time/cost and target additional areas for development and marketing.
Summary:	CLRN currently maintains conference information in archive file. Data will be gathered from presenters/exhibit personnel regarding effectiveness of conference. Data will also be collected regarding increased activity on the website for the week after a conference has taken place. Past conference data will be reviewed to determine conference participation each year. As of other conferences/workshops are identified, CLRN will determine viability of conference participation.
Pages in Scope of Work:	Attachment 1: Goals/Objects Page 3, 2006-2007 Benchmark #2
Recommendation:	4. Establish a process to support sharing and interacting among ELR and WIL users such as: • A moderated online forum or an “idea bank” encouraging users to submit ways CLRN is used – provide incentive. • Create a sharing forum (i.e. blogs for hot topics for teachers to share thoughts and engage themselves with others). • Testimonials or a way to contact people who have used certain services/resources so they can work with individuals/ schools who are interested in the same area(s). • Establish a CLRN related online news update that alerts registered users to new information, research or news relevant to ELR and WIL.

Summary:	This recommendation is continuing to be discussed with both Management Team and Advisory Committee to determine the best possible method to develop and disseminate information. Recommendation will be addressed at a future Advisory Committee meeting.
Pages in Scope of Work:	Attachment 1: Goals/Objects Page 1, Deliverable #2; Page 2, Deliverable #7; Page 3, Deliverable #9
Recommendation:	5. Create a user feedback system for those who have purchased and used resources to evaluate the ELR based on types of students, context, format, etc.
Summary:	Establish a process to support users sharing and interacting; idea bank, email blasts, blogs, wikis, etc. Will work with Management Team and Advisory Committee to develop the process.
Pages in Scope of Work:	Attachment 1: Goals/Objects Page 3, Deliverable #8
Recommendation:	6. Support publishers in submitting new resources.
Summary:	Publisher Liaison will assist publishers through submission process in identifying standards for resources as requested
Pages in Scope of Work:	Attachment 1: Goals/Objects Page 1, 2006-2007 Benchmark #2
Recommendation:	7. Create a "work team" to revisit the criteria and review process and identify modifications to address current needs more fully.
Summary:	Create advisors/ management "work teams" committees to update technology criteria and process and to identify modifications to address current needs more fully. This recommendation is continuing to be discussed with both Management Team and Advisory Committee. Any changes to the review criteria and process will be submitted to the State Board for approval before being implemented.
Pages in Scope of Work:	Attachment 1: Goals/Objects Page 5, 2006-2007 Benchmark #3
Recommendation:	8. (a key teacher need) – possibly have subject area partner counties assist with WIL reviews. CLRN staff could work with the WIL coordinator to develop a plan by October which will enhance the 2006-07 review capacity and expand web link resources to the maximum level.
Summary:	• Review 400 Web Information Links • All content site reviewers will be trained in the identification and use of WILs
Pages in Scope of Work:	Attachment 1: Goals/Objects Page 1, 2006-2007 Benchmark #4 & #10
Recommendation:	9. Complete development of the elementary reading textbook supplementary links.
Summary:	Web Information Links Coordinator and team will focus on the completion of this recommendation
Pages in Scope of Work:	Attachment 1: Goals/Objects Page 1, 2006-2007 Benchmark #5
Recommendation:	10. Concentrate on reviewing WIL from the 2005-06 adopted History/Social Science textbook materials.

Summary:	This recommendation will be considered once the elementary reading textbook supplementary links are completed
Pages in Scope of Work:	N/A
Recommendation:	11. Emphasize marketing of the WIL service.
Summary:	Additional conference presentations will be submitted regarding the WILs database
Pages in Scope of Work:	Attachment 1: Goals/Objects Page 4, Deliverable #4
Recommendation:	12. Develop a curriculum integration module that supports integrating web information link resources into instruction.
Summary:	This recommendation does not appear to fall within the identified responsibility of the project. This recommendation is continuing to be discussed with both Management Team and Advisory Committee
Pages in Scope of Work:	N/A
Recommendation:	13. Provide "how to use" resources for integrating ELAR and data-driven decision-making into the instructional process and school culture.
Summary:	This recommendation is continuing to be discussed with both Management Team and Advisory Committee to determine the best possible method to disseminate information.
Pages in Scope of Work:	Attachment 1: Goals/Objects Page 3, 2006-2007 Benchmark #2
Recommendation:	14. Implement effective practices database as a resource of schools/classrooms effectively using ELAR.
Summary:	This recommendation is continuing to be discussed with both Management Team and Advisory Committee to determine the best possible method to develop and disseminate information.
Pages in Scope of Work:	Attachment 1: Goals/Objects Page 3, 2006-2007 Benchmark #2
Recommendation:	15. Establish a process to support ELAR users sharing and interacting. Examples provided by interviewed users: • Create an "idea bank" encouraging users to submit ways CLRN is used – provide incentive. • Create a sharing forum (i.e. blogs for hot topics for teachers to share thoughts and engage themselves with others). • Testimonials or a way to contact people who have used certain services/resources so they can work with individuals/schools who are interested in the same area(s). • Establish a CLRN related online news update that alerts registered users to new information, research or news relevant to ELAR.
Summary:	This recommendation is continuing to be discussed with both Management Team and Advisory Committee to determine the best possible method to develop and disseminate information. Recommendation will be addressed at a future Advisory Committee meeting.

Pages in Scope of Work:	N/A
Recommendation:	16. Create a user feedback system where individuals who have purchased and used a resource can advise in areas such as types of district, level of support within the district, other supports, or constraints for this ELAR.
Summary:	This recommendation is continuing to be discussed with both Management Team and Advisory Committee to determine the best possible method to develop and disseminate information. Recommendation will be addressed at a future Advisory Committee meeting.
Pages in Scope of Work:	N/A
Recommendation:	17. Expand the website to include a wider variety of information features and services: • A "how to" planning process section prior to ELAR selection • How to use the ELAR Features as a tool to guide decision-making and planning • A "So What?" section devoted to methods through which resources can be used effectively to enhance student performance.
Summary:	This recommendation is continuing to be discussed with both Management Team and Advisory Committee to determine the best possible method to develop and implement new features and services.
Pages in Scope of Work:	Attachment 1: Goals/Objects Page 2, 2006-2007 Benchmark #6
Recommendation:	18. Online demonstrations of how to use the ELAR
Summary:	This recommendation is in progress. Online tutorial is being developed by Web Site provider.
Pages in Scope of Work:	Attachment 1: Goals/Objects Page 2, 2006-2007 Benchmark #6
Recommendation:	19. Implement the marketing strategy presented at the May 2006 Advisory Committee meeting.
Summary:	This recommendation is in progress. Online tutorial is being developed by Web Site provider.
Pages in Scope of Work:	Attachment 1: Goals/Objects Page 2, 2006-2007 Benchmark #6
Recommendation:	20. Work with CLRN and ELAR staff to upgrade the website.
Summary:	This recommendation is in progress. Web site upgrades are being done as needed.
Pages in Scope of Work:	Attachment 1: Goals/Objects Page 2, 2006-2007 Benchmark #6
Recommendation:	21. Fully implement the Training-of-Trainer recommendations presented in 2004-05 evaluation report.
Summary:	Held trainer of trainer workshop in December 2006.
Pages in Scope of Work:	Attachment 1: Goals/Objects Page 4, 2006-2007 Benchmark #9

Recommendation:	22. Review and update list of current trainers to determine who will follow through with trainings in 2006-07.
Summary:	Current trainers are contacted each year to determine continued participation. Trainers are provided training updates as needed. Training of Trainers session was held in December for both new and returning liaisons.. As local and regional workshops are identified, CLRN will forward information to trained liaison for the region.
Pages in Scope of Work:	Attachment 1: Goals/Objects Page 4, 2006-2007 Benchmark #9
Recommendation:	23. Identify and train additional persons in regions where needed.
Summary:	Will plan to hold additional training workshops as additional people are identified in regions utilizing the individuals who were trained in December 2006
Pages in Scope of Work:	Attachment 1: Goals/Objects Page 4, 2006-2007 Benchmark #9
Recommendation:	24. Request that all advisory committee presentations submit agenda information to CLRN director one week prior to meeting so a packet can be sent to each member before the meeting.
Summary:	The recommendation was implemented for the October 2006 Advisory Committee Meeting and will be implemented for all future Advisory meetings.
Pages in Scope of Work:	Attachment 1: Goals/Objects Page 5, 2006-2007 Benchmark #1
Recommendation:	25. Use written information for reports whenever possible to provide agenda time for interactive discussion on specific topics (generating ideas or creating an action plan).
Summary:	The recommendation was implemented for the October 2006 Advisory Committee Meeting and will be implemented for all future Advisory meetings.
Pages in Scope of Work:	Attachment 1: Goals/Objects Page 5, 2006-2007 Benchmark #1

Add or delete rows as is appropriate for the Year 1 Evaluation Report Recommendations.

Summary of 2006-2007 Plan to Address Year 1 Evaluation Report Recommendations
Statewide Education Technology Services

Project: EdTechProfile

Recommendation:	1. The external evaluator collaborate with ETP staff to develop a process for expanding the evaluation focus on assessing the impact of using ETP data management systems and related data collection surveys on administrative and teaching practice.
Summary:	Process framework meeting scheduled for Jan. 07, followed by monthly status meetings through June. Focus will be on creating a methodology for obtaining pre and post results for teacher assessments and student surveys. We will also collaborate to find new ways to report ETP data as requested by CDE.
Pages in Scope of Work:	3, 4
Recommendation:	2. The evaluators and the ETP staff should review the existing contract between ETP and CDE to adjust as needed objectives and benchmarks and evaluation procedures to align to new activities for the 2006-07 school year.
Summary:	All new activities for 2006-07 school year will be subject to benchmarking and evaluation by external evaluator and will be reviewed on a monthly basis in the External Evaluator/ETP Status Meeting.
Pages in Scope of Work:	3, 4
Recommendation:	3. Implement a help desk tracking system that allows for the tracking of support calls and emails from ETP users.
Summary:	Tracking system already in place, but discussions have begun looking into the viability of using the Help Desk tracking developed by another SETS project: TechSETS.
Pages in Scope of Work:	3,4
Recommendation:	4. Modify the online survey assessment program to enable the tracking of and analysis of pre—post assessments of only those individuals who completed the pre-and the post-assessment in a pre-selected program such as a CTAP institute, an administrator-training program, and/or the teacher and student participants in an EETT project.

Summary:	All new activities for 2006-07 school year will be subject to benchmarking and evaluation by external evaluator and will be reviewed on a monthly basis in the External Evaluator/ETP Status Meeting.
Pages in Scope of Work:	3, 4
Recommendation:	5. Establish a policy to determine the timing for making a new ETP feature available in relation to the development of the documentation necessary to inform persons on the optimal use of the new feature.
Summary:	New policy in place. External evaluator will monitor progress in monthly status meeting.
Pages in Scope of Work:	3,4
Recommendation:	6. Consider adopting a policy for setting the priorities for making needed adjustments to ETP features and services.
Summary:	Process in place. External evaluator will monitor progress in monthly status meeting.
Pages in Scope of Work:	3, 4
Recommendation:	7. Consider implementing a feedback that allows users to alert TNL when they are having a problem.
Summary:	Process in place. External evaluator will monitor progress in monthly status meeting.
Pages in Scope of Work:	3, 4
Recommendation:	8. Increase the awareness and use of the ETP FAQ feature to 1) keep it up to date, 2) cover a wider range of topics and include information about how to obtain help from CTAP ETP Liaisons.
Summary:	Added documentation resource to keep current the FAQ features and other areas of the site. External evaluator will monitor progress in monthly status meeting.
Pages in Scope of Work:	3, 4
Recommendation:	9. Increase collaboration with a wider range of California educators representing Assessment, Professional Development, Curriculum, and special program to include Special Education, RSDSS and others at the state level to adapt existing and/or new data collection strategies to be accessed through ETP.

Summary:	There is a plan in place to expand the usefulness of ETP data by collaborating with RSDSS and other special programs. External evaluator will monitor progress in monthly status meeting.
Pages in Scope of Work:	3, 4
Recommendation:	10. Increase the use of CTAP liaisons to provide information and assistance in the use of ETP in regions such as 1 and 5 where available evidence shows limited ETP assistance.
Summary:	Host a regular training seminar to train liaisons on relevant ETP functionality and strategy. Expand the reach of the new ETP “Epiphany” site (for power users) to become a learning community for CTAP liaisons and other regional partners.
Pages in Scope of Work:	3, 4
Recommendation:	11. Consider the use of ETP to take the lead in establishing a “single sign-on” feature that provides for a portal or “one-stop point” of web access all SETS and CTAP projects.
Summary:	Already functioning and being used by one region. Provide regular status reports at Advisory and sub committee meetings so that a larger number of regions have information and can decide on relevance to them.
Pages in Scope of Work:	3, 4

Add or delete rows as is appropriate for the Year 1 Evaluation Report Recommendations.

Summary of 2006-2007 Plan to Address Year 1 Evaluation Report Recommendations
Statewide Education Technology Services
Project: **TechSETS**

1. Marketing:

Recommendation:	1. Encourage Liaisons to establish a list of technology group meetings held within their regions each year and make arrangements to present TechSETS to each group.
Summary:	At the planned CTAP Liaisons workshop (Dec. 4-6) Liaisons will contribute to a regional calendar for presentations and training. These events will be added to the TechSETS calendar posted on the website's homepage.
Pages in Scope of Work:	Goal 2, Objective 2.3, Activities 1-8 Evaluation Plan Activity 7
Recommendation:	2. Hold another face-to-face CTAP Liaison training to train new Liaisons and to further develop the knowledge and connection with continuing Liaisons.
Summary:	SETS directors will collaborate on a CTAP Liaison training workshop to be held Dec. 4-6, 2006 at the Alameda County Office of Education.
Pages in Scope of Work:	Goal 2, Objective 2.3 Activity 8
Recommendation:	3. Develop models to illustrate how several programs and school districts are taking full advantage of TechSETS resources.
Summary:	The case studies and interviews produced by the project evaluator will be developed for the website and shared in the eNewsletter and at conference presentations.
Pages in Scope of Work:	Evaluation Plan Activities 4 & 5
Recommendation:	4. Conduct a minimum of two video conference meetings with Liaisons during the coming year to foster networking and the sharing of successful models.
Summary:	Two Videoconference sessions will be scheduled based on Liaison's input, following the CTAP Liaisons workshop in December.
Pages in Scope of Work:	Goal 2, Activity 10
Recommendation:	5. Develop a guide to assist CTAP Directors in selecting an appropriate Liaison for TechSETS.

Summary:	A guide outlining the expectations for CTAP/SETS Liaisons will be developed and shared with CTAP Directors. The document will also be used with Liaisons to clarify their role in marketing, training, and providing feedback from the field to project staff.
Pages in Scope of Work:	Goal 2 Activity 11
Recommendation:	6. When presenting or training, include reasons why IT Managers or others should share this resource with their district and site level technicians.
Summary:	Planned presentations to IT and Ed Tech staff at CETPA (3 presentations) CLMS/CLHS/CUE (2 presentations) and CUE (3 presentations) will highlight benefits of using TechSETS at both the district and site levels.
Pages in Scope of Work:	Goal 2, Objective 2.2, Activities 1, 2 & 3
Recommendation:	7. Continue the marketing efforts to introduce the use of the Skills Matrix and TechPROFILES to Human Resource personnel.
Summary:	Continue the 2005-06 effort to present at conferences such as ACSA, CASBO, and the annual national conference for human resource administrators to market the Skills Matrix, Job Description Builder, and Tech Jobs.
Pages in Scope of Work:	Goal 1, Objective 1.1, Activities 1-b, & 2-d

2. Program:

Recommendation:	2.1. Develop a place on the website where members can recommend topics or issues they would like to have TechSETS address, or poll members via email for suggestions.
Summary:	Institute a feedback form that may be accessed from the home page and/or standard menus as part of an overall examination of website functionality.
Pages in Scope of Work:	Goal 2, Objective 2.1, Activity 9
Recommendation:	2.2. List the Liaisons on the TechSETS website so clients can identify their local representative.
Summary:	Liaison contact information will be added to the “About” page of the website.
Pages in Scope of Work:	Goal 2, Objective 2.3, Activity 9

Recommendation:	2.3. Announce all new additions or significant changes to the website through emails to members – this serves both to update and remind members of the resources available.
Summary:	Website updates will be included in the quarterly eNewsletter. Members who have opted to receive project emails will be included in the quarterly eNewsletter email list.
Pages in Scope of Work:	Goal 2, Objective 2.1, Activity 7
Recommendation:	2.4. Stimulate TechQUESTIONS through active contributions from cadre, staff and other consultants.
Summary:	TechQUESTIONS expert base will be expanded through use of Cadre members and staff (designated to answer questions and post info on hot topics). Staff will explore cost-effective strategies for further expansion through collaboration with other agencies and professional groups. Options include the use of TechQUESTIONS to support Student Technology Teams who provide low level tech support (formation of such teams could be modeled on programs such as Borrego Springs School District. the subject of a 2005-06 TechSETS Case Study and could be designed with input from state ROP programs.
Pages in Scope of Work:	Goal 1, Activity 5 Goal 2, Activity 9
Recommendation:	2.5. Conduct an extended day TechSETS staff planning meeting to review constructive member suggestions and the recommendations provided in this report for possible program improvements.
Summary:	First annual all-staff, full-day planning session was held August 28, 2005. The meeting will be built into the annual calendar to coincide with development of the draft annual evaluation report. Priorities for 2006-07 developed from our evaluation report data during this year's planning session include updates and additions to website content, (creation of a Student Tech Teams section [a need identified by a study of CA School Tech Survey Data], additions to TechQUESTIONS, continued support for the Ed Tech Voucher program, expanded E-rate information, improved training resources, information on emerging technologies, and better strategies for tracking users). Additional projects beyond the original scope of the project (a statewide helpdesk, and improvement to MyTechDesk were also examined).

Pages in Scope of Work:	Goal 1, Objective 1.1, Activity 4
Recommendation:	2.6. Explore collaboration with CETPA to expand the technical knowledge base available through TechQUESTIONS.
Summary:	Meetings with CETPA leadership at the annual CETPA conference will include this as one of several topics for collaboration.
Pages in Scope of Work:	Goal 3, Objective 3.1, Activity 7
Recommendation:	2.7. Provide Advisory Committee members with meeting reminders and a copy of the agenda a minimum of two weeks in advance.
Summary:	The meeting calendar has been set. Communication will be timed to meet this recommendation.
Pages in Scope of Work:	Goal 3, Objective 3.3, Activity 2
Recommendation:	2.8. Consider new Advisory Committee members that will provide additional perspectives to the advice offered. Examples of possible additions include: District level technician, higher-education representative, or representative from CDE – Ed Tech Department.
Summary:	A request for names/roles will be included in the agenda of the Advisory Committee meetings and staff will explore recommendations.
Pages in Scope of Work:	Goal 3, Objective 3.3, Activities 2, & 7

Additional Options for Improvement:

1. Modifications to MyTechDesk (MTD) could provide tracking for Ed Tech K-12 Voucher Expenditures for all districts who use MTD. Additional changes have been requested by users to refine and expand utilization. Furthermore, MTD could be used by Student Technology Teams to track and record their work and learning. Much like a portfolio, a MTD report could document all of the work a student does during their time in a program. Students could also be encouraged to journal about their work and learning in the MTD to further reflect upon and document growth. (Additional funding may be required to complete these changes)
2. A statewide helpdesk could be created in response to the need to provide guidance on technical purchases for small, rural, and/or underserved districts. The Ed Tech K-12 Voucher program will exacerbate the need for this kind of support. Such a helpdesk could be staffed by 2 people using appropriate helpdesk software during business hours to provide advice on planning, purchases, ongoing costs, support costs/demands, scalability, training, and

evaluation of a wide range of technology initiatives. Such a service would leverage existing partnerships with SETS projects, the High Speed Network project, CETPA, and TTSC to link to additional resources improve E-rate utilization, promote California School Technology Survey participation (as well as utilization) and support statewide initiatives such as CSIS and CALPADS. (Additional funding would be required to initiate this change)

3. Evaluation:

Recommendation:	3.1. Work with the MySkillSource provider, Enterprise Training Solutions, to develop a method of collecting satisfaction information on the users of MySkillSource in order to more accurately evaluate user experience.
Summary:	Project director and specialist will work with project evaluator and Enterprise Training development manager to determine the best method for collecting evaluation data.
Pages in Scope of Work:	Evaluation Plan – Activity 1
Recommendation:	3.2. Work with the other SETS evaluators to simplify the process for logging SETS activities. Consider incorporating the Liaison reporting with each regions CTAP reporting process, thus eliminating the need for Liaisons to enter SETS data in a separate location.
Summary:	Topic will be discussed in meetings of SETS Evaluators and Directors to determine a recommendation on the process of logging SETS activities. Options will also be explored with CTAP Directors and CDE staff to determine feasibility of a combined log. Strategy can be included in Liaison training workshop and videoconferences.
Pages in Scope of Work:	Evaluation Plan – Activity 7

Summary of 2006-2007 Plan to Address Year 1 Evaluation Report Recommendations
Statewide Education Technology Services
Project: TICAL

Recommendation:	1.1. Create a system to determine more accurately and efficiently who uses TICAL and how they use the resource.
Summary:	Implement a quick questionnaire for users to take upon arriving at the web site, similar to one used on the Ed-Data site.
Pages in Scope of Work:	N/A
Recommendation:	1.2. Establish a process to identify all California registered users by county.
Summary:	ZIP code was previously an optional item in the registration process. It is now required. County can be determined by reference to ZIP code.
Pages in Scope of Work:	N/A
Recommendation:	1.3. Increase the number of resources in the areas of Fiscal Management and Operations and Maintenance.
Summary:	Resources in these areas will be provided by cadre members and contracted vendors as appropriate. However, we are surveying members on the most important topics from their point of view, and will consult that information in determining where the most new resources are needed.
Pages in Scope of Work:	2
Recommendation:	1.4. Establish a task force representing both Cadre members and TICAL Advisors to analyze the current website configuration and make recommendations for modifications.
Summary:	Establish the task force. Enlarge membership to include representatives of our target audience (i.e. K-12 administrators).
Pages in Scope of Work:	N/A
Recommendation:	1.5. Ensure that the website has a section featuring current compelling topics for administrators.
Summary:	A new "Hot Topics" section has been added to the web site's home page. These will be updated as needed.

Pages in Scope of Work:	2
Recommendation:	2.1. Provide orientation for new cadre members so they have TICAL's history and background, examples of cadre member activities and information regarding each cadre and staff member.
Summary:	Orientation is being provided through a variety of means. Each new cadre member has an appointed mentor from among the experienced cadre. Also, a cadre committee has recommended additional steps to assist new cadre members in coming up to speed.
Pages in Scope of Work:	N/A
Recommendation:	2.2. Identify specific expectations for Cadre members. Establish an accountability model whereby each member reports on the status of their TICAL-support projects at each Cadre retreat.
Summary:	Consulting services agreements for each cadre member specify their responsibilities. Mid-term progress reports will be required.
Pages in Scope of Work:	N/A
Recommendation:	2.3. Focus TICAL Cadre meeting agendas on meeting TICAL outcomes.
Summary:	Cadre agendas reflect contract scope of work and professional development priorities.
Pages in Scope of Work:	N/A
Recommendation:	2.4. Obtain follow-up to determine how TICAL Cadre Members use TICAL resources to support their daily work.
Summary:	This will be part of the mid-term report and end-of-year cadre survey.
Pages in Scope of Work:	N/A
Recommendation:	3.1. Provide follow-up and current information about TICAL services for the regional liaisons.
Summary:	A home page for CTAP liaisons on the TICAL web site provides direct links to resources they need. A special section in the TICAL Forum provides an opportunity for interchange and updates. All liaisons are subscribed to this area in the Forum so they receive an e-mail whenever something is added. As TICAL members, liaisons receive copies of all "New at TICAL" newsletters. Whenever possible, liaisons receive advance notice of major changes or new resources.
Pages in Scope of Work:	8

Recommendation:	3.2. Maintain ongoing and periodic communications with the liaisons to ensure that they are continuing to market the use of TICAL and to address any issues related to TICAL that may arise on a regional basis.
Summary:	See 3.1 above.
Pages in Scope of Work:	8
Recommendation:	3.3. Consider expanding the dissemination of information about TICAL through ACSA and other entities that involve California school administrators.
Summary:	We are having on-going discussions with ACSA on ways to expand awareness and use of TICAL among ACSA members. One result is that we have been given time on the agenda of the February meeting of all ACSA regional presidents for cadre members who are also ACSA officers to make a presentation. In addition, we have completed an agreement with Computer Using Educators (CUE, Inc.) by which all members of CUE's Administrators Special Interest Group (AdminSIG) are automatically enrolled as TICAL members.
Pages in Scope of Work:	N/A
Recommendation:	4.1. Consider raising benchmarks to promote increased use of TICAL. Some benchmarks are set low (i.e. Goal 4 Benchmark 4 which states the number of new California registered users will grow from 1,634 [June 2005] to 1,650 in June 2006). Revise benchmarks for more realistic growth.
Summary:	Benchmarks have been adjusted.
Pages in Scope of Work:	10
Recommendation:	4.2. Focus resources on the most critical areas and seek implementation suggestions at TICAL Cadre and Advisory Committee meetings. Use the full project funding available to hire additional staff or establish contracts to meet TICAL needs. Consider creating a distributed TICAL support system whereby a contract is established for each of the six TICAL topics to increase TICAL's capacity to provide information and support.

Summary:	At the October retreat, cadre members met jointly with TICAL Advisory Committee members. Work priorities for this year and changes in contract scope of work reflect the direction established at this meeting and through subsequent discussion. We have already entered into contracts to support current contract scope of work and expect to seek additional support once our amended contract is approved.
Pages in Scope of Work:	N/A
Recommendation:	4.3. Collaborate with other CTAP, EETT projects and other entities to identify 'promising practices' using educational technology to assist school administrators. These practices will be documented and featured on the Portical, the TICAL website.
Summary:	Promising practices pieces will fit nicely in TICAL's "Success Stories" feature. We will seek examples from CTAP and other organizations.
Pages in Scope of Work:	2
Recommendation:	4.4. As appropriate, update and clearly define the specific expectations of the TICAL Advisory Committee members.
Summary:	The role of the TICAL advisory committee was discussed and clarified at our October meeting and will be revisited as needed.
Pages in Scope of Work:	N/A

Add or delete rows as is appropriate for the Year 1 Evaluation Report Recommendations.

California Technology Assistance Project (CTAP): Evaluation Summary*

This document briefly summarizes the 2005-06 evaluation of the eleven regional *California Technology Assistance Projects* (CTAP) as required by SB 1254, the statute authorizing this program. The complete statewide report, as well as region-specific evaluation reports, is available from the California Department of Education.

CTAP Services Provided: The legislative intent is for CTAP to contribute to an increase in knowledge and use of technology to improve teaching and learning by providing professional development to educators on a regional basis to include: 1) selecting and integrating technology into curriculum, 2) planning and using hardware and telecommunications networks, 3) using technology to support school management and data-driven decision-making, and 4) identifying and applying for state and Federal funding for instructional uses of technology. CTAP staff work with representatives of counties and districts in their regions to provide needed services to all school districts while addressing needs of rural and technologically underserved schools. During 2005-06 the evaluation documented a significant increase in local representation and involvement of CTAP regional representatives in the planning and implementation of CTAP services.

Services delivered: All eleven CTAP regions met or exceeded most (88%) of the planned objectives related to the above-mentioned services. Evaluation showed that the regions collectively delivered about 3000 professional development events serving about 42,000 educators during 2005-06. About 60% of the participants were teachers and 40% administrators and technical support staff. Professional development included workshops with follow-up support, conference presentations, region-specific institutes, and direct consultation to educators. Delivery methods included large and small group in-person events with an increase in the use of video-conferencing to deliver professional development and consultation–especially to rural and remote schools.

Use and Impact of Services: Surveys completed by a sample of 5,402 participants in CTAP services showed that across all types of services delivered, 44% definitely planned to use of information or skills acquired from CTAP and 20% were prepared to assist others. CTAP also provided assistance to districts in developing technology plans required for Federal E-rate discounts and in writing Federal *Enhancing Education Through Technology* Competitive grants resulting in $25,990,586 funding to districts. A representative sample of 454 users of CTAP services completed a pre- post-survey documenting an increase in readiness and or use of technology by 90% of the survey respondents.

Recommendations: The major recommendations included the following: 1) Increase awareness of CTAP services, 2) expand coordination of CTAP with other regional services, 3) help educators find appropriate applications for the K-12 High Speed Network, 4) explore additional strategies for meeting the needs of rural and technologically underserved schools, 5) ensure services are adapted to meet current needs, 6) provide additional assistance in the use of technology for management and analysis of student data to inform instructional decisions, 7) provide the California Legislature and State Board of Education with annual reports on current and emerging educational technology needs, the extent to which these needs are being addressed by CTAP, and 8) the need for state funding to enable CTAP to continue addressing these needs.

*Evaluation conducted by *Educational Support Systems* under contract with the California Department of Education
Contact John Cradler, Lead Evaluator for additional information at: cradler@earthlink.net

Summary of 2006-2007 Plan to Address Mid-Year and End-of-Year 2005-2006 Evaluation Report Recommendations

California Technology Assistance Project
Region: 3

2006-07 Mid-year Recommendation:	1. *Revise and clarify workshop assessment tools and data entry processes to improve accuracy of data related to CTAP 3 Services.*
Summary:	Work was begun to develop and implemented a single online evaluation form and workshop participant database. All workshop participants are entered into a single database and registered for workshops. Data can be tracked regarding county, district, school site, job title and contact information. After every workshop, participants are encouraged to complete either a hard copy or the online evaluation survey so that all of the data is uniform and can be pulled from a single database.
Pages in Plan:	N/A
2006-07 Mid-Year Recommendation:	2. *Ensure all CTAP 3 workshop participants complete an online participant evaluation that is relevant to CTAP 3 benchmarks and measures the impact of the workshops. This may include revision of either the CTAP Online Survey or CTAP 3 Survey Monkey form to align the participant prompts to CTAP 2 benchmarks.*
Summary:	Participants in CTAP workshops cannot be forced to complete any kind of an evaluation instrument. However, the following steps have been implemented to try to encourage participants to complete our surveys: 1) The survey is available as a hard copy and online; 2) at the conclusion of a workshop, participants are asked to please complete the survey; 3) a day or two after the workshop, an email is sent to each participant along with a link to the online survey for the workshop they just attended and a request that they take a few minutes to complete the online evaluation.
Pages in Plan:	N/A
2006-07- Mid-year Recommendation:	3. Discuss with RGC the possible revision of benchmarks or objectives to reflect more accurate expectations of program achievement
Summary:	RGC discussed revision of objectives and elected to wait until the year-2 revision at the end of the year before revising objectives.

Pages in Plan:	N/A
2006-07 End of Year Recommendation:	1. *Identify and implement participant assessment tools to track access to online tutorials (e.g. streaming video presentations) by content, district, school and role in addition to tracking the video's effectiveness in increasing skills and/or information.*
Summary:	The online tutorials and videos have been placed behind a password protected web interface. In order to view the tutorials, the participants are required to register for a username and password which allows us to track the participant contact information, county from where he/she is from, district, school, and job title information.
Pages in Plan:	N/A
2006-07 End of Year Recommendation:	2. *Focus additional resources on benchmark 2.4 relating to training on hardware and telecommunications infrastructure design, implementation and support.*
Summary:	The region has conducted a thorough needs analysis of the IT managers and staff at districts and county offices across the region. Based upon the needs assessment, three multi-day workshops have been scheduled to support IT staff with professional development in network security, wireless issues, technology audits, and Erate. These workshops will enable us to exceed the benchmark in this area.
Pages in Plan:	Pages 22-24

Add or delete rows as is appropriate for the Mid-Year & End-of-Year Evaluation Report Recommendations.

ITEM #27

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2007 AGENDA

SUBJECT	
The Administrator Training Program, Assembly Bill 430 (Chapter 364, Statutes of 2005): Approval of Applications for Funding from Local Educational Agencies	☒ Action ☒ Information ☐ Public Hearing

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve local educational agencies (LEAs) that have submitted applications for funding under the Administrator Training Program (ATP).

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE approved criteria and requirements for ATP applications at the January 2006 meeting.

SUMMARY OF KEY ISSUES

Effective July 1, 2006, the former Principal Training Program (Assembly Bill [AB] 75) was reauthorized as the Administrator Training Program (AB 430 [Chapter 364, Statutes of 2005]). Previously approved training providers have submitted amended training curricula that have been reviewed and accepted by CDE staff to ensure that all new requirements are included.

The ATP requires the SBE to approve all LEA applicants for funding by name only. Initial funding is dispersed once the LEA enters the participant name into the Management System for Administrator Training (MSfAT). Subsequent payments are dispersed once the training provider records the completed hours into the MSfAT.

FISCAL ANALYSIS (AS APPROPRIATE)

Actual LEA reimbursements are dependent upon further information to be provided by the LEAs and training providers, such as names of administrator participants and number of hours in actual training. The LEAs receive a payment of $1,500 per participant, once the participant name is entered into the MSfAT. A second payment of $1,500 is disbursed once all the required training hours (160) are recorded into the MSfAT and all required surveys are completed. It is feasible that funding requests will

FISCAL ANALYSIS (AS APPROPRIATE) (Cont.)

be amended throughout the funding period. Estimated State expenditures resulting from this action: $1,173,000.

ATTACHMENT(S)

Attachment 1: Administrator Training Program, Local Educational Agencies Recommended for State Board of Education Approval, March 2007 (6 Pages)

Attachment 2: Administrator Training Program, Program Summary, March 2007 (1 Page)

ADMINISTRATOR TRAINING PROGRAM
Local Educational Agencies Recommended For State Board of Education Approval March 2007

Applications received during the months of January-February 2007

LOCAL EDUCATIONAL AGENCIES	Total Number of Site Administrators	Total Amount of State Funding Requested
Alta Vista Elementary	1	$3,000.00
Arena Union Elementary	1	$3,000.00
Bert Corona Charter	2	$6,000.00
Brentwood Union Elementary	18	$54,000.00
Calaveras County Office of Education	1	$3,000.00
Calaveras Unified	2	$6,000.00
Calexico Unified	2	$6,000.00
Carpinteria Unified	1	$3,000.00
Castro Valley Unified	3	$9,000.00
Celerity Nascent Charter	2	$6,000.00
Charter Oak Unified	1	$3,000.00
Chico Unified	4	$12,000.00
Cuddeback Union Elementary	1	$3,000.00

Curtis Creek Elementary	2	$6,000.00
Del Paso Heights Elementary	5	$15,000.00
Delano Joint Union High	1	$3,000.00
Delhi Unified	1	$3,000.00
Dos Palos Oro Loma Joint Unified	1	$3,000.00
Eastern Sierra Unified	2	$6,000.00
El Monte City Elementary	2	$6,000.00
Escondido Union High	2	$6,000.00
Etiwanda Elementary	4	$12,000.00
Evergreen Union	1	$3,000.00
Fallbrook Union Elementary	2	$6,000.00
Fieldbrook Elementary	1	$3,000.00
Fort Bragg Unified	2	$6,000.00
Greater San Diego Academy	1	$3,000.00
Greenfield Union Elementary	22	$66,000.00
Healdsburg Unified	4	$12,000.00
Inyo County Office of Education	1	$3,000.00

Laton Joint Unified	1	$3,000.00
Lemoore Union Elementary	2	$6,000.00
Lodi Unified	7	$21,000.00
Long Beach Unified	20	$60,000.00
Mammoth Unified	2	$6,000.00
Merced City Elementary	4	$12,000.00
Middletown Unified	1	$3,000.00
Mono County Office of Education	1	$3,000.00
Monson-Sultana Joint Union Elementary	1	$3,000.00
Montebello Unified	20	$60,000.00
Morongo Unified	4	$12,000.00
Mother Lode Union Elementary	1	$3,000.00
Napa Valley Unified	16	$48,000.00
New Designs Charter	3	$9,000.00
Newark Unified	3	$9,000.00
Newman-Crows Landing Unified	2	$6,000.00
North Sacramento Elementary	1	$3,000.00

Northern Humboldt Union High	1	$3,000.00
Oakland Unified	33	$99,000.00
Orcutt Union Elementary	1	$3,000.00
Oxnard Elementary	5	$15,000.00
Palm Springs Unified	11	$33,000.00
Paramount Unified	4	$12,000.00
Paso Robles Joint Unified	1	$3,000.00
Petaluma Joint Union High	4	$12,000.00
Pixley Union Elementary	1	$3,000.00
Pleasant Grove Joint Union	1	$3,000.00
Rescue Union Elementary	2	$6,000.00
Rialto Unified	17	$51,000.00
Roseville Joint Union High	3	$9,000.00
Rowland Unified	10	$30,000.00
Salinas City Elementary	7	$21,000.00
San Diego Unified	25	$75,000.00
San Dieguito Union High	4	$12,000.00

San Francisco Unified	22	$66,000.00
San Marcos Unified	1	$3,000.00
San Mateo Union High	2	$6,000.00
San Ramon Valley Unified	1	$3,000.00
Santa Barbara High	1	$3,000.00
Santa Cruz County Office of Education	13	$39,000.00
Santa Maria Joint Union High	1	$3,000.00
Seiad Elementary	1	$3,000.00
Sequoia Union High	1	$3,000.00
Simi Valley Unified	9	$27,000.00
South Bay Union Elementary	5	$15,000.00
Standard Elementary	3	$9,000.00
Surprise Valley Joint Unified	1	$3,000.00
Temple City Unified	1	$3,000.00
Thermalito Union Elementary	1	$3,000.00
Vallecitos Elementary	1	$3,000.00
Warner Unified	1	$3,000.00

Western Placer Unified	14	$42,000.00
Total	**391**	**$1,173,000.00 (391x$3000)**

ADMINISTRATOR TRAINING PROGRAM
Program Summary
March 2007

CURRENT REQUEST SUMMARY

Applications received in January - February 2007

Total number of local educational agencies (LEAs) recommended for March Approval……..... 82
Total number of administrators.....391

Total State Funds Requested.....$1,173,000
391 LEAs participant(s) (391 x $3,000)

SUMMARY TO DATE

Total number of participating LEAs
(301 Single LEAs)…….…….....301

Total number of administrators anticipated for program participation 1,323

ITEM # 28

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2007 AGENDA

SUBJECT	
Mathematics and Reading Professional Development Program, Assembly Bill 466 (Chapter 737, Statutes of 2001): Approve Reimbursement Requests from Local Educational Agencies	☒ Action ☒ Information ☐ Public Hearing

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve reimbursement requests for local educational agencies (LEAs) that have complied with required assurances for the Mathematics and Reading Professional Development Program, Assemby Bill (AB) 466 (Chapter 737, Statutes of 2001.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

California *Education Code* (*EC*) Section 99234(g), established by AB 466, 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 program 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, it was agreed that LEA compliance with required assurances would be approved by the SBE when LEAs submit a Request for Reimbursement Form, which occurs after training is completed.

SUMMARY OF KEY ISSUES

As a condition of the receipt of funds, *EC* 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.

SUMMARY OF KEY ISSUES (Cont.)

The specific amount for each LEA is determined by the number of teachers trained as specified on their submitted Request for Reimbursement Form. CDE staff review the requests for reimbursement to ensure reported data conforms to the laws and regulations governing the program.

FISCAL ANALYSIS (AS APPROPRIATE)

The legislature appropriated $31.7 million (General Fund) for the AB 466 program in fiscal years 2006-07 and 2005-06. The CDE has received $4,561,250 in 2006-07 claims and has not yet issued any payments for those claims. To date the CDE has received $38,591,250 in 2005-06 claims and has issued $31,727,500 in 2005-06 funding and $4,363,750 in 2006-07 funding. In accordance with *EC* Section 99234(e), the shortfall in 2005-06 will be paid from the appropriation for 2006-07.

ATTACHMENT(S)

Attachment 1: List of LEAs submitting certification of assurance via a signed **Request for Reimbursement Form**: Fiscal Years Prior to 2006-07 (March 2007) (1 Page)

Attachment 2: List of LEAs submitting certification of assurance via a signed **Request for Reimbursement Form**: Fiscal Year 2006-07 (March 2007) (4 Pages)

List of LEAs submitting certification of assurance via a signed **Request for Reimbursement Form**: Fiscal Years Prior to 2006-07 (March 2007)

COUNTY	LEA NAME	NUMBER OF TEACHERS				PROVIDER	MATERIALS
		Reading 40 Hours	Reading 80 Hours	Mathematics 40 Hours	Mathematics 80 Hours		
Fresno	Clay Joint Elementary	1				RIC, San Joaquin COE	Houghton Mifflin, *A Legacy of Literacy*
Santa Clara	Campbell Union Elementary	41				RIC, Alameda COE	Houghton Mifflin, *A Legacy of Literacy*
Shasta	Pacheco Union Elementary	1				Sacramento COE	SRA/McGraw-Hill, *REACH*
TOTAL		**43**	**0**	**0**	**0**		

List of LEAs submitting certification of assurance via a signed **Request for Reimbursement Form**: Fiscal Year 2006-07 (March 2007)

COUNTY	LEA NAME	NUMBER OF TEACHERS				PROVIDER	MATERIALS
		Reading 40 Hours	Reading 80 Hours	Mathematics 40 Hours	Mathematics 80 Hours		
Alameda	Newark Unified	13				Sopris West	Sopris West, *LANGUAGE!*
Alameda	Oakland Unified	19				RIC, Sacramento COE	SRA/McGraw-Hill, *Open Court 2002*
Butte	Durham Unified	2				RIC, Butte COE	Houghton Mifflin, *A Legacy of Literacy*
Butte	Feather Falls Union Elementary	1				RIC, Butte COE	Houghton Mifflin, *A Legacy of Literacy*
Butte	Thermalito Union Elementary	1				RIC, Butte COE	Houghton Mifflin, *A Legacy of Literacy*
Colusa	Pierce Joint Unified	4				RIC, Sacramento COE	SRA/McGraw-Hill, *Open Court 2002*
Contra Costa	John Swett Unified	21				RIC, Alameda COE	Houghton Mifflin, *A Legacy of Literacy*
El Dorado	Rescue Union Elementary	11				RIC, Sacramento COE	SRA/McGraw-Hill, *Open Court 2002*
Fresno	Raisin City Elementary	3				SRA/McGraw-Hill	SRA/McGraw-Hill, *Open Court 2002*
Fresno	Sanger Unified		38			District	Houghton Mifflin, *A Legacy of Literacy*
Imperial	Imperial County Office of Education	7				CPDI, UC San Diego	Hampton Brown, *High Point*

COUNTY	LEA NAME	NUMBER OF TEACHERS				PROVIDER	MATERIALS
		Reading 40 Hours	Reading 80 Hours	Mathematics 40 Hours	Mathematics 80 Hours		
Los Angeles	Saugus Union Elementary	16				Calabash	Houghton Mifflin, *A Legacy of Literacy*
Merced	Los Banos Unified			5		Sacramento COE	Scott Foresman, *California Mathematics*
Merced	McSwain Union Elementary			1		Sacramento COE	Prentice Hall, *Algebra I, California Edition*
Napa	Napa Valley Unified		1			District	Houghton Mifflin, *A Legacy of Literacy*
Placer	Western Placer Unified	4				Sacramento COE	Holt, Rinehart, and Winston, *Literature and Language Arts*
Riverside	Banning Unified			4		Sacramento COE	Scott Foresmen, *California Mathematics*
Riverside	Coachella Valley Unified	9				RIC, San Diego COE	Houghton Mifflin, *A Legacy of Literacy*
Riverside	Corona-Norco Unified	89				Calabash	Houghton Mifflin, *A Legacy of Literacy*
Sacramento	North Sacramento Elementary	3				RIC, Sacramento COE	SRA/McGraw-Hill, *Open Court 2002*
Sacramento	San Juan Unified			40		Sacramento COE	Scott Foresman, *California Mathematics*

COUNTY	LEA NAME	NUMBER OF TEACHERS				PROVIDER	MATERIALS
		Reading 40 Hours	Reading 80 Hours	Mathematics 40 Hours	Mathematics 80 Hours		
San Bernardino	Alta Loma Elementary		5			Etiwanda School District	Houghton Mifflin, *A Legacy of Literacy*
San Bernardino	Barstow Unified				1	District	Scott Foresmen, *California Mathematics*
San Bernardino	Etiwanda Elementary		6			District	McDougal Littell, *Language of Literature*
San Bernardino	Rialto Unified				29	District	Prentice Hall, *Algebra I, California Edition*
Santa Clara	Campbell Union Elementary	63				RIC, Alameda COE	Houghton Mifflin, *A Legacy of Literacy*
Shasta	Redding Elementary	11				RIC, Butte COE	Houghton Mifflin, *A Legacy of Literacy*
Siskiyou	Fort Jones Union Elementary	2				RIC, Butte COE	Houghton Mifflin, *A Legacy of Literacy*
Siskiyou	Willow Creek Elementary			2		Tehama COE	McDougal Littell, *Concepts and Skills, Algebra*
Stanislaus	Empire Union				1	District	McDougal Littell, *Concepts and Skills*
Stanislaus	Waterford Unified	6				RIC, Sacramento COE	Houghton Mifflin, *A Legacy of Literacy*

COUNTY	LEA NAME	NUMBER OF TEACHERS				PROVIDER	MATERIALS
		Reading 40 Hours	Reading 80 Hours	Mathematics 40 Hours	Mathematics 80 Hours		
Sutter	Pleasant Grove Joint Union			2		Sacramento COE	Prentice Hall, *Algebra I, California Edition*
Tehama	Corning Union Elementary	1				RIC, Butte COE	Houghton Mifflin, *A Legacy of Literacy*
Tehama	Kirkwood Elementary	3				RIC, Butte COE	Houghton Mifflin, *A Legacy of Literacy*
TOTAL		**331**	**50**	**12**	**31**		

ITEM #29

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2007 AGENDA

SUBJECT	
Immediate Intervention/Underperforming Schools Program and High Priority Schools Grant Program (HPSGP): School Assistance and Intervention Team: Request to Rescind State-monitoring Status for One HPSGP School	☒ Action ☒ Information ☐ Public Hearing

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) rescind the SBE action taken on November 9, 2006, to deem one High Priority Schools Grant Program (HPSGP) school as state-monitored and to assign a School Assistance and Intervention Team (SAIT) to the school listed on Attachment 1.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Pursuant to *Education Code (EC)* sections 52055.5(b) and 52055.650, Immediate Intervention/Underperforming Schools Program (II/USP) and HPSGP schools failing to demonstrate significant growth are subject to state monitoring.

EC Section 52055.5(b) directs the SBE to deem II/USP schools not showing significant growth as state-monitored. Similarly, *EC* Section 52055.650 directs the SBE to deem HPSGP schools not showing significant growth as state-monitored. The State Superintendent of Public Instruction (SSPI), with the approval of the SBE, is required to invoke sanctions from one of two groups:

1. According to the provisions of *EC* sections 52055.5(a) and 52055.650, 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;

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION . . . (Cont.)

- 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. (*EC* sections 52055.51(a) and 52055.650)

Title 5 regulations require II/USP schools to make at least one point of Academic Performance Index (API) growth in order to demonstrate significant growth.

Also under Title 5 regulations, a school participating in the HPSGP achieves significant growth when its combined growth is equal to or greater than ten API points on the API over the last three years it participates in the program and it also achieves positive API growth in two of the last three years.

EC Section 52055.650(b) requires that twenty-four months after receipt of funding for implementation of the HPSGP action plan, a school that has not met its growth targets each year shall be subject to review by the SBE.

II/USP and HPSGP schools without valid API data in at least one year require the application of alternative growth criteria as defined in Title 5 regulations.

At the November 2006 SBE meeting, the SBE deemed 26 II/USP and 32 HPSGP schools as state-monitored based upon the SSPI's recommendation that these schools failed to show significant growth or to meet the alternative growth criteria defined in regulations.

Pueblo Elementary School in Pomona Unified School District was one of the 32 HPSGP schools that was deemed state-monitored in November 2006 based on the September 22, 2006, API data release. At that time, the school had 42 points growth over the last three years but did not have positive growth in two out of the three years.

SUMMARY OF KEY ISSUES

The preliminary February 2007 API data update, as verified by the CDE, indicates that Pueblo Elementary School made one point growth in 2006. This one point growth will allow the school to make significant growth as the school now has positive growth in two out of three years, and as a result, the school no longer needs to be state-monitored. The CDE recommends that the SBE action taken in November 2006 to deem Pueblo Elementary School as state-monitored and to assign a SAIT to the school be rescinded.

Once the updated 2006 API data file becomes available, an analysis of the data for districts/schools submitting data corrections may yield a number of II/USP and HPSGP schools that failed to meet significant growth based upon each program's significant growth definition. Therefore, additional schools could become subject to state monitoring and would be identified in an item addendum.

FISCAL ANALYSIS (AS APPROPRIATE)

Details of the revised November 2006 expenditure plan for allocations to state-monitored HPSGP schools are stated in the March 2007 SBE item entitled:

> Immediate Intervention/Underperforming Schools Program and High Priority Schools Grant Program (HPSGP) Assistance and Intervention Team: Request to Approve an Amended Expenditure Plan for One HPSGP School

ATTACHMENT(S)

Attachment 1: 2006-07 High Priority Schools Grant Program Cohort 1 School that Changed Data (1 Page)

An item addendum may be submitted if the February 2007 API data release indicates that select II/USP and HPSGP schools are subject to state-monitoring as a result of failing to demonstrate significant growth.

2006-07 High Priority Schools Grant Program
Cohort 1 School that Changed Data

County	District	School	Cohort	2005 Statewide Rank	2003 Base	2004 Growth	Met 2004 Schoolwide Growth Target	Met 2004 Comparable Improvement	2004 Base	2005 Growth	Met 2005 Schoolwide Growth Target	Met 2005 Comparable Improvement	2005 Base	2006 Growth	Met 2006 Schoolwide Growth Target	Met 2006 Comparable Improvement	Combined Growth for Three Years	Positive Growth in 2 of 3 Years
Los Angeles	Pomona Unified	Pueblo Elementary	1	2	623	-6	No	No	616	48	Yes	Yes	664	1	No	No	43	Yes

ITEM #30

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2007 AGENDA

SUBJECT	
Immediate Intervention/Underperforming Schools Program and High Priority Schools Grant Program (HPSGP): School Assistance and Intervention Team: Request to Approve an Amended Expenditure Plan for One HPSGP School	☒ Action ☒ Information ☐ Public Hearing

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve a revised expenditure plan for a November 2006 state-monitored school.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At the November 9, 2006, SBE meeting, the SBE deemed 26 Immediate Intervention/ Underperforming Schools Program (II/USP) and 32 High Priority Schools Grant Program (HPSGP) schools as state-monitored. The State Superintendent of Public Instruction (SSPI) recommended and the SBE assigned a School Assistance and Intervention Team (SAIT) to each school. The SBE has also approved funding for SAIT activities and to support the costs of implementation of corrective actions.

SUMMARY OF KEY ISSUES

The February 2007 Academic Performance Index (API) Report identified Pueblo Elementary School as a Cohort 1, HPSGP school which had changed data, resulting in one point of API growth.

The SBE item “Immediate Intervention/Underperforming Schools Program and High Priority Schools Grant Program (HPSGP): School Assistance and Intervention Team: Request to Rescind State-monitoring Status for One HPSGP School” requested that this school’s status as state-monitored be rescinded.

The CDE recommends the SBE approve a new expenditure plan which deletes $241,050 originally approved for SAIT work and corrective actions in Pueblo Elementary School in Pomona Unified School District.

FISCAL ANALYSIS (AS APPROPRIATE)

Attachment 1 is the original 2006-07 expenditure plan for the HPSGP schools as it was approved in November 2006 and includes funds for Pueblo Elementary.

Attachment 2 is the revised 2006-07 expenditure plan for HPSGP schools deleting $241,050 for Pueblo Elementary School in Pomona Unified.

ATTACHMENT(S)

Attachment 1: Table 1: Original 2006-07 Expenditure Plan for High Priority Schools Grant Program (HPSGP) State-Monitored Schools as Approved in November 2006 (1 Page)

Attachment 2: Table 2: Revised 2006-07 Expenditure Plan for High Priority Schools Grant Program (HPSGP) State-Monitored Schools (1 Page)

An item addendum may be submitted if the February 2007 API release identifies additional II/USP and HPSGP school(s) for state monitoring. The addendum will include an expenditure report requesting approval for the identified state-monitored school(s).

Table 1

Original 2006-07 Expenditure Plan for High Priority Schools Grant Program (HPSGP) State-Monitored Schools as Approved in November 2006

Funding	Newly Identified Schools		School Assistance and Intervention Team (SAIT) Work	Corrective Actions as a Result of SAIT Work
General Funds	**Cohort 1**			
	Elementary	20	$ 75,000 x 20 = $ 1,500,000	15,085 students x $150=$2,262,750
	Middle	6	$ 75,000 x 6 = $ 450,000	5,065 students x $150 = $759,750
	High	6	$100,000 x 6 = $ 600,000	15,222 students x $150=$2,283,300
	Subtotal	32	**Subtotal $ 2,550,000**	**Subtotal $ 5,305,800**
			HPSGP SAIT and Corrective Actions General Funds: $ 7,855,800	

Table 2

Revised 2006-07 Expenditure Plan for High Priority Schools Grant Program (HPSGP) State-Monitored Schools

Funding	Newly Identified Schools	School Assistance and Intervention Team (SAIT) Work	Corrective Actions as a Result of SAIT Work
General Funds	**Cohort 1**		
	Elementary 19	$ 75,000 x 19 = $ 1,425,000	13,978 students x $150=$2,096,700
	Middle 6	$ 75,000 x 6 = $ 450,000	5,065 students x $150 = $759,750
	High 6	$100,000 x 6 = $ 600,000	15,222 students x $150=$2,283,300
	Subtotal 31	**Subtotal $ 2,475,000**	**Subtotal $ 5,139,750**
		HPSGP SAIT and Corrective Actions General Funds: $ 7,614,750	

ITEM #31

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2007 AGENDA

SUBJECT	
2008 Reading/Language Arts/English Language Development Primary Adoption: Approval of the Adoption Timeline	☒ Action ☒ Information ☐ Public Hearing

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the Timeline for the 2008 Reading/Language Arts/English Language Development Primary Adoption.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

April 17, 2006: The SBE adopted the *Reading/Language Arts Framework for California Public Schools, Kindergarten Through Grade Twelve* which included Chapter 9, "Criteria for Evaluating Instructional Materials, Kindergarten Through Grade Eight." This criteria includes a request for five types of programs to be submitted for the 2008 RLA/ELD Primary Adoption.

SUMMARY OF KEY ISSUES

The 2008 Reading/Language Arts/English Language Development Primary Adoption Timeline contains key dates for the adoption of instructional materials for kindergarten through grade eight. The timeline is governed by *Education Code* sections 60200 through 60206, which outlines the process that the SBE must follow in adopting instructional materials.

The attached timeline will provide publishers, school districts, and other members of the public with official notice of important activities and dates in the adoption process. Initial submissions of instructional materials will take place in March 5, 2008. Training of IMAP and CRP members is scheduled for April 8-11, 2008. Deliberations are projected to require two sessions due to the large number of anticipated program submissions. The first session is scheduled for July 14-17, 2008; a second session will be held in late July, with dates to be determined. The SBE will act to adopt at their November 2008, meeting with a post-adoption briefing to be held in December 2008.

FISCAL ANALYSIS (AS APPROPRIATE)

The estimated cost for the 2008 Reading/Language Arts/English Language Development Primary Adoption will be approximately $500,000.

ATTACHMENT(S)

Attachment 1: Proposed 2008 Reading/Language Arts/English Language Development Primary Adoption Timeline (1 Page)

Proposed 2008
Reading/Language Arts / English Language Development Primary Adoption Timeline

Action(s)	Reading/Lang. Arts/ELD 2008
State Board of Education (SBE) adopts evaluation criteria at least 30 months before adoption	April 16, 2006
Publishers briefings on criteria	September 27, 2006 November 29, 2006
Recruit IMAP/CRP members	March-September 12, 2007
CC recommends IMAP/CRP members to SBE	Sept. 2007 / Dec. 2007
SBE Action on IMAP/CRP members	Nov. 2007/Jan. 2008
Invitation to submit meeting	January 8, 2008
Deadline for submission information	March 5, 2008
IMAP/CRP training	April 8-11, 2008
Price quote distribution to publishers	April 15, 2008
Samples submitted to reviewers and LRDCs	April 24, 2008
Legal compliance (LC) review	May-June 2008
LC citation notices sent to publishers	July 7, 2008
Price quote receipt deadline	June 16, 2008
Publisher withdrawal deadline (7 working days before deliberations)	July 3, 2008
Deliberations	July 14-17, 2008 Late July (Dates TBD)
Publisher response to LC citations	August 6, 2008
SMC meeting	August (Date TBA), 2008
SMC and CC action on recommendations	September 2008
Public display period (30 days)	October 2008
SBE hearing/action on adoption	November 2008
Post-adoption publishers briefing	December 2008
Final printed resources submitted	January 2009
Termination date for Price List	November 2015

ITEM #32

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2007 AGENDA

SUBJECT	
Adoption of Instructional Materials: Revision of Schedule as Required by Assembly Bill 2722	☒ Action ☒ Information ☐ Public Hearing

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) revise the schedule for curriculum framework development and adoption of instructional materials and continue all instructional materials adoption lists until the date of the next primary adoption in that subject area.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE adopted instructional materials in the following subjects for a period of six years: Mathematics in 2001; Reading/Language Arts/English Language Development (RLA/ELD) in 2002; History–Social Science in 2005; and Science in 2006. Each of these adoption lists is scheduled to expire on June 30 of the sixth year following the year of adoption.

The SBE adopted instructional materials in the following subjects for a period of eight years: Foreign Language in 2003; Health in 2004; and Visual and Performing Arts (VPA) in 2006. Each of these adoption lists is scheduled to expire on June 30 of the eighth year following the year of adoption.

SUMMARY OF KEY ISSUES

AB 2722 (Chapter 887, Statutes of 2006), amended *Education Code* (*EC*) Section 60200 to require that the SBE not adopt instructional materials in Reading Language Arts and Mathematics in succeeding years. AB 2722 also added *EC* Section 60200.1 to require that the RLA/ELD adoption be conducted in 2008.

After 2008, the next scheduled adoption for RLA/ELD is scheduled to take place in 2014. To meet the new requirement to separate the RLA/ELD and Mathematics adoptions, the CDE recommends that the RLA/ELD adoption be moved to 2015.

SUMMARY OF KEY ISSUES (Cont.)

Moving the RLA/ELD adoption to 2015 also moves the required date for the approval of the framework and criteria to 2013. *EC* Section 60200 (c)(6) requires that the criteria be approved by the SBE at least 30 months prior to the date the instructional materials are approved for adoption.

A revised Schedule for Curriculum Framework Development, Kindergarten through Grade Twelve and Adoption of Instructional Materials, Kindergarten through Grade Eight is attached showing the frameworks and adoptions scheduled from 2005 through 2017 as required by the legislative change.

Previously, instructional materials continued on the adoption list until a date not more than six or eight years from the date of adoption. For example, the science adoption list expired June 30, 2006, but the SBE action establishing a new adoption list did not take place until November 8, 2006, creating a gap of five months in which there were no current state–adopted instructional materials in science. The revision of *EC* Section 60200(i) changed the life of the adoption list to continue until the date on which the SBE adopts instructional materials based upon a new or revised curriculum framework.

The revised end date of each adoption list will be the date on which the SBE adopts new materials in that subject, scheduled for November of the year indicated.

Subject	**Proposed End Date**
Mathematics	November 2007
RLA/ELD	November 2008
History-Social Science	November 2011
Science	November 2012
Health	November 2012
Foreign Language	November 2011
VPA	November 2014

FISCAL ANALYSIS (AS APPROPRIATE)

Moving the RLA/ELD adoption from 2014 to 2015 reduces the funding required for the 2014 year, as the state will conduct only one adoption that year; that is, the VPA. However, the fiscal impact of the RLA/ELD adoption will move to 2015.

Extending the life of the adoption list by five months has no significant fiscal impact.

ATTACHMENT(S)

Attachment 1: Schedule for Curriculum Framework Development, Kindergarten through Grade Twelve and Adoption of Instructional Materials Kindergarten through Grade Eight (Revised) (1 Page)

California Department of Education
Curriculum Framework and Instructional Resources Division

Schedule for Curriculum Framework Development, Kindergarten through Grade Twelve-12 and Adoption of Instructional Materials, Kindergarten through Grade Eight

Calendar Year		05	06	07	08	09	10	11	12	13	14	15	16	17
Academic content standards and SBE adopted instructional materials	History-Social Science	A				Fc		A				Fc		A
	Science		A				Fc		A				Fc	
	Mathematics	Fc		A				Fc		A				Fc
	Reading/Language Arts/ELD		Fc		A				~~Fc~~	**Fc**	~~A~~	**A**		
Content standards and SBE adopted instructional materials	Visual & Performing Arts		A						Fc		A			
SBE adopted instructional materials, will have content standards	Foreign Language					SFc		A						
SBE adopted instructional materials, will have content standards	Health					S	Fc		A					
SBE adopted model content standards, no SBE adopted instructional materials	Physical Education	S			F							F		

A = Primary Adoption
c = Evaluation Criteria
F = Framework
ELD = English Language Development
S = Standards to be adopted by SBE
SBE = State Board of Education

DRAFT—March 2007

ITEM #33

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2007 AGENDA

SUBJECT	
2007 Mathematics Primary Adoption: Approval of Revised Timeline	☒ Action ☒ Information ☐ Public Hearing

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the revised 2007 Mathematics Primary Adoption Timeline.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

January 2001: The SBE adopted the current list of mathematics instructional materials. The primary adoption of instructional materials in mathematics for kindergarten through grade eight occurs every six years.

March 2005: The SBE adopted the new *Mathematics Framework for California Public Schools, Kindergarten Through Grade Twelve*, which contains the adopted *Criteria for Evaluating Mathematics Instructional Materials* for the 2007 Mathematics Primary Adoption.

January 2006: The SBE approved the timeline for the 2007 Mathematics Primary Adoption.

November 2006: The SBE approved revisions to the timeline to add a second session for the adoption deliberations process to allow for the review of the large number of submissions expected for this adoption.

SUMMARY OF KEY ISSUES

The 2007 Mathematics Primary Adoption timeline contains key dates for the adoption of instructional materials for kindergarten through grade eight. The attached timeline follows the statutory requirements and notice to publishers set by previous adoptions. On January 26, 2007, the Curriculum Development and Supplemental Materials Commission (Curriculum Commission) approved revisions to the timeline.

The shaded areas of the timeline in Attachment 1 indicate dates that have been added to the timeline for the following reasons:

SUMMARY OF KEY ISSUES (Cont.)

- **March 26, 2007:** Notification to publishers that submissions have been assigned to either Deliberations Session I or Session II. A second session was added to the adoption deliberations process, due to the large number of publishers and programs expected to participate in this adoption. The panel deliberations process was separated into two sessions (Session I and Session II), so that the Curriculum Commission and CDE staff can conduct an adoption of this magnitude. This is the date the CDE will notify publishers to which session each program has been assigned.

- **July 3, 2007, and July 18, 2007**: Establish separate publisher withdrawal deadlines for materials scheduled for review during Deliberations Session I and Session II, respectively. Establishing separate withdrawal deadlines requires publishers to withdraw from the adoption at least seven days prior to the start of the deliberations sessions the programs are assigned to for review.

- **September 14, 2007, and September 21, 2007:** Add a Mathematics Subject Matter Committee (SMC) meeting on September 14, 2007, to hear additional public comment on the Instructional Materials Advisory Panel/Content Review Panel (IMAP/CRP) Report of Findings. Also add a Mathematics SMC conference call meeting on September 21, 2007, for the committee to discuss topics related to the Report of Findings. Due to the large number of programs expected for this adoption, the Curriculum Commission has scheduled these additional Mathematics SMC meetings prior to the September 24-26, 2007, Curriculum Commission meeting, when they plan to take action to recommend materials for adoption.

CDE staff recommends approval of these revisions to the 2007 Mathematics Adoption Timeline.

FISCAL ANALYSIS (AS APPROPRIATE)

The estimated cost for the 2007 Mathematics Primary Adoption will be approximately $372,575 for training in 2006-07. There are additional costs for the 2007-08 fiscal year for deliberations and other activities associated with the adoption.

ATTACHMENT(S)

Attachment 1: 2007 Mathematics Kindergarten–Grade Eight Primary Adoption Timeline (2 pages).

2007 MATHEMATICS KINDERGARTEN–GRADE EIGHT PRIMARY ADOPTION TIMELINE

(Revisions, highlighted below, approved by Curriculum Commission January 26, 2007)

DATE(S)	EVENT(S)
May 2005	State Board of Education (SBE) adopts evaluation criteria – at least 30 months before adoption
September 2005	Commission approves final timeline
November 8, 2005	Publishers briefing on criteria
Feb. 2006 – Until Filled	Recruit IMAP/CRP members
Sept. 2006 - Dec. 2006	Commission recommends IMAP/CRP members to SBE
Nov. 2006 - Jan. 2007	SBE action on IMAP/CRP members
January 9, 2007	Invitation to submit meeting
March 7, 2007	Deadline for submission information
March 26, 2007	Submissions assigned to Deliberations Session I OR II
March 26-29, 2007	IMAP/CRP training
April 12, 2007	Samples submitted to reviewers and LRDCs
April 13, 2007	Price quote distribution to publishers
June 13, 2007	Price quote receipt deadline
Various dates and locations*	Legal and social compliance (LC) review
July 3, 2007	Publisher withdrawal deadline for Session I (7 working days before deliberations)
July 9, 2007	LC citation notices sent to publishers
July 16-19, 2007	Deliberations (Session I)
July 18, 2007	Publisher withdrawal deadline for Session II (7 working days before deliberations)
July 30 – August 2, 2007	Deliberations (Session II)
August 6, 2007	Publisher response to LC citations
September 14, 2007	Mathematics Subject Matter Committee meeting to hear public comment on IMAP/CRP Report of Findings
September 21, 2007	Mathematics Subject Matter Committee conference call meeting to discuss IMAP/CRP Report of Findings

September 27-28, 2007	Mathematics Subject Matter Committee and Curriculum Commission action on recommendations
October 2007	Public display period (30 days)
November 7-8, 2007	SBE hearing/action on adoption
December 2007	Post-adoption publishers briefing
January 2008	Final printed resources submitted

*Contracts with various County Offices of Education to conduct the LC review

CALIFORNIA STATE BOARD OF EDUCATION

March 2007 AGENDA

SUBJECT	
Chief Business Officer Training Program – Approve Training Candidates	☒ Action ☒ Information ☐ Public Hearing

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve candidates nominated by their local educational agencies (LEAs) for the Chief Business Officer (CBO) Training Program and approve requests to change LEAs' selected training provider.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Beginning with the July 2006 SBE meeting, the SBE has approved training candidates for the CBO Training Program (Senate Bill 352, Chapter 356, Statutes of 2005). This program provides incentive funding for school districts, county offices of education, and charter schools to send candidates to CBO training by state-qualified providers.

SUMMARY OF KEY ISSUES

Following the SBE's approval of training providers at its May 2006 meeting, LEAs applied for funding on behalf of their CBO candidates. After the SBE approved training candidates at its September 2006 meeting, all available funding for fiscal year 2006-07 was committed. As such, this training request is for LEAs: (1) substituting a candidate for one previously approved; (2) substituting a candidate's approved training provider; or (3) applying completely new as previously approved candidates withdraw.

An LEA recommended for approval has given signed assurance that:

- The nominated training candidate has committed to provide no less than two years of continuous service to a state public school following completion of the training;

- The CDE will withhold the amount of funds received from its next principal apportionment if the nominated candidate does not participate in or complete the training; and

SUMMARY OF KEY ISSUES (CONT.)

- Information will be provided regarding the LEA's fiscal certification status, the candidate's employment and retention status, and any other data requests made by the CDE to fulfill reporting requirements.

Once the SBE approves the training candidates, initial funding will be allocated to the LEAs upon confirmation of the candidate's enrollment in the selected program. The remaining funds will be allocated upon the candidate's completion of the program.

FISCAL ANALYSIS (AS APPROPRIATE)

Three thousand dollars ($3,000) per eligible training candidate has been allocated for this purpose, with 50 percent of the funding allocated after approval of the LEA application, and the remaining 50 percent allocated upon completion of the CBO training. The Budget Act of 2005 appropriated $1.05 million for this purpose, to provide funds for up to 350 candidates. It is anticipated that an additional $1.05 million will be appropriated for this purpose for both 2007-08 and 2008-09, for a total of about $3 million.

ATTACHMENT(S)

Attachment 1: CBO Training Candidates Recommended for Approval (1 Page)

CBO Training Candidates Recommended for Approval

County	Local Educational Agency	Candidates Nominated	Selected Training Provider	
Alameda	Hayward Unified School District	1	CASBO **	Y
Alameda	Sunol Glen Unified School District *	1	CASBO	
Kern	Di Giorgio School District *	1	CSU, Bakersfield	
Kern	Rosedale Union School District *	1	CSU, Bakersfield	
Kings	Kings County Office of Education *	1	CASBO	
Kings	Delta View Joint Union School District	1	CASBO	Y
Los Angeles	Bellflower Unified School District	1	CSU, Fullerton	Y
Los Angeles	East Whittier City School District	1	CSU, Fullerton	Y
Los Angeles	East Whittier City School District	1	USC, Rossier	Y
Los Angeles	Gorman Learning Center	1	UC, Riverside **	
Los Angeles	Los Angeles Unified School District	1	USC, Rossier	Y
Mendocino	Willits Unified School District	1	CASBO	Y
Monterey	Chualar Union Elementary School District	1	CASBO	Y
San Bernardino	Bear Valley Unified School District	1	UC, Riverside **	
San Diego	Escondido Union High School District *	1	CASBO	
Sutter	Sutter County Office of Education *	1	CASBO	
	Total Training Candidates	16		

* Previously SBE approved; change in training candidate requested.

** Previously SBE approved; change in training provider requested.

A "Y" indicates that the local educational agency has received a negative or qualified budget certification within the past five fiscal years or is currently operating with a state-appointed administrator or trustee.

ITEM #35

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2007 AGENDA

SUBJECT	
Charter Schools: Determination of Funding Requests for 2006-07 (and beyond) for Nonclassroom-based Charter Schools	☒ Action ☒ Information ☐ Public Hearing

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve twenty-four 2006-07 (and beyond) determination of funding requests from charter schools pursuant to *Education Code (EC)* 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) as presented in Attachment 1.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Senate Bill (SB) 740 (Chapter 892, Statutes of 2001) enacted provisions in law that result in potential 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. A charter school is prohibited from receiving any funding for nonclassroom-based instruction unless the SBE determines its eligibility for funding. For 2003-04 and each fiscal year thereafter, the law states that funding determinations must be 70 percent unless the SBE determines that a greater or lesser percentage is appropriate for a particular charter school.

SB 740 also established the ACCS to develop the criteria for the SBE to use in making funding determinations. Moreover, the ACCS provides recommendations to the SBE on appropriate funding determination levels for nonclassroom-based charter schools and on other aspects of the SBE's duties under the Charter Schools Act of 1992.

SUMMARY OF KEY ISSUES

The ACCS made recommendations on twenty-four 2006-07 (and beyond) funding determinations considered under the revised Title 5 regulations at its meeting on January 29, 2007.

SUMMARY OF KEY ISSUES (cont)

Please note that the revised Title 5 regulations (that became operative on December 6, 2005) specify the criteria that a nonclassroom-based charter school must meet in order for the SBE to approve a 100 percent determination of funding. These criteria state that at least 40 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 does not exceed 25-to-1 or the student-to-teacher ratio of the largest unified school district in the county or counties in which the charter school operates. Affected schools must spend a minimum of 35 percent on certificated employee salaries and benefits and 60 percent on instruction and instruction-related costs or the funding determination 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.

Pursuant to the SB 740 regulations, all funding determination requests are required to be submitted to the CDE by February 1.

FISCAL ANALYSIS (AS APPROPRIATE)

A determination of funding request approved at less than the 100 percent level would likely 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 (expenditure shifts). In 2003-04, 2004-05, and 2005-06 apportionment claims were reduced (expenditures shifted) by approximately $20 million each year.

ATTACHMENT(S)

Attachment 1: 2006-07 (and beyond) Funding Determination Requests (4 Pages)

2006-07 (and beyond) Funding Determination Requests

The following determination of funding requests are recommended for approval by the SBE for two years only (2006-07 and 2007-08) at the 100 percent level. The reasons justifying a level higher than 70 percent in 2006-07 and beyond are that: (1) the schools met the minimum criteria specified in regulation for the 100 percent level, and (2) the schools 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. Note that the following are newly established charter schools, whose projected expenditures meet the criteria for 100 percent funding.

Charter Number	CDS Code	Charter Name	2006-07	2007-08
#753	33-10330-0110833	EPCS-Inland Empire Charter School	100%	100%
#757	51-71423-0111161	California Virtual Academy @ Sutter	100%	100%
#759	37-68106-0111195	Classical Academy High School	100%	100%
#760	12-63032-0111203	Alder Grove Charter School	100%	100%
#762	36-67827-0111807	Mojave River Academy	100%	100%
#763	42-69112-0111773	Family Partnership Home Study Charter School	100%	100%
#802	41-68916-0112284	California Virtual Academy @ San Mateo	100%	100%
#804	54-71803-0112458	Central California Connections Academy	100%	100%
#806	54-71803-0112466	Alpaugh Achievement Academy	100%	100%
#807	55-72413-0112276	Gold Rush Charter School	100%	100%
#815	13-10132-0112391	University of California Online Academy Imperial	100%	100%
#822	23-65623-0112300	La Vida Independent Study	100%	100%
#838	19-65094-0112706	California Virtual Academy @ Los Angeles	100%	100%
#840	16-63875-0112698	California Virtual Academy @ Kings	100%	100%
#841	19-64857-0112714	Antelope Valley Learning Academy	100%	100%

The following determination of funding requests are recommended for approval by the SBE for two years only (2006-07 and 2007-08) at the 100 percent level. The reasons justifying a level higher than 70 percent in 2006-07 and beyond are that: (1) the schools met the minimum criteria specified in regulation for the 100 percent level, and (2) the schools 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 (*CCR*, Title 5, Section 11963.4[a][3]). Note that the California Department of Education (CDE) has not yet received an audit from these schools. The CDE's recommendation is therefore contingent upon receiving a 2005-06 audit without significant audit exceptions.

Charter Number	CDS Code	Charter Name	2006-07	2007-08
#44	10-61253-6112387	West Park Charter Academy	100%	100%
#149	10-62166-1030642	School of Unlimited Learning	100%	100%
#163	10-26166-1030667	New Millennium Institute of Education	100%	100%
#257	10-62414-1030766	Hallmark Charter School	100%	100%

The following determination of funding requests are recommended for approval by the SBE for three years (2006-07, 2007-08, and 2008-09) at the 100 percent level. The reasons justifying a level higher than 70 percent in 2006-07 and beyond are that: (1) the schools met the minimum criteria specified in regulation for the 100 percent level, and (2) the schools 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. The ACCS recommended that given the schools' relatively high CAHSEE passage rate, in combination with a solid record of achievement in the Standardized Testing and Reporting (STAR) program and meeting expenditures established per SB 740, the schools should be awarded a three-year approval period. Note that the CDE has not yet received an audit from these schools. CDE's recommendation is therefore contingent upon receiving a 2005-06 audit without significant audit exceptions.

Charter Number	CDS Code	Charter Name	2006-07	2007-08	2008-09
#26	29-66415-6111199	Twin Ridges Home Study Charter School	100%	100%	100%
#183	58-72726-5830120	Academy for Career Education	100%	100%	100%

The following determination of funding request is recommended for approval by the SBE for three years (2006-07, 2007-08, and 2008-09) at the 100 percent level and, if determined by the CDE to meet the criteria specified in *Education Code* (*EC*) Section 47612.5(d)(2), for five years (2006-07 through 2010-11) at the 100 percent level. The reasons justifying a level higher than 70 percent in 2006-07 and beyond are that: (1) the schools met the minimum criteria specified in regulation for the 100 percent level, and (2) the schools 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. Moreover, *EC* Section 47612.5(d)(2) provides for a five-year funding determination if a charter school achieves a statewide rank of 6 or higher on the Academic Performance Index for the two years immediately prior to receiving a funding determination. It appears likely that this school will meet that criterion when API rankings are released this spring. Accordingly, it is recommended that this school be granted a three-year funding determination that would be automatically extended to five years if the CDE finds that the API criterion (justifying a five-year approval) has been met.

Charter Number	CDS Code	Charter Name	2006-07	2007-08	2008-09	2009-10	2010-11
#256	45-70136-4530267	Shasta Secondary Home School	100%	100%	100%	100%*	100%*

* Contingent upon the CDE determining that the school has met the provisions of *EC* Section 47612.5(d)(2) to qualify for a five-year funding determination.

Recommendation for Approval of a Prospective Determination of Funding. Please note that the revised Title 5 regulations (that became operative on December 6, 2005) allow a charter school to submit a request for funding determination up to one year prior to the fiscal year in which the request will initially be effective. In previous action by the SBE on May 10, 2006, Mark West Charter School received a three-year funding determination at the 100 percent funding level extending through 2006-07. In accordance with the newly adopted regulations, this funding determination request and recommendation is for the 2007-08 school year and beyond.

Charter Number	CDS Code	Charter Name	2007-08	2008-09	2009-10
#616	49-70805-0105890	Mark West Charter School	100%	100%	100%

The following determination of funding request is recommended for approval by the SBE for two years (2006-07 and 2007-08) at the 85 percent level. The reasons justifying this level in 2005-06 and 2006-07 revolve around the school only having met the criteria specified in regulation for the 85 percent funding level. Specifically, the percentage of the schools' total expenditures calculated for Instruction and Related

Services did not equal or exceed 80 percent of total revenues (*CCR*, Title 5, Section 11963.4[a][2]). “If the percentage calculated pursuant to paragraph (1) of subdivision (c) of Section 11963.3 equals or exceeds 40 percent on certificated staff compensation, **and** the percentage calculated pursuant to paragraph (2) of subdivision (c) of Section 11963.3 equals at least 70 percent but less than 80 percent on instruction and related services, the ACCS shall recommend to the SBE approval of the request at 85 percent, unless there is a reasonable basis to recommend otherwise.” The school spent less than 80 percent on Instruction and Related Services in 2005-06, resulting in an 85 percent recommended funding determination level. This charter school can address this problem in future funding determinations by increasing the school’s total expenditures calculated for instruction and related services to 80 percent or more of total revenues. In addition, the ACCS requested that the school submit a determination of funding request reflecting its 2006-07 revenues and expenditures on or before December 31, 2007 for review by the ACCS.

Charter Number	CDS Code	Charter Name	2006-07	2007-08
#357	50-71068-5030267	Denair Charter Academy	85%	85%

ITEM #36

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2007 AGENDA

SUBJECT	
Assignment of Numbers for Charter School Petitions	☒ Action ☒ Information ☐ Public Hearing

RECOMMENDATION

The California Department of Education (CDE) 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 presents this routine request for assignment of charter numbers as a standard action item.

Since the charter school law was enacted in 1992, the SBE has assigned numbers to 854 charter schools, including some approved by the SBE after denial by the local educational agencies. Separate from that numbering system, eight all-charter districts have been jointly approved by the State Superintendent of Public Instruction and the SBE, which have a total of 15 school sites. Of the 854 charter schools numbered, approximately 620 are operating in the 2006-07 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 provisions of its charter, but is exempt from many statutes and regulations 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 stays within a statutory cap on the total number of charter schools authorized to operate. The statutory cap is not subject to waiver. During 2006-07, the statutory cap is 1,050. The charter schools listed in Attachment 1 were recently approved by local boards of education as noted. Copies of the charter petitions are on file in the Charter Schools Division.

FISCAL ANALYSIS (AS APPROPRIATE)

There is essentially no fiscal impact directly resulting from the assignment of numbers to recently authorized charter schools. To the extent numbered schools serve students, they report average daily attendance and receive funding from certain federal, state, and local sources.

ATTACHMENT(S)

Attachment 1: Assignment of Numbers for Charter School Petitions (2 Pages)

MARCH 2007 STATE BOARD OF EDUCATION MEETING

Assignment of Numbers for Charter School Petitions

Number	Charter Name	County	Authorizing Entity	Charter School Contact
855	Riverside Preparatory School	San Bernardino	Oro Grande School District	Joseph B. Andreasen P.O. Box 386 Oro Grande, CA 92368 760-245-9260
856	Riverbank Language Academy	Stanislaus	Riverbank Unified School District	William Redford 2322 Arabian Way Turlock, CA 95380 209-678-3049
857	Pasadena Rosebud Academy	Los Angeles	Pasadena Unified School District	Shawn Brumfield 3516 N. Fair Oaks Ave. Altadena, CA 91001 626-345-1612
858	Rhythms of the Village Charter High School	Los Angeles	Pasadena Unified School District	Onochie Chukwurah 482 W. Washington Blvd. Pasadena, CA 91103 626-798-4732
859	Uncharted Shores Academy	Del Norte	Del Norte County Office of Education	Margie Rouge 320 Mud Hen Village Rd. Crescent City, CA 95531 707-954-6797
860	Nova Meridian Academy	San Bernardino	Colton Joint Unified School District	David Silas Tellyer 850 Via Lata Ste. 105 Colton, CA 92324 909-370-2055

Number	Charter Name	County	Authorizing Entity	Charter School Contact
861	Phoenix Rising Charter Academy	Sacramento	Grant Joint Union High School District	Cindy Peterson 5201 Arnold Ave. McClellan, CA 95652 916-275-0512
862	Higher Learning Academy	Sacramento	Grant Joint Union High School District	Cindy Peterson 5201 Arnold Ave. McClellan, CA 95652 916-275-0512
863	Shasta Trades Academy	Shasta	Shasta County Office of Education	Sybil Ellery 1644 Magnolia Ave. Redding, CA 96001 530-245-7838

ITEM #~~#~~37

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CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2007 AGENDA

SUBJECT	
2007 Mathematics Primary Adoption of Instructional Materials: Appointment of Instructional Materials Advisory Panel Members and Content Review Panel Experts (Cohort 3)	☒ Action ☒ Information ☐ Public Hearing

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve appointment of nine of the ten Content Review Panel (CRP) experts as listed in Attachment 1, and as recommended by the Curriculum Development and Supplemental Materials Commission (Curriculum Commission).

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

March 9, 2005: The SBE adopted the 2006 edition of the *Mathematics Framework for California Public Schools, Kindergarten Through Grade Twelve*, which includes the evaluation criteria for the 2007 Mathematics Primary Adoption.

January 12, 2006: The SBE adopted the 2007 Mathematics Primary Adoption Timeline.

November 9, 2006: The SBE approved 85 applicants for appointment to the Instructional Materials Advisory Panel (IMAP) and 4 applicants for appointment to the CRP, conditioned upon legal counsel review of any potential conflicts of interest (Cohort 1).

January 10, 2007: The SBE approved 76 additional applicants for appointment to the IMAP, conditioned upon legal counsel review of any potential conflicts of interest (Cohort 2).

SUMMARY OF KEY ISSUES

Background

In March 2006, a recruitment letter from State Superintendent of Public Instruction (SSPI) Jack O'Connell was sent to district and county superintendents, curriculum coordinators in mathematics, and other interested individuals and organizations to recruit mathematics educators to serve as IMAP members and CRP experts. Recruitment letters were also sent to college and university departments of mathematics and to a number of professional associations related to mathematics. The application forms for the IMAP and CRP have been on the CDE Web site since February 2006.

SUMMARY OF KEY ISSUES (Cont.)

On January 26, 2007, the Curriculum Commission approved to move forward to the SBE six applicants (507, 508, 510, 511, 513, and 514) for appointment to the CRP, **conditioned upon legal counsel review of any potential conflicts of interest.** On February 20, 2007, the Curriculum Commission approved to move forward to the SBE four additional applicants (509, 515, 516 and 517) for appointment to the CRP, **conditioned upon legal counsel review of any potential conflicts of interest**. Attachment 1 includes mini-biographies for the ten CRP applicants in Cohort 3.

Unfortunately, following the Curriculum Commission action on January 26, 2007, CRP applicant 508 notified the CDE that he will not be able to serve as a CRP expert, due to a scheduling conflict. Therefore, the CDE recommendation for this item is to approve appointment of nine of the ten applicants listed in Attachment 1 (excluding 508).

If additional CRP applicants are recommended by the Curriculum Commission prior to the program deliberations sessions in July 2007, those applicants will be submitted as a May SBE agenda item.

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 members serve as mathematics content experts and confirm that the instructional materials are mathematically accurate and based on current and confirmed research.

All of the CRP applicants have an advanced degree in mathematics or a related field.

Of the ten CRP applications recommended by the Curriculum Commissioners, eight applicants are male and two are female. Three applicants are from Northern California, five applicants are from Southern California and one applicant is from another state. Attachment 1 contains additional information on these CRP applicants.

Estimated Number of Panels
Approximately 40 publishers have expressed an interest in participating in the 2007 Mathematics Primary Adoption, though we may have fewer or more actual submissions. Based on this number of publishers, we anticipate needing approximately 20-25 panels of reviewers. Each panel will have five–seven IMAP members and one CRP expert. The SBE has already appointed an adequate number of IMAP members; however, with the appointment of these six nominees, we will have a total of ten CRP members and hope to get at least ten more.

FISCAL ANALYSIS (AS APPROPRIATE)

The estimated cost for travel, hotel accommodations, and per diem expenses based on 150 IMAP members and 25 CRP members is approximately $372,575. The final costs will vary depending upon the number of reviewers who actually serve on the IMAP and CRP.

ATTACHMENT(S)

Attachment 1: 2007 Mathematics Primary Adoption CRP Applicants Report - Cohort 3 (5 pages).

2007 Mathematics Primary Adoption CRP Applicants

Applicant Information

CC Recommended Yes

ID	Cohort	CRP/IMAP	First Name	Last Name	Position	Employer
507	3	CRP	Babette	Benken	Assistant Professor	CA State University, Long Beach, Dept. of Mathematics & Statistics

Highest Degree/Institution: Ph.D., Mathematics Education, University of Michigan, Ann Arbor, MI, 2004

Region: South **Gender**: Female **Panel**:

Teaching Experience

K-12: ☐ Primary (K-3) ☐ Grade 4 ☐ Grade 5 ☑ Grade 6 ☑ Grade 7 ☑ Grade 8 ☑ High School

Post-Secondary: ☐ 2 Year College ☑ 4 Year College/University ☐ High School Adult Education

☐ Algebra
☐ Geometry
☐ Algebra II
☐ Trigonometry

Short Bio

Candidate has taught for 19 years in several capacities including, Assistant Professor (Mathematics & Mathematics Education), Visiting Instructor (Mathematics & Mathematics Education), Co-Administrator for Master of Arts in Education w/ Certification Program (School of Education), Graduate Student Instructor and Field Supervisor, Graduate Student Researcher, Instructor Department of Mathematics, Mathematics Teacher (grades 6-12), Administrator (College Coordinator), Mathematics Program Developer, and Teacher (grades 6-8). Candidate's current responsibilities include Assistant Professor of Math and Math Ed. at CSU Long Beach, teaching various math and math education courses at graduate/undergraduate levels as part of the Math & Statistics Department. She has provided a letter explaining the status of her Master of Science degree in Mathematics at Tuft University, Medford, Mass.

Applicant Information

CC Recommended Yes

ID	Cohort	CRP/IMAP	First Name	Last Name	Position	Employer
508	3	CRP	Dean	Schonfeld	Teacher	Monrovia USD, Monrovia High School

Highest Degree/Institution: Ph.D., MS, Engineering, Catholic University, Washington D.C.

Region: South **Gender**: Male **Panel**:

Teaching Experience

K-12: ☐ Primary (K-3) ☐ Grade 4 ☐ Grade 5 ☐ Grade 6 ☐ Grade 7 ☐ Grade 8 ☑ High School

Post-Secondary: ☐ 2 Year College ☑ 4 Year College/University ☐ High School Adult Education

☑ Algebra
☑ Geometry
☐ Algebra II
☑ Trigonometry

Short Bio

Candidate has been a teacher of Mathematics and Physics at Monrovia High School for five years. He teaches classes in Geometry, Algebra I, AP Statistics, Pre-Calculus, Transition Math, Integrated Science and Physics to high school students. He initiated and taught the first course of AP Statistics at Monrovia High School. He also developed materials for the course and helped select the textbook. He initiated and currently supervises an after-school tutoring program where he functions as a tutor for all levels of Math and Science. Candidate initiated a proposal to start the Monrovia Academy for Mathematics and Applied Sciences and submitted proposal to State of California SSP Program where it is pending. The academy will teach rigorous courses in math and sciences through applications in such areas as astronomy, architecture, engineering, life sciences and automotive engineering. Prior to his teaching position, he seved as the Director, Technology Transfer, Center of Neuromorphic Systems Engineering, California Institute of Technology, Pasadena, CA for four years.

2007 Mathematics Primary Adoption CRP Applicants

Applicant Information

CC Recommended Yes

ID	Cohort	CRP/IMAP	First Name	Last Name	Position	Employer
509	3	CRP	Philip	Ogbuehi	Professional Development Facilitator (Math Expert)	LAUSD

Highest Degree/Institution: Ph.D., Mathematics and Science Education, Curtin University of Technology, Australia (2003-2006)

Region: South **Gender**: Male **Panel**:

Teaching Experience

K-12: ☐ Primary (K-3) ☐ Grade 4 ☐ Grade 5 ☑ Grade 6 ☑ Grade 7 ☑ Grade 8 ☑ High School

Post-Secondary: ☐ 2 Year College ☐ 4 Year College/University ☐ High School Adult Education

☑ Algebra
☑ Geometry
☐ Algebra II
☐ Trigonometry

Short Bio

Candidate has been in the teaching profession for 8 years. He worked for Compton USD as Instructor and Department Chair where he trained and supervised teachers within the mathematics department. During 1998 he served as a Math Tutor for Cerritos College at the Mathematics Learning Center providing tutoring services to independent learners in college mathematics. Prior to his teaching career he served as a research scientist for one year at the Federal Institute of Industrial Research, Oshodi, Nigeria. Currently he serves as a professional development facilitator, Mathematics program, for LAUSD. Before that he served for one year as an instructional coach - Secondary Mathematics, for LAUSD.

Applicant Information

CC Recommended Yes

ID	Cohort	CRP/IMAP	First Name	Last Name	Position	Employer
510	3	CRP	G (Bradley)	Huff		Retired

Highest Degree/Institution: PhD., Physics, University of Washington

Region: North **Gender**: Male **Panel**:

Teaching Experience

K-12: ☐ Primary (K-3) ☐ Grade 4 ☐ Grade 5 ☐ Grade 6 ☑ Grade 7 ☑ Grade 8 ☑ High School

Post-Secondary: ☐ 2 Year College ☑ 4 Year College/University ☐ High School Adult Education

☑ Algebra
☐ Geometry
☑ Algebra II
☑ Trigonometry

Short Bio

Candidate used advanced mathematics in his doctoral research and teaching at the university level. Candidate taught mathematics over a 40 year span at the middle and high school levels and at the college level before his retirement. For the last year and a half, candidate has become well acquainted with elementary level mathematics as the writer of applications for StudentNest.com to be approved as a Supplementary Educational Services provider for 9 states including California where he reviewed and edited all of the pre-assessment tests for grades K-12. Candidate's volunteer work at StudentNest.com has included his substituting as a tutor when regular tutors are unable to hold a session, so he has worked one-on-one with students in grades 1-6. He has served as Chair of the CA Curriculum Correlation Council and is familiar with California Frameworks and California's mathematics content standards.

2007 Mathematics Primary Adoption CRP Applicants

Applicant Information

CC Recommended Yes

ID	Cohort	CRP/IMAP	First Name	Last Name	Position	Employer
511	3	CRP	Angelo	Segalla	Professor of Mathematics	CSU Long Beach

Highest Degree/Institution	Region	Gender	Panel
PhD., UCLA, Curr. & Instruction & Mathematics as Cognate Field	South	Male	

Teaching Experience

K-12: ☐ Primary (K-3) ☐ Grade 4 ☐ Grade 5 ☑ Grade 6 ☑ Grade 7 ☑ Grade 8 ☑ High School

Post-Secondary: ☐ 2 Year College ☐ 4 Year College/University ☐ High School Adult Education

☑ Algebra
☑ Geometry
☑ Algebra II
☑ Trigonometry

Short Bio

Candidate's area of expertise is Mathematics Education. Candidate has taught from Grade 6 through university mathematics including lower and upper division mathematics courses, graduate mathematics education courses, tests and measurements, methods and capstone courses. Candidate has recently published some articles on the effectiveness of using an Internet based mathematics homework system. He is familiar with studies on the effectiveness of computer assisted instruction.

Applicant Information

CC Recommended Yes

ID	Cohort	CRP/IMAP	First Name	Last Name	Position	Employer
513	3	CRP	Christopher	Yakes	Assistant Professor	CSU Chico

Highest Degree/Institution	Region	Gender	Panel
PhD., Mathematics, UC Los Angeles, 2005.	North	Male	

Teaching Experience

K-12: ☐ Primary (K-3) ☐ Grade 4 ☐ Grade 5 ☐ Grade 6 ☐ Grade 7 ☐ Grade 8 ☐ High School

Post-Secondary: ☐ 2 Year College ☑ 4 Year College/University ☐ High School Adult Education

☑ Algebra
☐ Geometry
☑ Algebra II
☐ Trigonometry

Short Bio

Candidate is currently an Assistant Professor at CSU Chico, Mathematics Department and Statistics with a focus on math education to teach content courses for teachers. He serves as Instructor for Chico Math Project and the Chico State's Project MATH program. As a graduate student at UCLA he became involved in several math education and teacher professional development projects under the advising of Ted Gamelin. His experiences in low-performing schools while at UCLA enlightened him to the difficulties faced by new teachers at the NSF GK12 fellow program. He also taught PD courses for Shelley Kriegler's group at UCLA and helped write and edit the popular LUCIMath materials. Candidate has also served as Assistant professor of Mathematics and Mathematics Education for one year at Rocky Mountain College, Billings, MT where he taught various courses, including College Algebra, Math of Elementary School Teachers I and II, and Methods and Materials: Teaching Mathematics in the Elementary School.

2007 Mathematics Primary Adoption CRP Applicants

Applicant Information

CC Recommended Yes

ID	Cohort	CRP/IMAP	First Name	Last Name	Position	Employer
514	3	CRP	Ricardo	Fierro	Professor of Mathematics	CSU San Marcos

Highest Degree/Institution	Region	Gender	Panel
PhD., Mathematics, UC San Diego, 1992	South	Male	

Teaching Experience

K-12: ☐ Primary (K-3) ☑ Grade 4 ☑ Grade 5 ☑ Grade 6 ☐ Grade 7 ☐ Grade 8 ☐ High School

Post-Secondary: ☐ 2 Year College ☑ 4 Year College/University ☐ High School Adult Education

☐ Algebra
☐ Geometry
☐ Algebra II
☐ Trigonometry

Short Bio

Candidate has served as Professor of Mathematics, CSU San Marcos, for the past 4 years, but, has been at the same institution as both Assistant Professor of Mathematics and Associate Professor of Mathematics since 1992. He has taught courses in numerical analysis, business calculus, statistics and probability, modern geometry, algebra, discrete mathematics, linear algebra, and mathematics for elementary teaching. He serves as the instructor-in-charge for the mathematics for elementary teaching courses in the department. Candidate has experienced teaching mathematics for students in grades 4-6.

Applicant Information

CC Recommended Yes

ID	Cohort	CRP/IMAP	First Name	Last Name	Position	Employer
515	3	CRP	George	Jennings	Professor of Mathematics	California State University Dominguez Hills

Highest Degree/Institution	Region	Gender	Panel
Ph.D. in Mathematics, UCLA, 1984	South	Male	

Teaching Experience

K-12: ☐ Primary (K-3) ☐ Grade 4 ☐ Grade 5 ☐ Grade 6 ☐ Grade 7 ☐ Grade 8 ☐ High School

Post-Secondary: ☐ 2 Year College ☑ 4 Year College/University ☐ High School Adult Education

☐ Algebra
☐ Geometry
☐ Algebra II
☐ Trigonometry

Short Bio

The candidate is currently a professor of mathematics at CSU, Dominguez Hills. He has taught mathematics at the college level for 30 years, and often teaches courses for prospective K-12 math teachers. He has taught college level math courses that include differential geometry, classical geometry, and all areas of undergraduate math. Candidate is currently on sabbatical studying applied math, and previously served as both a Content Review Panelist and an Instructional Materials Review Panelist. In addition, he has reviewed instructional materials for college courses taught at CSUDH.

2007 Mathematics Primary Adoption CRP Applicants

Applicant Information

CC Recommended Yes

ID	Cohort	CRP/IMAP	First Name	Last Name	Position	Employer
516	3	CRP	Jerome	Dancis	Associate Professor Emeritus	University of Maryland

Highest Degree/Institution	Region	Gender	Panel
Ph.D., Mathematics, University of Wisconsin, 1966		Male	

Teaching Experience

K-12: ☐ Primary (K-3) ☐ Grade 4 ☐ Grade 5 ☐ Grade 6 ☐ Grade 7 ☐ Grade 8 ☐ High School

Post-Secondary: ☐ 2 Year College ☑ 4 Year College/University ☐ High School Adult Education

☐ Algebra
☐ Geometry
☐ Algebra II
☐ Trigonometry

Short Bio

Candidate has served as Lecturer, Assistant Professor and Associate Professor of Math, University of Maryland at College Park (UMCP) for close to forty years. He has been monitoring school Mathematics education for almost a decade. He has taught Pre-calculus, Calculus, Abstract Algebra, Linear Algebra for Engineers, Applications of Linear Algebra, Geometry (for teachers), Topology (abstract geometry), Probability and Programming in Basic for Calculus. Candidate has served as member of several undergraduate mathematics curriculum committees, which changed curriculum, wrote course syllabi and chose textbooks. As a Mathematical Advisor, candidate has previous experience ensuring instructional materials align with the California Mathematics Content Standards.

Applicant Information

CC Recommended Yes

ID	Cohort	CRP/IMAP	First Name	Last Name	Position	Employer
517	3	CRP	Jean	Simutis	Lecturer	CSU East Bay

Highest Degree/Institution	Region	Gender	Panel
Ph.D., Mathematics, UC Davis, 1977	North	Female	

Teaching Experience

K-12: ☐ Primary (K-3) ☐ Grade 4 ☐ Grade 5 ☐ Grade 6 ☐ Grade 7 ☐ Grade 8 ☐ High School

Post-Secondary: ☐ 2 Year College ☑ 4 Year College/University ☐ High School Adult Education

☐ Algebra
☑ Geometry
☐ Algebra II
☐ Trigonometry

Short Bio

Candidate has been a lecturer at CSU East Bay (formerly CSU Hayward) for the past 17 years. She has taught Mathematics content courses for the students in the Liberal Studies program to help prepare them for Multiple Subject credentials. Although her doctoral training is in Geometry, her courses also cover Number Sense, Algebraic Thinking, and Statistics. For six years, candidate has been a Mathematics content provider for various summer institutes cosponsored by the Alameda County Office of Education and CSUEB. Candidate is familiar with the California Mathematics Content Standards and the 2005 Mathematics Framework.

ITEM #38

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2007 AGENDA

SUBJECT	
2008 Reading/Language Arts/English Language Development Primary Adoption: Content Review Panel and Instructional Materials Advisory Panel Applications Template	☒ Action ☒ Information ☐ Public Hearing

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the 2008 Reading/Language Arts/English Language Development (RLA/ELD) Primary Adoption Content Review Panel (CRP) and Instructional Materials Advisory Panel (IMAP) Application templates as recommended by the Curriculum Development and Supplemental Materials Commission (Curriculum Commission).

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

April 17, 2006: The SBE adopted the *Reading/Language Arts Framework for California Public Schools, Kindergarten Through Grade Twelve* which included Chapter 9: Criteria for Evaluating Instructional Materials, Kindergarten Through Grade Eight. This criteria includes a request for five types of programs to be submitted for the 2008 RLA/ELD Primary Adoption.

SUMMARY OF KEY ISSUES

The Curriculum Commission held publisher briefings on September 27, 2006, and November 29, 2006, to provide more detailed information on the Criteria to publishers interested in participating in the 2008 RLA/ELD Primary Adoption. Many publishers have expressed an interest and many programs are expected to be submitted for this adoption resulting in the need for a large number of reviewers. Estimates of the number of program submissions are not yet available. The Curriculum Frameworks and Instructional Resources Division is conducting a survey of publishers and will have more information in early 2007.

The application templates are designed to elicit information on a candidate's experience and expertise. 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. IMAP members are primarily classroom teachers in kindergarten through grade eight.

SUMMARY OF KEY ISSUES (Cont.)

CRP members serve as reading/language arts content experts, and confirm that the instructional materials are accurate and based on current and confirmed research.

Recruitment of IMAP and CRP members will be held from February to September 2007. The Curriculum Commission is expected to review the submitted applications in September 2007 and submit their recommendations to the SBE in November 2007.

FISCAL ANALYSIS (AS APPROPRIATE)

The estimated cost for travel, hotel accommodations, and per diem expenses based on 200 IMAP members and 35 CRP members is approximately $279,300. The final costs may vary depending upon the number of reviewers who actually serve on the IMAP and CRP.

ATTACHMENT(S)

Attachment 1: Application for Appointment to the 2008 Reading Language Arts/English Language Development (RLA/ELD) Primary Adoption Instructional Materials Advisory Panel will be provided as an item addendum.

Attachment 2: Application for Appointment to the 2008 Reading Language Arts/English Language Development (RLA/ELD) Primary Adoption Content Review Panel will be provided as an item addendum.

STAFF MEMORANDUM

TO: STATE BOARD OF EDUCATION MEMBERS

FROM: SBE STAFF

DATE: March 5, 2007

RE: BOARD ITEM #38 – 2008 RLA/ELD Primary Adoption: IMAP and CRP Application Templates

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Issue

1. Should the SBE approve changes suggested by SBE staff in the January 2007 Commentary based on the Curriculum Commission's agreement to these changes at its February 20th meeting?

2. Should a list of state board-adopted instructional materials be included in the CRP application as is already included in the Commission-approved IMAP application?

Recommendation

Approve all five suggested changes to the IMAP and CRP application forms described in the January and March Board Commentaries.

Background and Issue Description

On February 20th, the Curriculum Commission revisited the 2008 Reading/Language Arts/English Language Development (RLA/ELD) IMAP/CRP Application Templates that it approved in November 2006. After reading the Board Staff Commentary for the January 2007 Board Meeting (see attached), the chair of the Commission asked the full Commission to consider those changes suggested in the commentary. At this February meeting the Commission discussed and came to consensus on agreeing to four of the five changes (reflected in the January Commentary). The fifth suggested change could not be fully addressed by the Commissioners because they lost their quorum. As a result, the Commission could not take formal action on the board staff suggested changes but did come to consensus that they agreed with four of those suggestions.

The most substantive of the four suggestions that were discussed and agreed upon was the reference to a CRP "…usually being a scholar with a doctorate in the

subject area" to "…an educator with extensive knowledge of Reading/Language Arts with an advanced degree in a related field." (Note: the language, "…in a related field." was added by a Commissioner during the discussion.) This change reflects the practice from the 2002 RLA/ELD adoption which did not require RLA/ELD CRPs to have a doctorate. The reason for this policy lies in the fact that there are no Ph.D. programs in Reading, Writing, Speaking, or Listening — the four areas that encompass Reading/Language Arts. In light of this fact, the question becomes: **In what field would a doctorate be required?** Reading/Language Arts is not a content area per se, as is science, math, and history. Rather, reading, writing, listening, and speaking are a complex set of skills that are developmental in nature. Therefore, requiring a doctorate is not feasible because a content degree of that breadth does not exist. It is important to note that if someone has a doctorate in a related field like linguistics, he/she would not be precluded from being selected as a CRP. A doctorate just should not be a requirement for RLA/ELD adoptions.

The suggested change that was not fully discussed by the Commission would add the list of K-8 State Board Adopted RLA/ELD programs to the CRP application and would ask CRP applicants to mark the programs on the list with which they have experience. This is similar to what the IMAP application asks its applicants to do. This March Board Staff Commentary offers a rationale for why the board should consider adding this list of programs to the CRP application, similar to what already exists in the Commission-approved IMAP application. It is important to note that this program experience information will not preclude a potential CRP applicant from being selected.

The list of programs will help Commissioners reviewing CRP applicants to make a fully informed decision about CRP experience. The state-adopted programs listed are K-8 programs which include grades 4-8 intervention. Of the 19 programs that would be listed in the application four programs are elementary programs—two Spanish and two English. The list would also include four middle school programs and 11 grades 4-8 intervention programs.

The adopted programs have been in use since 2003. Consequently, there will be many CRP applicants who will have a fair amount of experience with the various programs. Since instructional materials play an important role in reading instruction, it is important to capture this experience. This listing will help maintain transparency in the process because the applications, being public record, will be subject to scrutiny. Therefore, this scrutiny will discourage having CRP appointments dominated by any one program. In other words, knowing what

program experiences applicants have *before* they are appointed as CRPs and IMAPs will help create a balance of program representation among reviewers. It is important to reiterate that having CRP applicants list their experience with programs will not preclude those who have other experiences from being selected as a CRP. The goal is to have a broad range of instructional experiences (K-8) represented on panels, of which instructional materials play an important part.

SBE Staff Contact Person

Dale Webster

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

STAFF MEMORANDUM

TO: STATE BOARD OF EDUCATION MEMBERS

FROM: SBE STAFF

DATE: JANUARY 4, 2007

RE: BOARD ITEM #24 – 2008 RLA/ELD Primary Adoption: IMAP and CRP Application Templates

Issue

At its November 30 meeting, the Curriculum Commission voted to approve the IMAP and CRP application templates for the 2008 Reading/Language Arts/English Language Development (RLA/ELD) adoption. Board staff is suggesting some modifications to both Commission-approved templates. In sum, there are minor modifications to the IMAP application template and more substantive modifications to the CRP application template in order to clarify the role of the IMAP and CRP for the RLA/ELD adoption and to obtain additional information from the CRP applicants. Board staff believes that this additional information will be useful for Curriculum Commissioners and Board members in determining the qualifications of a potential CRP.

The modifications, with a rationale, are outlined below. Attached are *only* the pages in the IMAP and CRP application templates where the changes occur. The modifications occur in strike out format (for deletions) or underlined format (for additions). These pages are made available so that members can compare with the original.

Recommendation

Approve the SBE staff modifications listed below.

Background and Issue Description

Modification #1: IMAP Application Template (p. 1)
In the second paragraph, the phrase, "…as defined in the criteria…" was added to clarify that the listing of the five categories are defined in the criteria.

Modification #2: CRP Application Template (p. 1)
The first paragraph strikes out the reference to CRPs being a "…scholar with a doctorate in the subject area." For the RLA/ELD adoption, there is no requirement for a CRP to have a Ph. D. in the subject area as there is for Math, Science, History-Social Science, etc. (It is important to note that this was the policy in the 2002 RLA/ELD adoption as well.) The only requirement is an advanced degree, so either a master's degree or a doctorate would suffice. This difference is due to the fact that one of the major roles of the CRP in the other content area adoptions is to check for content accuracy. This is the rationale for requiring a doctorate. RLA/ELD CRPs focus on checking for alignment to the scientific research base, the state standards, and the RLA Framework.

Modification #3: CRP Application Template (p. 1)
The second paragraph strikes the reference to the CRP reviewing only those parts of the program that pertain to his/her area of expertise. This statement is a reference to the science adoption where each review panel had three CRPs for each area of science covered in the Framework—Earth, Life, and Physical Science. The expectation for the RLA/ELD adoption (based on past practice) is for the CRP to have expertise in all facets of Reading/Language Arts/English Language Development Instruction. The addition makes clear that the CRP focuses on Category 1—Alignment to the Content Standards, but will review the materials for the other categories as well.

Modification #4: CRP Application Template (p. 8)
Question #3 adds teaching experience to the question because CRPs may have teaching experience and/or implementation experience with the materials. Also, this addition is consistent with the next modification listed below. Obtaining teaching experience information allows Curriculum Commissioners and Board members access to additional information when considering CRP applicants.

Modification #5: CRP Application Template (p. 9)
This table is virtually the same table that is on page 3 of the IMAP application template. The purpose of adding this table to the CRP application is to get more information regarding applicants' teaching and/or implementation experience. Since the adopted programs have, for the most part, been used since 2003 there are many people who have a good amount of experience with the various programs. Some, who may be literacy coaches or content experts, may know the programs extremely well, which is why the "Level of Knowledge" column was added to the table.

The intent of the Curriculum Commission back in March 2000 when it was contemplating the CRP application for the 2002 RLA/ELD Adoption was for CRPs to be knowledgeable practitioners. Looking back at Curriculum Commission minutes from

March 2000, it was clear that the Commission wanted information about CRP applicants' involvement in training, outreach, and implementation of the scientific research base on reading instruction.

SBE Staff Contact Person

Dale Webster: (916) 319-0313

Attachments:

1. IMAP Application Template, p. 1
2. CRP Application Template, p. 1
3. CRP Application Template, p. 8
4. CRP Application Template, p. 9

California Department of Education
Application for Appointment to the
2008 Reading/Language Arts/English Language Development (RLA/ELD)
Primary Adoption
Instructional Materials Advisory Panel

What is the role of an Instructional Materials Advisory Panel (IMAP) member?
Instructional Materials Advisory Panel (IMAP) members play a significant role in the instructional materials adoption process. IMAP members (primarily teachers with direct classroom experience in teaching RLA/ELD) are recommended by the Curriculum Development and Supplemental Materials Commission (Curriculum Commission) and appointed by the State Board of Education (SBE) to participate in the review of K-8 RLA/ELD instructional materials submitted for adoption in California.

IMAP members review submitted materials according to SBE-adopted criteria and ensure that the content of materials is in alignment with the curriculum framework and content standards. IMAP members review materials for content alignment with standards, as well as program organization, assessment, universal access, and instructional planning and support, as defined in the criteria. IMAP members, in collaboration with Content Review Panel (CRP) subject matter experts, recommend instructional materials to the Curriculum Commission for adoption by the SBE. Each CRP/IMAP panel will produce one report to the Curriculum Commission on each program the panel has reviewed.

What are the important dates?
Individuals appointed to the IMAP will participate in up to four days of IMAP training April 8-11, 2008, and four days of deliberations, July 14-17, 2008, or August 2008 (Dates TBA). Both the training and deliberations will be held at a location in Sacramento, California. Each IMAP member will conduct an independent review of the instructional materials submitted for adoption between April 2008 and mid-July 2008, and will share his or her findings at the deliberations.

Application Instructions

- **Original signatures are required.** If the application is faxed (FAX: 916-319-0172) the original must follow by mail. Incomplete or late applications will not be considered.

- **E-mailed applications will not be accepted.**

- **Applicants should not have worked for a publisher in any capacity for at least one year prior to their appointment by the SBE.**

- **Completed applications must be received by SEPTEMBER 12, 2007. The completed application must be mailed to:**

Irma Hernandez-Larin, Lead Consultant, 2008 RLA/ELD Adoption
Curriculum Frameworks & Instructional Resources Division
California Department of Education
1430 N Street, Suite 3207
Sacramento, California 95814

- **A completed application includes:**
  - Application Parts I-V with required signatures and signed disclosure statement
  - Additional pages in answer to the written response questions (Part III), if necessary
  - Applicant's abbreviated curriculum vitae (2-3 pages)

- **Questions?**

If you have any questions please contact Irma Hernandez-Larin, Lead Consultant, 2008 RLA/ELD Adoption, at (916) 319-0440 or *ihernandezlarin@cde.ca.gov*.

California Department of Education

Application for Appointment to the

2008 Reading Language Arts/English Language Development (RLA/ELD)
Primary Adoption
Content Review Panel

What is the role of a Content Review Panel (CRP) member?
Content Review Panel (CRP) members play a significant role in the instructional materials adoption process. CRP members ~~(usually scholars with a doctorate in the subject area)~~ (educators with extensive knowledge of Reading/Language Arts who hold an advanced degree) are recommended by the Curriculum Development and Supplemental Materials Commission (Curriculum Commission) and appointed by the State Board of Education (SBE) to participate in the curriculum content review of K-8 RLA/ELD instructional materials submitted for adoption in California.

CRP members review submitted materials according to SBE-adopted evaluation criteria and ensure that materials are accurate, aligned to grade level content standards, and are based on current and confirmed research. A CRP member ~~reviews only those materials or parts of them that pertain to his/her area of expertise~~ reviews materials for content alignment with standards, as well as program organization, assessment, universal access, and instructional planning and support, as defined in the criteria and serves as a resource to the Instructional Materials Advisory Panel (IMAP) members (primarily teachers with direct classroom experience in teaching RLA/ELD). CRP members, in collaboration with IMAP members, recommend instructional materials for adoption by the SBE. Each CRP/IMAP panel will produce one report to the Curriculum Commission on each program the panel has reviewed.

What are the important dates?
Individuals appointed to the CRP will participate in up to four days of training April 8-11, 2008, and four days of deliberations, July 14-17, or August 2008 (Dates TBA). Both the training and deliberations will be held at a location in Sacramento, California. Each CRP member will conduct an independent review of the instructional materials submitted for adoption between April 2008 and mid-July 2008, focusing on their area of expertise. CRP members will share his or her findings at the deliberations with their IMAP panel.

Application Instructions

- **Original signatures are required.** If the application is faxed (FAX: 916-319-0172) the original must follow by mail. Incomplete applications will not be considered.

- **E-mailed applications will not be accepted.**

- **Applicants should not have worked for a publisher in any capacity for at least one year prior to their appointment by the SBE.**

- **Completed applications must be received by SEPTEMBER 12, 2007. The completed application must be mailed to:**

  Irma Hernandez-Larin, Lead Consultant, 2008 RLA/ELD Adoption
  Curriculum Frameworks & Instructional Resources Division
  California Department of Education
  1430 N Street, Suite 3207
  Sacramento, California 95814

- **A completed application includes:**
  - Application Parts I-V with required signatures and signed disclosure statement
  - Additional pages in answer to the written response questions (Part III), if necessary
  - Applicant's abbreviated curriculum vitae (2-3 pages)

- **Questions?**
  If you have any questions please contact Irma Hernandez-Larin, Lead Consultant, 2008 RLA/ELD Adoption, at (916) 319-0440 or *ihernandezlarin@cde.ca.gov*

3. Describe your expertise with teaching a state adopted standards-based RLA/ELD program and/or the implementation of a state adopted standards-based RLA/ELD program. In addition, please describe your experience with a state adopted standards-based program in meeting the needs of diverse student populations, including but not limited to: special needs students, students who read below grade level, English learners, students who use African-American vernacular English (AAVE), advanced learners, and students from diverse cultural and socio-economic backgrounds.

Teaching Experience and/or Implementation Experience:

Enter the number of years of experience you have teaching and/or implementing these programs. **Rank your level of knowledge with the listed programs. Please use a scale of 1-3: 1=Limited Knowledge; 2=General Working Knowledge; 3=Extensive Knowledge**

Basic Reading/Language Arts/English Language Development Programs

Grades	Publisher	Pro
K-6	Houghton Mifflin Company	*Hou Miffl Rea Lega Liter*
K-6	Houghton Mifflin Company	*Hou Miffl Lect Here futur*
K-6	SRA/McGraw-Hill	*SRA Cou Rea*
K-6	SRA/McGraw-Hill	*SRA Hill abie la le*
6-8	Glencoe/McGraw-Hill	*The Cho*
6-8	Holt, Rinehart and Winston	*Liter Lang Arts*
6-8	McDougal Littell	*McD Litte & La Arts*
6-8	Prentice Hall	*Pren Liter Time Voic Time*

Ther

Reading Intervention (Students who are two or more grade levels below grade)

Grades	Publisher	Pr
4-8	Glencoe/McGraw-Hill (Sopris West)	*Lan A Li Inter Curr 2nd*
4-8	Hampton Brown	*High*
4-8	Scholastic	*REA*
4-8	Sopris West	*Lan A Li Inter Curr 3rd*
4-8	SRA/McGraw-Hill	*SRA Prod*
4-8	Voyager Expanded Learning Inc.	*Voya Pass*
4-8	Wright Group/McGraw-Hill	*Fast Rea Prod*
4-8	Wright Group	*Fast*

Reading Intervention for English Learners

Grades	Publisher	Program Title
4-8	Hampton Brown	*High Point*
4-8	Pearson Longman	*The Shining Star Program*
4-8	Sopris West	*Language! A Literacy Intervention Curriculum, 3rd edition*

Completed training in:

AB 466/SB 472 □

AB 75/AB 430 □

State of California **Department of Education**

ITEM ADDENDUM

DATE: March 1, 2007

TO: **MEMBERS, STATE BOARD OF EDUCATION**

FROM: Gavin Payne, Chief Deputy Superintendent
Curriculum and Instruction Branch

RE: Item No. 38

SUBJECT: 2008 Reading/Language Arts/English Language Development Primary Adoption: Content Review Panel and Instructional Materials Advisory Panel Applications Template

The enclosed attachments were part of the State Board of Education (SBE) January Agenda Item 24. The SBE acted to move this item to the SBE February retreat where no action was taken.

The Curriculum Development and Supplemental Materials Commission (Curriculum Commission) approved these application templates at the November 30, 2006 meeting and moved to forward them to the SBE. The Curriculum Commission met again on February 20, 2007, where the templates were discussed, but no action was taken. Therefore, the original attachments are being resubmitted.

Attachment 1: Application for Appointment to the 2008 Reading Language Arts/English Language Development (RLA/ELD) Primary Adoption Instructional Materials Advisory Panel (12 pages).

Attachment 2: Application for Appointment to the 2008 Reading Language Arts/English Language Development (RLA/ELD) Primary Adoption Content Review Panel (12 pages)

California Department of Education
Application for Appointment to the
2008 Reading/Language Arts/English Language Development (RLA/ELD)
Primary Adoption
Instructional Materials Advisory Panel

What is the role of an Instructional Materials Advisory Panel (IMAP) member?
Instructional Materials Advisory Panel (IMAP) members play a significant role in the instructional materials adoption process. IMAP members (primarily teachers with direct classroom experience in teaching RLA/ELD) are recommended by the Curriculum Development and Supplemental Materials Commission (Curriculum Commission) and appointed by the State Board of Education (SBE) to participate in the review of K-8 RLA/ELD instructional materials submitted for adoption in California.

IMAP members review submitted materials according to SBE-adopted criteria and ensure that the content of materials is in alignment with the curriculum framework and content standards. IMAP members review materials for content alignment with standards, as well as program organization, assessment, universal access, and instructional planning and support. IMAP members, in collaboration with Content Review Panel (CRP) subject matter experts, recommend instructional materials to the Curriculum Commission for adoption by the SBE. Each CRP/IMAP panel will produce one report to the Curriculum Commission on each program the panel has reviewed.

What are the important dates?
Individuals appointed to the IMAP will participate in up to four days of IMAP training April 8-11, 2008, and four days of deliberations, July 14-17, 2008, or August 2008 (Dates TBA). Both the training and deliberations will be held at a location in Sacramento, California. Each IMAP member will conduct an independent review of the instructional materials submitted for adoption between April 2008 and mid-July 2008, and will share his or her findings at the deliberations.

Application Instructions

- **Original signatures are required.** If the application is faxed (FAX: 916-319-0172) the original must follow by mail. Incomplete or late applications will not be considered.

- **E-mailed applications will not be accepted.**

- **Applicants should not have worked for a publisher in any capacity for at least one year prior to their appointment by the SBE.**

- **Completed applications must be received by SEPTEMBER 12, 2007. The completed application must be mailed to:**

  Irma Hernandez-Larin, Lead Consultant, 2008 RLA/ELD Adoption
  Curriculum Frameworks & Instructional Resources Division
  California Department of Education
  1430 N Street, Suite 3207
  Sacramento, California 95814

- **A completed application includes:**
  - Application Parts I-V with required signatures and signed disclosure statement
  - Additional pages in answer to the written response questions (Part III), if necessary
  - Applicant's abbreviated curriculum vitae (2-3 pages)

- **Questions?**
  If you have any questions please contact Irma Hernandez-Larin, Lead Consultant, 2008 RLA/ELD Adoption, at (916) 319-0440 or ihernandezlarin@cde.ca.gov.

Applications must be received in the CFIR Division by SEPTEMBER 12, 2007.

Return to:

Irma Hernandez-Larin, Lead Consultant, 2008 RLA/ELD Adoption
Curriculum Frameworks & Instructional Resources Division
California Department of Education
1430 N Street, Suite 3207
Sacramento, California 95814

APPLICATION FOR THE
2008 RLA/ELD Primary Adoption
Instructional Materials Advisory Panel (IMAP)

Part I: Personal Information

Name _____
(Last) (First) (Middle)

Home Address _____

City _____ State _____ Zip _____

Home Phone ( ) _____ Business Phone ( ) _____

FAX ( ) _____ E-mail _____

Employer _____ Position _____
(Name of School District, Organization, College or University)

Business Address _____

City _____ County _____ State _____ Zip _____

District Superintendent _____ Phone ( ) _____
(or designee or supervisor)

Address _____
(if different from above)

City _____ County _____ State _____ Zip _____

Area(s) of Expertise:
(check all that apply)

☐ Reading/Language Arts Years of teaching _____

☐ English Language Development Years of teaching _____

☐ Bilingual (e.g. Spanish/English) Years of teaching _____

☐ Reading Intervention Years of teaching _____

Grade Levels Taught: ☐ K-2 ☐ 3-5 ☐ 6-8 ☐ 9-12

Teaching Experience:
Please enter the number of years of experience you have teaching these programs.

Basic Reading/Language Arts/English Language Development Programs

Grades	Publisher	Program Title	Years of Experience
K-6	Houghton Mifflin Company	*Houghton Mifflin Reading: A Legacy of Literacy*	
K-6	Houghton Mifflin Company	*Houghton Mifflin Lectura: Herencia y futuro*	
K-6	SRA/McGraw-Hill	*SRA/Open Court Reading*	
K-6	SRA/McGraw-Hill	*SRA/McGraw-Hill Foro abierto para la lectura*	
6-8	Glencoe/McGraw-Hill	*The Reader's Choice*	
6-8	Holt, Rinehart and Winston	*Literature and Language Arts*	
6-8	McDougal Littell	*McDougal Littell Reading & Language Arts Program*	
6-8	Prentice Hall	*Prentice Hall Literature: Timeless Voices, Timeless Themes*	

Reading Intervention (Students who are two or more grade levels below grade)

Grades	Publisher	Program Title	Years of Experience
4-8	Glencoe/McGraw-Hill (Sopris West)	*Language! A Literacy Intervention Curriculum, 2nd edition*	
4-8	Hampton Brown	*High Point*	
4-8	Scholastic	*READ 180*	
4-8	Sopris West	*Language! A Literacy Intervention Curriculum, 3rd edition***	
4-8	SRA/McGraw-Hill	*SRA/Reach Program*	
4-8	Voyager Expanded Learning Inc.	*Voyager Passport!***	
4-8	Wright Group/McGraw-Hill	*Fast Track Reading Program*	
4-8	Wright Group	*Fast Track***	

Reading Intervention for English Learners

Grades	Publisher	Program Title	Years of Experience
4-8	Hampton Brown	*High Point*	
4-8	Pearson Longman	*The Shining Star Program***	
4-8	Sopris West	*Language! A Literacy Intervention Curriculum, 3rd edition***	

Completed training in:	**Experience as an instructor:**
AB 466/SB 472 ☐	AB 466/SB 472 ☐
AB 75/AB 430 ☐	AB 75/AB 430 ☐

Briefly describe your current (or most recent) responsibilities. If you are a classroom teacher, include the classes and the grade level(s) you are currently teaching and describe the student population of your classes, including ethnic diversity. Describe your experience with technology or with technology in education.

_____

_____

_____

_____

_____

Experience. Have you served as an IMAP or CRP member? If so, when? Describe any recent experience with a formal process involving instructional materials review or adoption or the training of teachers in the use of RLA/ELD instructional materials.

_____

_____

_____

_____

_____

List your degrees and credentials earned and the related higher education institutions at which they were earned.

_____

_____

Indicate below language(s) other than English in which you are academically fluent.

Language: _____ Speak _____ Read _____ Write _____

Language: _____ Speak _____ Read _____ Write _____

The following information is optional but would be helpful to ensure that the advisory body has balanced representation. (Government Code Sections 11140-11141).		
____ Asian	____ Native American	____ Male
____ African American	____ Pacific Islander	____ Female
____ Filipino	____ White	
____ Hispanic	____ Other (specify)	____ Decline to state

Part II – Acknowledgements

Participation on an IMAP is a tremendous professional opportunity and responsibility. It represents a significant commitment of time and personal energy. Appointees' necessary travel expenses and per diem (i.e., lodging, meals, and incidental expenses) are reimbursable within prescribed limits. ***Individual stipends and employer reimbursements for substitute personnel are NOT available.*** In acknowledgment of the commitment and the financial limitations, the following signatures are required.

Applicant's Acknowledgment	
I understand that this application becomes public information when submitted. I also understand that serving as a member of an IMAP is demanding in terms of time and personal energy for a period of about three months. (Please see Attachment B for specific dates). ***I expressly recognize that, if appointed as a IMAP member, I must:*** ➢ Participate in the entire training on responsibilities and procedures of the K-8 IMAP and be present during the formal presentations by publishers submitting materials for adoption consideration during April 8-11, 2008, in Sacramento, CA. ➢ Evaluate materials for adoption consideration based on the SBE approved evaluation criteria, California content standards and the 2006 *Reading Language Arts Framework*. ➢ Expect to spend a substantial amount of time conducting my independent review of the materials submitted for consideration as assigned to me. ➢ Participate in the entire CRP/IMAP deliberations, July 14-17, 2008 or August 2008 (Dates TBA), in Sacramento, CA.	
Printed Name of Applicant	
Signature of Applicant	Date

Supervisor's/Employer's Acknowledgment (Optional for college or university level)	
➢ We understand that the evaluation of instructional materials is personally and professionally demanding. ➢ We have read the information provided above concerning the RLA/ELD IMAP and CRP processes. To the extent that we have any questions, they have been answered. ➢ We believe this applicant is knowledgeable, creative, flexible, responsible, and capable of contributing meaningfully and constructively in this evaluation process. ➢ We believe this applicant works well with others. ➢ We recommend this applicant for appointment to an IMAP. ➢ If this applicant is appointed to the RLA/ELD IMAP, ***our organization will provide release time and other support*** as mutually agreed to by the organization and the applicant in order to facilitate the applicant's participation.	
Printed Name of Immediate Supervisor (e.g. School Principal)	Printed Name of Authorized Employer Representative (e.g. District Superintendent)
Signature of Immediate Supervisor Date	Signature of Authorized Employer Representative Date

Part III – Short Written Response Questions

Please address each of the following questions thoughtfully and concisely. You may use additional sheets if necessary, but you are encouraged to fit your answer into the space provided. If you do not have direct experience as a RLA/ELD educator, please address the questions based on your personal or professional interest in RLA/ELD.

1. What is your understanding of the State Board of Education approved *English Language Arts Content Standards for California Public Schools, Kindergarten Through Grade Twelve* (http://www.cde.ca.gov/be/st/ss/) and the 2006 *Reading Language Arts Framework for California Public Schools, Kindergarten Through Grade Twelve* (http://www.cde.ca.gov/ci/rl/cf/). In what ways would your understanding and use of these documents help you contribute to the process of evaluating instructional materials?

2. Explain why you wish to serve as an IMAP member and how your education, training and experience would contribute to the evaluation of instructional materials.

3. Describe your expertise with the implementation of a state adopted standards-based RLA/ELD program. In addition, please describe your experience with a state adopted standards-based program in meeting the needs of diverse student populations, including but not limited to: special needs students, students who read below grade level, English learners, students who use African-American vernacular English (AAVE), advanced learners, and students from diverse cultural and socio-economic backgrounds.

4. OPTIONAL QUESTION, IF APPLICABLE
If you have had experience/expertise in teaching reading/literacy development in primary language classrooms (i.e., waiver programs), what reading components are important in primary-language reading instruction? Please provide your understanding of transferable and non-transferable skills for English learners.

Part IV - Professional References

Professional References: Please list three professional references. These should be people unrelated to you who are familiar with your work, background, and talents.

1. Reference's Name	Position	
Address	Phone Number	
City	State	Zip Code

2. Reference's Name	Position	
Address	Phone Number	
City	State	Zip Code

3. Reference's Name	Position	
Address	Phone Number	
City	State	Zip Code

Letters of recommendation may be attached, but are not required.

Part V

State of California
State Board of Education
Advisory Body Disclosure Statement

		( )	( )
First Name	Last Name	Home Phone	Business Phone

Street Address	City	State	Zip

Your answers below will serve as the disclosure of certain information required by California Code of Regulations, Title 5, Division 1, Chapter 20, Subchapter 5, State Board of Education—Conflict of Interest Code, §18600, General Provisions.

According to the State Board of Education Conflict of Interest Code (Attachment A), instructional materials evaluation panel members are considered to be in Disclosure Category I. This requires disclosure of "investments, business positions, and income to the extent that they know or have reason to know that the business entity in which the investment or business position is held or the source of income is a publisher, manufacturer, or vendor of instructional materials, or services offered to educational institutions in the State of California." Such evaluators are also required to disclose investments, positions of management, and/or income from any private school in the State of California. Applicants accepted for service on a CRP or IMAP will be required to fill out a FPPC Form 700, Statement of Economic Interests, disclosing any investments/income in these categories.

Your candid and complete answers to the following questions will assist in determining your eligibility for appointment if any questions arise.

1. Are you, or your spouse, currently employed by or currently under contract to any person, firm, or organization that has submitted or is likely to submit instructional materials for adoption in the State of California?

   ___Yes ____No ____Uncertain

   If Yes or Uncertain, please explain and provide as much detail as possible. Include when the employment or contract began and ended.

_____

_____

2. Have you, or your spouse, ever been employed by or had any other kind of contractual relationship with any person, firm, or organization that has submitted or is likely to submit instructional materials for adoption in the State of California?

   ___Yes ____No ____Uncertain

   If Yes, or Uncertain, please explain and provide as much detail as possible. Include when the employment or contract began and ended.

_____

_____

3. Do you**,** or your spouse, expect to receive any royalty payments from any publishers, previous publications, or standby consulting during the period from September 2006 to September 2007?

___Yes ____No ____Uncertain

If Yes, or Uncertain, please explain and provide as much detail as possible. Include when you or your spouse received or will receive payment.

_____

_____

4. Were you, or your spouse, within the past year, an author, contributor, editor of (or consultant on) any textbook, other curriculum material, or project proposal that is likely to be submitted for the 2008 RLA/ELD Primary Adoption?

___Yes ____No ____Uncertain

If Yes or Uncertain, please explain and provide as much detail as possible.

_____

_____

5. Have you, or your spouse, received compensation within the last year, or do you expect to receive compensation, or do you have, or did you have within the last year, any other kind of contractual relationship with any organization which is either a subsidiary, parent organization, or "sister organization" of any entity that has submitted or will submit instructional material for adoption in the State of California?

___Yes ____No ____Uncertain

If Yes or Uncertain, please explain and provide as much detail as possible. Please include when you or your spouse received or will receive any compensation and the dates when the contractual relationship began and ended.

_____

_____

Signature _____ **Date** _____

REMINDER! Completed applications must include:

- Application Parts I-V with required signatures and signed disclosure statement
- Additional pages in answer to the written response questions (Part III), if necessary
- Applicant's abbreviated curriculum vitae/resume (2-3 pages)

Mail complete application to:

Irma Hernandez-Larin, Lead Consultant, 2008 RLA/ELD Adoption
Curriculum Frameworks & Instructional Resources Division
California Department of Education
1430 N Street, Suite 3207
Sacramento, California 95814

Incomplete or late applications will not be considered.

State Board of Education – Conflict of Interest Code

California Code of Regulations
TITLE 5. Education
Division 1. State Department of Education
Chapter 20. State Board of Education Procedures
Subchapter 5. State Board of Education--Conflict of Interest Code
§18600. General Provisions.

The Political Reform Act, Government Code Sections 81000, et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regulations Section 18730, which contains the terms of a standard Conflict of Interest Code, which can be incorporated by reference, and which may be amended by the Fair Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of 2 Cal. Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission, along with the Appendix in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code of the State Board of Education, except as provided below.

Designated employees shall file statements of economic interests with the California Department of Education. Upon receipt of the statements of members of the board, the California Department of Education shall make and retain a copy and forward the original of these statements to the Fair Political Practices Commission.

Exception: As provided in 2 Cal. Code of Regulations Section 18730(b)(1), the definitions contained in the Political Reform Act of 1974 shall apply to the terms used in this Code except that neither the term "investment" nor the term "business entity" shall operate to exclude any private school in California, whether or not such school is operated for profit.

NOTE
Authority cited: Sections 87300, 87304, and 87306,Government Code.
Reference: Sections 87300 et seq., Government Code.

Appendix

Designated Employees	**Disclosure Category**
Members of the State Board of Education ……....	I, II
Members of the Curriculum Development and Supplemental Materials Commission and respective instructional materials evaluation panels, the Advisory Commission on Special Education, the Child Nutrition Advisory Council, the Commission on Technology in Learning, and any other commission, committee, council, or similar group which is not solely advisory and which reports to the State Board of Education……...…….	I

Disclosure Categories
Category I. Persons in this category shall report investments, business positions, and income to the extent that they know or have reason to know that the business entity in which the investment or business position is held or the source of income is a publisher, manufacturer, or vendor of instructional materials, or services offered to educational institutions in the State of California. They shall also report any investments, positions of management and income from any private school in the State of California.
Category II. Persons in this category shall report interests in real property in California.

ATTACHMENT B

Proposed 2008
Reading/Language Arts / English Language Development Primary Adoption Timeline

Action(s)	Reading/Lang. Arts/ELD 2008
State Board of Education (SBE) adopts evaluation criteria at least 30 months before adoption	April 16, 2006
Publishers briefings on criteria	September 27, 2006 November 29, 2006
Recruit IMAP/CRP members	March-September 12, 2007
CC recommends IMAP/CRP members to SBE	Sept. 2007 / Dec. 2007
SBE Action on IMAP/CRP members	Nov. 2007/Jan. 2008
Invitation to submit meeting	January 8, 2008
Deadline for submission information	March 5, 2008
IMAP/CRP training	April 8-11, 2008
Price quote distribution to publishers	April 15, 2008
Samples submitted to reviewers and LRDCs	April 24, 2008
Legal compliance (LC) review	May-June 2008
LC citation notices sent to publishers	July 7, 2008
Price quote receipt deadline	June 16, 2008
Publisher withdrawal deadline (7 working days before deliberations)	July 3, 2008
Deliberations	July 14-17, 2008 Late July (Dates TBD)
Publisher response to LC citations	August 6, 2008
SMC meeting	August (Date TBA), 2008
SMC and CC action on recommendations	September 2008
Public display period (30 days)	October 2008
SBE hearing/action on adoption	November 2008
Post-adoption publishers briefing	December 2008
Final printed resources submitted	January 2009
Termination date for Price List	November 2015

California Department of Education
Application for Appointment to the
2008 Reading Language Arts/English Language Development (RLA/ELD)
Primary Adoption Content Review Panel

What is the role of a Content Review Panel (CRP) member?
Content Review Panel (CRP) members play a significant role in the instructional materials adoption process. CRP members (usually scholars with a doctorate in the subject area) are recommended by the Curriculum Development and Supplemental Materials Commission (Curriculum Commission) and appointed by the State Board of Education (SBE) to participate in the curriculum content review of K-8 RLA/ELD instructional materials submitted for adoption in California.

CRP members review submitted materials according to SBE-adopted evaluation criteria and ensure that materials are accurate, aligned to grade level content standards, and are based on current and confirmed research. A CRP member reviews only those materials or parts of them that pertain to his/her area of expertise and serves as a resource to the Instructional Materials Advisory Panel (IMAP) members (primarily teachers with direct classroom experience in teaching RLA/ELD). CRP members, in collaboration with IMAP members, recommend instructional materials for adoption by the SBE. Each CRP/IMAP panel will produce one report to the Curriculum Commission on each program the panel has reviewed.

What are the important dates?
Individuals appointed to the CRP will participate in up to **four** days of training April 8-11, 2008, and **four** days of deliberations, July 14-17, or August 2008 (Dates TBA). Both the training and deliberations will be held at a location in Sacramento, California. Each CRP member will conduct an independent review of the instructional materials submitted for adoption between April 2008 and mid-July 2008, focusing on their area of expertise. CRP members will share his or her findings at the deliberations with their IMAP panel.

Application Instructions

- **Original signatures are required.** If the application is faxed (FAX: 916-319-0172) the original must follow by mail. Incomplete applications will not be considered.

- **E-mailed applications will not be accepted.**

- **Applicants should not have worked for a publisher in any capacity for at least one year prior to their appointment by the SBE.**

- **Completed applications must be received by SEPTEMBER 12, 2007. The completed application must be mailed to:**

  Irma Hernandez-Larin, Lead Consultant, 2008 RLA/ELD Adoption
  Curriculum Frameworks & Instructional Resources Division
  California Department of Education
  1430 N Street, Suite 3207
  Sacramento, California 95814

- **A completed application includes:**
  - Application Parts I-V with required signatures and signed disclosure statement
  - Additional pages in answer to the written response questions (Part III), if necessary
  - Applicant's abbreviated curriculum vitae (2-3 pages)

- **Questions?**
  If you have any questions please contact Irma Hernandez-Larin, Lead Consultant, 2008 RLA/ELD Adoption, at (916) 319-0440 or ihernandezlarin@cde.ca.gov.

Applications must be received in the CFIR Division by SEPTEMBER 12, 2007.

Return to:

Irma Hernandez-Larin, Lead Consultant, 2008 RLA/ELD Adoption
Curriculum Frameworks & Instructional Resources Division
California Department of Education
1430 N Street, Suite 3207
Sacramento, California 95814

APPLICATION FOR THE
2008 RLA/ELD Primary Adoption
Content Review Panel (CRP)

Part I: Personal Information

Name _____
(Last) (First) (Middle)

Home Address _____

City _____ State _____ Zip _____

Home Phone ( ) _____ Business Phone ( ) _____

FAX ( ) _____ E-mail _____

Employer _____ Position _____
(Name of School District, Organization, College or University)

Business Address _____

City _____ County _____ State _____ Zip _____

District Superintendent _____ Phone ( ) _____
(or comparable administrator or supervisor)

Address _____
(if different from above)

City _____ County _____ State _____ Zip _____

Area(s) of Expertise:
(check all that apply)

☐ Reading Language Arts	Years of experience:	_____
☐ English Language Development	Years of experience:	_____
☐ Bilingual (e.g. Spanish/English)	Years of experience:	_____
☐ Linguistics	Years of experience:	_____
☐ Special Education	Years of experience:	_____
☐ Other: _____	Years of experience	_____

Describe area(s) of expertise:

_____

_____

_____

_____

_____

_____

Academic Preparation. An advanced degree in RLA/ELD or a related subject matter field (e.g., Linguistics, Reading, Spanish) is required. Please list degrees and credentials earned and the related higher education institutions at which they were earned. Attach an abbreviated curriculum vitae.

_____

_____

_____

_____

_____

_____

Current Responsibilities. Briefly describe your current (or most recent) employment responsibilities as they relate to RLA/ELD, or education in RLA/ELD.

_____

_____

_____

_____

_____

_____

_____

Experience. Have you served as an IMAP or CRP member? If so, when? Describe any recent experience with a formal process involving instructional materials review or adoption. You may reference your curriculum vitae.

_____

_____

_____

_____

Specialized Training in RLA/ELD. Please indicate any recent specialized training you have had in RLA/ELD (e.g. conferences, workshops, sabbaticals, fellowships, etc.).

_____

_____

_____

Indicate below language(s) other than English in which you are academically fluent.

Language: _____ Speak _____ Read _____ Write _____

Language: _____ Speak _____ Read _____ Write _____

Part II – Acknowledgements

Participation on a CRP is a tremendous professional opportunity and responsibility. It represents a significant commitment of time and personal energy. Appointees' necessary travel expenses and per diem (i.e., lodging, meals, and incidental expenses) are reimbursable within prescribed limits. ***Individual stipends and employer reimbursements for substitute personnel are NOT available.*** In acknowledgment of the commitment and the financial limitations, the following signatures are required.

Applicant's Acknowledgment

I understand that this application becomes public information when submitted. I also understand that serving as a member of a CRP is demanding in terms of time and personal energy for a period of about three months. (Please see **Attachment B** for specific dates).

I expressly recognize that, if appointed as a CRP member, I must:

- Participate in the entire training session on responsibilities and procedures and be present during the formal presentations by publishers submitting K-8 materials for adoption consideration during the week of April 8-11, 2008, in Sacramento, CA.
- Expect to spend a substantial amount of time conducting my independent review of the materials submitted for consideration as assigned to me.
- Evaluate materials for adoption consideration based on the SBE approved evaluation criteria, California content standards and the 2006 *Reading Language Arts Framework*.
- Participate in the entire CRP/IMAP deliberations, July 14-17, 2008 or August 2008 (Dates TBA), in Sacramento, CA.

Printed Name of Applicant	
Signature of Applicant	Date

Supervisor's/Employer's Acknowledgment (Optional for college or university level)

- We understand that the evaluation of instructional materials is personally and professionally demanding.
- We have read the information provided above concerning the RLA/ELD CRP and IMAP processes. To the extent that we have any questions, they have been answered.
- We believe this applicant is knowledgeable, creative, flexible, responsible, and capable of contributing meaningfully and constructively in this evaluation process.
- We believe this applicant works well with others.
- We recommend this applicant for appointment to a CRP.
- If this applicant is appointed to the RLA/ELD CRP, ***our organization will provide release time and other support*** as mutually agreed to by the organization and the applicant in order to facilitate the applicant's participation.

Printed Name of Immediate Supervisor (e.g. School Principal)	Printed Name of Authorized Employer Representative (e.g. District Superintendent)
Signature of Immediate Supervisor Date	Signature of Authorized Employer Representative Date

Part III – Short Written Response Questions

Please address each of the following questions thoughtfully and concisely. You may use additional sheets if necessary, but you are encouraged to fit your answer into the space provided.

1. How does your academic, professional, and/or personal background qualify you to serve as a RLA/ELD CRP? In what ways would you contribute to the process of reviewing instructional materials?

2. Please describe your interest in, or understanding of, recent developments in RLA/ELD education. Include in your description your knowledge of the State Board of Education approved *English Language Arts Content Standards for California Public Schools, Kindergarten Through Grade Twelve* (http://www.cde.ca.gov/be/st/ss/) and the 2006 *Reading Language Arts Framework for California Public Schools, Kindergarten Through Grade Twelve* (http://www.cde.ca.gov/ci/rl/cf*).*

3. Describe your expertise with the implementation of a state adopted standards-based RLA/ELD program. In addition, please describe your experience with a state adopted standards-based program in meeting the needs of diverse student populations, including but not limited to: special needs students, students who read below grade level, English learners, students who use African-American vernacular English (AAVE), advanced learners, and students from diverse cultural and socio-economic backgrounds.

Part IV - Professional References

Professional References: Please list three professional references. These should be people unrelated to you who are familiar with your work, background, and talents.

1. Reference's Name	Position	
Address	Phone Number	
City	State	Zip Code

2. Reference's Name	Position	
Address	Phone Number	
City	State	Zip Code

3. Reference's Name	Position	
Address	Phone Number	
City	State	Zip Code

Letters of recommendation may be attached, but are not required.

Part V

State of California
State Board of Education
Advisory Body Disclosure Statement

		( )	( )
First Name	Last Name	Home Phone	Business Phone

Street Address	City	State	Zip

Your answers below will serve as the disclosure of certain information required by California Code of Regulations, Title 5, Division 1, Chapter 20, Subchapter 5, State Board of Education—Conflict of Interest Code, §18600, General Provisions.

According to the State Board of Education Conflict of Interest Code (Attachment A), instructional materials evaluation panel members are considered to be in Disclosure Category I. This requires disclosure of "investments, business positions, and income to the extent that they know or have reason to know that the business entity in which the investment or business position is held or the source of income is a publisher, manufacturer, or vendor of instructional materials, or services offered to educational institutions in the State of California." Such evaluators are also required to disclose investments, positions of management, and/or income from any private school in the State of California. Applicants accepted for service on a CRP or IMAP will be required to fill out a FPPC Form 700, Statement of Economic Interests, disclosing any investments/income in these categories.

Your candid and complete answers to the following questions will assist in determining your eligibility for appointment if any questions arise.

2. Are you, or your spouse, currently employed by or currently under contract to any person, firm, or organization that has submitted or is likely to submit instructional materials for adoption in the State of California?

   ___Yes ____No ____Uncertain

   If Yes or Uncertain, please explain and provide as much detail as possible. Include when the employment or contract began and ended.

_____

_____

2. Have you, or your spouse, ever been employed by or had any other kind of contractual relationship with any person, firm, or organization that has submitted or is likely to submit instructional materials for adoption in the State of California?

   ___Yes ____No ____Uncertain

   If Yes, or Uncertain, please explain and provide as much detail as possible. Include when the employment or contract began and ended.

_____

_____

3. Do you, or your spouse, expect to receive any royalty payments from any publishers, previous publications, or standby consulting during the period from September 2006 to September 2007?

___Yes ____No ____Uncertain

If Yes, or Uncertain, please explain and provide as much detail as possible. Include when you or your spouse received or will receive payment.

_____

_____

4. Were you, or your spouse, within the past year, an author, contributor, editor of (or consultant on) any textbook, other curriculum material, or project proposal that is likely to be submitted for the 2008 RLA/ELD Primary Adoption?

___Yes ____No ____Uncertain

If Yes or Uncertain, please explain and provide as much detail as possible.

_____

_____

5. Have you, or your spouse, received compensation within the last year, or do you expect to receive compensation, or do you have, or did you have within the last year, any other kind of contractual relationship with any organization which is either a subsidiary, parent organization, or "sister organization" of any entity that has submitted or will submit instructional material for adoption in the State of California?

___Yes ____No ____Uncertain

If Yes or Uncertain, please explain and provide as much detail as possible. Please include when you or your spouse received or will receive any compensation and the dates when the contractual relationship began and ended.

_____

_____

Signature _____ **Date** _____

REMINDER! Completed applications must include:

- Application Parts I-V with required signatures and signed disclosure statement
- Additional pages in answer to the written response questions (Part III), if necessary
- Applicant's abbreviated curriculum vitae/resume (2-3 pages)

Mail completed application to:

Irma Hernandez-Larin, Lead Consultant, 2008 RLA/ELD Adoption
Curriculum Frameworks & Instructional Resources Division
California Department of Education
1430 N Street, Suite 3207
Sacramento, California 95814

Incomplete applications will not be considered.

ATTACHMENT A

State Board of Education – Conflict of Interest Code

California Code of Regulations
TITLE 5. Education
Division 1. State Department of Education
Chapter 20. State Board of Education Procedures
Subchapter 5. State Board of Education--Conflict of Interest Code
§18600. General Provisions.

The Political Reform Act, Government Code Sections 81000, et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regulations Section 18730, which contains the terms of a standard Conflict of Interest Code, which can be incorporated by reference, and which may be amended by the Fair Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of 2 Cal. Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission, along with the Appendix in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code of the State Board of Education, except as provided below.

Designated employees shall file statements of economic interests with the California Department of Education. Upon receipt of the statements of members of the board, the California Department of Education shall make and retain a copy and forward the original of these statements to the Fair Political Practices Commission.

Exception: As provided in 2 Cal. Code of Regulations Section 18730(b)(1), the definitions contained in the Political Reform Act of 1974 shall apply to the terms used in this Code except that neither the term "investment" nor the term "business entity" shall operate to exclude any private school in California, whether or not such school is operated for profit.

NOTE
Authority cited: Sections 87300, 87304, and 87306,Government Code.
Reference: Sections 87300 et seq., Government Code.

Appendix

Designated Employees	**Disclosure Category**
Members of the State Board of Education ……....	I, II
Members of the Curriculum Development and Supplemental Materials Commission and respective instructional materials evaluation panels, the Advisory Commission on Special Education, the Child Nutrition Advisory Council, the Commission on Technology in Learning, and any other commission, committee, council, or similar group which is not solely advisory and which reports to the State Board of Education……...…….	I

Disclosure Categories
Category I. Persons in this category shall report investments, business positions, and income to the extent that they know or have reason to know that the business entity in which the investment or business position is held or the source of income is a publisher, manufacturer, or vendor of instructional materials, or services offered to educational institutions in the State of California. They shall also report any investments, positions of management and income from any private school in the State of California.
Category II. Persons in this category shall report interests in real property in California.

ATTACHMENT B

Proposed 2008
Reading/Language Arts / English Language Development Primary Adoption Timeline

Action(s)	Reading/Lang. Arts/ELD 2008
State Board of Education (SBE) adopts evaluation criteria at least 30 months before adoption	April 16, 2006
Publishers briefings on criteria	September 27, 2006 November 29, 2006
Recruit IMAP/CRP members	March-September 12, 2007
CC recommends IMAP/CRP members to SBE	Sept. 2007 / Dec. 2007
SBE Action on IMAP/CRP members	Nov. 2007/Jan. 2008
Invitation to submit meeting	January 8, 2008
Deadline for submission information	March 5, 2008
IMAP/CRP training	April 8-11, 2008
Price quote distribution to publishers	April 15, 2008
Samples submitted to reviewers and LRDCs	April 24, 2008
Legal compliance (LC) review	May-June 2008
LC citation notices sent to publishers	July 7, 2008
Price quote receipt deadline	June 16, 2008
Publisher withdrawal deadline (7 working days before deliberations)	July 3, 2008
Deliberations	July 14-17, 2008 Late July (Dates TBD)
Publisher response to LC citations	August 6, 2008
SMC meeting	August (Date TBA), 2008
SMC and CC action on recommendations	September 2008
Public display period (30 days)	October 2008
SBE hearing/action on adoption	November 2008
Post-adoption publishers briefing	December 2008
Final printed resources submitted	January 2009
Termination date for Price List	November 2015

ITEM #39

CALIFORNIA STATE BOARD OF EDUCATION

~~NOVEMBER~~ MARCH 200~~5~~7 AGENDA

SUBJECT	
2005 History–Social Science: Deletion of Picture of Guru Nanak from the State Board-Adopted History–Social Science Program, Oxford History-Social Science Program for California ~~2005 History-Social Science Primary Adoption: Curriculum Development and Supplemental Materials Commission Recommendations~~	☒ Action ☒ Information ☐ Public Hearing

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) ~~hold a public hearing, review, and take action on the recommendations of the Curriculum Development and Supplemental Materials Commission (Curriculum Commission) for the 2005 History-Social Science Primary Adoption for instructional materials in kindergarten through grade eight (K-8) as shown in Attachment 1.~~ approve the request from Oxford University Press to remove the picture of Guru Nanak from page 95 of the SBE-adopted textbook *An Age of Voyages, 1350-1600*, in all future printings of this book.

~~Make the following findings, pursuant to *Education Code* (*EC*) Section 60200(e):~~

- ~~That fewer than five basic programs are being recommended for adoption in kindergarten through grade three (K-3) because fewer than five programs were submitted for those grades.~~

- ~~Though five programs were submitted for grade four, only four programs are recommended for adoption and 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

~~**January 8, 2003:** The SBE adopted the evaluation criteria for the 2005 History-Social Social Science Primary Adoption.~~

~~**November 13, 2003**: The SBE adopted the 2005 History-Social Science Primary Adoption Timeline.~~

~~**November 9, 2004, and January 12, 2005**: The SBE approved appointment of Instructional Materials Advisory Panel (IMAP) members and Content Review Panel~~

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~~(CRP) experts to review K-8 instructional materials for the 2005 History-Social Science Primary Adoption~~

November 9, 2005: The SBE took action to adopt ten basic instructional materials programs in history–social science, pending approval of final edits and corrections in the instructional materials.

March 8, 2006: The SBE took action to approve a final list of edits and corrections for the adopted programs in the 2005 History–Social Science Primary Adoption.

SUMMARY OF KEY ISSUES

Subsequent to the SBE action on the 2005 History–Social Science Primary Adoption on November 9, 2005, the CDE received notice from members of the Sikh community that they had concerns with the depiction of Guru Nanak, founder of the Sikh religion, in the SBE-adopted textbook *An Age of Voyages, 1350-1600*, published by Oxford University Press. Specifically, their complaint was that the image depicted Nanak in a crown, rather than a turban.

~~The CDE and SBE worked on a list of edits and corrections to the SBE-adopted programs from November 2005 through March 2006, when the SBE approved a final list of approved edits and corrections. However, the universe of edits and corrections was limited to those raised during the adoption process, and specifically to a list created by the Curriculum Development and Supplemental Materials Commission (Curriculum Commission) during its review of the materials submitted for adoption.~~

~~Statutory Requirements~~

~~*EC* Section 60200(b)(1) calls for adoptions 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 adoption of new evaluation criteria is termed a "primary adoption" and creates a new adoption list. The last primary adoption for history-social science was in 1999.~~

~~***EC* Section 60200(e) Finding:** *EC* 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, or~~
- ~~The SBE specifically finds that fewer than five programs meet the criteria 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.~~

~~In this adoption only four programs were submitted for K-3. Five programs were submitted in grade four, however, only four are recommended for adoption. The~~

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required review is incorporated in the Curriculum Commission's Report (see page ten of Attachment 1). Five programs, or more, are recommended for adoption in grades five through eight.

Adoption Process and Timeline

- **Publishers Meeting:** On January 11, 2005, the CDE conducted a Publishers *Invitation to Submit* Meeting which outlined the *EC* and regulatory requirements for participation in the adoption process.

- **Training:** April 5-8, 2005, the CRP and IMAP reviewers were trained to evaluate the submitted programs for alignment with the *History-Social Science Content Standards*, the *History-Social Science Framework*, the *Criteria for Evaluating Instructional Materials in History-Social Science*, and for legal and social compliance (LSC).

- **LSC Review:** CRP and IMAP members received training in the LSC process during the April training and integrated their LSC review into their content review. In addition, on June 22-24, 2005, 46 members of the public received training and reviewed the materials for LSC. On June 28, 2005, two members of the

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SUMMARY OF KEY ISSUES (Cont.)

Due to active legal cases surrounding this adoption, the SBE elected not to examine additional edits and corrections that were submitted following its own action to adopt a list of history- social science programs on November 9, 2005.

The Sikh representatives continued to raise this issue with CDE and Oxford University Press. The current illustration of Guru Nanakpicture appears on page 95 in Oxford's *An Age of Voyages, 1350-1600* and is a copy of a portrait that hangs in the Victoria and Albert museum in London, Great Britain.was done in the late nineteenth century. Guru Nanak lived from1469 to 1538 and the original is portrait was done 3400 years after his death. While the picture is historically significant, it has been argued by some in the Sikh community that it is not reflective of current practices and beliefs.

SUMMARY OF KEY ISSUES (Cont.)

Oxford University Press agreed to replace the illustration with an alternative picture from the eighteenth century and a new caption stating the period of the painting and which museum the picture came from, but. The the Sikh representatives were not happy with

the alternative. CDE consulted with Pashaura Singh, Professor, Department of Religious Studies, University of California, Riverside. Professor Singh confirmed that the picture is one of the earliest surviving portraits of Guru Nanak but that it is from the eighteenth century, more than 200 years after Guru Nanak's death. He supported the alternative illustration with the new caption and confirmed that earliest portraits of Guru Nanak are from the eighteenth century. However, the Sikh representatives were not satisfied with the alternative as it did not match the representation used by Sikhs' today.

Oxford University Press then suggested removing both the picture and its caption in **future print runs** of this textbook. -Since the parties have been unable to agree on a picture of Guru Nanak to include in the textbook, the CDE staff recommends removing the picture as proposed by Oxford University Press. This solution does not detract from the quality of the textbook because having a depiction of the founder of the Sikh religion is not a requirement of the standards, framework or criteria. is would

Since this would result result in a substantive change to an SBE-adopted program, this change is being brought to the SBE for approval.

Curriculum Commission and one IMAP member met to review all submitted citations for concurrence and to avoid duplication. As a result of that meeting, ten citations for LSC were forwarded to publishers. One publisher appealed two citations on September 20, 2005; both appeals were denied. The other eight citations were addressed by publisher revision of their materials.

Deliberations: During deliberations that were held July 11-14, 2005, 12 CRP members and 62 IMAP members evaluated 12 programs submitted for the 2005 History-Social Science Primary Adoption. After reaching consensus on their recommendations, the reviewers developed a *Report of Findings* for each program. These reports were forwarded to the Curriculum Commission for action at the September 28-30, 2005, meeting.

- **Curriculum Commission Meeting:** On September 28-30, 2005, the Curriculum Commission reviewed the CRP/IMAP *Report of Findings,* conducted 2 public hearings, and took action to forward recommendations to the SBE on the 12 programs submitted for adoption.

- **Public Comment:** Extensive public comment was received by the Curriculum Commission, both in writing and in testimony at the public hearings on September 29 and 30, 2005. The majority of public comment focused on the issues of religion in instructional materials submitted for grades six and seven. Concerns were expressed about the accurate portrayal of religion and religious beliefs. Category 1, Criterion 10 in the *Criteria for Evaluating Instructional Materials in History-Social Science, Kindergarten Through Grade Eight* requires that "materials on religious subjects remain neutral" and that they "do not contain derogatory language about a religion or use examples from sacred texts or other religious literature that are derogatory, accusatory, or instill prejudice against other religions or those who believe in other religions."

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~~In order to give these public comments due consideration, the CDE contracted with four experts who each have advanced degrees and expertise in the areas covered by the public comments. The Curriculum Commission formed an Ad Hoc Committee composed of the Commission Chair, the History-Social Science Subject Matter Committee Chair and Vice Chair, and a former Curriculum Commission Chair who was on the Commission at the time of the development of the Criteria. The Commission authorized the Ad Hoc Committee to review the public comments and the edits and corrections recommended by the experts and to decide which edits and corrections to recommend as a condition of adoption. The Ad Hoc Committee will hold a public meeting prior to the SBE meeting and will submit additional recommended edits and corrections as a last minute memorandum for incorporation into the Curriculum Commission's report.~~

~~SUMMARY OF KEY ISSUES (Cont.)~~

~~**Edits and Corrections:** Meetings were held with publishers for edits and corrections on October 14 and October 21, 2005. An additional meeting will be scheduled with publishers following SBE action in November to address the edits and corrections identified by the Ad Hoc Committee.~~

~~**Final Print Resources:** Final editions of print resources reflecting LSC revisions, and the edits and corrections originally identified by the Curriculum Commission, must be submitted to the CDE by January 31, 2006. If there are extensive additional edits and corrections identified by the Ad Hoc Committee, a new deadline will be set for the final editions reflecting those additional revisions.~~

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FISCAL ANALYSIS (AS APPROPRIATE)

~~The Instructional Materials Funding Realignment Program (IMFRP), *EC* sections 60420-60424, requires that local educational agencies (LEAs) provide each student in K-8 with standards-aligned textbooks or instructional materials, or both, by the start of the school term that commences no later than 24 months after the adoption by the SBE. LEAs will be using their IMFRP funds to purchase instructional materials from this adoption for implementation no later than fall 2007. IMFRP funding for 2005-06 totals $360,996,000 or approximately $55 per student.~~Since the change will be made in **future printings** of the textbook, there will be no financial cost to the CDE or to districts that may have already purchased this textbook ~~already~~ from Oxford University Press.

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~~ATTACHMENT(S)~~

ATTACHMENT(S)

~~Attachment 1: Curriculum Commission's Recommendations for the 2005 History-Social Science Primary Adoption. (1 Page)~~

~~Attachment 2: Report of the Curriculum Commission's Findings (36 Pages).~~

California 2005 History-Social Science
Primary Instructional Materials Adoption, Kindergarten Through Grade Eight

Curriculum Commission Recommendations*

Publisher	*Program Title*	**Grade Levels**	***Curriculum Commission Recommendation***
Ballard & Tighe	*Explore America*	5	Not Recommended
	Explore the Ancient World	6	Not Recommended
	Explore World History	7	Not Recommended
Decision Development Corporation	*DDC Social Science Series*	4-6	Not Recommended
Glencoe/McGraw-Hill	*Glencoe Discovering Our Past*	6-8	Recommended
Harcourt School Publishers	*Reflections: California Series*	K-6	Recommended
Holt, Rinehart and Winston	*Holt California Social Studies: World History, Ancient Civilizations*	6	Recommended
	Holt California Social Studies: United States History, Medieval to Early Modern Times	7	Recommended
	Holt California Social Studies: United States History, Independence to 1914	8	Recommended
Houghton Mifflin	*Houghton Mifflin History-Social Science*	K-6	Recommended
Macmillan/McGraw-Hill	*California Vistas*	K-6	Recommended
McDougal Littell	*McDougal Littell California Middle School Social Studies Series*	6-8	Recommended
Oxford University Press	*Oxford History-Social Science Program for California*	5, 7, 8	Recommended
	Oxford History-Social Science Program for California	6	Not Recommended
Pearson Prentice Hall	*Prentice Hall Social Studies*	6-8	Recommended
Pearson Scott Foresman	*Scott Foresman History-Social Science for California*	K-5	Recommended
Teachers' Curriculum Institute	*History Alive! California Middle Schools Program*	6-8	Recommended

*NOTE: These programs have **not** been adopted by the State Board of Education.

~~2005 HISTORY-SOCIAL SCIENCE PRIMARY ADOPTION~~

~~REPORT OF THE CURRICULUM DEVELOPMENT AND SUPPLEMENTAL MATERIALS COMMISSION~~

~~NOVEMBER 2005~~

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INTRODUCTION

In October 1998, the State Board of Education (State Board) adopted the *History-Social Science Content Standards for California Public Schools, Kindergarten Through Grade Twelve.* These standards reflect California's commitment to history-social science education and emphasize historical narrative, highlight the roles of significant individuals throughout history, and convey the rights and obligations of citizenship. They describe what students should know and be able to do at each grade level. The Standards Commission, at the request of the State Board, stayed within the parameters of the existing *History-Social Science Framework.*

The State Board adopted a 2001 Updated Edition of the *History-Social Science Framework for California Public Schools on October 11, 2000.* This new edition of the framework was aligned to the academic content standards adopted by the State Board in 1998. The State Board, in January 2003, adopted the *Criteria for Evaluating Instructional Materials in History Social Science, Kindergarten Through Grade Eight*. The *Criteria* provide a means of evaluating the alignment of instructional materials with the *History-Social Science Content Standards* and the *History-Social Science Framework*. The *Criteria* were shared with publishers at a briefing in May 2003, and have been posted on the California Department of Education (CDE) Website.

The criteria are organized into five categories:

1.**History-Social Science Content/Alignment with Standards:** The content as specified in the *Education Code*, the *History-Social Science Content Standards* and the *History-Social Science Framework (2001 Updated Edition)*
2.**Program Organization:** The sequence and organization of the history-social science program.
3.**Assessment:** The strategies presented in the instructional materials for measuring what students know and are able to do..
4.**Universal Access:** Instructional materials that are understandable to all student, including students eligible for special education, English learners, and students whose achievement is either below or above that typical of the class or grade level.
5.**Instructional Planning and Support**: The instructional planning and support information and materials, typically including a separate edition specially designed for use by teachers in the implementing the *History-Social Science Standards* and *History-Social Science Framework.*

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The State Board adopted the timeline for the 2005 History-Social Science Primary Adoption on November 13, 2004. 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(b)(1) which calls for adoptions 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 adoption of new evaluation criteria is termed a "primary adoption" and creates a new adoption list. The last primary adoption for

~~history-social science took place in 1999. The 2005 history-social science adoption is on schedule for the adoption of K-8 instructional materials.~~

~~Standards maps were developed to help publishers identify where their instructional materials were aligned with the *History-Social Science Content Standards*. Publishers completed the maps and submitted them 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 *History-Social Science Content Standards*.~~

~~Only basic instructional materials programs for grades K-8 were reviewed and recommended for the 2005 History-Social Science 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 *History-Social Science Content Standards*, and the *History-Social Science Framework* and met the evaluation criteria.~~

~~ADOPTION PROCESS~~

~~PUBLISHERS' INVITATION TO SUBMIT MEETING~~

~~A Publishers' Invitation to Submit (ITS) meeting was held on January 11, 2005. Publishers were invited to attend the ITS meeting to learn about the process and procedures for submitting K-8 instructional materials for the 2005 History-Social Science Primary Adoption. Each publisher received a copy of the *Publishers' Invitation to Submit* document that contains all of the information necessary for a publisher to know to effectively participate in the adoption process.~~

~~Technical information was provided at the meeting, including an outline of the schedule of significant events, publishers' responsibilities for participating in the adoption, review of the adoption process, overview of the *History-Social Science Standards, History-Social Science Framework*, the evaluation criteria, and the logistics of the submission process.~~

~~CRP/IMAP APPOINTMENT AND TRAINING~~

~~In November 2004 and in January 2005, the State Board appointed a total of 12 CRP experts and 62 IMAP members on the recommendation of the Curriculum Commission to evaluate twelve submitted history-social science programs. They composed eight review panels.~~

~~The IMAP members included classroom teachers, district coordinators, and administrators with experience in history-social science. The CRP experts included experts with doctorate degrees in history or related fields. The CRP experts served as content advisors to the IMAP members in their areas of expertise.~~

~~The Curriculum Framework and Instructional Resources Division (CFIR) staff assisted the Curriculum Commission in its training of reviewers on April 5-8, 2005, for the 2005 History-Social Science Primary Adoption. Training included sessions on the *History-Social Science Framework*, the *History-Social Science* Standards, the evaluation criteria, the legal and social compliance standards and the adoption process. Publishers made formal presentations on their programs at the training and answered IMAP/CRP questions.~~

~~Training was conducted in accordance with the *Bagley-Keene Open Meeting Act.* Various publisher representatives and interested members of the public attended the training. Every afternoon, at a pre-determined time, the training would pause to provide an opportunity for public comment.~~

~~CRP/IMAP REVIEW, DELIBERATIONS, AND REPORT OF FINDINGS~~

~~In April 2005, the IMAP members, 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 history-social science materials during the months of April, May, June, and the beginning of July.~~

~~From July 11-14, 2005, the IMAP members and CRP experts met in their assigned review panels in Sacramento for deliberations. The IMAP members and CRP experts shared with their fellow panel members their individual personal notes and citations that they each had developed based on their independent review. A member of the Curriculum Commission was assigned as a facilitator to each panel. CFIR Division staff provided support to the panels. During deliberations, publishers were provided time to respond to three to five questions on their respective programs posed by the panel members.~~

~~The IMAP members and CRP experts 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, Content/Alignment with the Curriculum, Program Organization, Assessment, Universal Access, Instructional Planning and Support, and Edits and Corrections. The reports included citations that were exemplary (not exhaustive) of the panels' findings and recommendations.~~

~~Many of the programs were recommended for adoption pending satisfactory completion of specified edits and corrections. Edits and corrections are defined as inexact language, imprecise definitions, mistaken notions, mislabeling, misspellings and grammatical errors. Edits and corrections do not include complete revision or rewriting of chapters or programs or adding new content to a program. Changes such as this are not allowed during the adoption process.~~

~~Deliberations were conducted in accordance with the *Bagley-Keene Open Meeting Act.* Various publisher representatives and interested members of the public attended the~~

~~panel deliberations. Every afternoon, at a pre-determined time, both the training and deliberations would pause to provide an opportunity for public comment.~~

~~LEGAL AND SOCIAL COMPLIANCE REVIEW~~

~~The purpose of the 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 2005 History-Social Science 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. The CRPs/IMAPs received training in legal and social compliance during the training week, April 5-8, 2005. Forty-six public volunteers received training, reviewed programs, and cited materials on June 22-24, 2005.~~

~~The reviewers 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 address 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 fifth 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.~~

~~Reviewers completed a citation form with specific information on perceived violations of the legal and social compliance standards. On June 28, 2005, two Commissioners and one IMAP member met to review all the citations for concurrence. As a result of this review, ten citations were forwarded to publishers. One publisher appealed two citations on September 20, 2005; both appeals were denied. The other eight citations were addressed by publisher revision of their materials.~~

~~PUBLIC COMMENT AND REVIEW~~

~~Instructional materials submitted for adoption were displayed for public review and comment, beginning April 21, 2005, at the Learning Resource Display Centers (LRDCs) throughout the state (see Appendix B). The general public was given a thirty day opportunity to provide written comments to the State Board on the Curriculum Commission's recommendations throughout October 2005. These public comments will be presented to the State Board at their November 2005 meeting.~~

~~In addition, the Curriculum Commission held two public hearings, one in the History-Social Science Subject Matter Committee (HSS SMC) meeting on September 29, 2005, and one in the full Curriculum Commission meeting on September 30, 2005, prior to making its recommendations to the State Board. Extensive public comment was received by the Curriculum Commission, both in writing and in testimony at the public hearings on September 29 and 30, 2005. The CDE contracted with experts in history-social science to review these public comments and to recommend edits and corrections necessary to address issues of historical accuracy. The Curriculum Commission formed an Ad Hoc Committee to review the public comments and the resulting edits and corrections received from the experts. The Ad Hoc Committee will hold a public meeting prior to the SBE meeting and will submit their additional recommended edits and corrections as a last minute memorandum for incorporation into the Curriculum Commission's report.~~

~~In turn, the State Board will hold a public hearing in November 2005 prior to taking action on the Curriculum Commission's recommendations.~~

~~CURRICULUM COMMISSION REVIEW AND DELIBERATIONS~~

~~On September 29 - 30, 2005, the members of the Curriculum Commission considered the recommendations from the IMAP members and CRP experts in conjunction with other information in determining whether each program satisfied, or did not satisfy the State Board's adopted evaluation criteria for this adoption. The criteria includes a requirement that the instructional materials provide instruction designed to ensure that students master the *History-Social Science Content Standards* and that the instructional materials reflect and incorporate the content of the *History-Social Science Framework*.~~

~~On September 29, 2005, the HSS SMC reviewed the IMAP/CRP Report of Findings for each program. 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, the findings from each Commissioners' own independent review. After the discussion at the HSS SMC level, each program submission received a roll-call vote. The motion was stated in the affirmative. A majority vote from the HSS SMC was required for any program to be recommended. The HSS SMC forwarded their recommendations to the full Curriculum Commission.~~

~~On September 30, 2005, 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 recommendation for each program was to recommend the program for specific grades with 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, 2005, for action.~~

~~EDITS AND CORRECTIONS MEETING~~

~~The Edits and Corrections Meetings are scheduled for October 14 and October 21, 2005. These meetings with publishers will cover the edits and corrections identified prior to the Curriculum Commission meeting of September 29-30, 2005. A report on the results of this meeting will be provided to the State Board at their November 9-10, 2005 meeting. An additional Edits and Corrections meeting will be scheduled with publishers in November to address any additional edits and corrections that were recommended by the Curriculum Commission's Ad Hoc Committee based on the public comments received by the Curriculum Commission. Publishers whose programs are adopted by the State Board will be required to complete all edits and corrections by January 31, 2006.~~

~~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 receipt 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.~~

~~CURRICULUM COMMISSION RECOMMENDATIONS~~

~~*Publisher*~~	~~*Program Title*~~	~~**Grade Levels**~~	~~***Curriculum Commission Recommendation***~~
~~Ballard & Tighe~~	~~*Explore America*~~	~~5~~	~~Not Recommended~~
	~~*Explore the Ancient World*~~	~~6~~	~~Not Recommended~~
	~~*Explore World History*~~	~~7~~	~~Not Recommended~~
~~Decision Development Corporation~~	~~*DDC Social Science Series*~~	~~4-6~~	~~Not Recommended~~
~~Glencoe/McGraw-Hill~~	~~*Glencoe Discovering Our Past*~~	~~6-8~~	~~Recommended~~
~~Harcourt School Publishers~~	~~*Reflections: California Series*~~	~~K-6~~	~~Recommended~~
~~Holt, Rinehart and Winston~~	~~*Holt California Social Studies: World History, Ancient Civilizations*~~	~~6~~	~~Recommended~~
	~~*Holt California Social Studies: United States History, Medieval to Early Modern Times*~~	~~7~~	~~Recommended~~
	~~*Holt California Social Studies: United States History, Independence to 1914*~~	~~8~~	~~Recommended~~
~~Houghton Mifflin~~	~~*Houghton Mifflin History-Social Science*~~	~~K-6~~	~~Recommended~~
~~Macmillan/McGraw-Hill~~	~~*California Vistas*~~	~~K-6~~	~~Recommended~~
~~McDougal Littell~~	~~*McDougal Littell California Middle School Social Studies Series*~~	~~6-8~~	~~Recommended~~
~~Oxford University Press~~	~~*Oxford History-Social Science Program for California*~~	~~5, 7, 8~~	~~Recommended~~
	~~*Oxford History-Social Science Program for California*~~	~~6~~	~~Not Recommended~~
~~Pearson Prentice Hall~~	~~*Prentice Hall Social Studies*~~	~~6-8~~	~~Recommended~~
~~Pearson Scott Foresman~~	~~*Scott Foresman History-Social Science for California*~~	~~K-5~~	~~Recommended~~
~~Teachers' Curriculum Institute~~	~~*History Alive! California Middle Schools Program*~~	~~6-8~~	~~Recommended~~

None

~~*NOTE: These programs have **not** been adopted by the State Board of Education~~

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SPECIAL ISSUES

REVIEW OF THE CONSISTENCY OF THE ADOPTION WITH THE *HISTORY-SOCIAL SCIENCE FRAMEWORK* PURSUANT TO *EDUCATION CODE* SECTION 60200(e)

Fewer than five basic instructional materials programs in history-social science are being recommended to the State Board of Education for grades K-4, because fewer than five programs were submitted for those grade levels, with the exception of grade 4. 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 academic content standards and the *History-Social Science 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 standards and the *History-Social Science Framework*.

3.It was the very consistency of the evaluation criteria with the grade-level expectations and the *History-Social Science Framework* that resulted in fewer than five basic instructional programs in history-social science being recommended for adoption for grade 4.

4.Overall, the rejected programs failed to meet the evaluation criteria.

5.In the review process, the evaluation criteria were applied fairly and consistently.

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INSTRUCTIONAL MATERIALS FUNDING REALIGNMENT PROGRAM

Assembly Bill 1781 (Chapter 802, Statutes of 2002) established the Instructional Materials Funding Realignment Program (IMFRP) starting with the 2002-03 fiscal year. The IMFRP (*Education Code* sections 60420-60424) provides that districts or county offices of education must use these funds to ensure that each pupil, K-8, is provided with an adopted standards-aligned textbook or basic instructional materials in reading/language arts, mathematics, science or history-social science, by the beginning of the first school term that commences no later than 24 months after those materials were adopted by the State Board of Education.

The 2005 History-Social Science Primary Adoption is the first standards-aligned state adoption to take place since the IMFRP was established in January 2003. Therefore, this is the first adoption where districts and county offices that accept IMFRP funds are required to provide each pupil in grades K-8 with instructional materials from this adoption list no later than the start of the school term in fall 2007.

~~The funding provided in the 2005-2006 state budget for the IMFRP is $360,996,000. This amounts to approximately $53 per pupil.~~

~~For districts and county offices that operate schools for grades 9-12 the standards-aligned instructional materials must be adopted by the local governing board. These adoptions must be made by local governing board resolution.~~

~~Once a local governing board certifies that it has provided each pupil with standards-aligned instructional materials, the district or county office of education may use 100 percent of any remaining IMFRP funds to purchase other instructional materials consistent with the content and cycles of the curriculum frameworks. For K-8 the local educational agency may purchase instructional materials from other state adopted materials lists.~~

Publisher: Ballard & Tighe

Title of Program: *Explore America, Explore the Ancient World, Explore World History*

Grade Levels: 5-7

Program Summary
Each grade level in the *Explore Series* has a student textbook (SE), historical anthology (HA), dictionary (DI), teacher's guide (TG), support resources, assessment tools (AT), transparencies (TR), time lines (TL) and web sites (WB).

Recommendation
The Curriculum Commission does not recommend Ballard & Tighe's *Explore Series* for adoption, because it does not meet Criteria Category 1 and is not aligned with the content standards. It does not holistically meet Criteria Category 2: Program Organization, nor Criteria Category 5: Instructional Planning and Support.
Edits and corrections are listed under the "Edits and Corrections" section of the report below.

Content/Alignment with Curriculum
The content standards are not addressed in the program.

Program Organization
The program is not well-organized and is not written in a detailed, expository narrative providing in-depth study as the predominant writing mode in a set of seven books for students and an American Historical Anthology for students to access the content.

Assessment
This program meets the evaluation criteria in this category. The program presents strategies for measuring what students know and are able to do.

Universal Access
This program meets the evaluation criteria in this category. This program is accessible to all students, including students eligible for special education, English learners, and students whose achievement is either below or above grade level.

Instructional Planning and Support
The program provides insufficient support for the teacher in implementing the instructional program. Instructional materials do not provide a clear road map for teachers to follow when they are planning instruction. The program does not clearly describe the relationships between the components of the program and how to use all the components to meet the standards. The teacher's edition does not clearly describe what to teach, how to teach, and when to teach.

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~~Publisher: Decision Development Corporation~~

~~Title of Program: *DDC Social Science Series*~~

~~Grade Levels: 4-6~~

~~Program Summary~~
~~*DDC Social Science Series* is a technology-based program with a teacher CD (TE), student CD (ST), implementation guide CD (IM), and resource kit (RE) including magazines (MG) and maps (MA). The CDs include lessons (LE), overviews (OV), storylines (SL), investigations (IN), simulation activities (SI), timelines (TI), knowledge base (KB), Teacher Tips (TT), and assessments (AS).~~

~~Recommendation~~
~~The Curriculum Commission does not recommend Decision Development Corporation's *DDC Social Science Series* for adoption because it does not meet criteria Category 1 and is not fully aligned with the History-Social Science Content Standards. When considered holistically, the program does not satisfy criteria categories 2-5.~~

~~Content/Alignment with Curriculum~~
~~The program does not meet the evaluation criteria in this category. Although some content is present in the program, the program is not designed to ensure that students master the History-Social Science content standards.~~

~~Program Organization~~
~~This program does not meet the evaluation criteria in this category. Content is not well organized and presented in a manner consistent with providing all students opportunities to achieve the essential knowledge and skills described in the standards and framework.~~

~~Assessment~~
~~This program does not meet the evaluation criteria in this category. Materials do not include content specific analytical rubrics.~~

~~Universal Access~~
~~The program does not meet the evaluation criteria in this category. The instructional materials do not present comprehensive guidance for teachers in providing effective, efficient instruction for all students.~~

~~Instructional Planning and Support~~
~~This program does not meet the evaluation criteria in this category. Instructional materials do not include a teacher-planning guide describing the relationships between the components of the program and how to use all the components to meet all the standards.~~

~~Publisher: Glencoe/McGraw~~

~~Title of Program: *Discovering Our Past*~~

~~Grade Levels: 6-8~~

~~Program Summary~~
~~*Discovering Our Past* includes a student edition (SE), teacher edition (TE), chapter resource books (CH), assessments (AS), workbook (WK), intervention guide (IN), English learner handbook (EN), universal access guide (UA), study guide (SG), note-taking guide (NG), graphic novels (GR), school-to-home activities (SH), transparencies (TR), art prints (AT), music (MU), primary source collections (PR), and technology-based components including: Teacher Works (TW), testing materials, Internet-based review, VideoQuiz (VQ) and video clips on DVD(VI).~~

~~Recommendation~~
~~The Curriculum Commission recommends Glencoe/McGraw-Hill's *Discovering Our Past* for adoption, with minor edits and corrections, because it is aligned with the content standards and meets the evaluation criteria.~~

~~Content/Alignment with Curriculum~~
~~This program meets all the evaluation criteria in this category. It is aligned to the History-Social Science Content Standards.~~

~~Program Organization~~
~~This program meets the evaluation criteria in this category.~~

~~Assessment~~
~~This program meets the evaluation criteria in this category by providing strategies and assessments that measure student progress towards standards mastery.~~

~~Universal Access~~
~~This program meets the evaluation criteria in this category. The program provides explicit instruction for students at all levels of achievement, including English learners.~~

~~Instructional Planning and Support~~
~~This program meets the evaluation criteria in this category. The program provides a variety of resources to support teachers in implementing the program.~~

~~Publisher:~~ **~~Harcourt School Publishers~~**

~~Title of Program:~~ ***~~Reflections: California Series~~***

~~Grade Levels:~~ **~~K-6~~**

~~Program Summary~~
~~*Reflections* includes a student edition (SE), teacher edition (TE), homework and practice book (HP), assessment program (AP), reading support and intervention (RSI), and English learner guide (SEL), readers (RE), music (MU), atlas (AT), interactive time line (TL), primary source collection (PR), transparencies (TR), and a geography skills CD (GE).~~

~~Recommendation~~
~~The Curriculum Commission recommends Harcourt School Publishers' *Reflections* for adoption, with minor edits and corrections, because it is aligned with the content standards and meets the evaluation criteria.~~

~~Content/Alignment with Curriculum~~
~~This program meets all the evaluation criteria in this category. The program is aligned to the *History-Social Science Content Standards* and reflects current and confirmed research.~~

~~Program Organization~~
~~This program meets the evaluation criteria in this category. The program is organized in sequence to enable students and teachers to access the content efficiently and effectively.~~

~~Assessment~~
~~This program meets the evaluation criteria in this category. The program presents strategies for measuring what students know and are able to do.~~

~~Universal Access~~
~~This program meets the evaluation criteria in this category. The program is understandable to all students, including students eligible for Special Education, English learners, and students whose achievement is either below or above that typical of the class or grade level.~~

~~Instructional Planning and Support~~
~~This program meets the evaluation criteria in this category. The program provides support for the teacher in implementing the instructional program.~~

Publisher: Holt, Rinehart and Winston

Title of Program: *Holt California Social Studies*

Grade Levels: 6-8

Program Summary
Holt California Social Studies includes a student edition (SE), teacher edition (TE), interactive reader and study guide (IRSG), chapter resource activity files (CRF), workbook (WK), presentations (PP), transparencies (TR), chapter summaries (CS), primary source library (PR), quiz game (QU), videos (VI), music (MU), universal access guide and materials (UA), standards review (CSR), and assessments (AS). Grade 8 includes civics participation activities guides (CPAG), Supreme Court cases (SCCB), and Constitution study guide (CSG).

Recommendation
The Curriculum Commission recommends Holt, Rinehart and Winston's *Holt California Social Studies* for adoption, with minor edits and corrections, because it is aligned with the content standards and meets the evaluation criteria.

Content/Alignment with Curriculum
This program meets all the evaluation criteria in this category. The program is aligned to the *History-Social Science Content Standards* and reflects current and confirmed research.

Program Organization
This program meets the evaluation criteria in this category. The program is organized in sequence to enable students and teachers to access the content efficiently and effectively.

Assessment
This program meets the evaluation criteria in this category. The program presents strategies for measuring what students know and are able to do.

Universal Access
This program meets the evaluation criteria in this category. The program is understandable to all students, including students eligible for Special Education, English learners, and students whose achievement is either below or above that typical of the class or grade level.

Instructional Planning and Support
This program meets the evaluation criteria in this category. The program provides support for the teacher in implementing the instructional program.

Publisher: Houghton Mifflin

Title of Program: *Houghton Mifflin History-Social Science*

~~Grade Levels: K-6~~

~~Program Summary~~
~~Houghton Mifflin History-Social Science includes a pupil edition (PE), teacher edition (TE), independent books (IN), leveled readers (LR), practice book (PR), universal access resources (UA), primary sources plus (PSP), blackline masters (BLM), transparencies (TR), assessments (AS), test generator (TG), lesson planner CD-ROM (LP), videos (VI), maps (MA), and a geography game (GE).~~

~~Recommendation~~
~~The Curriculum Commission recommends Houghton Mifflin's Houghton Mifflin History-Social Science for adoption, with minor edits and corrections, because it is aligned with the content standards and meets the evaluation criteria.~~

~~Content/Alignment with Curriculum~~
~~This program meets all the evaluation criteria in this category. The program is aligned to the History-Social Science Content Standards and reflects current and confirmed research.~~

~~Program Organization~~
~~This program meets the evaluation criteria in this category. The program is organized in sequence to enable students and teachers to access the content efficiently and effectively.~~

~~Assessment~~
~~This program meets the evaluation criteria in this category. The program presents strategies for measuring what students know and are able to do.~~

~~Universal Access~~
~~This program meets the evaluation criteria in this category. The program is understandable to all students, including students eligible for Special Education, English learners, and students whose achievement is either below or above that typical of the class or grade level.~~

~~Instructional Planning and Support~~
~~This program meets the evaluation criteria in this category. The program provides support for the teacher in implementing the instructional program.~~

~~Publisher: Macmillan/McGraw-Hill~~

~~Title of Program: *California Vistas*~~

~~Grade Levels: K-6~~

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~~Program Summary~~

~~*California Vistas* includes a pupil edition (PE), teacher's edition (TE), flipchart (FC), leveled biographies (BI), activity book (AC), atlas (AT), maps (MA), transparencies (TR), English learner program (EL), TeacherWorks CD-ROM (TW), videos (VI), primary sources (PR), Web site (WB), unit newspapers (NE), practice and activity books (PA), blackline masters (BLM), and assessments (AS).~~

~~Recommendation~~

~~The Curriculum Commission recommends Macmillan/McGraw-Hill's *California Vistas* for adoption, with minor edits and corrections, because it is aligned with the content standards and meets the evaluation criteria.~~

~~Content/Alignment with Curriculum~~

~~This program meets all the evaluation criteria in this category. Instructional materials provide instruction designed to ensure that students master all the *History- Social Science Content Standards.*~~

~~Program Organization~~

~~This program meets the evaluation criteria in this category. This program is sequentially organized to provide structure, in-depth study, strategies for universal access, and a unified narrative that allows all students an opportunity to achieve the essential knowledge and skills described in the *History- Social Science Content Standards* and *Framework.*~~

~~Assessment~~

~~This program meets the evaluation criteria in this category. Assessment tools, incorporated throughout the program, present strategies for measuring what students know and are able to do. These tools include multiple choice, short answer, essay, and oral presentation.~~

~~Universal Access~~

~~This program meets the evaluation criteria in this category. This program provides comprehensive guidance for teachers of students with a variety of needs: English learners, advanced learners, student below grade level in reading and writing skills, and Special Education students. All suggestions and procedures for meeting the needs of all students are ready to use with minimum modification.~~

~~Instructional Planning and Support~~

~~This program meets the evaluation criteria in this category. The program provides support for the teacher in implementing the instructional program. Resources offer information about important events, people, places, and ideas appearing in the *History- Social Science Content Standards* and *Framework.*~~

~~Publisher: McDougal Littell~~

Title of Program: *McDougal Littell California Middle School Social Studies Series*

Grade Levels: 6-8

Program Summary
McDougal Littell California Middle School Social Studies includes a pupil edition (PE), teacher edition (TE), transparencies (TR), reading toolkit (RT), workbook (WK), planner and lesson plans (PL), in-depth resources (RE), primary resources (PR), biographies (BI), assessments (AS), presentations (PP), music (MU), social studies library (LI), and English learner lesson plans (EL).

Recommendation
The Curriculum Commission recommends McDougal Littell's *McDougal Littell California Middle School Social Studies Series* for adoption, with minor edits and corrections, because it is aligned with the content standards and meets the evaluation criteria.

Content/Alignment with Curriculum
This program meets all the evaluation criteria in this category. The program is aligned to the History-Social Science Content Standards and reflects current and confirmed research.

Program Organization
This program meets the evaluation criteria in this category. The program is organized in sequence to enable students and teachers to access the content efficiently and effectively.

Assessment
This program meets the evaluation criteria in this category. The program presents strategies for measuring what students know and are able to do.

Universal Access
This program meets the evaluation criteria in this category. The program is understandable to all students, including students eligible for Special Education, English learners, and students whose achievement is either below or above that typical of the class or grade level.

Instructional Planning and Support
This program meets the evaluation criteria in this category. The program provides support for the teacher in implementing the instructional program.

Publisher: Oxford University Press

Title of Program: *Oxford History-Social Science Program for California*

Grade Levels: 5, 7, 8

Program Summary
Oxford History-Social Science Program for California includes student books (SB), teaching guides (TG), student study guides (SSG), and primary sources (PR).

Recommendation
The Curriculum Commission recommends Oxford University Press's *Oxford History-Social Science Program for California* for adoption for grades 5, 7, and 8, with minor edits and corrections, because it is aligned with the content standards and meets the evaluation criteria at those grade levels.

Content/Alignment with Curriculum
This grade 5, 7, and 8 levels of this program meet all the evaluation criteria in this category. The grade 5, 7, and 8 levels are aligned to the *History- Social Science Content Standards* and reflect current and confirmed research.

Program Organization
This program meets the evaluation criteria in this category. The program is organized in sequence to enable students and teachers to access the content efficiently and effectively.

Assessment
This program meets the evaluation criteria in this category. The program presents strategies for measuring what students know and are able to do.

Universal Access
This program meets the evaluation criteria in this category. The program is understandable to all students, including students eligible for Special Education, English learners, and students whose achievement is either below or above that typical of the class or grade level.

Instructional Planning and Support
This program meets the evaluation criteria in this category. The program provides support for the teacher in implementing the instructional program.

Publisher: Oxford University Press

Title of Program: *Oxford History-Social Science Program for California*

Grade Levels: 6

~~Program Summary~~
~~*Oxford History-Social Science Program for California* includes student books (SB), teaching guides (TG), student study guides (SSG), and primary sources (PR).~~

~~Recommendation~~
~~The Curriculum Commission does not recommend *Oxford University Press's Oxford History-Social Science Program for California* for adoption for grade 6, because it does not fully meet criteria Category 1.~~

~~Content/Alignment with Curriculum~~
~~Grade 6 of this program does not meet all of the evaluation criteria in this category. In particular, the program's portrayal of world religions does not remain neutral, and includes language and examples that are derogatory, accusatory, or instill prejudice against other religions or those that believe in other religions. Specifically, the Commission noted that the portrayal of the development of Judaism and Hinduism violates criterion 1.10.~~

~~Program Organization~~
~~This program meets the evaluation criteria in this category. The program is organized in sequence to enable students and teachers to access the content efficiently and effectively.~~

~~Assessment~~
~~This program meets the evaluation criteria in this category. The program presents strategies for measuring what students know and are able to do.~~

~~Universal Access~~
~~This program meets the evaluation criteria in this category. The program is understandable to all students, including students eligible for Special Education, English learners, and students whose achievement is either below or above that typical of the class or grade level.~~

~~Instructional Planning and Support~~
~~This program meets the evaluation criteria in this category. The program provides support for the teacher in implementing the instructional program.~~

~~Publisher: Pearson Prentice Hall~~

~~Title of Program: *Prentice Hall Social Studies*~~

~~Grade Levels: 6-8~~

~~Program Summary~~

~~*Prentice Hall Social Studies* includes a student edition (SE), teacher's edition (TE), interactive student edition (ISE), interactive TE (ITE), teaching resources (TR), *Presentation Express* CD (PE), transparencies (TRN), *Interactive Reading and Notetaking Study Guide* (IRSG), *Social Studies Skill Tutor* CD (SSST), videos (VI), assessments (AS), test bank CD (TB), quiz show CD (QU), presentations (PR), and assessment rubrics (RU).~~

~~**Recommendation**~~
~~The Curriculum Commission recommends Pearson Prentice Hall's *Prentice Hall Social Studies* for adoption, with minor edits and corrections, because it is aligned with the content standards and meets the evaluation criteria.~~

~~***Content/Alignment with Curriculum***~~
~~This program meets all the evaluation criteria in this category. The program is aligned to the *History-Social Science Content Standards* and reflects current and confirmed research.~~

~~***Program Organization***~~
~~This program meets the evaluation criteria in this category. The program is organized in sequence to enable students and teachers to access the content efficiently and effectively.~~

~~***Assessment***~~
~~This program meets the evaluation criteria in this category. The program presents strategies for measuring what students know and are able to do.~~

~~***Universal Access***~~
~~This program meets the evaluation criteria in this category. The program is understandable to all students, including students eligible for Special Education, English learners, and students whose achievement is either below or above that typical of the class or grade level.~~

~~***Instructional Planning and Support***~~
~~This program meets the evaluation criteria in this category. The program provides support for the teacher in implementing the instructional program.~~

~~**Publisher: Pearson Scott Foresman**~~

~~**Title of Program: *Scott Foresman History-Social Science for California***~~

~~**Grade Levels: K-5**~~

~~**Program Summary**~~
~~*Scott Foresman History-Social Science for California* includes a student text (ST), teacher resources binder (TRB), transparencies (TR), primary sources (PR),~~

~~biographies (BI), content readers (CR), atlas (AT), a flip-chart (FC), literature books (LB), maps (MA), activities (AC), and digital resources (DP) including: videos (VI), music (MU), games (GA).~~

~~Recommendation~~
~~The Curriculum Commission recommends Pearson Scott Foresman's *Scott Foresman History-Social Science for California* for adoption, with minor edits and corrections, because it is aligned with the content standards and meets the evaluation criteria.~~

~~Content/Alignment with Curriculum~~
~~This program meets all the evaluation criteria in this category. The program is aligned to the *History- Social Science Content Standards* and reflects current and confirmed research.~~

~~Program Organization~~
~~This program meets the evaluation criteria in this category. The program is organized in sequence to enable students and teachers to access the content efficiently and effectively.~~

~~Assessment~~
~~This program meets the evaluation criteria in this category. The program presents strategies for measuring what students know and are able to do.~~

~~Universal Access~~
~~This program meets the evaluation criteria in this category. The program is understandable to all students, including students eligible for Special Education, English learners, and students whose achievement is either below or above that typical of the class or grade level. Strategies for English Learner students are embedded throughout the program.~~

~~Instructional Planning and Support~~
~~This program meets the evaluation criteria in this category. The program provides support for the teacher in implementing the instructional program.~~

~~Publisher: Teachers' Curriculum Institute~~

~~Title of Program: *History Alive! California Middle Schools Program*~~

~~Grade Levels: 6-8~~

~~Program Summary~~
~~*History Alive!* consists of a student edition (SE), lesson guides (LG), *Interactive Student Notebook* (ISN), online resources (OLR), placards (PL), overhead transparencies (OT), audio CD (CD), and California Standards Mastery Guide for Teachers (CA.)~~

~~Recommendation~~
~~The Curriculum Commission recommends Teachers' Curriculum Institute's *History Alive! California Middle Schools Program* for adoption, with minor edits and corrections, because it is aligned with the content standards and meets the evaluation criteria.~~

~~Content/Alignment with Curriculum~~
~~This program meets all the evaluation criteria in this category. The program is aligned to the *History- Social Science Content Standards* and reflects current and confirmed research.~~

~~Program Organization~~
~~This program meets the evaluation criteria in this category. The program is organized in sequence to enable students and teachers to access the content efficiently and effectively.~~

~~Assessment~~
~~This program meets the evaluation criteria in this category. The program presents strategies for measuring student outcomes.~~

~~Universal Access~~
~~This program meets the evaluation criteria in this category. This program provides access for all students including those eligible for special instruction, English learners, and students who achieve below or above grade level.~~

~~Instructional Planning and Support~~
~~This program meets the evaluation criteria in this category. The program provides support for teachers to successfully implement the program.~~

Appendix A

Criteria for Evaluating Instructional Materials in History-Social Science, Kindergarten Through Grade Eight

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This document provides criteria for evaluating the alignment of instructional materials with the *History-Social Science Standards for California Public Schools (2000)* and the *History-Social Science Framework for California Public Schools (2001 Updated Edition).* The content standards were adopted by the California State Board of Education in October 1998. They describe what students should know and be able to do at each grade level. The updated framework was adopted by the State Board of Education in October 2000. It incorporates the standards and includes instructional guidelines. The framework, together with the standards, defines the essential skills and knowledge in history-social science that will enable all California students to enjoy a world-class education.

The instructional materials must provide guidance for the teacher to present the content standards and curriculum at each grade level and to teach students all the analysis skills required for the grade spans. Students should be able to demonstrate reasoning, reflection, and research shills. These skills are to be learned through, and applied to, the content standards and are to be assessed only in conjunction with the content standards. Special attention should also be paid to the appendixes in the framework, which address important overarching issues.

The 2005 the State Board of Education will adopt a new list of history-social science instructional materials for use in kindergarten through grade eight. This adoption and any follow-up adoption prior to 2011 will be guided by the criteria described below. To be adopted, materials must first meet *in full* Category 1, History-Social Science Content/Alignment with Standards. Materials will be evaluated holistically in the other categories of Program Organization, Assessment, Universal Access, and Instructional Planning and Support. (These criteria may also be used by publishers and local educational agencies as a guide for developing and selecting instructional materials for grades nine through twelve.) To assist the State Board in the evaluation of instructional materials, publishers will use a standards map template supplied by the California Department of Education to demonstrate a programs' alignment with the standards.

The criteria are organized into five categories:

1. **History-Social Science Content/Alignment with Standards:** The content as specified in the *Education Code*, the *History-Social Science Content Standards* and the *History-Social Science Framework (2001 Updated Edition)*
2. **Program Organization:** The sequence and organization of the history-social science program.
3. **Assessment:** The strategies presented in the instructional materials for measuring what students know and are able to do.
4. **Universal Access:** Instructional materials that are understandable to all student, including students eligible for special education, English learners, and students whose achievement is either below or above that typical of the class or grade level.

5. Instructional Planning and Support: The instructional planning and support information and materials, typically including a separate edition specially designed for use by teachers in the implementing the *History-Social Science Standards* and *History-Social Science Framework*.

History-social science instructional materials must support teaching aligned with the standards and framework. Materials that are contrary to or inconsistent with the standards, framework, and criteria are not allowed. Extraneous materials should be minimal and clearly purposeful.

Category 1: History-Social Science Content/Alignment with Standards

1.Instructional materials, as defined in *Education Code* Section 60010 (h), provide instruction designed to ensure that students master all the *History-Social Science Content Standards* for the intended grade level. Analysis skills of the pertinent grade-span must be covered at every grade level.
2.Instructional materials reflect and incorporate the content of the *History-Social Science Framework*.
3.Instructional materials shall use proper grammar and spelling (*Education Code* Section 60045).
4.Instructional materials present accurate, detailed content and a variety of perspectives.
5.History is presented as a story well told, with continuity and narrative coherence (a beginning, a middle, and an end) and based on the best recent scholarship. Without sacrificing historical accuracy, the narrative is rich with the forceful personalities, controversies, and issues of the time. Primary sources, such as letters, diaries, documents, and photographs, are incorporated into the narrative in order to present an accurate and vivid picture of the times.
6.Materials include sufficient use of primary sources appropriate to the age level so that students understand from the words of the author(s) the way people saw themselves, their work, their ideas and values, their assumptions, their fears and dreams, and their interpretation of their own times. These sources are to be integral to the program and are carefully selected to exemplify the topic. They serve as a voice from the past, with an accurate and thorough sense of the period. When only an excerpt of a source is included in the materials, the students and teachers are referred to the entire primary source. The materials present different perspectives of participants, both ordinary and the extraordinary people, in world and U.S. history.
7.Materials include the study of issues and historical and social science debates. Students are presented with different perspectives and come to understand the importance of reasoned debate and reliable evidence, recognizing that people in a democratic society have the right to disagree.
8.Throughout the instructional resources the importance of the variables of time and place, when and where, history and geography is stressed repeatedly. In examining the past and present, the instructional resources consistently help students recognize that events and changes occur in a specific time and place. Instructional resources also consistently help students judge the significance of the relative location of place.

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~~9.The history-social science curriculum is extensively enriched with various genres of fiction and nonfiction literature of and about the historical period. Forms of literature such as diaries, essays, biographies, autobiographies, myths, legends, historical tales, oral literature, poetry, and religious literature richly describe the issues or the events studied as well as the life of the people, including both work and leisure activities.~~
~~10.Materials on religious subject matter remains neutral,; do not advocate one religion over another; do not include simulation or role-playing of religious ceremonies or beliefs; do not include derogatory language about a religion or use examples from sacred texts or other religious literature that are derogatory, accusatory, or instill prejudice against other religions or those who believe in other religions.~~
~~11.Numerous examples are presented of women and men from different demographic groups who used their learning and intelligence to make important contributions to democratic practices and society and to science and technology. Materials emphasize the importance of education in a democratic society.~~
~~12.For grades six through eight, the breadth and depth of world history to be covered are described in the updated *History-Social Science Framework* in Appendix D: "The World History Sequence at Grades Six, Seven, and Ten: Content, Breadth/Depth, and Coverage Issues with Some Local Options." In addition to the content called for at grade six, instructional materials shall include the grade seven standards on the Roman Empire (standard 7.1 and its sequence) and Mayan Civilization (standard 7.7 and the applicable Mayan aspects of the sequence). In addition to the content called for at grade eight, materials shall include the grade seven content standards on the Age of Exploration, the Enlightenment, and the Age of Reason (standard 7.11 and its sequence).~~
~~13.For kindergarten through grade three, instructional materials are distinguished by the inclusion of literature that brings alive people and events for children and teaches ethics, values, and civic responsibility. The selections are broadly representative of varied cultures, ethnic groups, men, women, and children and, where appropriate, provide meaningful connections to the other content standards: English-language arts, mathematics, science, and visual and performing arts.~~
~~14.Student writing assignments are aligned with the grade-level expectations in the *English-Language Arts Content Standards* (adopted by the State Board of Education in 1997) under the strands "Writing" and "Written and Oral English Language Conventions."~~
~~15.Instructional materials use biography to portray the experiences of men and women, children and youths. Where the standards call for examples (or use "e.g."), materials shall go beyond the listed examples and include the roles and contributions of people from different demographic groups: American Indians, African Americans, Mexican Americans, Asian Americans, European Americans, and members of other ethnic and cultural groups. (*Education Code*, Section 60040)~~
~~16.Instructional materials, where appropriate, present the contributions of the entrepreneur and labor in the total development of California and the United States. (*Education Code* sections 51009 and 60040).~~
~~17.Instructional materials, where appropriate and called for in the standards, include examples of religious and secular thinkers in history. All materials must be in accordance with the guidance provided in the updated *History-Social Science Framework,* Appendix C, "Religion and the Teaching of History-Social Science" and~~

~~*Education Code*, sections 51500, 51501, 51511, and 51513. The rites and practices of religions must be respected and must not be reenacted or simulated in any manner. When U.S. history is examined, religious matters, both belief and nonbelief, must be treated respectfully and be explained as protected by the U.S. Constitution.~~
~~18.Instructional materials, where appropriate, examine humanity's place in ecological systems and the necessity of the protection of the environment (*Education Code*, Section 60041).~~
~~19.Instructional materials for grades five and eight shall include a discussion of the Great Irish Famine of 1845-50 and the effect of the famine on American history (*Education Code*, Section 51226.3[c]).~~
~~20.Emphasis is placed on civic values, democratic principles, and democratic institutions, including frequent opportunities for discussion of the fundamental principles embodied in the U.S. Constitution and the Bill of Rights. When appropriate to the comprehension of pupils, instructional materials shall include a copy of the U.S. Constitution and the Declaration of Independence. (*Education Code* Section 60043)~~
~~21.Materials emphasize America's multiethnic heritage and its contribution to this country's development while explaining how American civic values provide students with a foundation for understanding their rights and responsibilities in this pluralistic society. (*Education Code* sections 51226.5 and 60200.6)~~
~~22.Materials on American life and history give significant attention to the principles of morality, truth, justice, and patriotism and to a comprehension of the rights, duties, and dignity of American citizenship, inspiring an understanding of and a commitment to American ideals. Examples of memorable addresses by historical figures presented in their historical context, including the effect of those addresses on people then and now. (*Education Code* sections 52720 and 60200.5)~~
~~23.Materials for studying the life and contributions of Cesar E. Chavez and the history of the farm labor movement and of Martin Luther King, Jr., and the civil rights movement shall be included at each grade level, with suggestions for supporting the respective holidays in honor of those men and the accompanying activities. (*Education Code* sections 51008 and 60200.6)~~
~~24.Any gross inaccuracies and/or deliberate falsifications revealed during the review process will result in disqualification, and any found during the adoption cycle will be subject to removal of the program from the list of state-adopted textbooks. Gross inaccuracies and/or deliberate falsifications are defined as those requiring changes in content.~~
~~25.All authors listed in the instructional program are held responsible for the content. If requested, the authors must be willing to supply proof of authorship. Beyond the title and publishing company's name, the only name to appear on a cover and title page shall be the actual author or authors.~~

~~Category 2: Program Organization~~

~~1.Sequential organization of the material provides structure concerning what students should learn each year and allows teachers to convey the history-social science content efficiently and effectively.~~
~~2.The content is well organized and presented in a manner consistent with providing all students an opportunity to achieve the essential knowledge and skills described in the~~

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~~standards and framework. The academic language (i.e., vocabulary) specific to the content is presented in a manner that provides explicit instructional opportunities for teachers and appropriate practice for all students.~~
~~3.A detailed, expository narrative approach providing for in-depth study is the predominant writing mode and focuses on people, their ideas, thoughts, actions, conflicts, struggles, and achievements.~~
~~4. Explanations are provided so that students clearly understand the likely causes of the events, the reasons the people and events are important, why things turned out as they did, and the connections of those results to events that followed.~~
~~5.The narrative unifies and interrelates the many facts, explanations, visual aids, maps, and literary selections included in the topic or unit. These components clearly contribute directly to students' deeper understanding and retention of the events.~~
~~6.The relevant grade-level standards shall be explicitly stated in both the teacher and student editions. Topical headings reflect the framework and standards and clearly indicate the content that follows.~~
~~7.Each topic builds clearly on the preceding one(s) in a systematic manner.~~
~~8.Topics selected for in depth study are enriched with a variety of materials and content-appropriate activities and reflect the framework's course descriptions.~~
~~9.Each unit presents strategies for universal access, including ways in which to improve vocabulary and reading and language skills of English learners in the context of history-social science.~~
~~10.Materials explain how history-social science instruction may be improved by effective use of library media centers and information literacy skills.~~
~~11.The tables of contents, indices, glossaries, content summaries, and assessment guides are designed to help teachers, parents/guardians, and students.~~

~~Category 3: Assessment~~

~~1.Assessment tools measure what students know and are able to do, including their analysis skills, as defined by the standards.~~
~~2.Assessment tools that publishers include as part of their instructional materials should provide evidence of students' progress towards mastering the content called for in the standards and framework and should yield information teachers can use in planning and modifying instruction to help all students meet or exceed the standards.~~
~~3.Materials provide frequent assessments at strategic points of instruction by such means as pre-tests, unit tests, chapter tests, and summative tests.~~
~~4. Materials assess students' progress towards meeting the instructional goals of history-social science, most notably by expository writing. Student writing assessments are aligned with the grade-level requirements in the *English-Language Arts Content Standards* under the strands of "Writing" and "Written and Oral English Language Conventions."~~
~~5.Materials include analytical rubrics that are content-specific and provide explanation of the use of the rubrics by teachers and students to evaluate and improve skills in writing, analysis, and the use of evidence.~~
~~6.Assessment tools include multiple-choice, short answer, essay and oral presentation.~~
~~7.Assessment tools measure how students are able to use library media centers and information literacy skills when studying history-social science topics.~~

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~~Category 4: Universal Access~~

~~1.Instructional materials shall provide access to the curriculum for all students. Therefore, the following design principles for perceptual alternatives shall be used:~~
~~To be consistent with federal copyright law, all text for students must be in digital format so that it can easily be transcribed, reproduced, modified, and distributed in braille, large print (only if the publisher does not offer such an edition), recordings, American Sign Language videos for the deaf, or other specialized accessible media exclusively for use by pupils with visual disabilities or other disabilities that prevent use of standard materials.~~
~~Written captions and written descriptions must be in digital format for audio portions of visual instructional materials, such as videotapes (for those students who are deaf or hearing impaired).~~
~~Educationally relevant descriptions must be provided for those images, graphic devices, or pictorial information essential to the teaching of key concepts. (When key information is presented solely in graphic or pictorial form, it limits access for students who are blind or who have low vision. Digital images with an oral description provide not only access for those students, but also flexibility for instructional emphasis, clarity, and direction.)~~
~~2.Instructional materials present comprehensive guidance for teachers in providing effective, efficient instruction for all students. Instructional materials should provide access to the standards and framework-based curriculum for all students including those with special needs: English learners, advanced learners, students below grade level in reading and writing skills, and special education students.~~
~~3.Materials for kindergarten through grade three focus on the content called for in the *History-Social Science Content Standards* and *History-Social Science Framework* while complementing the goals of the *English/Language Arts Content Standards* and the *Reading/Language Arts Framework for California Public Schools* (adopted in 1999).~~
~~4.Materials for grades four through eight provide suggestions to further instruction in history-social science while assisting those students whose reading and writing skills are below grade level.~~
~~5.Instructional materials are constructed to help meet the needs of students whose reading, writing, listening, and speaking fall below the level prescribed in the English-language arts content standards and to assist in accelerating students' skills to grade level. Those students who are *significantly* below grade level in reading (two years or more) should be directed to intensive reading instruction.~~
~~6.Materials must address the needs of students who are at or above grade level. Although materials are adaptable to each student's point of entry, such differentiated instruction is focused on the history-social science content standards.~~
~~7.All suggestions and procedures for meeting the instructional needs of all students are ready to use with minimum modifications.~~
~~8.Materials provide suggestions for enriching the program or assignments for advanced learners by:~~
~~Studying a topic, person, place, or event in more depth~~
~~Conducting a more complex analysis of a topic, person, place, or event~~
~~Reading and researching related topics independently~~

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- ~~Emphasizing the rigor and depth of the analysis skills to provide a challenge for all students~~

~~9.Materials provide suggestions to help teach English learners the *History-Social Science Content Standards* while reinforcing instruction based on the *English-Language Content Standards* – notably to read, write, comprehend and speak at academically proficient levels.~~

~~10.Materials use the following design principles for "considerate" text:~~

- ~~Adequate titles for each selection~~
- ~~Introductory subheadings for chapter sections~~
- ~~Introductory paragraphs~~
- ~~Concluding or summary paragraphs~~
- ~~Complete paragraphs including a clear topic sentence, relevant support, and transitional words and expressions (e.g., *furthermore, similarly*)~~
- ~~Effective use of typographical aids, such as boldface print, italics~~
- ~~Relevant, standards-aligned visual aids connected to the print: illustrations, photographs, charts, graphs, maps~~
- ~~Manageable instead of overwhelming visual and print stimuli~~
- ~~Identification and highlighting of important terms~~
- ~~List of objectives or focus questions at the beginning of each selection~~
- ~~List of follow-up comprehension and application questions~~

~~Criterion 5: Instructional Planning and Support~~

~~1.Teacher support materials, including the required teacher edition, are built into the instructional materials and contain suggestions and illustrative examples of how teachers can implement the instructional program.~~

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~~2.The teacher edition and student editions present ways for all students to learn the content and analysis skills called for in the standards.~~

~~3.Directions are explicit regarding how the analysis skills are to be taught and assessed in the context of the content standards.~~

~~4.Instructional materials provide a clear road map for teachers to follow when planning instruction.~~

~~5.Teacher and student editions have correlating page numbers.~~

~~6.Instructional materials include a teacher planning guide describing the relationships between the components of the program how to use all the components to meet all the standards.~~

~~7.Publishers provide teachers with easily accessible and workable instructional examples and with practice opportunities for students as they develop their understanding of the content and analysis skills.~~

~~8.Blackline masters are accessible in print and in digitized formats and are easily reproduced. Black areas shall be minimal in order to require less toner when printing or photocopying.~~

~~9.The teacher's edition describes what to teach, how to teach and when to teach.~~

~~10.Terms from the standards are used appropriately and accurately in the instructions.~~

~~11.All assessment tools, instructional tools and informational technology resources include technical support and suggestions for appropriate use of technology.~~

~~12.Electronic learning resources, when included, support instruction and connect explicitly to the standards.~~
~~13.The teacher resource materials provide background information about important events, people, places and ideas appearing in the standards and framework.~~
~~14.Instructional practices recommended in the materials are based on the content in the standards and on current and confirmed research.~~
~~15.Materials discuss and address common misconceptions held by students.~~
~~16.Homework extends and reinforces classroom instruction and provides additional practice of skills that have been taught.~~
~~17.Materials include suggestions on how to explain students' progress toward attaining the standards.~~
~~18.Materials include suggestions for parents on how to support student achievement.~~
~~19.The format clearly distinguishes instructions for teachers from those for students.~~
~~20.Answer keys are provided for all workbooks and other related student activities.~~
~~21.Publishers provide charts of the time requirements and cost of staff development services available for preparing teachers to implement fully the program.~~
~~22.Materials provide teachers with instructions on how outside resources (e.g., guest speakers, museum visits, and electronic field trips) are to be incorporated into a standards-based lesson.~~
~~23.Materials provide guidance on the effective use of library media centers to improve instruction and on the materials in library media centers that would best complement the history-social science content standards.~~

~~APPENDIX B~~

~~LEARNING RESOURCE DISPLAY CENTERS~~

~~Locations for Reviewing Both Submitted and Adopted Instructional Materials and Resources for Grades K-8~~

~~LRDC #1~~
~~Peg Gardner~~
~~Humboldt County Office Of Education~~
~~Humboldt Educational Resource Center~~
~~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~~
~~530-532-5815~~

~~LRDC # 3~~
~~Karen Elizabeth Smith~~
~~Sonoma County Office of Education~~
~~Instructional Resources Center~~
~~5340 Skylane Blvd.~~
~~Santa Rosa, CA 95403~~
~~707-524-2837~~

~~LRDC # 4~~
~~Ben Anderson~~
~~Sacramento County Office of Education~~
~~Instructional Technology and 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~~
~~Hector Garcia~~

~~Alameda County Office of Education~~
~~Educational Services~~
~~313 West Winton Ave.~~
~~Hayward, CA 94544~~
~~510-670-4235~~

~~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~~
~~Diane Perry~~
~~Santa Clara County Office of Education~~
~~Library Service #232~~
~~1290 Ridder Park Drive~~
~~San Jose, CA 95131-2304~~
~~408-453-6800~~

~~LRDC #10~~
~~John Magneson~~
~~Merced County Office of Education~~
~~Instructional Services~~
~~632 W. 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~~
~~559-651-3077~~

~~LRDC #13~~
~~Anne Santer~~
~~Kern County Superintendent of Schools~~
~~The Learning Center~~
~~2020 K Street~~
~~Bakersfield, CA 93301~~
~~661-636-4640~~

~~LRDC #15~~
~~Lorna Lueck~~
~~University of California~~
~~Davidson Library, Curriculum Lab~~
~~Santa Barbara, CA 93106-9010~~
~~805-893-3060~~

~~LRDC #16~~
~~Patti Johnson~~
~~Ventura Co. Supt. of Schools Office~~
~~Educational Services Center~~
~~570 Airport Way~~
~~Camarillo, CA 93010~~
~~805-388-4407~~

~~LRDC #17~~
~~Cindy Munz~~
~~San Bernardino Co. Supt. of Schools~~
~~Curriculum and Instruction~~
~~4595 Hallmark Parkway~~
~~San Bernadino, CA 92407-1834~~
~~909-386-2666~~

~~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 Co. Department of Education~~
~~1715 E. Wilshire, Ste. 713~~
~~Santa Ana, Ca. 92705~~
~~714-541-1052~~

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~~LRDC #21~~
~~David Rios~~
~~University of California, Riverside~~
~~Rivera Library~~
~~P.O. Box 5900~~
~~Riverside, CA 92517-5900~~
~~951-827-3715 or 951-827-4394~~

~~LRDC #22~~
~~Barbara Takashima~~
~~San Diego County Office of Education~~
~~Learning Resource Display Center~~
~~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~~
~~650-802-5655~~

~~LRDC #A2~~
~~Susan Kendall~~
~~San Jose State University~~
~~King Library~~
~~150 East San Fernando~~
~~San Jose, CA 95192-0028~~
~~408-808-2000~~

~~LRDC #A3~~
~~Rosalind Van Auker~~
~~California State University Sacramento~~
~~Library - Reference Department~~
~~2000 State University Drive, East~~
~~Sacramento, CA 95819-6039~~
~~(916) 278-5673~~

~~LRDC #A4~~
~~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 #A5 – Attn: Collette Childers~~
~~Pollak Library~~
~~Curriculum Materials Center~~
~~California State University Fullerton~~
~~800 N. State College Blvd.~~
~~Fullerton, CA 92834~~
~~(714) 278-2151~~

ITEM #40

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2007 AGENDA

SUBJECT	
State Board of Education-Approved Charter Schools: Update	☒ Action ☒ Information ☐ Public Hearing

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) receive an oral update on the SBE-approved charter schools and take action as deemed necessary and appropriate.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Currently, eight individual charter schools are operating under the SBE's authorization as summarized on the table below.

Charter School Name	Approval Date	Opening Date	Renewal Date
Ridgecrest Charter School (Kern County)	Dec 2000	Sep 2001	Mar 2009
Edison Charter Academy (San Francisco)[1]	Jul 2001	Aug 2001	Jun 2011
New West Charter Middle School (Los Angeles)[2]	Dec 2001	Sep 2003	Jun 2007
Animo Inglewood Charter High School	Dec 2001	Sep 2002	Jun 2010
School of Arts and Enterprise (Pomona)	Sep 2002	Sep 2003	Jun 2011
Livermore Valley Charter School	Nov 2004	Sep 2005	Jun 2008
Leadership Public Schools-Hayward	Mar 2005	Sep 2005	Mar 2008
High Tech High-Bayshore[3]	Mar 2006	Jul 2006	Jun 2011

[1] Originally approved by the San Francisco Unified School District, but the SBE became the authorizer at the time of first renewal.
[2] Initially granted for a three-year term to expire June 30, 2005, but in subsequent actions, the SBE extended the initial term, which now expires June 30, 2007.
[3] Originally approved by San Mateo County Office of Education for one year only (2005-06). The SBE renewed the charter on appeal and assumed oversight effective July 1, 2006.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION (Cont.)

Since January 1994, the SBE and the State Superintendent of Public Instruction (SSPI) have jointly approved eight all-charter districts (that include a total of 15 schools), as shown on the table below.

District Name (County)	Approval Date	Renewal Date
Pioneer Union Elementary School District (Kings)	Jan 1994	May 2009
Kingsburg Union Elementary School District (Fresno)	May 1996	Jun 2011
Delta View Joint Union Elementary School District (Kings)	Jun 1999	May 2009
Hickman Community Charter District (Stanislaus)	Jul 1994	Jan 2010
Alvina Elementary Charter School District (Fresno)	Jul 2000	May 2010
Island Union Elementary School District (Kings)	Oct 2000	May 2010
Kings River-Hardwick School District (Kings)	May 2001	May 2009
Jacoby Creek Charter School District (Humboldt)	Jun 2002	Jan 2009

The SBE approved the first and second statewide benefit charter schools in January 2006 and January 2007, respectively. Each of these schools plan to begin operating two school sites in fall 2007. Provided academic achievement during the first two years of operation at the first two school sites meets a specified minimum threshold, each statewide benefit charter school may then open additional school sites, but no more than two additional sites per year.

Statewide Benefit Charter School	Approval Date	Opening Date	Renewal Date
High Tech High	Jan 2006	Sep 2007	Jun 2012
Aspire Public Schools	Jan 2007	Sep 2007	Jun 2012

SUMMARY OF KEY ISSUES

Pursuant to *Education Code* (*EC*) Section 47605(j), a charter school petition (in most cases) must first be denied by both a local school district and a county office of education before it may be presented to the SBE on appeal.

EC Section 47605.8 allows a charter school petitioner to submit a petition directly to the SBE for the operation of a statewide benefit charter school that may operate at multiple sites throughout the state. The SBE may not approve the petition for a statewide benefit charter school unless it finds that the charter school will provide instructional services of statewide benefit that cannot be provided by a charter school operating in only one school district or only one county.

As the charter authorizer, the SBE has monitoring responsibilities for its charter schools. The CDE Charter Schools Division staff monitors the charter schools on the SBE's behalf and provides periodic reports on the charter schools. As a result of the passage of Assembly Bill (AB) 1137 (Chapter 892, Statutes of 2003), the oversight responsibilities of authorizing entities, including the SBE, have been more clearly defined (*EC* Section 47604.32). All authorizing entities are required to identify a contact person, visit the charter school annually, ensure compliance with all reporting requirements, monitor the fiscal condition, and provide notification regarding renewal, revocation, or ceasing of operations.

SUMMARY OF KEY ISSUES (Cont.)

AB 1137 also amended *EC* Section 47607 pertaining to the renewal or revocation of charters including the addition of performance criteria to be met prior to receiving a charter renewal. The law provides that the cost of performing these duties shall be funded with supervisory oversight fees collected pursuant to *EC* Section 47613 (an amount not to exceed one percent of the school's general purpose and categorical program revenue in most cases).

There are currently two full-time-equivalent staff in the Charter Schools Division assigned to oversee the eight SBE-approved charter schools currently operating, the eight all-charter districts, and the two statewide benefit charter schools. Assigned staff make periodic site visits to the SBE-authorized charter schools and all-charter districts.

For charter schools authorized by the SBE on appeal, *EC* Section 47605(k)(1) provides that the SBE may, by mutual agreement, designate its supervisory and oversight responsibilities to any local educational agency in the county in which the charter school is located or to the governing board of the school district that first denied the petition (although this has never been done). Similarly, for statewide benefit charters, *EC* Section 47605.8(c) provides, as a condition of approval, that the SBE may enter into an agreement with a third party, at the expense of the charter school, to oversee, monitor, and report on the operations of the charter school.

With regard to all-charter districts (which are established by joint approval of the SBE and the SSPI), county offices of education currently provide a significant amount of assistance and oversight under AB 1200 (Chapter 1213, Statutes of 1991). Unlike the two types of SBE-approved charters, there is no specific provision for contracting or delegating by agreement the oversight responsibility for all-charter districts.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no specific action requested under this item, so no fiscal impact can be identified.

ATTACHMENT(S)

None

ITEM #41

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2007 AGENDA

SUBJECT	
Petition by the Aim High Community Charter School to Establish a Charter School under the Oversight of the State Board of Education: Hold Public Hearing and Approve	☒ Action ☒ Information ☒ Public Hearing

RECOMMENDATION

The California Department of Education (CDE) and the Advisory Commission on Charter Schools (ACCS) recommend that the State Board of Education (SBE) hold a public hearing on the Aim High Community Charter School (AHCCS) petition to establish a charter school.

Following the public hearing, the CDE and the ACCS recommend that the SBE take the following actions:

- Approve the AHCCS petition to establish a charter school for a five-year period beginning July 1, 2007, and ending June 30, 2012, subject to the conditions for school opening and operation as set forth in Attachment 1, and incorporating the additions and changes to the charter petition proposed by the CDE and the ACCS; and

- Direct that if the AHCCS does not open on or before September 30, 2008, approval of the AHCCS charter is terminated on October 1, 2008.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Pursuant to *Education Code (EC)* Section 47605(j), petitioners for a charter school that has been denied at the local level may appeal to the SBE for approval of the charter, subject to certain conditions.

To date, the SBE has approved twelve charter petitions on appeal, eight of which are still operating under SBE oversight (which is carried out by CDE staff). Regulations adopted by the SBE in December 2001 guide the process of reviewing charters on appeal. The review process includes consideration by the ACCS.

SUMMARY OF KEY ISSUES

The AHCCS petition proposes to serve approximately 225 students in grades six through eight residing within the city and county of San Francisco. The petition was denied by the San Francisco Unified School District (SFUSD) on August 22, 2006. The appeal was submitted to the CDE, Charter Schools Division, on September 14, 2006.

The ACCS reviewed the petition at its November 27, 2006, meeting and voted 6-2 to recommend approval of the AHCCS petition to the SBE.

CDE staff reviewed the charter petition and attachments in accordance with the regulations establishing the criteria for review of charter petitions on appeal, and reviewed the SFUSD reasons for denial. On the basis of this review, CDE staff initially proposed to the ACCS that it recommend denial of the petition to the SBE. Various concerns regarding the petition are set forth in the CDE staff analysis (Attachment 2). The overarching concerns were:

- The petition did not present enough information about the proposed education program or operations of the school for a determination to be made that the petitioners were offering a sound educational program.

- The petitioners had a mixed track record in terms of their involvement with operating a summer school program, which is successful, and jointly operating a school with SFUSD, which is a marginally performing school.

During the ACCS meeting, the petitioners presented convincing evidence regarding their expertise and experience to operate a high quality charter school. Further, representatives from organizations the petitioners have partnered with in the summer school program (e.g., the chair of the California State University Board of Trustees and the co-director of the Coalition of Essential Schools) testified to the excellence of the program that was being provided to students attending the Aim High summer institute (which is focused on improving academic skills). In addition, two parents spoke to the positive effects of the program on their children. Finally, both the California Charter Schools Association and the Charter Schools Development Center spoke to the high caliber of the petitioners and the program they operate.

The presentation of additional information by the petitioners, the strong level of support they appear to have in the community, and the partnerships they have developed convinced a majority of ACCS members (including the designated representative of the State Superintendent of Public Instruction) to vote affirmatively to recommend the petition for approval. The ACCS members who voted against the recommendation expressed the view that the petition itself did not provide enough detail regarding programs or operations and therefore did not represent an approvable charter petition.

The ACCS did identify three concerns that it felt merited the recommendation of new conditions in addition to the customary conditions of approval. The three areas of concern are:

SUMMARY OF KEY ISSUES (cont)

1. **Non-profit corporation bylaws**: the bylaws submitted with the petition do not reflect the current governance structure and are in the process of being revised. Further, the existing bylaws appeared to limit public access to meetings and decision making, and did not adhere to the Brown open meeting provisions of law. The ACCS recommended that the petitioners submit the revised bylaws and that they address the concerns raised in the staff analysis. Staff now understands the petitioners are in the process of amending the bylaws to address concerns raised in the analysis.

2. **Integration of National Council of Teachers of Mathematics (NCTM) standards with state math standards**: the charter petition indicates that one of the student outcomes is that they will demonstrate an understanding of the NCTM's goals for mathematics. The ACCS chair wanted assurances that the petitioners were going to adhere to state content standards and wanted further information about the reconciliation of state content standards in math with the NCTM standards. In subsequent discussion with the petitioners, they emphasized Aim High's commitment to meeting the state content standards. In view of significant philosophical differences between the state mathematics content standards and the NCTM standards, moreover, they suggested that eliminating references to the NCTM standards from the charter would not only be acceptable, but desirable. Therefore, staff now recommends that, if the charter petition is approved, references to the NCTM standards be deleted from the charter and that meeting the state mathematics content standards be clearly stated.

3. **Supplemental Information to the charter**: the petitioners submitted supplemental information with the charter but clearly identified it as informative only, and not part of the charter. The ACCS felt that if the information is included with the charter then it should be part of the charter and something for which petitioners can be held accountable for providing or doing. The petitioners have indicated that they will incorporate the supplemental information into the charter if approved by the SBE. The corporate bylaws and the budget materials, which were identified as supplemental information, will be addressed through the Memorandum of Understanding (MOU) between the CDE and the school if the charter is approved.

Specific conditions related to these three areas of concern have been incorporated within the conditions set forth in Attachment 1.

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of the AHCCS charter per se would have little (if any) effect on the total amount of state local assistance funding to public schools. To the extent students attend AHCCS, the funding to support those schools is merely redirected from other public schools. State costs overall are essentially the same.

FISCAL ANALYSIS (Cont)

There are currently two full-time equivalent CDE staff positions assigned to oversee the SBE-approved charter schools, including the two statewide benefit charter schools, and the eight all-charter districts (which are jointly approved by the SBE and the State Superintendent of Public Instruction), as well as to provide some essential business functions that support these schools and districts. SBE approval of this charter would increase workload, but the CDE would be entitled to recover the actual costs of oversight up to one percent of the general purpose and categorical block grant revenues generated by the school.

ATTACHMENT(S)

Attachment 1: Aim High Community Charter School: Proposed Conditions Prior to Opening and Operation (3 Pages)

Attachment 2: Aim High Community Charter School: 2006-07 Charter School Petition Review Form (28 Pages)

Attachment 3: Aim High Community Charter School Petition (99 Pages)

Attachment 4: Aim High Community Charter School: Five-Year Operating Budget (24 Pages). Not available for Web viewing. A printed copy is available for viewing in the State Board of Education office.

Aim High Community Charter School:
Proposed conditions prior to Opening and Operation

California Department of Education (CDE) staff and the Advisory Commission on Charter Schools (ACCS) recommend approval of the Aim High Community Charter School (AHCCS) petition with the following conditions prior to the opening and operation of the school. These conditions are to be incorporated in a memorandum of understanding (MOU) between AHCCS and the CDE. Specifically, the proposed conditions are:

- AHCCS must submit to the CDE revised articles of incorporation and bylaws that accurately reflect the current governance structure and that address CDE concerns relative to public access to governing board meetings, parent representation on the board, compliance with the Brown Act, and inclusion of a voting SBE representative on the board if the SBE so chooses to elect one.

- AHCCS shall submit a revised charter that eliminates references to the National Council of Teachers of Mathematics (NCTM) standards and clearly states the school's intention to adhere to the state content standards in math for grades six through eight.

- Supplemental information submitted with the original charter petition shall be expanded upon to provide greater detail and shall include a complete educational plan and revised budget. Such supplemental information shall be incorporated into the charter.

- Insurance Coverage: Not later than [DATE TO BE DETERMINED (TBD)] (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.

- MOU/Oversight Agreement: Not later than TBD, either (a) 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 (b) enter into an appropriate agreement between the charter school, the SBE (as represented by the Executive Director of the SBE), and an oversight entity, pursuant to *EC* Section 47605(k)(1), regarding the scope of oversight and reporting activities, including, but not limited to, adequacy and safety of facilities.
- SELPA Membership: Not later than TBD, submit written verification of having applied to a special education local plan area (SELPA) for membership as a local educational agency and, not later than TBD, submit either written verification that the school is (or will be at the time students are being served) participating in the SELPA, or an agreement between a SELPA, a school district that is a member of the SELPA, and the school that describes the roles and responsibilities of each

party and that explicitly states that the SELPA and the district consider the school'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). Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of CDE staff following a review of either (1) the school's written plan for membership in the SELPA, including any proposed contracts with service providers or (2) the agreement between a SELPA, a school district, and the school, including any proposed contracts with service providers.

- Educational Program: Not later than TBD, 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 TBD, 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. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of CDE staff.
- Student Attendance Accounting: Not later than TBD, 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, meet or exceed independent study requirements, and satisfy any audits related to attendance that may be conducted. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of the Director of the School Fiscal Services Division.
- Facilities Agreements: Not later than TBD, present written agreements (e.g., a lease or similar document) indicating the school's right to use the principal school sites and any ancillary facilities identified by the petitioners for at least the first year of each school's operation and evidence that the facilities will be adequate for the school's needs. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of the Director of the School Facilities Planning Division.
- Zoning and Occupancy: Not less than 30 days prior to the school's opening, present evidence that each school's 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 SBE 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 SBE based primarily on the advice of the Director of the School Facilities Planning Division.
- Final Charter: Not later than TBD, present 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, 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 SBE based primarily on the advice of the Charter Schools Division staff.

- Legal Issues: In the final charter, resolve any legal issues that may be identified by the SBE's Chief Counsel or the CDE's General Counsel.
- Processing of Employment Contributions: Prior to the school's employment of any individuals who will be covered by the Public Employees' Retirement System (PERS) and/or the State Teachers' Retirement System (STRS), present evidence that the school has made appropriate arrangements for the processing of the affected employees' retirement contributions to PERS and/or STRS.
- Operational Date: If any deadline specified in these conditions is not met, approval of the charter is terminated, unless the SBE deletes or extends the deadline not met. If the school is not in operation on or before September 30, 2008, the SBE's approval of the charter is terminated on October 1, 2008.

California Department of Education
2006-07 CHARTER SCHOOL PETITION REVIEW FORM

Petitioner
Aim High Community Charter School

This form is a tool to evaluate a charter school petition submitted to the State Board of Education (SBE) on appeal. It is designed to ensure that the petition is reviewed in relation to the requirements of statute and regulation.	Evaluator Deborah Connelly

OVERALL CALIFORNIA DEPARTMENT OF EDUCATION (CDE) EVALUATION

The overall recommendation of CDE staff is that the ACCS recommend denial of this petition to the State Board of Education (SBE). Although petitioners have apparently operated a successful summer school program for many years, there is not enough detail in this proposal to determine how the school would be operationalized or whether it would offer a sound educational program. The petitioners have not committed to any particular educational program, textbooks, or professional development activities. Indeed, some of the supplemental information submitted by the petitioners, including budget information, is clearly identified by the petitioners as informational only and not to be considered part of the charter.

Further, the petitioners have been involved in operating a school (Aim High Academy) in conjunction with the San Francisco Unified School District (SFUSD) that has had marginal success. SFUSD, in its denial of the petition for Aim High Community Charter School (AHCCS) cited lackluster performance of the Academy as one primary reason for denial. In response to the district, the petitioners claim they did not have any real authority over the Aim High Academy so it is difficult to assign responsibility for poor performance to Aim High. Without making judgments regarding the veracity of either the district's or the petitioner's claims, the reality is that the petitioners do not have a positive track record of producing high performance.

If the ACCS chooses to recommend that the SBE grant the charter, staff would suggest that a number of technical changes be incorporated, and that the ACCS recommend approval of the customary pre-opening conditions, to be embodied in a Memorandum of Understanding (MOU) between the school and the CDE. The MOU would address at a minimum:

- Insurance Coverage: Not later than [DATE TO BE DETERMINED (TBD)] (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.
- MOU/Oversight Agreement: Not later than TBD, either (a) 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 (b) enter into an appropriate agreement between the charter school, the SBE (as represented by the Executive Director of the SBE), and an oversight entity, pursuant to *EC* Section 47605(k)(1), regarding the scope of oversight and reporting activities, including, but not limited to, adequacy and safety of facilities.
- SELPA Membership: Not later than TBD, submit written verification of having applied to a special education local plan area (SELPA) for membership as a local educational agency and, not later than TBD, submit either written verification that the school is (or will be at the time

Petitioner
Aim High Community Charter School

OVERALL CALIFORNIA DEPARTMENT OF EDUCATION (CDE) EVALUATION

students are being served) participating in the SELPA, or an agreement between a SELPA, a school district that is a member of the SELPA, and the school that describes the roles and responsibilities of each party and that explicitly states that the SELPA and the district consider the school'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). Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of CDE staff following a review of either (1) the school's written plan for membership in the SELPA, including any proposed contracts with service providers or (2) the agreement between a SELPA, a school district, and the school, including any proposed contracts with service providers.

- Educational Program: Not later than TBD, 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 TBD, 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. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of CDE staff.
- Student Attendance Accounting: Not later than TBD, 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, meet or exceed independent study requirements, and satisfy any audits related to attendance that may be conducted. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of the Director of the School Fiscal Services Division.
- Facilities Agreements: Not later than TBD, present written agreements (e.g., a lease or similar document) indicating the school's right to use the principal school sites and any ancillary facilities identified by the petitioners for at least the first year of each school's operation and evidence that the facilities will be adequate for the school's needs. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of the Director of the School Facilities Planning Division.
- Zoning and Occupancy: Not less than 30 days prior to the school's opening, present evidence that each school's 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 SBE 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 SBE based primarily on the advice of the Director of the School Facilities Planning Division.

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Aim High Community Charter School

OVERALL CALIFORNIA DEPARTMENT OF EDUCATION (CDE) EVALUATION
• Final Charter: Not later than TBD, present 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, 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 SBE based primarily on the advice of the Charter Schools Division staff. • Legal Issues: In the final charter, resolve any legal issues that may be identified by the SBE's Chief Counsel or the CDE's General Counsel. • 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). • Operational Date: If any deadline specified in these conditions is not met, approval of the charter is terminated, unless the SBE deletes or extends the deadline not met. If the school is not in operation within one year of the charter petition's approval by the SBE, approval of the charter is terminated.

REQUIREMENTS FOR SBE-AUTHORIZED CHARTER SCHOOLS, PURSUANT TO *EC* SECTION 47605

SOUND EDUCATIONAL PRACTICE	***EC* Section 47605(b)** ***CCR, Title 5,* Section 11967.5.1(a)**
Evaluation Criteria For purposes of *EC* Section 47605(b), a charter petition shall be "consistent with sound educational practice" if, in the SBE's judgment, it is likely to be of educational benefit to pupils who attend. A charter school need not be designed or intended to meet the educational needs of every student who might possibly seek to enroll in order for the charter to be granted by the SBE.	
Is the charter petition "consistent with sound educational practice"?	Uncertain

Petitioner
Aim High Community Charter School

SOUND EDUCATIONAL PRACTICE	***EC* Section 47605(b)** ***CCR, Title 5,* Section 11967.5.1(a)**
Comments: Lack of sufficient detail, as described below, makes it uncertain whether the petition is consistent with sound educational practice.	

UNSOUND EDUCATIONAL PRACTICE	***EC* Section 47605(b) (1)** ***CCR, Title 5,* Section 11967.5.1(b)**
Evaluation Criteria For purposes of *EC* Section 47605(b)(1), a charter petition shall be "an unsound educational program" if it is either of the following: (1) A program that involves activities that the SBE determines would present the likelihood of physical, educational, or psychological harm to the affected pupils. (2) A program that the SBE determines not to be likely to be of educational benefit to the pupils who attend.	
Does the charter petition present "an unsound educational program"?	Uncertain
Comments: Lack of sufficient detail, as described below, makes it uncertain whether the petition is consistent with sound educational practice.	

Petitioner
Aim High Community Charter School

DEMONSTRABLY UNLIKELY TO IMPLEMENT THE PROGRAM	***EC* Section 47605(b)(2)** ***CCR, Title 5*, Section 11967.5.1(c)**

Evaluation Criteria

For purposes of *EC* Section 47605(b)(2), the SBE shall take the following factors into consideration in determining whether charter petitioners are "demonstrably unlikely to successfully implement the program."

(1) If the petitioners have a past history of involvement in charter schools or other education agencies (public or private), the history is one that the SBE regards as unsuccessful, e.g., the petitioners have been associated with a charter school of which the charter has been revoked or a private school that has ceased operation for reasons within the petitioners' control.
(2) The petitioners are unfamiliar in the SBE's judgment with the content of the petition or the requirements of law that would apply to the proposed charter school.
(3) The petitioners have presented an unrealistic financial and operational plan for the proposed charter school (as specified).
(4) The petitioners personally lack the necessary background in the following areas critical to the charter school's success, and the petitioners do not have plan to secure the services of individuals who have the necessary background in curriculum, instruction, assessment, and finance and business management.

Are the petitioners "demonstrably unlikely to successfully implement the program"?	*Uncertain*

Comments:
The petitioners, in conjunction with SFUSD operated the Aim High Academy from 2003 through June 2006, at which time Aim High terminated its partnership with the district. During the three-year period, the school generated a statewide API rank of 3 in 2004, and a statewide/similar schools rank of 2/4 in 2005. Over the three years, the school's API growth ranged from 624 in 2003-04, to 632 in 204-05, to 615 in 2005-06. The SFUSD cited a growing trend toward fewer students scoring in the proficient and above categories on the STAR tests, overall school performance lower than that of the district, and a high rate of suspensions as reasons for denying the petition. AHCCS petitioners counter the district by stating that the school's African American population outperformed the district and that the EL population scores in the proficient and above categories in English/language arts increased from 7.4 percent in 2004 to 16.7 percent in 2006. It appears that a case can be made that there are some increases in performance of students at Aim High Academy, it is generally not a high performing school by any measure. The fact that the AHCCS's educational program is patterned after the Aim High Academy leads CDE staff to believe that the petitioners may be demonstrably unlikely to implement a successful educational program.

Of further concern is that the petitioners may not understand the requirements in law regarding special education since much of the language

Petitioner
Aim High Community Charter School

DEMONSTRABLY UNLIKELY TO IMPLEMENT THE PROGRAM	***EC* Section 47605(b)(2)** ***CCR, Title 5*, Section 11967.5.1(c)**

regarding special education was taken from another template. The school also proposed to rely heavily on SFUSD to provide special education services for it (See comments under the Educational Program section of this analysis). This is probably not a valid assumption any longer, and it is unclear that petitioners have the knowledge or expertise to operate their own program.

In general, the petitioners appear to have been successful in operating a summer program to prepare students for high school, there is not enough compelling evidence that the petitioners understand public education finance or that the governance structure supports effective and transparent decision-making.

REQUIRED NUMBER OF SIGNATURES	***EC* Section 47605(b)(3)** ***CCR, Title 5*, Section 11967.5.1(d)**

Evaluation Criteria

For purposes of EC Section 47605(b)(3), a charter petition that "does not contain the number of signatures required by [law]"…shall be a petition that did not contain the requisite number of signatures at the time of its submission…

Did the petition contain the required number of signatures at the time of its submission?	*Yes*

Comments:
The petition is signed by seven interested teachers, which is more than adequate given that the school plans to open with approximately 75 students. No issues regarding signatures were raised by the SFUSD board in its reasons for denial.

AFFIRMATION OF SPECIFIED CONDITIONS	**EC *Section 47605(b)(4)*** ***EC* Section 47605(d)** ***CCR, Title 5,* Section 11967.5.1(e)**

Evaluation Criteria
For purposes of *EC* Section 47605(b)(4), a charter petition that "does not contain an affirmation of each of the conditions described in [*EC* Section 47605(d)]"…shall be a petition that fails to include a clear, unequivocal affirmation of each such condition. Neither the charter nor any of the supporting documents shall include any evidence that the charter will fail to comply with the conditions described in *EC* Section 47605(d).

(1) [A] charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge

Petitioner
Aim High Community Charter School

AFFIRMATION OF SPECIFIED CONDITIONS	**EC *Section 47605(b)(4)*** ***EC* Section 47605(d)** ***CCR, Title 5,* Section 11967.5.1(e)**

tuition, and shall not discriminate against any pupil on the basis of ethnicity, national origin, gender, or disability. Except as provided in paragraph (2), admission to a charter school shall not be determined according to the place of residence of the pupil, or of his or her parent or guardian, within this state, except that any existing public school converting partially or entirely to a charter school under this part shall adopt and maintain a policy giving admission preference to pupils who reside within the former attendance area of that public school.

(2) (A) A charter school shall admit all pupils who wish to attend the school.

(B) However, if the number of pupils who wish to attend the charter school exceeds the school's capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the district except as provided for in Section 47614.5. Other preferences may be permitted by the chartering authority on an individual school basis and only if consistent with the law.

(C) In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the charter school and, in no event, shall take any action to impede the charter school from expanding enrollment to meet pupil demand.

(3) If a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, the charter school shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card, and health information. This paragraph applies only to pupils subject to compulsory full-time education pursuant to [*EC*] Section 48200.

Does the charter petition contain the required affirmations?	**Partially**

Comments:
The petition contains an affirmation of each of the nonsectarian and nondiscrimination conditions. The petition also states that the school will be open to any resident of the State of California and that a random public lottery will be held in the event that the number of applicants exceeds available slots by grade level. However, the admissions preferences are confusing. In one place the petition states that the school "has the right to grant priority in admissions to siblings of current students, children of staff, and residents of the charter-granting district." In another place the petition states admissions preferences will be given to; (1) students residing within the territorial jurisdiction of the SFUSD, and (2) all others. Further, the petition contains no language regarding the notification of the superintendent of a school district of a student's expulsion or voluntary exit from the charter school. If the charter petition is approved by the SBE, staff recommends that admissions preferences be clarified to be consistent with the law, and that language be added regarding the notification required under *EC* Section 48200.

Petitioner
Aim High Community Charter School

THE SIXTEEN CHARTER ELEMENTS

1. DESCRIPTION OF EDUCATIONAL PROGRAM	***EC* Section 47605(b)(5)(A)** ***CCR, Title 5*, Section 11967.5.1(f)(1)**
Evaluation Criteria The description of the educational program…, as required by *EC* Section 47605(b)(5)(A), at a minimum:	
(A) Indicates the proposed charter school's target student population, including, at a minimum, grade levels, approximate numbers of pupils, and specific educational interests, backgrounds, or challenges.	Uncertain
(B) Specifies a clear, concise school mission statement with which all elements and programs of the school are in alignment and which conveys the petitioners' definition of an "educated person" in the 21st century, belief of how learning best occurs, and goals consistent with enabling pupils to become or remain self-motivated, competent, and lifelong learners.	Yes
(C) Includes a framework for instructional design that is aligned with the needs of the pupils that the charter school has identified as its target student population.	Uncertain
(D*)* Indicates the basic learning environment or environments (e.g., site-based matriculation, independent study, community-based education, technology-based education).	Yes
(E) Indicates the instructional approach or approaches the charter school will utilize, including, but not limited to, the curriculum and teaching methods (or a process for developing the curriculum and teaching methods) that will enable the school's pupils to master the content standards for the four core curriculum areas adopted by the SBE pursuant to *EC* Section 60605 and to achieve the objectives specified in the charter.	Uncertain
(F) Indicates how the charter school will identify and respond to the needs of pupils who are not achieving at or above expected levels.	Uncertain
(G*)* Indicates how the charter school will meet the needs of students with disabilities, English learners, students achieving substantially above or below grade level expectations, and other special student populations	Uncertain
(H) Specifies the charter school's special education plan, including, but not limited to, the means by which the charter school will comply with the provisions of *EC* Section 47641, the process to be used to identify students who qualify for special education programs and services, how the school will provide or access special education programs and services, the school's understanding of its responsibilities under law for special education pupils, and how the school intends to meet those responsibilities.	Uncertain

Petitioner
Aim High Community Charter School

1. DESCRIPTION OF EDUCATIONAL PROGRAM	***EC* Section 47605(b)(5)(A)** ***CCR, Title 5*, Section 11967.5.1(f)(1)**
If serving high school students, describes how district/charter school informs parents about: • transferability of courses to other public high schools; and • eligibility of courses to meet college entrance requirements (Courses that are accredited by the Western Association of Schools and Colleges (WASC) may be considered transferable, and courses meeting the UC/CSU "a-g" admissions criteria may be considered to meet college entrance requirements.)	N/A
Does the petition overall present a reasonably comprehensive description of the educational program?	**Uncertain**

Comments:
The petition identifies a target population of 6-8 grade students similar in diversity to those served in its summer program, which are primarily low-income, at-risk students from marginalized families. AHCCS expects the student population to be approximately 65% free and reduced lunch participants and 25% English language learners. The school will serve an initial enrollment of about 75 students from the San Francisco area, increasing to 225 by the third year. The petition is confusing in describing the target population in that the ethnic composition of the summer program is quite different from that of the Aim High Academy operated jointly by the district and the Aim High governing board. For example, the summer program served a population of approximately 50% Asian, whereas the school served a 50% African American population. These differing student populations may require differentiated instructional strategies and different services; however, the petition only generally describes curriculum and instruction making it difficult to determine if the instructional design will meet the needs of the student population.

AHCCS will be a site-based school that has a strong project-based component to it. The petition claims the curriculum will be aligned with state standards, and that the school will provide applied learning opportunities through existing partnerships that have been developed with the Golden Gate National Recreation Area, the San Francisco Zoo, and the Exploratorium. Another hallmark the proposed school envisions is a strong professional development program. However, the petition provides only general information about any of these components, thereby making it difficult to determine how the educational program will actually be operationalized at this school.

The petition asserts that “a significant percentage of the curriculum has been developed and implemented by the faculty and staff at Aim High Academy.” Since AHCCS is proposed to be modeled after the Academy, it would have been useful for the petitioners to have included the curriculum and details regarding the instructional program. Unfortunately, the current petition does not provide enough detail regarding any of the components for CDE staff to determine if the program proposed is likely to help students master the content standards. There is conflicting information about the number of days students will attend school. One part of the petition states students will attend school for 175 in the year, while another place states that the school year will be 184 days.

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Aim High Community Charter School

1. DESCRIPTION OF EDUCATIONAL PROGRAM	***EC* Section 47605(b)(5)(A)** ***CCR, Title 5*, Section 11967.5.1(f)(1)**

The plan to support students not performing at grade level or meeting outcomes is very general and does not appear to be referenced to any particular targeted population. For example, the petition states that "We will identify students who are performing below grade level through the results of the state STAR assessment as well as from classroom assessments and assignments." The petition generally identifies differentiated instruction, tutoring, intervention classes, and a Student Life Team as strategies to support underachieving students without providing any specific program information. There is more detail regarding how EL students will be served (page 21 of the petition).

The petition states that for purposes of special education, AHCCS intends to function as "a public school of the LEA that granted the charter, and that the school will initially hire one Resource teacher in collaboration with SFUSD, but that the school anticipates that most special education services will be provided by the district in the first year. Since SFUSD denied the charter and the SBE is not an LEA, it is not clear how the school intends to operate its special education program. Parts of this section of the petition will need to be amended to reflect either a different agreement with SFUSD or membership as an LEA with another Special Education Local Plan Area (SELPA). It is not clear if petitioners have contacted the district or another SELPA since being denied by SFUSD. A final concern with this section of the petition is that large parts of the description of the provision of services on page 22 and 23 appear to be descriptions from a general template, which calls into question the extent to which the petitioners understand the school's responsibilities related to the provision of special education services. For example, in one place the petition has a note in brackets the reads: [Note: If the school has a particular mode or emphasis regarding how it anticipates that various services would be provided, additional verbiage could be added here. This might include an emphasis on "mainstreaming" special needs students within the traditional classroom setting, intensive and early interventions, etc.]. Another note discusses the assignment of responsibility for liability for due process claims and advises "It may be best to avoid addressing this issue in the charter (it's not specifically mentioned in any of the state board's regulations or "model" documents." CDE staff recommend that, if the charter petition is approved on appeal by the SBE, the school's opening be conditioned upon its acceptance as an LEA member into a local SELPA and a demonstrated ability to operate, from the first day of school, in full compliance with IDEA, the ADA, FERPA, and all other applicable federal and state laws pertaining to students with disabilities.

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2. MEASURABLE PUPIL OUTCOMES	***EC* Section 47605(b)(5)(B)** ***CCR, Title 5*, Section 11967.5.1(f)(2)**
Evaluation Criteria Measurable pupil outcomes, as required by EC Section 47605(b)(5)(B), at a minimum:	
(A) Specify skills, knowledge, and attitudes that reflect the school's educational objectives and can be assessed, at a minimum, by objective means that are frequent and sufficiently detailed enough to determine whether pupils are making satisfactory progress. It is intended that the frequency of objective means of measuring pupil outcomes vary according to such factors as grade level, subject matter, the outcome of previous objective measurements, and information that may be collected from anecdotal sources. To be sufficiently detailed, objective means of measuring pupil outcomes must be capable of being used readily to evaluate the effectiveness of and to modify instruction for individual students and for groups of students.	No
(B) Include the school's Academic Performance Index growth target, if applicable.	N/A
Does the petition present a reasonably comprehensive description of measurable pupil outcomes?	**No**
Comments: The petition lists a number of general skills and goals by subject matter that students would be expected to achieve upon graduation from the 8th grade. The petition asserts that the goals are aligned with the state content standards. It is difficult to determine if the petition's goals are aligned with state standards because the goals are extremely global (i.e. "Students will understand the connections between math and science by analyzing current events in the technological, mathematical, and scientific community."). The CDE Curriculum and Leadership Division indicates that "Pupil outcomes appear subjective and vague, and may not be able to objectively measure/monitor whether students achieve the desired knowledge, skills, and attitudes…" The petition does contain school wide attendance, dropout and graduation rate goals that are measurable. The attendance rate goal of 92%-95% seems reasonable; however, it is unclear how the dropout rate of "no more than 3%" will be calculated.	

3. METHOD FOR MEASURING PUPIL PROGRESS	***EC* Section 47605(b)(5)(C)** ***CCR, Title 5*, Section 11967.5.1(f)(3)**
Evaluation Criteria The method for measuring pupil progress, as required by EC Section 47605(b)(5)(C), at a minimum:	
(A) Utilizes a variety of assessment tools that are appropriate to the skills, knowledge, or attitudes being assessed, including, at minimum, tools that employ objective means of assessment consistent with the measurable pupil outcomes.	Uncertain
(B) Includes the annual assessment results from the Statewide Testing and Reporting (STAR) program.	Yes

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3. METHOD FOR MEASURING PUPIL PROGRESS	***EC* Section 47605(b)(5)(C)** ***CCR, Title 5*, Section 11967.5.1(f)(3)**
(C) Outlines a plan for collecting, analyzing, and reporting data on pupil achievement to school staff and to pupils' parents and guardians, and for utilizing the data continuously to monitor and improve the charter school's educational program.	No
Does the petition present a reasonably comprehensive description of the method for measuring pupil progress?	**Uncertain**

Comments:
The petition generally describes a variety of assessment measures that will be used. Since many of the assessments are described in such general terms, it is difficult to determine if they are appropriate or objective. For example, the school proposes to use "problem-based assessments" and "grade-level, standards-based, and baseline assessments at the beginning of the year, and those assessments are designed by teachers." These same assessments will be administered in the middle and end of the year. Valid, reliable assessments are difficult to design and unless teachers have been thoroughly trained and are highly proficient at test design, the assessments may not be reasonable measures of student growth. If the charter is approved by the SBE, staff recommends the charter be amended to identify existing commercially available pre- and post assessments to measure student growth. The charter also declares that "Aim High reserves the right to change which standardized tests are used in order to be in compliance with state and federal law." Since schools do not choose tests in the state testing program, it is unclear what this sentence means and staff recommends that it be deleted from the charter.

The charter generally indicates that the school will develop a school information system that has the capacity to collect, analyze, and report a variety of information on student achievement. The charter further states that staff will be trained in its use and that data analysis will be tied to professional development. The charter contains no specific information about the components of such a data analysis system or how it would be used to improve the instructional program.

4. GOVERNANCE STRUCTURE	***EC* Section 47605(b)(5)(D)** ***CCR, Title 5*, Section 11967.5.1(f)(4)**
Evaluation Criteria The governance structure of the school, including, but not limited to, the process…to ensure parental involvement…, as required by *EC* Section 47605(b)(5)(D), at a minimum:	
(A) Includes evidence of the charter school's incorporation as a non-profit public benefit corporation, if applicable.	Yes

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4. GOVERNANCE STRUCTURE	***EC* Section 47605(b)(5)(D)** ***CCR, Title 5*, Section 11967.5.1(f)(4)**
(B) Includes evidence that the organizational and technical designs of the governance structure reflect a seriousness of purpose necessary to ensure that:: 1. The charter school will become and remain a viable enterprise. 2. There will be active and effective representation of interested parties, including, but not limited to parents (guardians). 3. The educational program will be successful.	No
Does the petition present a reasonably comprehensive description of the school's governance structure?	**No**

Comments:

Aim High will be operated by Aim High for High School, a nonprofit public benefit corporation. According to the corporation's bylaws, the board of trustees will have nine to eighteen members. The bylaws are silent with regard to the composition of the members; however the petition states that "parents will hold at least two seats" on the board of trustees. Based on a review of the corporation's bylaws, CDE staff has a number of concerns related to transparency and parental involvement in governance of the school:

- The bylaws refer to "the Designator" which is the Board of Trustees of the California School of Mechanical Arts (Lick-Wilmerding High School), and gives it broad powers including choosing nominees to the Aim High board, and filling vacancies on the board. It appears that the Aim High governing board would be required to submit a slate of candidates to the Designator for either approval or rejection. Neither the bylaws nor the petition provide any information on the Designator; however the bylaws do call into question which entity is actually proposing to operate this school.

- Active and effective representation of parents appears to be limited because parental representatives to the governing board are chosen by the board not elected by other parents. Further, two parent representatives out of 18 board members will substantially dilute the parental voice and involvement in the decision-making and establishment of policies. The school site council to be created by the school that will include more parents will be only an advisory body.

- Sections 10, 12, and 13 of the bylaws appear to severely restrict public access to governing board meetings by allowing a waiver of the notification of meetings, action to be taken without a meeting, and telephone and electronic meetings without providing for public access to those meetings.

- The school does not commit to compliance with the Ralph M. Brown (open meeting) Act. Instead, the bylaws provide for a four-day notice of meetings; however, as previously noted, even that requirement may be waived.

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4. GOVERNANCE STRUCTURE	***EC* Section 47605(b)(5)(D)** ***CCR, Title 5*, Section 11967.5.1(f)(4)**

- The current roster of governing board members accompanying the petition lists 20 members. This appears contradictory to the bylaws, which indicate that the maximum number of directors will be 18. Further, the current board members appear to represent various businesses and the Lick-Wilmerding and Urban schools in San Francisco rather than the proposed Aim High community.

- There is no provision for the inclusion of a voting representative of the SBE on the governing board if the SBE so chooses to appoint one.

If the charter be approved by the SBE, CDE staff recommends the school address these concerns in the bylaws and the petition, as appropriate and that it commit to compliance with the Brown Act. Under the provisions of the MOU between the SBE and the school, AHCCS would be required to adopt a conflict of interest policy and document that board members receive training in the provisions of the Brown Act.

5. EMPLOYEE QUALIFICATIONS	***EC* Section 47605(b)(5)(E)** ***CCR, Title 5*, Section 11967.5.1(f)(5)**
Evaluation Criteria The qualifications [of the school's employees], as required by *EC* Section 47605(b)(5)(E), at a minimum:	
(A) Identify general qualifications for the various categories of employees the school anticipates (e.g., administrative, instructional, instructional support, non-instructional support). The qualifications shall be sufficient to ensure the health, and safety of the school's faculty, staff, and pupils.	Yes
(B) Identify those positions that the charter school regards as key in each category and specify the additional qualifications expected of individuals assigned to those positions.	Yes
(C) Specify that all requirements for employment set forth in applicable provisions of law will be met, including, but not limited to credentials as necessary.	generally
Does the petition present a reasonably comprehensive description of employee qualifications?	**Generally; clarification needed.**

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5. EMPLOYEE QUALIFICATIONS	***EC* Section 47605(b)(5)(E)** ***CCR, Title 5*, Section 11967.5.1(f)(5)**

Comments:
The petition states that "teachers of core, college preparatory subjects (i.e. English/language arts, math, science, history/social science, special education) will hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in a non-charter public school would be required to hold." The petition also asserts that the school will adhere to NCLB requirements with respect to teachers and paraprofessionals. It is not clear which grade levels, if any, will be taught in self-contained classrooms (thereby requiring a multi-subject credential and deemed "core" under NCLB) and which grade levels, if any, will be taught in a single-subject format, thereby requiring credentials in those courses deemed "core".

6. HEALTH AND SAFETY PROCEDURES	***EC* Section 47605(b)(5)(F)** ***CCR, Title 5*, Section 11967.5.1(f)(6)**

Evaluation Criteria
The procedures…to ensure the health and safety of pupils and staff, as required by *EC* Section 47605(b)(5)(F), at a minimum:

(A) Require that each employee of the school furnish the school with a criminal record summary as described in *EC* Section 44237.	Yes
(B) Include the examination of faculty and staff for tuberculosis as described in *EC* Section 49406.	Yes
(C) Require immunization of pupils as a condition of school attendance to the same extent as would apply if the pupils attended a non-charter public school.	Yes
(D) Provide for the screening of pupils' vision and hearing and the screening of pupils for scoliosis to the same extent as would be required if the pupils attended a non-charter public school.	No
Does the petition present a reasonably comprehensive description of health and safety procedures?	**No**

Comments:
The petition lists a number of topics that will be addressed in the school's health policies, but the actual procedures are not included in the charter. The list of topics appears comprehensive. The charter includes in its supplemental materials a draft set of health, safety, and risk management policies; however, a footnote to the supplemental materials indicates that supplemental documents are " in draft form, are informational, do not constitute a legally binding contract or agreement and are not a part of the Charter of the AHCCS or any related agreements." If the charter is approved by the SBE, this matter will be addressed in the MOU between the school and CDE. CDE staff recommends the final health and safety procedures, at a minimum, include those items now included in the supplemental draft policy.

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7. RACIAL AND ETHNIC BALANCE	***EC* Section 47605(b)(5)(G)** ***CCR, Title 5*, Section 11967.5.1(f)(7)**
Evaluation Criteria Recognizing the limitations on admissions to charter schools imposed by *EC* Section 47605(d), the means by which the school(s) 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…, as required by *EC* Section 47605(b)(5)(G), shall be presumed to have been met, absent specific information to the contrary.	
Does the petition present a reasonably comprehensive description of means for achieving racial and ethnic balance?	**Uncertain**
Comments: This section of the petition states that the school intends "…to work closely with the SFUSD and may choose to utilize the district's diversity index, or a similar tool, to ensure a diverse student body." Clarification regarding the diversity index and how it works is needed. It is also unclear to what degree SFUSD is willing to work with the school since it denied the petition. A crucial problem that needs clarification is a description of the population the school wishes to serve. The student population in SFUSD is approximately 9% White, 22% Hispanic or Latino, 44% Asian, 14% African American, 6% Filipino, 1% Pacific Islander and 1% American Indian.) AHCCS's own data indicates that the summer program operated by the nonprofit corporation served approximately the same population as SFUSD; however, the Aim High Academy, which the corporation operated until 2005-06 served a much different population of students (i.e. 50% African American, 25% Latino, and 2% Asian). Targeted recruitment may be difficult until the school knows who the population is that it wants to recruit. The petition contains general references to recruiting via announcements at their summer school campuses, public meetings, and the distribution of promotional materials in Spanish, Cantonese, and English to a variety of community groups.	

8. ADMISSION REQUIREMENTS, IF APPLICABLE	***EC* Section 47605(b)(5)(H)** ***CCR, Title 5*, Section 11967.5.1(f)(8)**
Evaluation Criteria To the extent admission requirements are included in keeping with *EC* Section 47605(b)(5)(H); the requirements shall be in compliance with the requirements of *EC* Section 47605(d) and any other applicable provision of law.	
Does the petition present a reasonably comprehensive description of admission requirements?	**No**

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8. ADMISSION REQUIREMENTS, IF APPLICABLE	***EC* Section 47605(b)(5)(H)** ***CCR, Title 5*, Section 11967.5.1(f)(8)**

Comments:
As described under the staff comments in the Affirmation of Specified Conditions on pages 6-7 of this analysis, the admissions preferences stated in this petition are confusing. In one place the petition states that the school "has the right to grant priority in admissions to siblings of current students, children of staff, and residents of the charter-granting district." In another place the petition states admissions preferences will be given to; (1) students residing within the territorial jurisdiction of the SFUSD, and (2) all others. CDE staff recommends the petitioners clarify admissions preferences and that they be in keeping with state law and federal guidelines.

9. ANNUAL INDEPENDENT FINANCIAL AUDITS	***EC* Section 47605(b)(5)(I)** ***CCR, Title 5*, Section 11967.5.1(f)(9)**

Evaluation Criteria
The manner in which annual independent financial audits shall be conducted using generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the SBE's satisfaction, as required by *EC* Section 47605(b)(5)(I), at a minimum:

(A) Specify who is responsible for contracting and overseeing the independent audit.	Generally
(B) Specify that the auditor will have experience in education finance.	No
(C) Outline the process of providing audit reports to the State Board of Education, California Department of Education, or other agency as the State Board of Education may direct, and specifying the timeline in which audit exceptions will typically be addressed.	No
(D) Indicate the process that the charter school(s) will follow to address any audit findings and/or resolve any audit exceptions.	No
Does the petition present a reasonably comprehensive description of annual independent financial audits?	**No**

Comments:
The petition includes minimal information regarding the conduct of the audit process. The petition states that the school's audit or finance committee would be responsible for overseeing the audit. The petition does not require the auditor to have experience in education finance, nor does it outline a process for resolving audit exceptions. The petition only states that the audit committee will report to the governing board on how to resolve exceptions. CDE staff recommends language be included that clearly states the auditor be selected from the Certified Public Accountants Directory published by the State Controller's Office, and that the audit be conducted pursuant to *EC* Section 41020 and be consistent with the standards and procedures adopted by the Education Audit Appeals Panel (EAAP). In addition, the list of entities to which the annual audit must be sent should include the SBE, the CDE, the Controller's Office, and the SFUSD.

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10. SUSPENSION AND EXPULSION PROCEDURES	***EC* Section 47605(b)(5)(J)** ***CCR, Title 5*, Section 11967.5.1(f)(10)**
Evaluation Criteria The procedures by which pupils can be suspended or expelled, as required by *EC* Section 47605(b)(5)(J), at a minimum:	
(A) Identify a preliminary list, subject to later revision pursuant to subparagraph (E), of the offenses for which students in the charter school must (where non-discretionary) and may (where discretionary) *be* suspended and, separately, the offenses for which students in the charter school must (where non-discretionary) or may (where discretionary) be expelled, providing evidence that the petitioners' reviewed the offenses for which students must or may be suspended or expelled in non-charter public schools.	Yes
(B) Identify the procedures by which pupils can be suspended or expelled.	Yes
(C) Identify the procedures by which parents, guardians, and pupils will be informed about reasons for suspension or expulsion and of their due process rights in regard to suspension or expulsion.	Yes
(D) Provide evidence that in preparing the lists of offenses specified in subparagraph (A) and the procedures specified in subparagraphs (B) and (C), the petitioners reviewed the lists of offenses and procedures that apply to students attending non-charter public schools, and provide evidence that the charter petitioners believe their proposed lists of offenses and procedures provide adequate safety for students, staff, and visitors to the school and serve the best interests the school's pupils and their parents (guardians).	Yes
(E) If not otherwise covered under subparagraphs (A), (B), (C), and (D): 1. Provide for due process for all pupils and demonstrate an understanding of the rights of pupils with disabilities in…regard to suspension and expulsion. 2. Outline how detailed policies and procedures regarding suspension and expulsion will be developed and periodically reviewed, including, but not limited to, periodic review and (as necessary) modification of the lists of offenses for which students are subject to suspension or expulsion.	Generally
Does the petition present a reasonably comprehensive description of suspension and expulsion procedures?	**Yes**

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Aim High Community Charter School

10. SUSPENSION AND EXPULSION PROCEDURES	***EC* Section 47605(b)(5)(J)** ***CCR, Title 5*, Section 11967.5.1(f)(10)**

Comments:
The petition states the school will "closely follow SFUSD guidelines and policies … as well as the California Education Code as a foundation for our policies." The petition contains a draft suspension and expulsion policy that is comprehensive in its description of offenses for which students may be suspended or expelled, and the procedures for notifying parents. The AHCCS petition states that the school will develop a complete set of policies and procedures that will be included in the student handbook that will be distributed to parents and students each year. This is consistent with the requirements of the MOU with the SBE under which the school will operate if it is approved by the SBE.

The SFUSD reasons for denial of the charter cite a very high suspension rate of students (179 reported suspensions) and the potential for the expulsion appeal process to violate student due process rights as reasons for denial. The district recommended an impartial tribunal be established for expulsions rather than using the Aim High governing board members. If the charter is approved by the SBE, staff recommends that the petition be amended to provide for an impartial expulsion review panel.

11. STRS, PERS, AND SOCIAL SECURITY COVERAGE	***EC* Section 47605(b)(5)(K)** ***CCR, Title 5*, Section 11967.5.1(f)(11)**

Evaluation Criteria
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, as required by EC Section 47605(b) (5) (K), at a minimum, specifies the positions to be covered under each system and the staff who will be responsible for ensuring that appropriate arrangements for that coverage have been made.

Does the petition present a reasonably comprehensive description of STRS, PERS, and social security coverage?	**No**

Comments:
The petition states that the school anticipates that it will offer STRS to certificated employees and a 403b plan in conjunction with Social Security for non-certificated staff. The petition further states that AHCCS "retains the option for its board of directors to choose to participate in STRS, PERS, or Social Security depending upon employee eligibility and what the board determines is in the best interest of the staff and the school as a whole." These statements lead CDE staff to conclude the petition lacks specificity with respect to the manner by which staff members will be covered, the positions to be covered under each system, and the staff who will be responsible for ensuring that appropriate arrangements for that coverage have been made. If the ACCS recommends to the SBE that it approve the petition, the CDE would recommend the petition be amended to provided definitive information to address this element.

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12. PUBLIC SCHOOL ATTENDANCE ALTERNATIVES	***EC* Section 47605(b)(5)(L)** ***CCR, Title 5*, Section 11967.5.1(f)(12)**
Evaluation Criteria The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools, as required by *EC* Section 47605(b)(5)(L), at a minimum, specify that the parent or guardian of each pupil enrolled in the charter school shall be informed that the pupil has no right to admission in a particular school of any local education 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.	
Does the petition present a reasonably comprehensive description of public school attendance alternatives?	**Yes**
Comments: The petition is clear that no student would be required to attend this school.	

13. POST-EMPLOYMENT RIGHTS OF EMPLOYEES	***EC* Section 47605(b)(5)(M)** ***CCR, Title 5*, Section 11967.5.1(f)(13)**
Evaluation Criteria The description of the rights of any employees 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, as required by EC Section 47605(b)(5)(M), at a minimum, specifies that an employee of the charter school shall have the following rights:	
(A) Any rights upon leaving the employment of a local education agency to work in the charter school that the local education agency may specify.	Yes
(B) Any rights of return to employment in a local education agency after employment in the charter school as the local education agency may specify.	Yes
(C) 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 SBE 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.	Yes
Does the petition present a reasonably comprehensive description of post-employment rights of employees?	**Yes**
Comments: The petition is clear that essentially the school's employees would have only a right of return to the SFUSD employer to the extent authorized by the district. Employees who were not previous employees of the district will have no rights of employment with the district after they leave AHCCS.	

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14. DISPUTE RESOLUTION PROCEDURES	***EC* Section 47605(b)(5)(N)** ***CCR, Title 5*, Section 11967.5.1(f)(14)**
Evaluation Criteria The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to the provisions of the charter, as required by *EC* Section 47605(b)(5)(N), at a minimum:	
(A) Include any specific provisions relating to dispute resolution that the SBE determines necessary and appropriate in recognition of the fact that the SBE is not a local education agency.	No
(B) Describe how the costs of the dispute resolution process, if needed, would be funded.	Yes
(C) Recognize that, because it is not a local education agency, the State Board of Education may choose resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, provided that if the State Board of Education intends to resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, it must first hold a public hearing to consider arguments for and against the direct resolution of the dispute instead of pursuing the dispute resolution process specified in the charter.	No
(D) Recognize that if the substance of a 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 *EC* Section 47604.5, the matter will be addressed at the State Board of Education's discretion in accordance with that provision of law and any regulations pertaining thereto.	No
Does the petition present a reasonably comprehensive description of dispute resolution procedures?	**No**

Comments:
The petition has not been amended to reflect the SBE as the authorizer, and does not recognize the SBE's prerogative to resolve disputes directly as required by regulation. The petition does require binding arbitration, and expresses the wish that the authorizer not intervene in internal disputes without the consent of the school. The language in the internal dispute resolution process that limits the SBE's ability to intervene except under specified provisions and the binding arbitration requirement should be eliminated. There are other technical changes that need to be made to reflect the SBE rather than SFUSD as the authorizer if this petition is approved by the SBE.

Under the Oversight, Reporting, Revocation, and Renewal section of this element there is language requiring the authorizer to provide at least three working days notice prior to any inspection of the school. There is further language requiring the authorizer to respond to the audit and programmatic report within specified timelines. These provisions limit the SBE's oversight and monitoring abilities and should be eliminated.

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Aim High Community Charter School

15. EXCLUSIVE PUBLIC SCHOOL EMPLOYER	***EC* Section 47605(b)(5)(O)** ***CCR, Title 5*, Section 11967.5.1(f)(15)**
Evaluation Criteria The declaration of whether or not the district shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act (Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the *Government Code*), as required by *EC* Section 47605(b)(5)(O), recognizes that the SBE is not an exclusive public school employer and that, therefore, the charter school must be the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act.	
Does the petition include the necessary declaration?	**Yes**
Comments: The petition indicates that the school will be the exclusive public school employer for collective bargaining purposes.	

16. CLOSURE PROCEDURES	***EC* Section 47605(b)(5)(P)**
Evaluation Criteria A description of the procedures to be used if the charter school closes, in keeping with *EC* Section 47605(b) (5) (P). The procedures shall ensure a final audit of the school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records.	
Does the petition include a reasonably comprehensive description of closure procedures?	**No**
Comments: The petition includes a very general description of closure procedures and the disposition of assets. For example, the petition refers to parents receiving transcripts of student's academic progress and "other relevant information" each semester. Therefore, in the event of a school closure parents will already possess necessary pupil records. Further, the petition states that the board of directors <u>may</u> also provide for the transfer of records to a responsible and willing school district, county office, or other qualified entity. There is no mention of a final audit. The MOU between the SBE and the charter schools it approves requires detailed information to be provided regarding school closure before the school opens. In the event the charter is approved, CDE staff recommends that the charter be amended to address, at a minimum, the requirements of law and regulation. More specific detail can be included in the procedures to be submitted to CDE prior to the school opening.	

Petitioner
Aim High Community Charter School

ADDITIONAL REQUIREMENTS UNDER EC SECTION 47605

STANDARDS, ASSESSMENTS, AND PARENT CONSULTATION	***EC* Section 47605(c)**
Evaluation Criteria Evidence is provided that:	
(1) The school shall meet all statewide standards and conduct the pupil assessments required pursuant to *EC* sections 60605 and 60851 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in noncharter public schools.	Yes
(2) The school shall, on a regular basis, consult with their parents and teachers regarding the school's educational programs.	Yes
Does the petition provide evidence addressing the requirements regarding standards, assessments, and parent consultation?	**Yes**
Comments: The petition states that curricula will be aligned to state standards and there is a commitment on the part of the school to conduct required pupil assessments. There is an established process for consulting with parents and teachers regarding the school's educational programs.	

EMPLOYMENT IS VOLUNTARY	***EC* Section 47605(e)**
Evaluation Criteria The governing board…shall not require any employee…to be employed in a charter school.	
Does the petition meet this criterion?	**Yes**
Comments: While this statement is not specifically made within the petition, it is clear that no employee will be required to be employed in the charter school. This school is a startup school, not a conversion school, and any and all employees hired by the school will have the opportunity to apply and interview for the position prior to hiring.	

PUPIL ATTENDANCE IS VOLUNTARY	***EC* Section 47605(f)**
Evaluation Criteria The governing board…shall not require any pupil…to attend a charter school.	

Petitioner
Aim High Community Charter School

PUPIL ATTENDANCE IS VOLUNTARY	***EC* Section 47605(f)**
Does the petition meet this criterion?	**Yes**
Comments: It is clear that attendance at the school would be voluntary.	

EFFECT ON AUTHORIZER AND FINANCIAL PROJECTIONS	***EC* Section 47605(g)**
Evaluation Criteria …[T]he petitioners [shall] provide information regarding the proposed operation and potential effects of the school, including, but not limited to:	
• The facilities to be utilized by the school. The description of the facilities to be used by the charter school shall specify where the school intends to locate.	Generally
• The manner in which administrative services of the school are to be provided.	Generally
• Potential civil liability effects, if any upon the school and the SBE.	No
The petitioners shall also 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.	
Does the petition provide the required information and financial projections?	**Generally**
Comments: The petition generally states the areas in which it would like to be located within San Francisco, but the petitioners do not have a specific facility identified for the school. It is further unclear whether petitioners have filed for Proposition 39 facilities from SFUSD. The petition anticipates that the school will provide most of its own administrative services; however, petitioners plan to hire a consultant to help them determine which services would most efficiently be performed by school personnel and which would be best contracted to an outside vendor. It is not clear that SFUSD would be willing to negotiate the provision of some services at this time. Following are CDE staff comments on Revenue/Expenditure Assumptions, Income Statement, and Cash Flow Documents: <u>Revenue/Expenditure Assumptions:</u> • The Cost of Living Adjustment (COLA) for state programs may be slightly understated in Year 2 based on projections identified on the School Services of California Dartboard.	

Petitioner
Aim High Community Charter School

EFFECT ON AUTHORIZER AND FINANCIAL PROJECTIONS	***EC* Section 47605(g)**

- Facilities Incentive Grant Program revenue is assumed at the maximum of 75 percent.
    - This program is administered by the California School Finance Authority; therefore it cannot be determined whether the level of reimbursement is subject to funds available.
    - AHCCS is not eligible for the Charter School Facilities Grant Program, administered by the California Department of Education, which requires a level of 70 percent free and reduced price meals.
- Charter School Revolving Loan is assumed at maximum of $250,000, however, it is possible that the school will not receive a revolving loan or that the amount may be less.
- Title I revenue may be over budgeted in Years 3-5, based on the 2006-07 preliminary entitlement calculations for schools of similar size and demographics.
- The projected in-lieu EIA revenue may be slightly overstated as a result of a legislative change to the in-lieu Economic Impact Aid formula calculation which begins in fiscal year 2006-07. (Details regarding the current year rates are not available at this time.)
- Is there an existing agreement between AHCCS and San Francisco Unified School District (SFUSD) for use of a certificated Special Education teacher? There are no expenditures budgeted for this position, but there is a notation that the position will be an employee of SFUSD.
- There are no budgeted expenditures for two non-certificated staff positions (Business Manager and Parent Liaison). The budget indicates both positions as “AH employee, in kind donation.” What will be provided by AHCCS “in kind”? Also, it is unclear if this is a permanent situation.
- No funds are budgeted in Years 2, 3, 4 and 5 for the following monthly expenditures:
    - 5600 – Rent
    - 5500 – Electricity
    - 5500 – Gas/Propane

Petitioner
Aim High Community Charter School

EFFECT ON AUTHORIZER AND FINANCIAL PROJECTIONS	***EC* Section 47605(g)**

- 5500 – Water
- 5500 – Telephone

Budgeting for these expenditures (unless they are included in another line item) could significantly affect the proposed school's bottom line.

- Revenue to be received from SFUSD for in-lieu property taxes is not separately identified on the budget or cash flow statements.

- District oversight charge in Years 2-5 appears to be significantly overstated (approximately 294 percent).

  - Calculation should be 1 percent of revenue for General Purpose Entitlement and Categorical Block Grant (including in-lieu EIA). It is not clear how AHCCS determined the budgeted amount.

<u>Cash Flow:</u>

Year 1

- Assumes revenue for Start up Grant in July. As mentioned above, this federal grant may not materialize and therefore should not be included in cash flow calculations.

- The Year 1 cash flow percentages for the Principal Apportionment, including the General Purpose Entitlement and the Charter Schools Categorical Block Grant, may not be consistent with the actual amounts being released. For newly operational charter schools initial funding for the months of July through January is released in two payments, not monthly as indicated on the cash flow statement.

  - 1st Payment in September –
    - This reflects revenue for the months of July through October and is based on estimated ADA as certified by the authorizing LEA and county office of education.
  - 2nd Payment in December –
    - This reflects revenue for the months of November through January and is based on ADA submitted to CDE on the new charter schools 20-day survey.
  - Monthly payments will begin in February at the First Principal Apportionment (P-1).

Petitioner
Aim High Community Charter School

EFFECT ON AUTHORIZER AND FINANCIAL PROJECTIONS	***EC* Section 47605(g)**

Year 2

- Revolving Loan Fund repayment is identified as a one-time expenditure in February, actual may be monthly payments beginning in September.

- Percentages for State revenues identified on the Year 2 cash flow may not be consistent with the actual percentages being released, and may be under stated in some instances.

  - For instance, the Principal Apportionment for continuing charter schools would account for a portion of the total state revenues indicated on the cash flow statement; however, for the months of August through January the percentages for State Revenues indicated seem to be less than the estimated amounts that would be paid in the Principal Apportionment alone. For example:

	Principal Apportionment Only (Estimated)	Total State Revenues (Cash Flow)
August	$106,173	$36,388
September	$70,782	$62,211
October	$70,782	$43,428
November	$70,782	$43,428
December	$70,782	$51,079
January	$70,782	$43,428

ACADEMICALLY LOW ACHIEVING PUPILS	***EC* Section 47605(h)**

Evaluation Criteria
In reviewing petitions, the charter authorizer shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to pupils identified by the petitioners as academically low achieving…

Does the petition merit preference by the SBE under this criterion?	**Uncertain**

Petitioner
Aim High Community Charter School

ACADEMICALLY LOW ACHIEVING PUPILS	***EC* Section 47605(h)**
Comments: The petition states that the mission of the school is to provide underserved urban youth with challenging, innovative and highly supportive educational programs. The petition further states that it seeks to serve a primarily low-income, at-risk students, especially those from marginalized families. However, the petition does not define those terms and, as noted earlier, it is unclear regarding the student demographics of the targeted population the school wants to serve.	

TEACHER CREDENTIALING	***EC* Section 47605(l)**
Evaluation Criteria Teachers in charter schools shall be required to hold a CCTC certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold…It is the intent of the Legislature that charter schools be given flexibility with regard to noncore, noncollege preparatory courses.	
Does the petition meet this requirement?	**Yes**
Comments: The petition states that the school will adhere to NCLB requirements and that teachers of core classes will hold a Commission on Teacher Credentialing certificate as required. The petition defines core courses as English/language Arts, math, science, history/social science, and special education.	

TRANSMISSION OF AUDIT REPORT	***EC* Section 47605(m)**
Evaluation Criteria A charter school shall transmit a copy of its annual independent financial audit report for the preceding fiscal year…to the chartering entity, the Controller, the county superintendent of schools of the county in which the charter is sited…, and the CDE by December 15 of each year.	
Does the petition address this requirement?	**No**
Comments: As noted above, minimal information is provided regarding the annual audit. Clarifications are suggested in regard to the audit provisions.	

CHARTER

of the

AIM HIGH COMMUNITY CHARTER SCHOOL

Submitted May 26th, 2006
To the San Francisco Unified School District
Charter School Office
555 Franklin St.
San Francisco, CA 94102

For further information, please contact:
Alec L. Lee, Jr.
Executive Director
Aim High
P.O. Box 170340
San Francisco, CA 94117
Voice: 415.551.2323

CHARTER
of the
AIM HIGH COMMUNITY CHARTER SCHOOL
a California Public Charter School

Whereas the governing board of the San Francisco Unified School District received a valid charter petition on _____, duly signed by appropriate teachers and submitted pursuant to education code section 47605, and

Whereas the governing board of the San Francisco Unified School District, after holding a public hearing on _____ and considering the level of staff support, has determined that the applicants have assembled and presented a valid and meritorious charter position;

Resolved that the governing board of the San Francisco Unified School District hereby approves and grants this charter petition by a vote of _____to _____ on _____.

Be it further resolved that this charter constitutes a binding contract upon the San Francisco Unified School District and Aim High Community Charter School.

witnessed:

_____
Board of Commissioners
San Francisco Unified School District

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PETITION FOR THE ESTABLISHMENT OF A CHARTER SCHOOL

We the undersigned believe that the attached Charter merits consideration and hereby petition the governing board of the San Francisco Unified School District to grant approval of the charter pursuant to Education Code Section 47605 to enable the creation of Aim High Community Charter School. Aim High Community Charter School agrees to operate the school pursuant to the terms of The Charter Schools Act of 1992 and the provisions of the school's charter. The petitioners listed below certify that they are teachers who are meaningfully interested in having their child attend the school.

Primary Contact Person:

Name (please print) Signature Date

The petitioners authorize the primary contact person to negotiate any amendments to the attached charter necessary to secure approval by the San Francisco Unified School District governing board.

By the Petitioners:

Name (please print) Signature Date

Name (please print) Signature Date

Name (please print) Signature Date

Name (please print) Signature Date

Name (please print) Signature Date

Name (please print) Signature Date

Charter of the
Aim High Community Charter School
a California Public Charter School

It is the intent of the 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 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 choice in the types of educational opportunities that are available within the public system

f. Hold the schools established under this part accountable for meeting measurable pupils 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.

Legal Affirmations

The Aim High Community Charter School will be non-sectarian in its programs, admissions policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate on the basis of race, ethnicity, national origin, gender, or disability.
The Aim High Community Charter School will comply with applicable public agency, state and federal laws, regulations and codes during its operations.

Mission Statements

Mission Statement – Aim High Community Charter School

The mission of Aim High Community Charter School is to provide San Francisco students with a challenging, vibrant and personalized middle school education. Aim High Community Charter School serves a culturally and economically diverse group of young people, in grades 6-8, and is committed to addressing educational equity and ensuring the success of all students.
The goal of Aim High is to ensure that our students are well-prepared for success in school, have a deep appreciation for their community, and are aware of the issues - personal, local and global - that affect their lives.

Mission Statement – The Aim High non-profit organization

The mission of Aim High is to provide underserved urban youth with challenging, innovative and highly supportive educational programs, most notably our exemplary summer school and Aim High Community Charter School.
The goal of Aim High is to ensure that our students are well-prepared for success in school, have a deep appreciation for community, and are aware of the issues - personally, locally and globally - that affect their lives.
Our vision is to inspire young people to reach for their dreams.

Definitions

Aim High [summer program] – This refers to the existing 501(c)(3) nonprofit organization, Aim High for High School. This is an academic enrichment summer school program which operates at multiple sites in San Francisco, Oakland and East Palo Alto.
Aim High Community Charter School Development Team – School Development Team for Aim High Community Charter School.
Aim High Board of Trustees – Aim High Board of Trustees for the existing nonprofit organization, which will also serve as the governing board for the charter school.
Charter School – Aim High Community Charter School
District – San Francisco Unified School District.
SFUSD – San Francisco Unified School District.
SFUSD Board – Board of Commissioners of the San Francisco Unified School District.
GGNRA – The Golden Gate National Recreation Area
Aim High Academy – School established by Aim High in collaboration with the SFUSD through the Secondary School Redesign Initiative (SSRI) in August of 2003; moving to new location in August of 2006, with new name (to be determined).

Abstract

Introduction to this Petition

This proposal establishes a charter school called Aim High Community Charter School ("AHCCS"). Aim High Community Charter School will be within the territorial jurisdiction of the San Francisco Unified School District (the "district") with support services, if any, designated and delineated through a mutually agreed upon Memorandum of Understanding ("MOU"). The charter school will provide a voluntary public educational choice for parents with students in grades 6 - 8 who choose to have their children educated in an alternative learning environment.

The charter school will provide quality educational instruction and guidance, curricular support, and selected resource materials to strive to ensure that students make appropriate progress toward achievement of the AHCCS' school-wide outcomes.

This charter school's objective is to provide a vehicle for the delivery of rigorous, challenging educational experiences for students whose families have chosen to educate their children in a charter school.

Introduction to the Aim High non-profit & Aim High Community Charter School

Aim High for High School (Aim High), a California non-profit 501(c)(3) agency, is proposing to create Aim High Community Charter School (AHCCS).

Aim High is a San Francisco-based non-profit organization which helps local underserved students to achieve academic excellence and success in life. As part of these efforts, Aim High runs a six-week, tuition-free summer school with an extensive academic year tutoring and activities component. During our 2006 summer session, Aim High will serve 800 students at 9 campuses in San Francisco, Oakland and East Palo Alto. Additionally, Aim High operates the Aim High Environmental Studies program in the Marin Headlands in partnership with the Golden Gate National Recreation Area. The current Aim High summer school program is for students entering grades 6-9, with a focus on reaching and serving students from low-income families, from under-performing schools and in underserved neighborhoods.

In 2002, after extensive discussions among the Aim High Board of Trustees, parents, faculty, students and graduates, the Aim High non-profit organization decided to apply to the SFUSD Secondary School Redesign Initiative and were chosen, following a thoughtful, competitive process, to open a small school, Aim High Academy. Aim High Academy opened in August of 2003, as a San Francisco small, public (non-charter) school with 90 6th graders. This year, 2005/06, the school serves 240 6th, 7th and 8th graders. The school is moving to a new location and adopting a slightly different model; the non-profit organization decided to conclude its participation in the SSRI. Our organization is proud of our affiliation with the school and with the numerous contributions made to its development and success. Based on the demonstrated success of the small, public school, we have decided that the charter school option would be an even better way to educate San Francisco students whose families have chosen to educate their children outside of the traditional public setting.

Aim High Community Charter School, which will open in September of 2007, will be a 6th through 8th grade charter school in San Francisco and will serve a diverse community of approximately 225 students.

Our goal is to translate the summer school into a challenging, innovative charter school, preserving and expanding the key components and essential partnerships integral to the Aim High summer program. Aim High Community Charter School will be characterized by a challenging, interdisciplinary, standards-based curriculum, a commitment to faculty development, an emphasis on using the resources of the Bay Area and an integrated service learning/environmental studies program. We are deeply committed to providing this school to a diverse student population similar to the Aim High summer program: primarily low-income, at-risk students, especially those from marginalized families.

Need for School

Aim High Community Charter School (AHCCS) will address the need in San Francisco for small, highly personalized and engaging schools: Schools that are characterized by their nurturing and caring environment, small classes and high teacher expectations, and engaging curriculum that incorporates project-based learning that integrates standards. Highly respected organizations such as the Gates Foundation and the California School Redesign Network promote and support the small schools movement as a critical strategy in closing the achievement gap and we intend to work closely with both organizations and spend considerable time studying successful small schools.

School and Development Team Overview

AHCCS will implement a challenging curriculum based on the state content standards, and will cover the core subject areas of Humanities (an interdisciplinary Social Studies/Language Arts course), Mathematics, and Science, as well as coursework covering Visual and Performing Arts, and Life Skills (Issues and Choices).

AHCCS' development team includes members of the current Aim High staff, who have extensive experience with our target student population and proven expertise in the areas critical to the development and implementation of an exemplary charter school. In addition, our development team includes local community members as well as charter school experts with strengths in educational program design, charter school finance and facilities, business management, legal issues, governance, and administration. Please see the Supplemental Information section for detailed biographical information on our non-profit staff and board members.

Through the combination of standards-based academics, individual student development, specialized counseling services, and active family involvement, AHCCS will empower each student to become self-motivated, competent, lifelong learners, while developing in each student a sense of responsibility, increased self-esteem, improved relationships with family and friends, and a healthy lifestyle.

A. Educational Program

The mission of Aim High Community Charter School is to provide San Francisco students with a challenging, vibrant and personalized middle school education. Aim High Community Charter School serves a culturally and economically diverse group of young people, in grades 6-8, and is committed to addressing educational equity and ensuring the success of all students.
The goal of Aim High is to ensure that our students are well-prepared for success in school, have a deep appreciation for their community, and are aware of the issues - personal, local and global - that affect their lives.

1. Targeted School Population

Aim High Community Charter School will be a 6th through 8th grade charter school in San Francisco and will educate a diverse community of approximately 225 students. Aim High Community Charter School plans to be located in either the South-East or North-East quadrant of San Francisco. We anticipate that Aim High Community Charter School will serve primarily students from the Eastern half of San Francisco. To understand the student demographics in this area of the city, we cite the ethnic breakdown at the Aim High summer school program as well as that of the current Aim High Academy, located in the Haight-Ashbury District:

	Summer School:	Aim High Academy:
African American	22%	50.2%
Latino	18%	24.5%
Chinese	43%	2.0%
Other Asian	5%	0%
Filipino	3%	4.0%
Caucasian	3%	2.0%
Other non-white	6%	12.0%
OW		6.0%

65% of students at Aim High Academy receive free or reduced lunch. In the summer school program, the median family income is $23,000 a year.
Having offered Aim High to the students of these communities for twenty years, we have a solid understanding of the needs of the students and families who will attend Aim High Community Charter School. Many families often do not have the opportunity to attend schools that are “small by design” – that incorporate the key characteristics of small schools: Personalization, engaging curriculum and teaching, and strong emphasis on community.
Below we present very brief portraits of a current Aim High summer school student as well as two graduates to illustrate how the Aim High model meets the needs of students in ways that their current schools do not. These portraits represent students who would hope to matriculate to Aim High Community Charter School. They reflect our desired student population.

- *Arturo R.* attends a large, public school where he has been bullied and treated disrespectfully by classmates. The Aim High summer program has proven to be a safe positive learning environment for Arturo and he has thrived, academically and socially, in the summer program. His father, Carlos R. writes "From your teachers I hear positive and encouraging comments about my son. It makes me feel very proud of him. After one summer in Aim High, I know my son is pointed in the right direction and will go to college. Thank you for giving me hope."

- *Liliana M.* graduated from Aim High in 2000 after three summers in the program. She now attends Santa Clara University. She writes: "I can honestly say that although I had always been interested in science, it was not until I performed my first dissection in 6th grade science at Aim High (my school couldn't afford that type of experimentation) that I realized how exciting I found physiology; it steered me towards the biology degree that I am pursuing today."
- *Jonathan S.* attended Aim High for three summers and returned as a high school teaching assistant for three years. He came from a highly troubled family situation and Aim High became a second home for Jon. As he has said many times, "If it wasn't for Aim High, I'd be dead or in jail." Jon recently graduated from San Francisco City College and currently works at the Buchanan St. YMCA.

These portraits point to the need for a personalized educational environment, small classes and high teacher expectations, and project-based learning that integrates standards. We believe that schools that are “small by design” are a critical strategy in closing the achievement gap. A detailed description of how the curriculum, outcomes and assessment of Aim High Community Charter School will be tied to this vision follows in the instructional strategies sub-section of Charter Elements A, as well as in sections B and C.

Additionally, Aim High Academy has served students from traditionally disenfranchised communities and has increased student achievement by providing a personalized educational experience to meet students’ academic, social, and emotional needs. For example, English Language Learners made significant gains in CELDT test scores as a result of small class sizes, an advisory program, heterogeneously grouping of students and project-based learning. The initial API ranking for the school is a 2/4. Several district schools with a similar student profile scored lower on the API. AHCCS’s mission is to close the achievement gap for all students, and significantly outperform schools with similar demographics.

In addition to the academic program, AHCCS intends to provide the social, emotional and family support often needed to help underperforming students achieve in school.

Another success of Aim High Academy was the Parent & Community Center which was established to increase parent/caregiver participation and to access opportunities for our students to make a stronger home-school connection. The Parent & Community Center was very successful in engaging parents through a home-visit program, trainings in parent organizing, discussion forums in a variety of neighborhoods, social and volunteer opportunities and ongoing communication between home and school. As a charter school, we anticipate having a strong and vibrant Parent and Community Center, building on the best practices learned from AHA and other small and charter schools.

Finally, we believe that the charter option, with greater autonomy in hiring and overall program, greater flexibility and increased budget support, will create an even more successful and positive learning environment.

2. Attendance

Aim High Community Charter School will be a **site-based school** with students attending five days per week. We anticipate that school hours will be 8:30 am – 3:00 pm, with after-school tutoring available. Our school year will typically begin in the first week of September and end in the second week of June; the school calendar will be similar to that of the SFUSD calendar. We anticipate that there will be approximately 184 instructional days in a school year. We anticipate that AHCCS will have an ADA rate of 95%.

In September of 2007, we anticipate opening Aim High Community Charter School with a 6th grade of 75 students; our intention is to add a grade per year in the ensuing years until we reach full capacity (approximately 225 students) in September of 2009.
Additionally, we plan to offer the Aim High summer school program to AHCCS students and will operate a summer session at the Aim High Community Charter School site. Students will be strongly encouraged (and, in some cases, required) to attend during the 2007 summer in preparation for 6th grade; students will have the opportunity to attend for the summers prior to 7th, 8th and 9th grade, giving them a total of 20 additional weeks of school during their middle school years. Students will also participate in weekend field trips and after-school tutoring offered by the Aim High non-profit. Students will also have access to Student/Family Center, which supports students and families in the Aim High community throughout middle and high school, offering tutoring, activities and college counseling to Aim High graduates.
Aim High students will be at the Aim High Community Charter School site at all times during school hours except during program-related field trips or projects. Students may be "off-campus" on a regular basis (approximately once every month), supervised by a credentialed teacher. Additionally, San Francisco and the greater Bay Area will be used as a rich resource for classroom projects in all academic subjects.

3. What it means to be an Educated Person in the 21st Century

A key goal of Aim High Community Charter School is to enable students to become self-motivated, competent, lifelong learners. Towards that end, our school is founded on four guiding principles, each grounded in research and based on our successful record of serving San Francisco students.

3a) Objective of enabling pupils to become self-motivated, competent life-long learners

Personalization and Community - Aim High Community Charter School students will be well known and supported by their teachers and advisors throughout their years at the school. This charter school will be small by design. The AHCCS personalized approach to learning will reach those students with supportive, involved families as well as those who do not have the support they need at home. The Aim High Community Charter School community approach to schooling is evident in the daily/weekly schedule, in the advisory component, in the Issues and Choices class and in the after-school tutoring program and related support systems (homework voicemail hotline and daily postings on the homework link of our website). Personalization, along with a school culture of care and high expectations, can play a significant role in decreased dropout rates, decreased disciplinary referrals and increased graduation rates.

Academic Rigor - The Aim High Community Charter School curriculum will be characterized by a challenging, interdisciplinary, project-based and culturally relevant curriculum. The curriculum will be carefully aligned with state standards; faculty will incorporate a range of assessment tools to inform teaching and measure student progress in alignment with these standards.

Applied Learning Opportunities - Aim High Community Charter School will expand the existing partnerships that Aim High has developed, most notably the collaboration with the Golden Gate National Recreation Area (the Aim High Environmental Studies Program) and the Exploratorium. Community service, both within the school and outside of the school will be vital components of Aim High Community Charter School. We are confident that these applied learning features will improve student retention.

Quality Teachers – Last summer, over 170 teachers and interns taught in the Aim High summer school program. These teachers, many who come from Bay Area public schools as well as colleges across the country, are attracted to Aim High because of the program's strong sense of community and personalized approach to learning. Aim High prides itself on being a "teaching laboratory," a place where innovative curriculum and teaching methods are developed. Aim High Community Charter School teachers will be part of a professional culture that explicitly supports collaborative planning, professional development and shared governance. We plan to work closely with the San Francisco Coalition of Essential Small Schools to develop our professional development program and other noteworthy aspects of our small school (i.e., advising program).

3b) General Academic Skills & Qualities Important for an Educated Person

A key goal of Aim High Community Charter School is to prepare students for high school and enable students to become **self-motivated, competent, lifelong learners**. Towards that end, our school has outlined a comprehensive set of unifying school-wide outcomes that will guide the development of more specific grade-level and graduation standards. These are described in more detail in Element B and C, but are also included here in overview form to help explain the underlying values of the school.

Students will leave Aim High Community Charter School well prepared for success in high school. The skills and qualities needed for success in high school and higher education include:

A. Scientific Knowledge and Skills – Students will develop a knowledge of many traditional branches of the natural sciences, including physical, chemical, earth and life sciences. Students will develop laboratory skills, research skills using both paper based and electronic sources, and a thorough understanding of designing and carrying out experiments using the scientific method. At several grade levels, students will focus on the life sciences, specifically environmental science and human biology, using Aim High Community Charter School's collaboration with both the GGNRA (the Aim High Headlands Environmental Home) and the Exploratorium.

B. Mathematical knowledge and skills –Students will learn mathematics content of numbers and operation, algebra, geometry, measurement, and data analysis and probability. Emphasis will be placed on the utilization of critical thinking skills in real-world applications of mathematics concepts. Students will demonstrate understanding of the NCTM's goals for the processes of problem solving, reasoning, making connections, communicating concepts, and representing mathematical understanding.

C. Humanities (Language Arts and History Knowledge and Skills) – Students will demonstrate strong reading, writing, listening, speaking and presentation skills, in multiple forms of expression (e.g. written, oral multimedia), with communication skills appropriate to the setting and audience. Students will comprehend and critically interpret multiple forms of expression, including literature from diverse cultures. Students will understand and apply civic, historical and geographical knowledge in order to serve as citizens in today's world of diverse western and non-western cultures.

D. Cross-Discipline Thinking Skills – Students will develop:

- critical thinking skills: problem solving, analyzing, and applying knowledge
- the ability to work in groups

- the ability to use technology effectively

E. Life-Long Learning Skills **– Students will develop skills that will enable them to pursue their own path of learning throughout their high school and adult lives, including:**

- Study skills and habits, e.g., note taking, library research skills, studying strategies
- Ability to plan, initiate, and complete a project
- Ability to reflect on and evaluate one's own and others' learning
- Commitment to attend a two-four year college
- Library use and research skills
- Technology skills
- Issues and Choices

F. Social/Interpersonal Skills – Students will gain an understanding of issues related to the overall emotional development of students in middle and high school, including interpersonal dynamics, leadership, and citizenship.

3c) General Non-Academic Skills & Qualities Important for an Educated Person

- creative expression through various forms of the arts, e.g., music, visual/studio arts, drama, and dance.
- knowledge of pertinent issues of health and the development of physical fitness
- service learning and stewardship
- conflict resolution
- decision-making
- awareness of opportunities and options for high school and college

4. Description of How Learning Best Occurs

4a) Instructional Design

The goal of the Aim High Community Charter School educational program is to provide a rigorous standards-based education in a community-oriented, supportive environment. We believe that learning best occurs when the following seven instructional strategies are implemented. These seven strategies were designed to meet the needs of our target population and have been successfully implemented in the Aim High summer program, in the current Aim High Academy, and in several small schools where Aim High summer program teachers work during the academic year. Our in-depth program evaluations testify to the fact that these strategies result in measurably improved student achievement as well as improved attitudes towards school and learning.

4b) Instructional Approaches & Strategies

(A) An interdisciplinary, standards-based curriculum with an aligned assessment system. Aim High's curriculum will be developed by our instructional staff under the guidance of the Principal. Curricula in core academic subjects will align with the California State Content Standards. Wherever possible, curriculum units will be developed across several disciplines, so that students study a subject from a variety of disciplinary foci at once. A significant percentage of the curriculum has been developed and implemented by the faculty and staff at Aim High Academy.

Curriculum

The curriculum will closely resemble the AHA school model: each middle-school student will take the following courses: Humanities (an interdisciplinary Language Arts/Social Studies class which will meet for a double-block each day), Math, Science, and Issues and Choices

(an adolescent development seminar which is an integral component of the Aim High summer school). Teachers will meet weekly during the school year (and participate in teacher training workshops and the Aim High summer program during the summer) to develop and refine thematic based, interdisciplinary curriculum units.

Over the next year, the Aim High Community Charter School curriculum team will adopt new materials, and expand and refine existing Aim High curriculum materials. Curricula, whether adopted from published sources or internally developed, will meet the following criteria:

- It will be aligned with the California State Standards.
- It will contain constructivist approaches, wherein students will be actively engaged in discovery and problem solving as a means of learning,
- It will be geared towards developing interdisciplinary units in which teachers will strive to find commonalities between their disciplines.

Assessment

Equally critical, our assessment system will be aligned to our school-wide outcomes, so that students, teachers, parents, administrators and Trustees are all aware of the expectations for students, and how individual students, classes, and the entire school are doing with respect to those outcomes. On a day-to-day basis, teachers will use multiple measures to assess student progress, including tests, projects, observations, and examples of student work. Additionally, the school will administer all mandated state tests, and closely analyze data from those tests to identify gaps, highlight progress, and ensure that the school is meeting the terms of its charter. Specific assessment tools, individual and school-wide benchmarks are detailed in Element B/C.

Co-curricular Elements

We anticipate that other elements of the Instructional Design will include the following:

- Students will choose two co-curricular activities per semester. Examples of co-curricular activities include: Newspaper and Literary Magazine, Dance, Art, and Drama. We anticipate that these activities will meet twice per week in the afternoon.
- Every student will be a member of a small advising group that will meet several times per week. This group will provide an academic check-in as well as help establish inclusion in the Aim High community.
- The academic program will include required Community Service, both within the school and outside the school.

Environmental Studies will be integrated into the curriculum and program, primarily in the Science and Humanities courses and through the Community Service program.

(B) Project based learning and programming While basic skills in language and math, as well as basic content in history and science, will be taught in a traditional manner, our commitment is to build most content and skills into projects, taking full advantage of our community partners such as the Exploratorium and the Marin Headlands. We plan to incorporate one or two “Project Blocks” into our annual calendar each year. This has been a highly successful and engaging aspect of the current Aim High Academy and the summer school. This block period will be closely tied to the state standards. Equally important, we are committed to developing an assessment system that is appropriate for this type of instruction.

(C) A commitment to faculty development: Aim High Community Charter School will support teachers by creating a comprehensive staff development program. Teachers will

work collaboratively as critical friends in the development of curriculum. Teachers will also participate in a peer observation program that will allow them to share best practices, strategies for differentiating instruction, and on-going formal and informal assessments of student learning. Through the partnership with SF-CESS, the faculty will also engage in developing student portfolios, creating protocols for working collaboratively, and analyzing data to target areas of instructional need.

(D) Small classes, a personalized approach to learning and community-building: Research demonstrates that small class and overall school size are strongly related to improved student achievement, strong community atmosphere, and higher teacher morale. These aspects of Aim High Community Charter School support more learning in math, science and humanities than large classes, especially for disadvantaged students. A low student to teacher ratio encourages students to build healthy relationships with adults, and teachers to constantly re-evaluate students' needs. It also supports the early identification and support of students with learning differences and the ongoing progress of English language learners. Our goal, supported by our operating budget, is to provide one California State accredited teacher for each class of 23-26 students.

(E) An emphasis on using the resources of the Bay Area through collaborative partnerships with arts and educational organizations: Collaborations with organizations such as the Exploratorium, the San Francisco Zoo, and other arts and educational organizations expose students and families to experiences and opportunities that they might otherwise not have access to and give students and teachers a chance to integrate subject areas with hands on experience. Presently, for example, several dozen Aim High summer school students travel to the Exploratorium (a hands-on Science museum located in San Francisco) every afternoon as part of our co-curricular program. The Exploratorium would like to see Aim High Community Charter School fully utilize both the student and teacher education opportunities that are available to the community; furthermore, Aim High Community Charter School represents an opportunity for the Exploratorium to extend its educational mission to reaching the less-advantaged students of San Francisco.

> *" There is a simple reason that the Exploratorium has chosen to work so extensively with Aim High – Aim High works. San Francisco families need more options for innovative education that an Aim High school would offer. The Exploratorium looks forward to expanding our partnership." Vivian Altman, Director, Children's Educational Outreach, Exploratorium.*

(F) An integrated service learning/environmental studies component:

Service learning and environmental studies will be incorporated in the AHCCS program on a regular basis, using the Presidio, neighborhood parks and Marin Headlands as resources. Students will become involved in service learning through advising groups, Science classes and our student clubs such as our Ecology Club and Community Service Club. We may also invite parents/guardians to participate in community service activities. Aim High has been a park partner with the GGNRA for ten years, developing and refining an exemplary Environmental Studies program which is an integral component of the Aim High summer program. AHCCS will also look to create additional service learning opportunities with other San Francisco non-profits (for example, Educational Gardens and Growing Green Kids). The community service work in the Headlands and other locations will be integrated with the

students' coursework; careful attention will be paid to the alignment of this work with school outcomes and state standards in science.

Aim High has also negotiated a five-year, rent-free lease on a facility in the Marin Headlands which we plan on developing into the Aim High Environmental Studies Center.

> *"I am excited to hear that Aim High is developing a charter school based on the summer program model. On behalf of the GGNRA, we hope to expand our partnership with Aim High. I believe that AHCCS represents a tremendous opportunity to integrate an environmental studies program into an urban school." Brian O'Neill, Superintendent, GGNRA*

(G) Cross-cultural understanding, knowledge and celebration and family involvement: Cross cultural understanding is one of the hallmarks of the Aim High summer program and is instilled in students through the academic classes and weekly Cultural Days. We intend to bring this same focus to the school. In a city as diverse as San Francisco, an understanding and respect for people of all backgrounds is a critical life-skill. Bringing this message close to home, learning is enhanced when parents and families are active partners in their children's education. In order for students to maximize their learning, it is imperative that their families take an active role in each child's education. Accordingly, the Aim High Community Charter School will provide parents will meaningful opportunities to be an active partner in their child's education. The Parent and Community Center will serve as the vehicle of family involvement. Please see Element D for more information on how parents will be involved in Aim High.

4c) Proposed Program Alignment to Mission

The goal of Aim High Academy is to graduate students who are fully prepared for high school, have developed the practices of life-long learners, have an appreciation for community, and are deeply aware of the issues that affect their lives.

1. A challenging, vibrant and personalized education built on the belief that students should graduate from middle school well-prepared for high school and committed to life long learning.
   - Standards-based, interdisciplinary curriculum
   - Small class sizes and small overall school size
   - Family involvement in learning
   - Outcomes that include core academics as well as life-long learning and interpersonal skills
2. A commitment to being a supportive and professional school environment for experienced, professional teachers as well as people entering the profession.
   - Time built into the weekly schedule for professional development, peer observation and teacher collaboration
   - Time built into yearly calendar for professional development and curriculum development including summer Faculty Institute (approximately 12 days total).
   - Professional development opportunities through San Francisco Coalition of Essential Small Schools, California School Redesign Network.

- School Visits: Professional development days built into school year to visit similar small schools.

3. A commitment to reaching and serving a diverse student population, with a focus on educating students from economically disadvantaged families.
   - Program focus on cross-cultural awareness and diversity
   - Aggressive outreach program (outlined in Elements G and H)
   - Support for family involvement in the school
   - Opportunity to fully participate in Aim High summer program.

Additionally, teachers at Aim High Community Charter will create and implement curriculum directly aligned to content and performance standards. Informal and formal performance assessments will emphasize higher-order critical thinking skills and demonstration of content knowledge.

4d) Plan to Support Students not Meeting Pupil Outcomes

Our curriculum and assessment system will be aligned to our school-wide outcomes so that students, teachers, parents, and faculty are all aware of the expectations for students, and how individual students, classes, and the entire school are performing with respect to those outcomes. Curricula will be aligned to California state standards. On a day-to day basis, teachers will use multiple measures to assess student progress, including tests, projects, observations, and examples of student work. Additionally, the school will administer all mandated state tests, and closely analyze data from those tests to identify gaps, highlight progress, and ensure that the school is meeting the terms of its charter.

AHCCS will take a systematic approach to closing the achievement gap by allocating multiple resources and interventions towards academically low-performing students. We will identify students who are performing below grade level through the results of the state STAR assessment as well as from classroom assessments and assignments. Staff will be trained to identify students who are struggling to stay at grade level.

Services for academically low-achieving students will begin with an assessment of student abilities and needs, and depending on identified needs, students will receive one or more of the following interventions:

1. Classroom-based: Instructional activities will be modified to accommodate different learning styles to draw out students' various strengths and needs.
2. Students needing additional assistance in particular subjects or skill areas may obtain additional help from peers, staff, and volunteer tutors.
3. Students who are struggling academically will be discussed by the Student Life Team (Principal, Counselor, Director of Parent/Student Center); following that discussion, a Student Success Team meeting will be conducted with a student's parent/guardian and school personnel if a student is still not achieving at grade-level standards after the above two strategies have been attempted. **More information about the Student Success Team can be found in the following section on Special Education Students**.
4. AHCCS may develop additional group intervention classes either during, before, or after school depending on student needs and staff availability and scheduling demands. For example, if a substantial number of 6th grade students are below grade level in

mathematics and require support, we would offer extra math tutorial sessions in our after-school program.

4e) Plan for Students that are Academically High Achieving

The process for identifying students who are academically high achieving is similar to the process for identifying academically low-performing students. To determine the level of student academic performance, the assigned teacher advisor will engage in various activities such as reviewing school records, interviewing the student and parent/guardian, administering placement tests, and holding conferences with former school guidance counselors. The teacher advisor will place the student in appropriate academic courses with notice to teachers that the student should be placed in challenging or accelerated levels of academic courses. High achieving students will have multiple opportunities to do more advanced work and to excel at their individual rates. For example, a student taking math at an advanced level may be assigned to Algebra. Alternatively, a high achieving student may choose not to be placed in an advanced placement level course, but rather, take the required core course at a more challenging level. The nature and details of the increased academic challenge will be determined by the course instructor, the student, and the teacher advisor. For example, a student may choose to research and write an extensive term paper on a particular issue or historical situation, or the student may participate in seminars discussing historical and political issues involved in the establishment of the California constitution. These more challenging activities will enable high performing students to find intellectual satisfaction and growth through the Aim High Community Charter School. High performing students will also have the opportunity to do extra projects, interest study groups, or even on-line courses.

4f) Instructional Design Based upon Successful Practice and Research

The strongest, clearest indicator of the future success of Aim High Community Charter School is the summer program's record of exemplary educational service to the San Francisco and Oakland communities. Over 5,000 students have participated in the Aim High summer school program over the past twenty years. **97% of the students who graduate from the summer program go on to graduate from high school and attend a two or four year college.**

Aim High's annual internal evaluations as well as those conducted by the SFUSD serve as a testament to the summer school. In the 2005 program evaluation, Aim High students were contrasted with a demographically equivalent group. The evaluation states that:

- Aim High students had a 97.66% attendance rate at their SFUSD schools in the spring of 2005.
- Aim High 7th grade students made significantly greater gains in GPA than the comparison population.
- When disaggregated by ethnicity, 8th grade Latino students demonstrated significant increases in GPA.
- Overall, both Chinese and Latino Aim High students made significantly greater gains in GPA than their comparison population.
- All ethnicities showed an increase in their CAT/6 Reading Subtest, with Aim High's African American students showing the highest increase.
- When compared to a demographically equivalent control group, Aim High 7th grade Chinese students made significantly greater gains in math CAT/6 than the comparison population.

Equally powerful information is found in the extensive qualitative data that is gathered from students, teachers and families in the evaluation process. In 2005, three key themes emerged from site visits, surveys and focus groups: According to the evaluation data, Aim High parents/guardians believe that the program helped their children:

- Become well-prepared for high school (93% of parents/guardians).
- Develop a deep appreciation for his/her community (88% of parents/guardians).
- Become more aware of personal, local and global issues that affect his/her life (89% of parents/guardians).
- Raise their GPA significantly (60% of parents/guardians).

Aim High Academy has demonstrated growth of student achievement through standardized testing. While serving a high percentage of Economically Disadvantaged Youth, the school has shown gains in CST scores, and in 2005 64% of the students were at or above basic in ELA and 44% of students were at or above basic in mathematics. The school's first API score was released in spring of 2006 was a 2/4.

The Aim High non-profit recognizes that a successful educational program can succeed only in the context of a strong organization with disciplined and knowledgeable leaders. Several members of the AHCCS development team are members of the Aim High Board of Trustees. Every member of our team is affiliated with the current summer program as a board member, teacher, graduate or parent. Aim High is a non-profit organization that has:

- Operated with a balanced budget free of audit exceptions for the past twenty years;
- Grown from one site to nine, increased the number of students served per summer from 50 to 800;
- Shown significant and measurable improved student performance among participants;
- Raised over seven million dollars over the past twenty years to provide the summer program to students and families tuition-free.
- Played a key and substantial role in the opening and development of Aim High Academy through the Gates' funded SSRI Initiative.

Given our record of success and our plans for meeting students' diverse needs, we feel confident that we are prepared to operate an independent charter school successfully.

4g) Instructional Strategies for Special Needs Students

One of the key features of AHCCS will be a comprehensive staff development program. Teachers will work collaboratively as critical friends in the development of curriculum. Teachers will also participate in a peer observation program that will allow them to share best practices, strategies for differentiating instruction, and on-going formal and informal assessments of student learning. Through the partnership with SF-CESS, the faculty will also engage in developing student portfolios, creating protocols for working collaboratively, and analyzing data to target areas of instructional need. The ultimate goal of our staff development program is the success of all our students.

English Language Learners

Aim High Community Charter School will provide a highly rigorous education for all ELL students. Students will be identified through cumulative data and a home language survey to be completed upon enrollment. Students and families who indicate that their home language is other than English will be

CELDT tested within the first 30 days of identification, and testing will continue annually in order to track progression towards re-designation to English proficiency. AHCCS will work in partnership with parents/caregivers by notifying the parent/caregiver of the school's responsibility for CELDT testing, reviewing the test results together, and co-constructing an educational plan to meet the needs of the student.

The ELL Master Plan is to provide students with access to curriculum and content standards in small, heterogeneous classes through a broad-range of teaching and intervention strategies. AHCCS will hire teachers who are CLAD or BCLAD certified who will have the expertise to assess ELL students' academic and linguistic needs, identify strategies to engage ELL students in learning, and propel students towards language fluency.

Based on our experience with AHA, we have found that project-based learning and an interdisciplinary curriculum are effective ways to encourage rapid and meaningful acquisition of a second language. Curriculum rubrics will accommodate ELL students. A tutorial block (which will occur several times per week) will also serve as an opportunity for ELL instruction. English Language Learners (ELLs) will have full access to AHCCS' educational program.

All AHCCS teachers will engage in monthly professional development with the goal of creating and implementing standards-based lessons, and ELD standards will be consulted to ensure grade-level targets are being met.

Differentiation of instruction will be emphasized in classrooms to engage all students with varying needs and ability-levels. By engaging in on-going professional development in implementing SDAIE (Specially Designed Academic Instruction in English) techniques and the SIOP model (Sheltered Instruction Observation Protocol) through professional organizations such as CABE (California Association of Bilingual Educators) and WestEd, teachers will provide a high level of instruction that include scaffolding, modeling, bridging, contextualizing, and schema building opportunities that reflect content and language goals to provide quality instruction to ELL students.

Special Education

As indicated in our financial documents, Aim High Community Charter School will – in collaboration with SFUSD - initially hire one special education resource teacher. As Aim High Community Charter School builds out over the years, we will seek to hire additional resource teachers and work with the SFUSD to provide special education services. Please note that we have an experienced resource specialist on our development team, a respected teacher who has been part of the Aim High Academy staff for three years. We have scheduled our initial meeting with David Wax, SFUSD Special Education, for early June.

The developers of AHCCS understand that the school will have the obligation to serve students with exceptional needs and that the school, pursuant to applicable state and federal law, must ensure that all its students have access to a free and appropriate public education. Under these laws, the school has various options on how to deliver special education and related services either as (1) arm of the charter-granting agency, (2) an independent local education agency, or (3) as a charter SELPA.

During its first year of operations, the school intends to function as a "public school of the local education agency that granted the charter" for purposes of providing special education and related services pursuant to Education Code Section 47641(b). During each school year during which the school operates as an arm of SFUSD for special education purposes, the

school understands that it is required to contribute an equitable share of its charter block grant funding to support district-wide special education instruction and service costs. Pursuant to Education Code Section 47646(b), the district shall provide the school with funding and/or services reasonably necessary to ensure that all students with exceptional needs who attend the school are provided a free and appropriate education.

Provision of Services

AHCCS and SFUSD shall annually and in good faith negotiate and enter into a written agreement to more clearly identify the specific desired mix of special education funding and services to be provided. The school shall enjoy reasonable flexibility to decide whether to receive services, funding, or some combination of both pursuant to Education Code Section 47646(b). As noted below, the school anticipates that during its first year of operation, most special education services would be provided by district staff. If the volume or scale of activities related to assessment, individualized education plan (IEP) development, and/or delivery of the special education and related services is sufficient, the school may seek to assume responsibility for directly providing and managing these functions with its own staff, with appropriate adjustments to the mix of funding and services provided under the terms of Education Code section 47646(b).

Child Find

The school plans to participate in a comprehensive “child find” system to identify students who have or may have exceptional needs. The school will seek to participate in the child find systems of the special education local plan areas (SELPAs) in which its students reside. The school anticipates that these systems will include various policies and practices, including, but not limited to the following:

- Post-matriculation in-take practices that identify students with exceptional needs to help ensure that the school is aware of all students who have identified special needs;
- Seeking to develop relationships with all feeder local education agencies to request and obtain cumulative files and other documents in a timely fashion;
- Staff development and training for school staff, to ensure that they possess an understanding of tools and techniques to identify students who may have exceptional needs; and,
- Review of student assessment data, including but not limited to state-mandated testing, to identify students who may be falling behind expectations in their academic progress and are in need of additional support or services.

AHCCS will notify each school district of the students enrolled at AHCCS that formerly attended the district. Each school district is then responsible for ensuring that AHCCS receives in a timely fashion any active IEPs for students that used to attend its schools and are currently enrolled at AHCCS. AHCCS will notify the home district when a student becomes eligible or becomes ineligible or leaves the charter school. These processes will occur by mailing these lists and notices to each district’s special education director and via phone calls for follow up as necessary.

Student Success Team and Student Life Team

The school also plans to implement a “student success team” (SST) model to the maximum extent feasible to attempt to meet all student needs within the regular instructional setting prior to referral for formal assessment for special education purposes. Such teams will typically consist of the student’s teacher(s), a school administrator, the student’s parent/guardian, and others. The team will oversee development of plans to meet students’ needs, if possible, without referral to assessment for special education needs. The team will monitor students’ progress. A standing administrative team at AHCCS will be the Student Life Team (Principal, Counselor and Director of Parent/Student Center).

Referral and Assessment

In the event that formal interventions provided through the SST are not successful, the school would seek to secure a formal and appropriate assessment conducted by qualified staff. The school initially anticipates that these assessments would be conducted by the staff who perform such services for the district. If this assessment identifies that the student has exceptional needs and require special education and/or related services under the terms of applicable special education law, the school anticipates working with appropriate district staff to convene and conduct an individualized educational plan (IEP) team meeting or meetings.

Individualized Education Plans and Service Delivery

The school would participate actively and as appropriate in planning and conducting the IEP team meetings and processes. The school would commit to implementing all special education and related services called for by the IEP in partnership with the district and/or SELPA. [Note: If the school has a particular mode or emphasis regarding how it anticipates that various services would be provided, additional verbiage could be added here. This might include an emphasis on “mainstreaming” special needs students within the traditional classroom setting, intensive and early interventions, etc.] The school understands that student progress toward the goals specified in the IEP would be monitored regularly and formally reviewed by the IEP team on at least a triennial basis.

Due Process

In the event of a due process claim to enforce provisions of applicable special education law, the school is committed to working in cooperation with the district to the maximum extent permitted under law to respond to and defend the school and the district in the process. [Note: Many districts seek to have charter schools assume financial and legal responsibility for responding to due process claims related to charter students. Any such provisions should be carefully crafted to ensure that the school and district retain responsibility for defending their own actions and should not seek to make one party (e.g., the charter school) assume responsibility for the actions of another (e.g., the district). It may be best to avoid addressing this issue in the charter (it’s not specifically mentioned in any of the state board’s regulations or “model” documents.]

Section 504 Special Needs

The school understands that its students may have exceptional needs that are not governed by the terms of the federal special education law (IDEA) but who may require accommodations

or services pursuant to the terms of section 504 of the Rehabilitation Act and that the school will be responsible for planning and implementing any such accommodations or services.

Right to Pursue LEA Status

As noted above, the school initially anticipates functioning as an arm of the district for purposes of special education. The school shall also retain 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 district shall not hinder or otherwise impede the efforts 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 district 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 any related annual agreements.

Conclusion - Strategies

Inherent in the Aim High Community Charter School vision is the understanding that students will come to this small school with a range of academic talents and needs. One goal of our professional development work will be to ensure teachers, across the disciplines, provide scaffolding (step-by-step acquisition of skills and knowledge towards clearly defined goals) for student work (research essays, final projects, exams, etc.). After-school tutoring – and summer school involvement - will also be linked to this concept. We believe that the professional development environment (and collaborative planning time) and instructional design imbedded in Aim High Community Charter School will encourage teachers to implement scaffolding.

Each Aim High Community Charter School student will be expected to meet the standards for their grade level. Any student who falls more than six months behind as determined by the school-wide assessment of standardized test scores will immediately be identified. A Student Success Study Team – facilitated by the student's advisor – will be convened, and multiple strategies will be put in place to ensure that he or she is able to meet the appropriate standards. Some examples of specific strategies we anticipate utilizing include after school help, more support from home, pairing with a volunteer tutor and Aim High summer school. The advisor, in addition to all teachers, will be responsible for identifying students with learning differences, recommending them for evaluation if necessary, and coordinating efforts between teachers, family, and the student. We anticipate that the Counselor**/**Issues and Choices teacher will oversee the advising program.

B. Measurable Student Outcomes

1. Graduation Standards/Exit Outcomes

Students of Aim High Community Charter School will demonstrate the following skills or outcomes upon graduation in 8th grade. The goals are aligned with the California State Standards. As the school develops, we anticipate that these outcomes may be modified by our instructional leaders, and under the guidance of the Board of Trustees, to reflect new research and school priorities. Substantive changes that alter the scope of academic study

significantly will be submitted for review by the charter-granting agency's staff. Additional exit outcomes, such as graduation presentations or community service requirements, may be imposed as the instructional team see fit.

1a) Science Outcomes

1. Students will have a thorough understanding of the scientific method.
2. Students will develop scientific literacy and methodology through hands-on scientific experimentation that emphasize inquiry skills.
3. Students will develop laboratory and research skills by designing experiments and writing lab reports that demonstrate understanding of each process of the scientific method.
4. Students will learn the content goals and objectives in Life, Physical, and Earth Sciences through both teacher-centered and student-centered activities.
5. Students will analyze and form conclusions around local and national policy decisions that affect their communities.

1b) Math Outcomes

1. Students will learn critical thinking skills and apply them to mathematics problem-solving as recommended by State Standards.
2. Students will develop mathematic literacy by learning and using academic vocabulary to encode concepts and processes.
3. Students will demonstrate mastery of mathematics State Standards through traditional assessments, Problem-of-the-Week writing activities, projects, and presentations.
4. Students will understand the connections between math and science by analyzing current events in the technological, mathematical, and scientific community.

1c) Humanities Outcomes

NOTE: Because Humanities class is an integrated course that combines Language Arts and Social Studies it will be scheduled for a double block of time. Students will exit Humanities with the same skill set as students who take a full schedule of Language Arts and a full schedule of Social Studies separately.

1. Students will demonstrate grade appropriate reading, writing, listening, speaking and presentation skills, in multiple forms of expression (e.g. written oral multimedia), with communication skills appropriate to the setting and audience.
2. Students will comprehend and critically interpret multiple forms of expression, including literature from diverse cultures.
3. Students will understand and apply civic, historical and geographical knowledge in order to serve as citizens in today's world of diverse western and non-western cultures.
4. Students will develop strong study skills and habits, e.g., note taking, library research skills, study strategies.

1d) Issues and Choices Outcomes

1. Students will gain an understanding of the importance of social and interpersonal skills.
2. Students will achieve strong citizenship and leadership skills by planning and implementing community service projects.
3. Students will develop the ability to engage in responsible, compassionate peer relationships, by participating in conflict resolution training and serving on the peer dispute resolution board.

2. School-wide Performance Goals: Attendance, Dropout and Graduation Rate Goals

Attendance – Aim High Community Charter School students will be expected to reach their academic potential during each of their three years at the school. In order to succeed in the rigorous school environment, students need to have high attendance rates. Based on AHA attendance rates of 93%, we expect to achieve an average daily attendance rate of 92% - 95%. Because the school is small, a staff member will make telephone contact with each absent student's parents to check on the student's status. That staff member will also encourage the student to return to school as quickly as possible.

Dropout – Because AHCCS will have a strong advising system with frequent feedback about a student's academic standing to parents, very few students will leave the school. A student's academic problems will be identified early and support structures will be put into place quickly, helping students avoid failing out of school. We expect Aim High Community Charter School's dropout rate to be no more than 3%.

Graduation – For reasons stated above, students will thrive in the Aim High Community Charter School community, making them want to stay a part of the school community until graduation in 8th grade. The school expects a graduation rate of 90-95%.

3. Affirmation that Benchmark Skills will be Developed

Aim High Community Charter School feels strongly that students thrive in an atmosphere built on high expectations that are clearly defined. Part of giving students specific, reasonable goals is benchmarking a progression of achievements on the way to graduation. To do this, Aim High Community Charter School teachers will clearly outline the exit outcomes for each grade of the school. Also, the school's teachers strongly believe in thorough scaffolding of the curriculum for students. Therefore, the Principal will work in tandem with classroom teachers to design, implement, and assess benchmark skills that students should meet as they work towards the major exit outcomes. The chart on the following page outlines Aim High Community Charter School's outcomes, standards, sample assessments and sample instructional methods for the five core academic subjects for the sixth grade, as an example of one grade's benchmarked goals.

Math and Science, the first two subjects on the chart, are traditionally taught in California's middle schools. The third and fourth course, "Humanities", is a course that integrates language arts and history/social science. Although the two disciplines will be taught as one cohesive whole during a double block of time, this section of the proposal separates the curriculum into two parts for clearer analysis of the course within existing standards framework. The fifth course, "Issues and Choices", explores the non-academic challenges for middle school students such as interpersonal dynamics and peer pressure. The chart briefly outlines the outcomes, standards, sample assessment and sample instructional methods for the sixth grade, whereas the previous section outlined the exit outcomes and assessments for graduation. Please note that these grade-level standards are included as an example only, and may be revised by the instructional team as the school instructional plan is further developed.

Aim High Community Charter School: Sixth Grade Curriculum
Sample Outcomes, Standards, Assessment, Instructional Methods

6th Grade	**Outcomes**	**Standards**	**Sample Assessments**	**Sample Instructional Methods**
Math	All students will be proficient in 6th grade math skills. Students will study geometric equations and beginning algebra. Students will develop strong problem solving skills.	SFUSD Math Standards 1, 2, 5, 6	Students pass the STAR Grade 6 math standards. Biweekly tests ensure that students are proficient in basic skills. Students complete essays about processes used to solve problems, thus integrating arithmetic and writing	Classes include basic math skill drills and discussions about new material, projects and more in depth work. Students complete proofs and projects in class, serving as scaffolding for the major semester project.
Science	Students will study life science. Students will develop grade appropriate laboratory and research skills. Students will design laboratories that show thorough understanding of the scientific method. Students will use traditional tools and computers.	SFUSD Science Standards 10, 11, 12, 13, 14, 15, 16.	Students are tested in science using both traditional testing formats and project based assessment (PBA). In PBAs, students design and complete laboratories.	Class focuses on laboratories and hands on activities, and the semester culminates in a completely student designed lab. Each lab requires that students read, research, mathematically analyze data, and write high-level lab report conclusions. Math teachers will collaborate with the science class on analyzing data using math skills.
Humanities: Section 1--Language Arts Curriculum	Students will read, critique and understand sixth grade literature from diverse cultures. Students will improve reading skills. Students will study a variety of genres including fiction, non-fiction, and poetry.	English Reading Standards 1, 2, 3. CA English Reading Standards 1, 2, 3	Students pass the STAR Grade 6 Reading tests. Students study literature in depth and write a paper showing thorough comprehension and analysis.	Students write papers, essays, poems, and dramas that clearly show understanding of reading and writing. Students write several drafts of a paper so the final product is refined. Students write a research paper, an analytic paper, a poem, and a creative piece of writing. Students learn reading comprehension and read several genres of writers.
Humanities: Section 2-History/Social Science Curriculum	Students will develop an understanding of a diverse range of western and non-western ancient civilizations. Students will read from primary texts and textbooks. Students will write one major research paper.	CA History/Social Studies Standards	Students complete one oral presentation focusing on the geographical and political diversity of a culture. Students write research papers on ancient cultures in a structured process that takes students through the steps needed to complete a scholarly paper.	Students analyze history through reading, writing, and discussing the diversity of world history. Developing grade appropriate research skills is emphasized by completing small projects emphasizing a different part of the research process needed to complete the final paper.
Issues and Choices	Students will study issues related to the overall emotional development of students in middle school. Students will learn about leadership, citizenship, health and nutrition and decision-making. Students will have high level discussions and complete projects.	N/A (This class is unique to AHCCS)	Each student completes a class presentation about a chosen topic relating to his/her life. The topic is researched through interviews, reading, and the internet. Students systematically assess peers' presentations using a grading rubric created by the class as a whole.	Students develop a sense of emotional and physical safety in class, which fosters meaningful discussions and a strong sense of classroom community. Each student has the opportunity to become a specialist in an area of choice when completing the end of semester project.

C. Method by which Pupil progress in meeting Pupil outcomes will be measured

In its work to provide San Francisco students with a challenging, vibrant and personalized secondary school education, Aim High Community Charter School will utilize a range of assessment techniques. First, in order to compare the achievement of our students with students throughout California, students will take the California Standards Test, as well as any additional state-mandated tests (note that as of now, the CAT-6 is mandated in addition to the standards test). These standardized test scores will allow the students and the school to understand how student achievement compares with other students within San Francisco and across the entire state.

In their work to create a small, personalized classroom environment, teachers will also frequently use authentic problem based assessments (PBAs) that allow students to express their creativity when solving problems. PBAs also allow teachers to create innovative curriculum designed with the needs of their specific students in mind. PBAs will help many students, especially those with learning differences, make clearer connections between material learned in the classroom and life outside of school. Combining standardized tests, PBAs and other, more frequent class assessments such as essays, research projects, presentations, in-class tests and quizzes will allow teachers and administrators to determine if the students are meeting the stated outcomes. Ultimately, this mastery will be reflected in a class grade, which must be 70% or above to satisfactorily complete the grade level requirement. AHCCS will use an A-F grading system (we anticipate that students will receive grades on a quarterly basis and report cards once a semester) supplemented by narrative evaluations twice per year.

Examples of the types of internal assessments we anticipate using based on our existing Aim High curriculum follow each outcome in the list below. Additional exit outcomes, such as graduation presentations or community service requirements, may be imposed as the instructional team see fit. Standardized assessments are also listed below each outcome on the following list. Aim High reserves the right to change which standardized tests are used in order to be in compliance with state and federal law. Appropriate modifications to assessment methods will be made for students with exceptional needs.

1. Required Minimum Standards

Students in Aim High Community Charter School will be expected to exceed the minimum level of performance required to attain each standard. As experienced educators, however, we know that some students will struggle with the academic program. Each student will have a assigned team of adults (Student Success Team) for support when needed. This student support team will include a student's advisor, teachers, a school administrator, and the student's parents/guardians. If a student falls below the minimum level of performance in a class, as outlined below, a teacher would immediately notify a student's advisor, who would be responsible for communicating with the support team. The support team will then agree upon and implement the appropriate strategies: Appropriate strategies to support that student in meeting the outcomes and raising his or her performance to at least the minimum required by the standards. If the student failed to meet the required standards, he or she would not pass that grade. **All students will take grade-level, standards-based, and baseline assessments at the beginning of the year, and those assessments are designed by teachers. The**

tests are administered again at the middle and end of the year to help teachers target the instructional needs of students and their growth.
Listed below the assessment methods are indicators that would alert the school that a student is not meeting the minimum performance levels.

1a) Math

Sample Internal Assessment

1. Students will be tested in class on mathematical skills on a regular basis.
2. Students may complete essays about problem solving techniques used to do homework sets.
3. Students may complete "reasoning" portfolios, which will show the progression of their work in math class.
4. 7th and 8th graders will take the Algebra Readiness exam at the end of the school year.

Minimum Required Performance

1. A student attains a 70% average grade on homework, tests, quizzes, essays about problem solving, reasoning portfolio, projects, or other class work.
2. A student completes the additional requirements that the Aim High Community Charter School instructional team develops.

1b) Humanities

Sample Internal Assessment

1. Students will be assessed on reading skills by tests over each unit of material taught in class.
2. Students' writing and presentation skills will be assessed through writing creative essays, poems, critical analyses and one semester-long research project in which student present their final papers at the class' "Exhibition Conference".
3. Students will complete one major research paper, which will be written in several sequential small sections. Writing each section will serve as scaffolding for the drafting process.
4. Humanities teachers will emphasize reading and writing assessments throughout the year.

Minimum Required Performance

1. A student attains a 70% average grade on homework, tests, quizzes, projects, creative papers, poems, critical analyses or other class work.
2. A student completes the major research paper and presents it at the in class "Exhibition Conference".
3. A student completes the additional requirements that the Aim High Community Charter School instructional team develops.

1c) Science

Sample Internal Assessment

1. Short-term assessments may include laboratory-based tests on the scientific method held both in class as well as in the field at the GGNRA site. In these tests, students are given a problem and expected to answer the question by designing and completing a scientific experiment.

2. Within each unit of study, teachers will alternate between in-class tests or quizzes and problem-based assessments (PBAs) as a way to measure student achievement.

Minimum Required Performance: (see note above)

1. A student attains a 70% average grade on homework, tests, quizzes, laboratory reports, projects, or other class work.
2. A student completes the additional requirements that the Aim High Community Charter School instructional team develops.

1d) Issues and Choices

Sample Internal Assessment

Because this class is unique to Aim High Community Charter School, it does not explicitly fall under state standards.

1. Students will be assessed on their preparation for class by their contributions to daily discussions.
2. Students will be graded on the quality and frequency of their verbal contributions to class discussions.
3. Students will be assessed by writing one final lengthy paper on a topic of personal importance.

Minimum Required Performance

This course will be taken “pass/fail” by all students because it is focused on personal development and community building rather than academic skills.

1. A student completes the final paper on a topic of personal importance.
2. A student presents the major paper to class.
3. A student makes verbal contributions to class discussions.
4. A student completes the additional requirements that the Aim High Community Charter School instructional team develops.

2. Use and Reporting of Data

AHCCS will identify or develop a school information system that has the capacity to collect, analyze, and report a variety of reports on student achievement, including disaggregated data by content strand, student subgroup, grade-level, and classroom-level analyses. The staff will be trained on how to interpret standardized test data and will be engaged in critical analysis of the data in order to determine how the school can address any performance deficiencies or negative data trends. The data analysis will be tied to professional development so teachers can enhance their understanding of student performance in light of multiple assessment data and modify their instruction accordingly as appropriate. Specifically, AHCCS staff will analyze trends, significant changes, and anomalies to track individual student growth over time, evaluate specific, aggregated and disaggregated groups of students, measure performance on the state tests, API, and school-based growth data and authentic assessments to assess academic performance from year to year.

Data will be reported both in absolute scores and year-to-year gains and losses. AHCCS’ student performance data will be reported to school staff, parents and guardians. Subject areas teachers and the teacher advisors will record into AHCCS’ electronic data collection system ongoing student performance assessments that track students’ progress toward

achieving their identified learning objectives. These electronic records will reflect the daily performance of students regarding specific content and behavioral skills. The teacher advisor will meet with their individual student advisees to discuss ongoing performance and to identify changes needed in attitudes, effort, and focus on task. The teacher advisor will summarize the conclusions of the conference and will communicate these to the subject area teachers.

At least each semester, individual students will receive a report card indicating level of performance for each core academic subject, with separate indicators for knowledge, skills, and attitudes. This report card will stand as the record of note for parents, home districts, students, and court appointed officers. Additional, AHCCS teachers will complete written narrative progress reports twice per year (once each semester). Teacher advisors will schedule parent conferences to discuss issues related to student academic performance. These conferences may be scheduled as telephone conferences or school site meetings. The parent contact is essential to the integration of the student's school performance and treatment program.

In sum, we will analyze our student performance data, ensure that all staff, board members, and parents are kept abreast of how AHCCS students are performing, and make appropriate changes to our instruction to ensure continuous improvement, both of our students' progress, and of our educational program.

3. Affirmation of Assessments Alignment to Mission, Outcomes & Curriculum

Aim High Community Charter School strongly believes that in order to cultivate a strong school culture, the school's philosophy must be explicitly woven throughout all parts of campus life. Aim High Community Charter School will be a supportive school environment designed for students working to excel in both academic and non-academic life. The curriculum and exit outcomes closely parallel the overall philosophy of the school. For example, in including both the histories of western and non-western cultures, we will model interest in and respect for the diverse ethnic backgrounds of the students within the school. Another important piece of aligning the school's mission and outcomes is the Issues and Choices course that will foster a classroom community that combines academic rigor within a supportive personal setting— a model we will see throughout every part of Aim High Community Charter School. Below is a matrix of the alignment of school outcomes with the seven elements of the Aim High Community Charter School.

Element of Mission Statement	**Example of an Aligned Outcome**
Provide students with a challenging and vibrant school setting.	Humanities Outcome: Students will demonstrate strong reading, writing, listening, speaking and presentation skills, in multiple forms of expression (e.g. written, oral multimedia), with communication skills appropriate to the setting and audience.
Provide students with a personalized school setting.	Issues and Choices Outcome: Student will develop the ability to engage in responsible, compassionate peer relationships, by participating in conflict resolution training and serving on the peer dispute resolution board.

Element of Mission Statement	Example of an Aligned Outcome
Prepare students for high school and heighten college awareness.	High School counseling, college awareness and financial aid workshops for graduates of Aim High Community Charter School.
Prepare students for lifelong learning.	Math Outcomes: Students will have strong problem solving skills and develop abilities to reason logically.
Integration of collaborative partners from the Bay Area community.	Science Assessment: Short term assessments may include laboratory-based tests on the scientific method held both in class as well as in the field (i.e., through Exploratorium field trips).
Enable teachers to develop innovative approaches to teaching.	PBAs (problem based assessments) also allow teachers to create innovative curriculum designed with the needs of their specific students in mind.
Commitment to reaching, serving and educating a diverse population of students.	Humanities Outcome: Students will understand and apply civic, historical and geographical knowledge in order to serve as citizens in today's world of diverse western and non-western cultures.

D. Governance Structure of School

1. Role of Parents in Governance of the School and Related Governance Information

Parents will hold at least two seats on the Aim High Board of Trustees; these parents, like all other board members, will be interviewed, nominated and selected by the Trustees committee of the Board and approved by the full Board of Trustees. Additionally, we will establish a School Site Council of 7-10 parents, faculty and staff that will be deeply involved in supporting the faculty and overall educational program and developing and sustaining the daily life of school. The SSC will meet on a monthly basis and a representative (Chair or Co-Chairs) will meet on a regular basis with the Principal and Executive Director. The SSC will also report, on a regular basis, to the Aim High Board on progress and issues concerning the school and make recommendations on necessary action items.

We anticipate having the following four (4) committees of the School Site Council: Outreach and Enrollment, Faculty and Program Support, Facility, and Communication. Aim High Community Charter School will also work with parents and guardians to develop and adopt a set of parent involvement policies and strategies.

The Director of the Student/Parent Community Center at the Aim High Community Charter School will oversee parent engagement and involvement. Parents will have multiple opportunities for further involvement besides governance, such as Orientation, Back-To-School Nights, Cultural Days and other special events and parent/teacher conferences. We anticipate encouraging parents and families to contribute a reasonable number of work hours per year to the school.

The Aim High Community Charter School administrative team will be lead by the Executive Director and the Principal. The Principal will report directly to the Executive Director. The day-to-day operations of the school as well as curriculum development and faculty evaluation will be the responsibility of the Principal (see Element E). Key members of the administrative team will

include the school counselor/Issues and Choices coordinator and the Director of the Student/Parent and Community Center.

We anticipate having regular meetings among the Executive Director, the Principal and the faculty that will take place once a week, which will ensure teacher input in the ongoing development and day-to-day operation of Aim High Community Charter School. Grade-level faculty teams will also meet once per week. Additionally, there will be a seat on the governing board reserved for the Principal or a faculty member. A Leadership Team will be established at the school, as well as a Student Life Team.

Aim High Community Charter School will be non-sectarian in its programs, admissions policies, employment practices and all other operations, shall not charge tuition and shall not discriminate on the basis or race, ethnicity, national origin, gender or disability.

2. Governing Board/Structure and Development Team

This charter petition is being submitted by a diverse group of Aim High teachers, parents and trustees from the Aim High Board of Trustees. The submission of this charter petition has been approved by the Aim High Board of Trustees. Aim High Community Charter School will operate under the existing Aim High non-profit organization.

Our development team is a dedicated group of Aim High constituents comprised of: summer program site directors, teachers, parents, Aim High graduates, members of the Aim High Board of Trustees and the Executive Director.

The current Aim High Articles of Incorporation and By-laws are attached as supplemental information; the by-laws are a comprehensive set of governance policies that outline the roles and responsibilities of our governance system, as described below. The by-laws may be adjusted if necessary during the planning phase.

The members of the Aim High Community Charter School Development Team are as follows:

Alec Lee, *Development Team Director* -- School administrator/teacher, 22 years; co-founder and Executive Director of Aim High summer program, non-profit organization; co-founder of Aim High Academy; co-founder of the Bay Area Teachers Center.

Jessie Beckwett-McWalter - *Aim High Board of Trustees* – Attorney

Scott Wu - Founder and partner, Tasman Financial Group and President of the Aim High Board of Trustees.

Joan Boyle – Aim High summer school parent and Aim High volunteer

Brian David - *Aim High Board of Trustees* – Vice President, Visage/Mobile, board member of the Full Circle Fund

Matt Reno - *Director of Operations,* teacher for twelve years, administrator for ten years, Aim High summer program site director.

Shafia Zaloom - teacher for twelve years, administrator for five years, Aim High summer program site director.

Eric Premack, *Consultant* – CSDC co-director; extensive expertise in all areas of charter school development, legislation, finance, policy and operations.

Laurie Gardner, *Consultant* – CSDC co-director; former school director; extensive expertise in all areas of charter school development, evaluation, assessment and accountability.

Laura Foulke – Director of Development, Aim High; former Dean of students at Neighborhood Charter School, Boston, MA.

Michelle Burns – Director of Aim High Student/Parent and Community Center

Marites Alves – Aim High summer school site director, KIPP Academy teacher.

Marlies Mccallum – Resource Specialist, SFUSD, Aim High Academy and Gateway High School.
Michael Fox – Science Teacher, James Denman Middle School.
David Woulfin - Science Teacher, Aim High Academy
Stacy Thomas - Aim High summer school site director and teacher, Lionel Wilson Preparatory School (Aspire Public Schools).
Richard Lautze – Director, Aim High Headlands Environmental Home
Malia Dinell - Science Teacher, Bret Harte Middle School, Oakland
Miles Denniston, *Consultant* – CSDC staff member

3. Aim High Board of Trustees

The Aim High Board of Trustees' roster is attached to this charter submission. The size of the Board of Trustees is 20 trustees.
The non-profit maintains in effect general liability and board errors and omissions insurance policies. For many years, the non-profit has purchased its insurance policy through Sweet and Baker (the firm works with many schools and non-profits) and a sample insurance policy is available upon request.
The governing board's major roles and responsibilities include upholding the organization's mission, approving major educational initiatives, approving major contracts, overseeing the budget and fiscal affairs, monitoring the school's educational and operational performance; fundraising; hiring and evaluating the Executive Director. Board members are appointed based on their commitment to Aim High and its educational programs and their expertise in educational, legal, financial and development areas. The Board's work is handled in committees, which include Development, Finance, Trustees and Aim High Community Charter School. As previously mentioned, a School Site Council will also be established by AHCCS. We intend to recruit at least two new members of the Board, which meets on a regular basis, from the parents/guardians of AHCCS students. We plan to create a committee of the Board whose sole responsibility will be overseeing and providing advice and support to the Aim High Community Charter School's leadership. We plan to identify a SFUSD representative as a non-voting member of the governing Board. The representative of SFUSD would serve as a non-voting member to facilitate communication and mutual understanding between the district and the school.

3a) Election, Term, and Removal Process for Board Member

Board appointment, election, and terms are clearly spelled out in the Board by-laws. Board members are selected and nominated by the Trustees Committee and approved by the entire board.

1. At fall meetings of the AHCCS School Site Council, parents will recommend their representatives for the Board of Directors. There will be open nominations of candidates for the Board of Directors. Candidates will give brief presentations regarding their qualifications for the position and then assembled parents will vote by secret ballot if there is more than one candidate for each opening.
2. The AHCCS Principal will also be an ex-officio member of the board.
3. SFUSD may appoint a member to the board of directors if it so desires

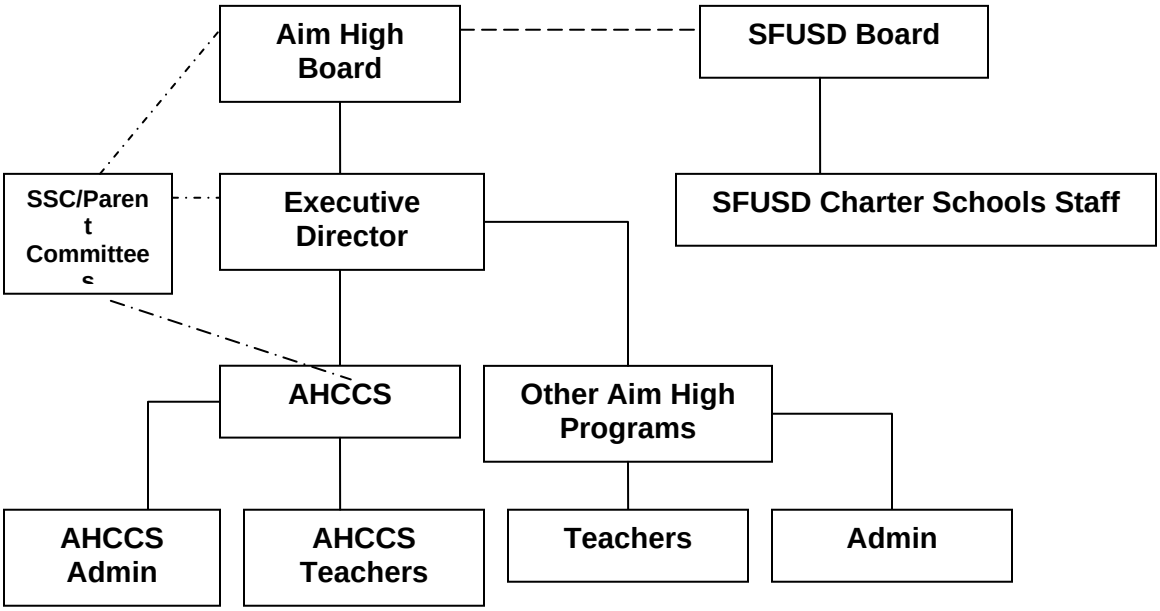
Aim High board members may recommend the removal of a board member pursuant to the Board of Directors' removal policy and procedure that will be set forth in the school's bylaws.

3b) Aim High Board Responsibilities

The Aim High Board of Trustees and School Site Council will be responsible for the following activities:

1. Developing annual goals for the school and long range plans with input from the Executive Director, teachers, and parent action committee
2. Establishing and approving all major educational and operational policies
3. Approving all major contracts
4. Approving the school's annual budget and overseeing the school's fiscal affairs
5. Evaluating the performance of the Executive Director via a process to be approved by the board
6. Assessing AHCCS goals, objectives, academic achievements / student progress, financial status, and any need for redirection
7. Evaluating school and student performance
8. The Board of Trustees is the responsible agent for the accountability requirements established by the California Charter Schools Act of 1992 and the school's Charter. As a part of this responsibility, the board will submit a yearly programmatic performance review to the SFUSD, including an assessment of the school's educational performance and its administrative and financial fitness. This report will also assess how well the school is fulfilling the programs outlined in this charter, specifically regarding student progress
9. Receiving reports from, and providing recommendations to, the Aim High Executive Director and AHCCS Principal and staff

The following is an outline of the proposed governance structure of AHCCS:



4. School's Legal Status & Relationship to the Charter Granting Agency

The role of the authorizing public chartering agency will be as follows:

- **Oversight:** The San Francisco Unified School district will provide performance monitoring, in compliance with the Education Code, described below, charter renewal/revocation as necessary and in compliance with the Charter Act; and dispute resolution processes as specified in Element N of this charter.
- **Governance:** As noted above, the chartering agency will be invited to have a nonvoting representative on the school's governing board to facilitate communications and mutual understanding between the school and agency.
- **Provision of Services:** In the planning phase, Aim High Community Charter School will consult with a financial /managerial expert to determine which business/operational functions can efficiently be performed by school personnel and which services would best be contracted out. With this understanding, Aim High Community Charter School may negotiate with SFUSD to receive needed business (e.g., accounting, payroll) and operational support (e.g., legal, insurance) services. Presently, the non-profit employs a full-time Director of Operations, who oversees all financial aspects of the organization. We also use a non-profit accounting firm, Armanino McKenna to prepare our monthly financial reports (balance sheet, income statement, cash flow statement), and our year-end financial statements. The non-profit contracts with Lautze and Lautze for our annual 990/tax return.
- **Special Education/SELPA Issues:** Aim High Community Charter School and the SFUSD pledge to work in cooperation with each other to ensure that a free and appropriate education is provided to all students with exceptional needs. During its first year of operation, Aim High Community Charter School intends to function as a "public school of the local education agency that granted the charter" for purposes of providing special education and related services pursuant to Education code Section 47641(b). During each school year that Aim High Community Charter School operates as an arm of the SFUSD, the school shall pay to the district an amount of funding per unit of average daily attendance equal to the district's direct costs of providing special education and related services minus the district's revenues from all special education and transportation funding sources. In return, the SFUSD shall provide the school with all the funding and/or services reasonably necessary to ensure that all students with exceptional needs who attend the school are provided a free and appropriate education.
- **MOU:** Aim High Community Charter School and the SFUSD shall annually and in good faith negotiate and enter into a written agreement (Memorandum of Understanding or MOU) to more clearly specify the desired mix of special education funding and services to be provided. Aim High Community Charter School shall enjoy reasonable flexibility to decide whether to receive services, funding or some combination of both pursuant to Education Code Section 47646(b). Aim High Community Charter School and the SFUSD shall work in good faith to document the specific terms of this relationship in the annual contract or MOU. After consulting with the SFUSD SELPA Director, the initial and annual MOU will address, but not be limited to, the following issues: Referral, Assessment, Instruction, Due Process, and Allocation of actual and excess costs. The MOU will also clearly describe the process of notifying the SFUSD when a special education student enrolls, becomes

eligible/ineligible and/or leaves the charter school. The MOU will also describe the transition to or from the SFUSD when a student with an IEP enrolls in, or transfers out of, Aim High Community Charter School.

- Aim High Community Charter School also declares the following assurances: Aim High Community Charter School will comply with all provisions of IDEA; no student shall be denied admission based on disability or lack of available services; the Student Study Team shall be integrated into the school program and overseen by the Counselor/Issues and Choices coordinator; and, any student in need of section 504 services will be the responsibility of Aim High Community Charter School.
- **Annual Agreement:** The *SFUSD* agrees to develop an annual agreement or agreements with Aim High Community Charter School that outlines how supervisory and oversight duties, described above, will be provided. In addition, the agreement(s) will cover the provision of facilities, special education services and funding, transfer of funds, and the provision of any additional services that the school contracts with the district to provide. This agreement will be negotiated in a timeline manner after the charter has been granted. The agreement shall be completed no later than the commencement of the school year on an annual basis.
- **Oversight, Reporting, Revocation and Renewal**: San Francisco Unified School District may inspect or observe any part of the school at any time, but shall provide the Executive Director and Principal of Aim High Community Charter School reasonable notice prior to any observation or inspection unless such notice would prevent the performance of reasonable oversight functions. San Francisco Unified School District shall endeavor to provide such notice at least three working days prior to the inspection or observation unless the school's board or director agrees otherwise. Inspection, observation monitoring, and oversight activities may be assigned or subcontracted to a third party by San Francisco Unified School District without the mutual consent of the governing board of the school, though the charter prefers to be informed of such decision.
- Aim High Community Charter School will also compile and provide to the district an annual performance report. This report will, at a minimum, include the following data:
- Summary data showing student progress toward the goals and outcomes specified in Element B from assessment instruments in Element C.
- An analysis of whether student performance is meeting the goals specified in Element B. This data will be displayed on both a school-wide basis and disaggregated by major racial and ethnic categories to the extent feasible without compromising student confidentiality.
- A summary and analysis of the school's performance on state-mandated assessments including the Academic Performance Index or alternate Academic Performance Index.
- An annual educational program audit may also include data from the following sources:
  - Rubrics showing student progress over time in all curricular areas
  - Teacher observations and narratives
  - Parent and staff surveys, focus groups and input
  - Community input

- θ Input from the SFUSD
- A summary of major decisions and policies established by the school's governing 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. Feedback from these surveys will be used to strengthen the school program.
- 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 the charter Element G to achieve a racially and ethnically balanced student population.
- An overview of the school's admission practices during the year and data regarding the numbers of student enrolled, the number on waiting lists, and the numbers of students expelled and/or suspended.
- Other information regarding the educational program and the administrative, legal, and governance operations of the school relative to the compliance with the terms of the charter generally.
- The charter school and the SFUSD will jointly develop the content, evaluation, criteria, timelines and process for the annual performance reports. The school and granting agency 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.
- This audit will be reviewed by the Board of Trustees to ensure continuous improvement and faithfulness to the charter. It will be submitted to the chartering LEA, the State Controller, and to the California Department of Education by December 15th of each year.

5. Special Education Governance

The Aim High Community Charter School and the San Francisco Unified School District pledge to work in cooperation to ensure that a free and appropriate education is provided to all students with exceptional needs in accordance with all state and federal laws regarding provision of special education services.

During its first year of operations, the Aim High Community Charter School intends to function as a public school of the San Francisco Unified School District for purposes of providing special education and related service pursuant to Education Code Section 47641(b). The Aim High Community Charter School and the district shall annually, and in good faith, negotiate and enter into a written agreement, via a memorandum of understanding or annual operational agreement, to clearly specify the desired mix of special education funding and services to be provided and to detail the specific terms of such services and funding.

After its first year of operations, Aim High Community Charter 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 district shall not hinder or otherwise impede the efforts of the charter school to do so. AHCCS has no immediate plans to pursue LEA status. In the event that AHCCS opts not to establish independent LEA and/or SELPA status, it shall remain an arm of the district for special education purposes as required

by Education Code Section 46741(b), and shall continue to receive funding and services pursuant to the terms of this section and the annual agreement.

E. Qualifications to be met by Employees

AHCCS will ensure that all legal qualification requirements will be met for teachers, staff, paraprofessionals and other administrative employees of the school. Each certificated employee at the charter school will meet the state licensing requirements for the position that he/she holds. No state licensing requirements exist for most non-certificated positions. For all positions, certificated and non-certificated, the employee, at minimum, needs to satisfactorily meet the performance specifications required for the position and must possess the qualifications required to perform the essential functions of the position, as determined by the Aim High board and/or the Executive Director. The number, type, mix and salary levels of each employee are outlined in detail in the financial plan, attached. All persons working on campus or when students are present must submit to a criminal background check pursuant to Education Code 45125 and must have a current TB test on file with the charter school.
AHCCS will adhere to the No Child Left Behind (NCLB) requirements with respect to teachers and paraprofessional employees. Teachers will meet the requirements for employment as stipulated by the California Education Code section 47605(l). Teachers of core, college preparatory subjects (i.e. English language arts, math, science, history/social science, special education) will hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in a non-charter public school would be required to hold. As specified in NCLB, as applicable to charter schools, AHCCS will have flexibility regarding the qualifications needed for teachers in non-core subject areas. In order to ensure implementation of the school's mission and educational philosophy, preference will be given to teachers who have experience designing and implementing a curriculum aligned to state standards.

1. Executive Director & Principal

The administrative leadership of the school will be primarily in the hands of the Executive Director and the Principal. These two skilled educators will have primary responsibility for the management of the school, including policy and administrative oversight; recruitment, hiring, supervision and evaluation of faculty; educational program development and oversight; financial management; fundraising; parent, staff and student relations; and site maintenance oversight. The Executive Director and Principal will be supported in these functions by the Board of Trustees and by standing committees of the School Site Council and by a skilled office manager. We reserve the right to change the administrative structure as the school's needs change.

1a) Leadership Competence

- The ability to articulate and support the philosophy and direction of the AHCCS academic program;
- The ability to implement program initiatives through appropriate professional development for staff;
- The ability to lead effectively within a team environment;
- The ability to be the main liaison to and communicate effectively with staff, students, parents, community, private partners and outside agencies (including SFUSD) to better meet the needs of the students in the school;

- The ability to use appropriate communication tools, especially current technologies;
- The ability to exhibit and promote multicultural awareness, gender sensitivity and racial and ethnic appreciation;
- The ability to implement a shared decision making process agreed upon by all stakeholders;
- The ability to establish a framework for collaborative action and involve the school community in developing and supporting shared beliefs, values, mission and goals for the school;
- The ability to make informed, objective judgments;
- The ability to work with all staff to create an effective staff development plan for all staff;
- The desire and ability to engage in continuing education and skills upgrading.

1b) Administrative Competence

- The ability to create and maintain a safe, orderly, positive and effective learning environment;
- The ability to annually evaluate the performance of all school-based staff;
- The ability to employ and monitor acceptable accounting procedures in the maintenance of all fiscal records;
- The ability to work well with the school governing board;
- The ability to create and maintain a climate of respect and fairness for all staff and students.

1c) Overall Qualifications (Desired/Preferred but not required)

- School management and administration experience;
- At least 5 years experience in the education field;
- Curriculum implementation expertise;
- Experience with school budgets;
- Willingness to learn about charter school leadership.

2. Teachers

For all core classes, Aim High Community Charter School will retain or employ teaching staff who hold valid California teaching certificates, permits, or other documents issued by the Commission on Teacher Credentialing. These teachers will teach the core academic classes of Mathematics, Science, Humanities (language arts and social studies combined course) and Issues & Choices. These teachers will be responsible for overseeing the students' academic progress, monitoring grading and matriculation decisions as specified in the school's operational policies, and communicating regularly with parents in both formal (parent conferences) and informal ways (phone calls home). At each grade level, one teacher will serve as a grade-level coordinator overseeing curriculum planning and development for that grade level. The Issues and Coordinator will oversee the advising system and students life and discipline issues.

2a) Qualifications for Teacher include

- Valid credential from the California Commission on Teacher Credentialing
- College Graduate/Bachelors Degree
- Optional, yet strongly encouraged: Teaching Experience in the Aim High summer school program.
- Demonstrated expertise in subject area and the ability to communicate the appropriate knowledge to each student.

- Possession of a CLAD credential.
- Knowledge and experience with standards-based instruction: ability to align curriculum and standards and willingness to adopt grading practices that can be used in standards-based grading.
- Knowledge of assessment strategies and the ability to use data to drive teaching and ensure continuous improvement of student learning.
- Ability to effectively use a broad range of instructional strategies, including providing a guaranteed curriculum, challenging goals and effective feedback, differentiated instruction, and back mapping, among others.
- Demonstrated competence using advanced technology as a learning tool: willing and able to integrate technology into teaching and student learning.
- Outstanding classroom management skills.
- Belief in our mission that all students will learn and successfully master the content and skills necessary for advanced post-secondary education.
- Experience working with diverse youth.
- Willingness to work as a vital part of the AHCCS team to ensure continuous improvement for students, staff and AHCCS community as a whole.
- Willingness and ability to work with students and parents on an ongoing basis to ensure student success.
- Love of students, enthusiasm for teaching, the belief that each student can and will succeed and the willingness to do what it takes to make that happen.
- Desire and ability to engage in continuing education, staff development and skill upgrading.
- Positive references from most recent employment and/or college or graduate school.

3. Specialists

Specialists, such as art and music teachers, will have similar qualifications to Lead Teachers and will be similarly responsible for assessment of student progress, but will not have primary responsibility for parent communication. We will aggressively pursue funding for these positions with foundations that have supported Aim High in the past. We have already begun the process of extending existing partnerships between Aim High and the Exploratorium and between Aim High and the Golden Gate National Recreation Area .We also plan to work closely with Sports4Kids to provide Physical Education for AHCCS students. Additionally, a counselor and Parent Liaison will be key members of our faculty, fully integrated into the leadership of the school.

3a) Qualifications for Specialists and Non-core Teaching Staff include:

- College Graduate/Bachelors Degree
- Optional, yet strongly encouraged: Teaching Experience in the Aim High summer school program
- Experience relevant to their specialty area

4. Support Staff

An office manager will be responsible for overseeing the office on a day-to-day basis. Responsibilities will include: Receptionist duties, monitoring attendance, grades and transcripts and student files, coordinating parent volunteers, and school office management responsibilities. We anticipate that auditing, accounting, and other necessary services will be

contracted out as necessary. As the school grows, we may hire additional support staff as necessary.

The school will seek administrative and operational staff members who have demonstrated experience or expertise in the issues and work tasks required of them and will be provided professional development opportunities to ensure that they remain abreast of all relevant changes in laws or other operational requirements. All non-instructional staff will possess experience and expertise appropriate for their position within the school as outlined in the school's staffing plan and the school's adopted personnel policies. We expect the support staff to be familiar with the current Aim High program and the mission and goals of Aim High Community Charter School.

5. General Requirements, Hiring and Performance Review

Prior to employment, and within thirty days of hiring, each employee will submit to a criminal background check as required by Education Code §44237. AHCCS will adhere to California laws including fingerprinting and prohibitions regarding the employment of persons who have been convicted of a violent or serious felony. AHCCS will comply with the provisions of the No Child Left Behind (NCLB) Act as they apply to certificated personnel and paraprofessionals. Each employee must furnish proof of tuberculosis (TB) testing, as well as documents establishing legal employment status. The Executive Director and/or administrative designees will be responsible for monitoring and maintaining documentation of criminal investigation clearances, as required by California and federal laws. Those employees that require a criminal background check and do not have a current background check will be required to undergo such a check through such services as a Live Scan fingerprint process. AHCCS will pay for such services on behalf of its prospective employees. These services will occur where the Live Scan service is offered, which may be located at district, county or local college facilities.

The Executive Director will have the authority to create formal job descriptions for each position, recruit and interview candidates. The Aim High board has the right, if it so chooses, to review these candidates' credentials before a job offer is made to the candidate. The Executive Director and Principal will have the responsibility of evaluating the performance of the teaching and administrative staff on a yearly basis. The Aim High board has the right, if it so chooses, to review these performance evaluations before they are delivered to the staff members. The Executive Director and Principal, with input from the Aim High board, will determine the criteria by which to judge the performance of these employees. The Aim High board has created a job description and will review the performance of the Executive Director, on a yearly basis.

6. Hiring Plan

AHCCS aims to hire a diverse faculty composed of highly qualified, fully credentialed teachers in our core subject areas. Aim High has extensive experience working with the educational community in the San Francisco area, including educators who AHCCS believes would be a good match for our program. In addition to attracting talented personnel in the immediate San Francisco area, AHCCS plans to contact regional and national graduate schools of education to publicize AHCCS for experienced educators. We will also seek staff through teacher recruitment fairs, professional publications, newspapers and through our website.

Our education program calls for the employment of 4.5 1.0 FTE teaching and high-level administrative positions, which include three 1.0 FTE certificated teachers, a half-time counselor and a full-time Principal. The Aim High Executive Director is a full-time employee of

the non-profit organization. All planned positions are clearly depicted in the Staffing and Personnel Data section of our attached five-year operating budget.

7. Employee Qualifications Conclusion

Aim High Community Charter School will begin in the fall of 2007 with a faculty of four full-time credentialed teachers: Humanities, Math, Science, and Issues and Choices (taught by the school counselor). The Issues and Choices teacher/school counselor will also coordinate the advising system and oversee student life. Teachers will also serve as academic advisors to a small group of students. Most faculty and specialists will offer at least one afternoon co-curricular activity (i.e., Art or newspaper/ literary magazine). The afternoon activities will allow teachers and students to interact in a different environment and heighten personalization. We encourage our incoming teachers to commit to teaching in the Aim High summer school (most or all will probably already be teachers in the program) and to participate in a two-week teacher-training/school development institute. Teachers must be dedicated to the mission and vision of Aim High Community Charter School. We plan to advertise positions in January of 2007.

F. Health & 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 4437. " Education Code Section 47605 (b) (5) (F)

Prior to commencing instruction, the Aim High Community Charter School will adopt and implement a comprehensive set of health, safety, and risk management policies. A draft set of health, safety and risk management policies is included in Supplemental Information A. These policies will be developed in consultation with the school's insurance carriers and at minimum include the following procedures:

- A requirement that all enrolling students and staff provide records documenting immunizations to the extent required by law, including mandatory tuberculosis screening for staff and volunteers expected to have prolonged contact with students.
- Policies and procedures for school wide training to respond to natural disasters and emergencies, including fires and earthquakes (Disaster Plan). This Disaster Plan will be appropriate to the school site.
- Polices relating to the administration of prescription drugs and other medicines.
- 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 the facilities present no substantial seismic safety hazard.
- Policies and procedures for the immediate reporting of suspected child abuse, acts of violence, or other improprieties, and the role and obligation of staff in the reporting of child abuse pursuant to CA Penal Code Section 11164.
- A policy establishing that the school functions as a drug, alcohol, and tobacco free workplace.
- A requirement that each employee of the school submits to a criminal background check and furnish a criminal record summary as required by Education Code Section 44237. The school will comply with the provisions of the California Education Code, Section 44237.
- Policies relating to preventing contact with blood-borne pathogens.

- A policy requiring that instructional and administrative staff receive training in emergency response, including appropriate "first responder" training or its equivalent.
  These policies and procedures will be incorporated as appropriate into the school's student and staff handbooks and will be reviewed on an ongoing basis in the school's staff development efforts and governing board policies. It is important to note that the existing Aim High program – a non-profit organization - has a comprehensive employee handbook that includes detailed health and safety procedures. We will use this handbook as a foundation for developing similar policies for Aim High Community Charter School.

G. Achieving a Racial/Ethnic Balance

"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." Education Code Section 47605(b)(5)(G).

Aim High Community Charter School does not anticipate any difficulty in attracting the fall, 2007 full enrollment (75-6th grade students) or subsequent classes, given the network of families who have already expressed strong interest in the school as well as the additional 600 families who are currently being served by the Aim High summer school program. In addition, we are planning an aggressive outreach strategy to ensure a diverse applicant pool. We intend to work closely with the SFUSD and may choose to utilize the district's diversity index, or a similar tool, to ensure a diverse student body.

Aim High Community Charter School will implement a student recruitment strategy that includes, but is not necessarily limited to, the following elements or strategies to ensure a racial and ethnic balance among students that is reflective of the district.

- An enrollment process that is scheduled and adopted to include a timeline that allows for a broad-based recruiting and application process.
- Announcements about the Aim High Community Charter School at the parent/guardian orientations at all Aim High summer school campuses each year. From these meetings, we will compile an extensive list of families who are interested in sending their children to the charter school.
- A series of public meetings each winter, in a variety of neighborhoods to inform parents about the school, with Spanish and Cantonese speakers where appropriate;
- The distribution of promotional and informational materials in Spanish, Cantonese and English to a broad variety of community groups and agencies that serve a diverse mix of race an ethnicity;
- A "no-hassle" application process, with no essay or other burdensome requirements.
- Inclusion in the SFUSD fall enrollment fair and related enrollment activities.
- A random selection process will be used each school year and a ranked waiting list created to fill openings as they occur.

Because we seek a targeted student population whose families may not be reachable by traditional means, AHCCS plans to utilize direct outreach strategies such as direct mailing and community and home meetings targeted in specific communities in the San Francisco area. AHCCS also may use bus stop signage and church and community group bulletin boards in an effort to tailor outreach efforts to a diversity of students/families.

H. Admission Requirements

Aim High Community Charter School will actively recruit a diverse student population from the district who understand and value the school's mission and are committed to the school's instructional and operational philosophy. Admission to the school shall be open to any resident of the State of California. Prospective students and their parents or guardians will be briefed regarding the school's instructional and operational philosophy and will be informed of the school's student-related policies. The school will establish an annual recruiting and admissions cycle, which shall include reasonable time for all of the following: (1) outreach and marketing, (2) orientation/information sessions for parents and students, (3) an admissions application period, (4) an admissions lottery if necessary, and (5) enrollment. The school may fill vacancies or openings that become available after this process using either a waiting list or any other non-discriminatory process. One of the standing committees of the School Site Council will be "Enrollment and Outreach" and will be responsible for monitoring our enrollment activities.
In the event that the number of students seeking admission to any grade or class exceeds capacity, the school shall have the right to grant priority in admissions to siblings of current students, children of staff, and residents of the charter-granting district.
Aim High Community Charter School has no requirement for admission and must admit any child that wishes to apply. We do, however, have a family-school agreement which all parents will be asked to sign and orientation meetings which parents will be asked to attend. A family cannot be turned away for refusing to sign this agreement or refusing to attend an orientation. In no instance will a student be refused admission nor subjected to any form of discipline for failure of a parent to sign or comply with the family school agreement.

1. Family School Agreement

This is an agreement to abide by the academic and behavioral rules of the school. Parents/legal guardians will be asked to sign a family school agreement stating that they understand the academic and behavior policies of Aim High Community Charter School and will support those policies and will work to ensure that their children abide by the rules of the school.

2. No Admission Testing

Post matriculation, Aim High Community Charter School may hold a grade-level knowledge-based examination, which allows the administrator or testing coordinator to assess the students' readiness for the grade of entrance; however, such assessments will not be used as a means to prohibit or discourage certain students from attending. Post matriculation, various assessments may be administered to further determine readiness or maintenance of the said grade. These instruments aid in the development of individualized learning plans for children. Children who are working below grade level or simply need a little extra help will be asked to attend voluntary summer and after school programs designed to remediate any deficiencies.

3. Application and Enrollment Process

The school will establish an annual recruiting and admissions cycle, which shall include reasonable time for all of the following: (1) outreach and marketing, (2) orientation sessions for students and parents, (3) an admissions application period, (4) an admissions lottery, if necessary, and (5) enrollment. The school may fill vacancies or openings that become available after this process using either a waiting list or any other non-discriminatory process.

Aim High Community Charter School will develop a standardized application packet and form required of all prospective students. Included with the application packet will be information detailing the educational philosophy, discipline policy, and parent participation plan of the Aim High Community Charter School. The application form will only gather basic contact information about the applicant. Parents/legal guardians must fill out and sign the application form and will be encouraged to sign the information sheet signifying that they agree to sign a binding contract to abide by AHCCS' policies should their child be admitted to the school.

3a) Timeline for first year of operation

We anticipate that applications for admission will be made available in January, 2007 (or earlier) and will be due by March 1st, 2007.

3b) Timeline for subsequent years of operation

Applications for admission will be made available in December of the previous year and will be due by the third Friday in March. The school will hold at least three parent information meetings between January and March so parents can learn more about the school before they apply.

3c) The Lottery and Priority Admissions

If the number of applications for admission to a grade exceeds the number of available slots in that grade, the spaces for that grade will be filled by random lottery. This lottery will be held in a public setting. Drawings will be held on a grade-by-grade basis to fill the available slots per grade. This lottery will take place during the last week in March (the lottery for opening year 2007 will occur no later than June 1, 2007). The lottery will be conducted with the following admissions preferences being given:

1. Students residing within the territorial jurisdiction of the San Francisco Unified School District (as required in education code section 47605(d)(2)(b); and
2. All others.
3. After the lottery, families will receive their official enrollment forms and will be informed of the enrollment process detailed below. If the number of applications does not exceed the number of spaces available in each grade in the school, there will be no lottery, and all students who submitted complete contact information will be enrolled.

Currently enrolled students will not participate in the random drawing, as they are automatically reserved a space for the following year.

3d) Enrollment Process

Each spring, after the lottery for admission, the school will hold at least one orientation meeting for parents. At the first meeting, staff and parents will review school policies and be asked to sign the family-school contract and official enrollment papers. The enrollment packet also includes information such as an immunization record and a list of emergency contacts. Parents and legal guardians will also receive a family-student handbook during this orientation. This is a mandatory meeting. Parents who cannot make this meeting must make a personal appointment with the charter school's Principal or designee to address the information covered in the meeting. A second orientation meeting may occur the week before school opens.

4. Assurances

The Aim High Community Charter School will be non-sectarian in its programs, admissions policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate on the basis of race, ethnicity, national origin, gender, or disability.

The Aim High Community Charter School will comply with applicable public agency, state and federal laws, regulations and codes during its operations.

I. Financial Audit

Aim High non-profit board of trustees will utilize its finance committee, or form an audit committee to oversee selection of an independent auditor and the completion of an annual audit of the school's financial affairs. The audit will verify the accuracy of the school's financial statements, attendance and enrollment accounting practices, and review the school's internal controls. The audit will be conducted in accordance with generally accepted accounting principles applicable to the school. To the extent required by applicable federal law, the audit scope will be expanded to include items and processes specified in any Office of Management and Budget Circulars.

It is anticipated that the annual audit will be completed by December 15th each year and that a copy of the auditor's findings will be forwarded to the chief financial officer of San Francisco Unified School District and the California Department of Education, as well as to any other entities specified by law.
The school's audit committee will review any audit exceptions or deficiencies and report to the school's board of directors with recommendations on how to resolve them. The board will report to the charter-granting agency regarding how the exceptions and deficiencies have been or will be resolved. Any disputes regarding the resolution of audit exceptions and deficiencies will be referred to the dispute resolution process contained in Element N.

J. Pupil Suspension & Expulsion

Aim High Community Charter school will develop and maintain a comprehensive set of student discipline policies. These policies will be outlined in the school's student handbook and will clearly describe the school's academic and behavioral expectations. Each student and his or her parent/caregiver will be required to verify that they have reviewed the policy and agree to work in partnership with the school to maintain high expectations for all students' safety and learning environment. Students who violate the school's policies, who are a serious disruption to the education process, and/or who present a health or safety threat may be suspended for up to five schools days with the possibility of extended suspension dependent on the severity of the infraction. The school will notify the student of the reason for the suspension and confer with the student's parent/caregiver as soon as possible regarding the suspension to ensure due process. If the severity of the infraction merits consideration for expulsion, a committee designated by the governing board will hold a hearing regarding the offense, and written notice of facts, allegations, and student/parent rights will be shared with the parent/caregiver prior to the expulsion hearing. If the committee determines that the case merits expulsion, the student may be expelled or offered conditional reinstatement to the school. These processes will be amended as required by law to protect the rights of students with disabilities or exceptional needs. This includes, but is not limited to, convening an individualized educational plan team if a suspension lasts beyond ten days or in the even that expulsion is recommended. The school will notify the district of any expulsions and will include suspension and expulsion data in its annual performance report.

In developing disciplinary procedures, Aim High Community Charter School will closely follow SFUSD guidelines and policies and utilize the SFUSD's "Students' Rights and Responsibilities" as well as the California Education Code as a foundation for our policies.
Discipline matters will be handled entirely by the Aim High staff and, in the case of expulsion, the Aim High Board of Trustees and School Site Council will be informed. Disputes resulting from disciplinary procedures will be handled according to the processes outlined in Element N of this charter. Complaints directed to the charter-granting agency regarding matters of discipline will be referred to the school according to the processes outlined in Element N of this charter.
Staff shall enforce disciplinary rules and procedures fairly and consistently amongst all students and accord all students with similar rights to due process. These disciplinary rules and procedures will be printed and distributed as part of the Student Handbook and will clearly describe discipline expectations. In addition to these suspension and expulsion policies required for this charter, prior to completing student enrollment, AHCCS will develop a complete set of student discipline policies and procedures which shall be distributed to each student/parent as part of the Student Handbook.
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, physical pain on a student.
For purposes of the policy, corporal punishment does not include an employee's use of force that is reasonable and necessary to protect the employee, students, staff or other persons or to prevent damage to the charter school property.
The charter school Principal shall ensure that students and parents/guardians are notified in writing of all discipline policies, rules, and procedures and given an opportunity to provide input and feedback on discipline policies and procedures. Transfer students and their parents/guardian shall be so advised upon enrollment. The notice shall state that these disciplinary rules and procedures are available on request at the charter school office.
Suspended or expelled students shall be excluded from all school-related extracurricular activities unless otherwise agreed during the period of suspension or expulsion.
A student identified as an individual with disabilities pursuant to the Individual with Disabilities Education Act is subject to the same grounds for suspension and expulsion and is accorded the same due process procedures applicable to regular education students except to the extent that federal and state law or the student's Individual Learning Plan (ILP) mandates additional or different procedures for that student. AHCCS will follow all federal and state law when imposing any form of discipline on a student identified as an individual with disabilities and according due process to such students.

1. Grounds for Suspension and Expulsion of Students

A student may be suspended or expelled for any of the enumerated acts listed below if the act is related to school activity or school attendance occurring at Charter School or at any other school: (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. An AHCCS student *shall be* recommended for suspension or expulsion for the following acts:

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 charter school Head of School or designee's concurrence.
3. Unlawfully possessed, used sold or otherwise furnished, or was under the influence of, any controlled substance as defined Health and Safety code sections 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 sections 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 a sexual assault as defined in Penal code section 261, 266c, 286, 288, 288, 288a or 289, or committed a sexual battery as defined Penal Code 243.4.
6. Made terrorist threats against school officials and /or school property.
7. Committed sexual harassment as defined in Education code Section 212.5.
8. Caused, attempted to cause, threatened to cause, or participated n an act of hate violence as defined in Education Code Section 233. (e)

An AHCCS student *may be* recommended for suspension or expulsion for the following acts:

1. Committed or attempted to commit robbery or extortion.
2. Caused or attempted to cause damage to school property or private property.
3. Stole or attempted to steal school property or private property.
4. Possessed or used tobacco or any product containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel.
5. Committed an obscene act or engaged in habitual profanity or vulgarity.
6. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in the Health and Safety Code sections 11014.5
7. Disrupted school activities or otherwise willfully defied the valid authority of supervisor, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties.
8. Knowingly received stolen school property or private property.
9. 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.

10. 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.
11. Intentionally harassed, threatened or intimidated a student or group of students to the extent 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.

2. Suspension Procedure

Suspensions shall be initiated according to the following procedures:

2a) Informal Conference

Suspension shall be preceded by an informal conference conducted by the charter school Principal and Executive Director or designee with the student and whenever practicable, the teacher, supervisor or school employee who referred the student to the charter school Executive Director.

The conference may be omitted if the charter school Principal or Executive Director 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.

2b) Notice to Parents/Guardians

At the time of the suspension, a charter 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 students may return to school. If school officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may add that state law requires the parent/guardian to respond to such requests without delay.

3. Authority to Expel

Only the charter school School Site Council, or Board of Trustees, upon the recommendation of the expulsion panel may expel a student. The Board of Directors may expel any student found to have committed an expellable offense(s) listed above in the “Grounds for Suspension and Expulsion.”

Except for expulsions for offenses listed under Education Code Section 48915(c), a student may only be expelled upon the findings and recommendations of the expulsion panel if the charter school Board of Directors finds that the student committed the expellable offense and that at least one of the following findings may be substantiated:

That other means of correction are not feasible or have repeatedly failed to bring about proper conduct.

That due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others.

4. Expulsion Procedure

Students recommended for expulsion are entitled to a hearing to determine whether the student should be expelled. The hearing shall be held within thirty school days after the charter school

Principal or Executive Director or designee determines that one of the acts listed under "Grounds for Suspension and Expulsion" has occurred.
The hearing will be presided over by the charter school Principal or Executive Director who will make a recommendation to the **expulsion panel**. The Aim High Board of Directors will initially serve as the expulsion panel; however, during the AHCCS planning year (the year prior to opening) and during the first year of operation, the school will explore the possibility of participating with other charter schools in creating panels of certified teachers who will review expulsion decisions. If AHCCS finds that panels of certificated charter school teachers are the most appropriate method for reviewing expulsion decisions, the school reserves the right to use such procedure.
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. The notice shall include:

1. The date and place of the hearing;
2. A statement of the specific facts, charges and offense upon which the proposed expulsion is based;
3. A copy of charter 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 in charter school to any other district in 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;
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;

4a) 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.
4b) Presentation of Evidence
While technical rules of evidence do not apply to an expulsion hearing, 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 expulsion panel to expel must be supported by substantial evidence that the student committed any of the acts listed in "Grounds for Suspension and Expulsion" above.
Finding of facts shall be based solely on the evidence at the hearing. While no evidence shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses whose disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm.
The decision of the expulsion panel shall be in the form of a recommendation to the charter school Board of Directors, who will then make a final determination regarding the expulsion.

4c) Written Notice to Expel

The charter school Principal or Executive Director or designee following a decision of the charter school Board of Directors to expel shall send written notice of the decision to expel to the student or parent/guardian. This notice shall include the following:

The specific offense committed by the student from the acts listed in "Grounds for Suspension and Expulsion" above

Notice of the right to appeal the expulsion to the County Board of Education (the SFUSD Board of Commissioners).

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 charter school

The charter school Principal or Executive Director or designee shall send written notice of the decision to expel to the Student's district of residence and the SFUSD Board of Education. This notice shall include the following:

1. The student's name
2. The specific offense committed by the student for any of the acts listed in "Grounds for Suspension or Expulsion" above.

The County Board of Education (SFUSD Board of Commissioners) has the right to hear appeals of the expelled student and, in some cases, has the right to reinstate a student. AHCCS and the SFUSD will work together in all student transfer, suspension and expulsion procesdures. AHCCS, to the extent possible, will design final policies consistent with the district's expulsion policies, once they are finalized. It is the intent of the AHCCS to review and adopt, with some modifications, the Suspension and Expulsion process of the SFUSD to avoid issues regarding due process.

K. Staff Compensation, Benefits & Retirement System

"The manner by which staff members of the charter school will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System or federal social security." Education Code Section 47605(b)(5)(K).

For retirement benefits, AHCCS currently anticipates that it will offer STRS to its certificated staff and a 403b plan in conjunction with Social Security for the rest of its non-certificated full-time staff, see attached financial plan.

Non-certificated staff at AHCCS will participate in the federal social security system and will 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.

AHCCS retains the option for its board of directors to choose to participate in California's State Teacher Retirement System (STRS), Public Employees Retirements System (PERS) or Social Security depending upon employee eligibility and what the board determines is in the best interest of the staff and the school as a whole. . Aim High acknowledges that SFUSD does not participate in PERS and it is unlikely that our organization will choose to participate in PERS. AHCCS will participate in Social Security as required by law. If the board chooses STRS in accordance with Education Code Section 47611.3, the county shall create any reports required by STRS. At the county's request, the school shall pay the county a reasonable fee for the provision of such services.

Regarding salary levels, AHCCS does not anticipate adopting a formal salary schedule. Although AHCCS does not plan to use a formal salary schedule, AHCCS recognizes that many

of our teachers and staff members might also be considering positions in surrounding school districts. AHCCS will therefore seek salary levels similar to the general salary levels being offered by these surrounding districts. Additional salary increases and bonus compensation may be provided to individual employees for their contribution to school and student success. We are also prepared to offer individual candidates higher compensation than they would receive from local districts if this is necessary to attract high quality candidates to our program. This philosophy is reflected in the attached financial plan. We reserve the right to adopt a formal salary scale in the future.

The Executive Director, with approval from the Aim High board, will have the authority to determine the salary and benefit levels, working conditions and work year characteristics (e.g., length of year and day, vacation policies, etc.) for all employees that will allow AHCCS to attract and retain the caliber of employees necessary for AHCCS' success.

L. Attendance Alternatives

"The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools." Education Code Section 47605(b)(5)(L).

No student is required to attend the Aim High Community Charter School. Students who do not attend the school may attend their local school 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 student enrolled in the charter school will be informed upon enrollment and within the student/parent handbook that the student has no right to admission in a particular school of any local education agency as a consequence of enrollment in AHCCS, except to the extent that such a right is extended by the San Francisco Unified School District.

M. Description of Employee Rights

"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." Education Code Section 47605 (b)(5)(M)."

Employees of AHCCS who were not previous employees of the San Francisco Unified School District will not become employees of the San Francisco Unified School District and will not have the right to employment within the district upon leaving the employment of the charter school. In compliance with the Leave Provisions of the SFUSD collective bargaining agreement, all certificated employees must make an election within a year to return to the district if they take a leave. AHCCS employees do not accrue service credit or seniority which will be applied to SFUSD employment.

Upon dismissal from the charter school no previous SFUSD employee may return to the district for employment without the prior written consent of the SFUSD. San Francisco Unified School District employees cannot be required to work at AHCCS, nor can the district require the charter school to hire district non-certificated, certificated, or confidential employees, with the exception of district employees provided to the charter school as part of the administrative services paid for by the charter school under a separately negotiated agreement for services or memorandum of understanding. Charter school employees are not subject to district transfers without written consent of that employee.

AHCCS faculty/staff are not eligible to carry over sick/vacation leave to and from the charter school and SFUSD.

The charter school shall adopt comprehensive personnel policies and procedures, approved by the non-profit board of directors that will be provided to each employee upon hire. These policies will set forth personnel obligations, rights, responsibilities, complaint procedures, discipline procedures, and other pertinent policies essential to preserving a safe and harmonious work environment. The non-profit Executive Director and AHCCS Principal will resolve complaints and grievances and will administer any personnel discipline, with the assistance of the district when necessary, in accordance with these policies. Disputes over personnel discipline will not be covered by the charter school dispute resolution process, and instead, will be resolved through the personnel policies and procedures.

N. Dispute resolution Process

"The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter." Education Code Section 47605(b)(5)(N).

1. 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 SFUSD, (3) insure a fair and timely resolution of disputes, and (4) frame a charter oversight and renewal process and timeline so as to avoid disputes regarding oversight and renewal matters.

2. Public Comments

The members of the Board of Directors and the staff of the charter school and the district agree to resolve all disputes regarding this charter school pursuant to the terms of this section. Our hope is that both AHCCS and the SFUSD will refrain from public commentary regarding any disputes until the matter has progressed through the dispute resolution process; however, we do acknowledge that the district (Board and staff) has the right to publicly comment on disputes.

3. Disputes Arising from within the School

Disputes arising from within the school, including all disputes among and between students, staff, parents, volunteers, advisors, and partner organizations and Board of Directors members of the school, shall be resolved by the charter school and the Board of Directors pursuant to policies and procedures developed by the charter school Board of Directors.
Our hope is that the district will not intervene in any such internal disputes without the consent of the Board of Directors of the charter school; we also hope that the SFUSD will refer any complaints or reports regarding such disputes to the chairperson of the Board of Directors, the School Site Council, the Executive Director or Principal of AHCCS for resolution pursuant to the charter school's policies. It is our preference that the district will intervene or become involved in the dispute unless the dispute has given the district reasonable cause to believe that a violation of this charter or related laws or agreements has occurred, or unless the Board of Directors of the charter school has requested the district to intervene in the dispute. We do recognize that the district has the right to intervene in any internal dispute involving students, staff, parents, parent organizations and its Board of Directors if the district believes that Aim High is not complying with state or federal law. AHCCS recognizes that the Education Code specifically provides that the chartering entity will have the right to investigate complaints by the charter school community.

4. Disputes between the School and the Charter-Granting Agency

In the event that the charter school and the district have disputes regarding the terms of this charter or any other issue regarding the charter school, both parties agree to follow the process outlined below.

In the event of a dispute between the school and the district, the staff and Board of Directors members of the school and district agree to first frame the issue in written format and refer the issue to the district superintendent, or his/her designee, and the charter school Executive Director. In the event that the district superintendent believes that the dispute relates to an issue that could lead to revocation of the charter, this shall be specifically noted in the written dispute statement.

The charter school Executive Director and the district 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 board members from their respective boards who shall jointly meet with the superintendent of the district and the Executive Director of the charter school and attempt to resolve the dispute. If this joint meeting fails to resolve the dispute, the superintendent and the Executive Director shall meet to jointly identify a neutral, third party arbitrator. The format of the arbitration session shall be developed jointly. The superintendent and Executive Director shall incorporate informal rules of evidence and procedure into the arbitration format unless both parties agree otherwise. The findings or recommendations of the arbitrator shall be binding. The charter school and the district shall each bear its own costs incurred as a result of its compliance with this dispute resolution process.

If the governing board of the district believes it has cause to revoke this charter, the board agrees to notify the governing board of the School 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 action, unless the alleged violation presents an immediate threat to health or safety. San Francisco Unified School District agrees to receive and renew the annual fiscal and programmatic audit and annual performance report as specified in Element I. Within two months of the receipt of this annual report, the charter-granting agency must notify the governing board as to whether it considers the school to be making satisfactory progress relative to the goals specified in this charter. The annual notification will include the specific reasons for the charter-grating agency's conclusions.

5. Oversight, Reporting, Revocation, and Renewal

The San Francisco Unified School District Board may inspect or observe any part of the charter school at any time, but shall provide reasonable notice to the charter school Executive Director prior to any observation or inspection. The district shall provide such notice at least three working days prior to any inspection, observation, or monitoring. If the Board of Education of the San Francisco Unified School District believes it has cause to revoke this charter, the board agrees to notify the charter school Board of Directors in writing, noting the specific reasonable time to respond to the notice and take corrective action. AHCCS understands and accepts that the Board of SFUSD may have legal right to revoke this charter if it has found legal and reasonable grounds for revocation specifically set forth in the law, provided however that SFUSD has given AHCCS prior notice of any grounds for revocation and reasonable opportunity to cure such violation, unless the district determines, in writing, that the violation constitutes a 'severe and imminent threat to the health or safety of pupils' (EC 47607d). AHCCS

agrees to respond promptly to all reasonable inquiries, including inquires regarding its financial records.
The board of the San Francisco Unified School District agrees to receive and review the annual fiscal and programmatic performance review and annual audit. Within two months of the receipt of this review, the district must notify the Board of Directors of the charter school as to whether it considers the charter school to be making satisfactory progress relative to the goals specified in the charter. This annual notification will include the specific reasons for the district's conclusions.

6. Annual Performance Report

Please refer to Element D (Governance) and Element I (Financial Audit)

O. Labor Relations

Aim High Community Charter School will be considered the exclusive public school employer for the purposes of the Educational Employment Relations Act. Under the EERA, AHCCS employees shall have the right to form a collective bargaining unit and to negotiate directly with the charter school. If the employees lawfully form a collective bargaining unit with a representative designated to negotiate with the charter school on their behalf, the charter school shall negotiate matters covered by the EERA directly with that representative. These matters may include such items as salary levels (which may be based upon such factors as educational degree attained, years of teaching experience and/or other factors), employee benefits (health plan provider, levels of coverage and co-payments, retirement plans, vacation days, dental and vision coverage, etc.), number of work days per year and number of teaching hours per day, and work rules (including required breaks).

P. Closure of Charter School

In the event that AHCCS closes (whether due to a decision by the charter authorizer or State Board of Education to revoke the school's charter, a decision by the charter authorizer not to renew the charter, or a decision by the school voluntarily to close), the assets and liabilities of the school will be disposed of by the Aim High board to another charter school, nonprofit or other appropriate entity in accordance with the asset disposition provisions of the school's bylaws and in accordance with California law governing non-profit organizations. The Board of Directors will attend to enumerating and disposing of the assets and liabilities as directed in the bylaws and the board chairperson shall ensure that a final audit of the school's assets and liabilities is performed.

At the end of each school semester or term, and upon graduation, parents/guardians of students will be provided with a printed or electronic transcript of their students' academic progress at the school, along with other relevant information. Thus, in the event of a school closure, parents/guardians and students will possess an independent copy of potentially necessary pupil records. The school's Board of Directors may also provide for the transfer of such records to a responsible and willing school district, county office of education, or other qualified entity, if available at the time the school closes.

School resources allowing, former charter school staff may be retained for a period of designated weeks or months after school closure to ensure that student records are transferred to the families and/or appropriate agencies. In the event that no such willing

repository is available, the records shall be disposed of or destroyed in a fashion that will ensure confidentiality of the records.

District Impact Statement

Aim High Community Charter School and
San Francisco Unified School District

Intent

This section is intended to satisfy the requirement of *Education Code section 47605(g)* that the charter school provide the district with a district impact statement. This section provides information regarding the proposed operation and potential effects of AHCCS on the SFUSD. It is intended to assist the SFUSD in understanding how AHCCS may affect the SFUSD but it is not intended to govern the relationship of the school and SFUSD. Further details regarding the relationship between AHCCS and SFUSD will be detailed in an annual memorandum of understanding between the charter school and the district.

Administrative Services

AHCCS will be a program of Aim High for High School, a California Public Benefit Corporation, which is governed by a board of directors as described above. A school Executive Director will enjoy lead responsibility for administering the school under policies adopted by the school's Board of Directors. The school anticipates that it will provide most of its own administrative services independent of the SFUSD. These include financial management, personnel, and instructional program development. If AHCCS desires to purchase any administrative services from SFUSD, AHCCS will seek to define the specific terms and cost for any such services in an annual memorandum of understanding with the SFUSD. In addition, SFUSD will be required to provide oversight and performance monitoring services, including monitoring school and student performance data, reviewing the school's audit reports, performing annual site visits, engaging in any necessary dispute resolution processes, and considering charter amendment and renewal requests.

Facilities

AHCCS anticipates enrolling approximately 75 students during its inaugural year and growing to a full enrollment of 225 in three years.

Aim High Community Charter School plans to be located within the physical boundaries of San Francisco Unified School District. We would prefer to be located on the Eastern side of San Francisco, in either the South-East quadrant, the Mission, the Bayview District or the Western Addition. We plan to be actively engaged in the work of the SFUSD Facilities Master Plan. We are also submitting this charter petition prior to November 15th, 2006 in order to be eligible for a district facility in fall, 2007, through Proposition 39 legislation. Although we would prefer to operate in a district building, we are also investigating non-district opportunities in San Francisco.

Regarding a facility for Aim High Community Charter School, it is important for Aim High Community Charter School to preserve the "Culture and Community" environment that it so vital to the summer program. When Aim High Community Charter School reaches its full enrollment, we may need a stand-alone facility. We are, however, interested and more than willing to share space with another small district or charter school with a similar mission and vision. Our initial facility needs to be a space that is distinct and clearly dedicated to Aim High Community Charter School. We need four to six classrooms, including a Science classroom and access to a computer lab. We need a viable faculty workspace, dedicated office space and a multi-purpose room for community meetings, drama activity and indoor sports and fitness. We also

need a playground that is appropriate for sports and games and access to a cafeteria. A standing facilities committee from the SSC will work with the SFUSD to conduct research toward securing a permanent school site. We have developed a list of both minimum and ideal specifications for the school site. After December 1, 2006, we will meet with the staff of SFUSD, as well as San Francisco city, county, and business leaders, to ascertain the best location for the school. The facilities committee will also study issues of liability insurance, ADA compliance, Field Act approval, and other zoning or regulatory requirements.

School Location

This charter authorizes the operation of Aim High Community Charter School, which shall operate within the geographic boundaries of the San Francisco Unified School District's geographic boundaries, unless the School is unable to locate within district boundaries and opts to locate outside of the district as authorized pursuant to Education Code 47605(a)(5).
It is the policy of Aim High to provide for safe and accessible buildings to support the educational programs of Aim High. For a more specific listing of the facility policies of Aim High, including building maintenance, replacement and expansion policies, please see the Facilities Development section of the draft Health and Safety Policies of Aim High. For facility-related financial projections, please see the attached detailed financial plan for AHCCS.
All facilities and sites will meet federal, state, and local building codes and requirements applicable to California charter schools prior to the site being used by the AHCCS. Because of our high percentage of socio-economically disadvantaged students, AHCCS may apply and qualify for facilities financing assistance under the state's Charter School Facilities Grant Program, and/or the state-administered Charter School Facilities Incentive Grants. These programs are designed to provide facilities assistance to charter schools serving high percentages of free and reduced-priced lunch students by paying a portion of a charter school's monthly facilities costs. If eligible, AHCCS could have up to seventy-five percent of its on-going facilities costs covered by these programs.

Civil Liability

AHCCS will be a program of Aim High, a California non-profit public benefit corporation. As such, the school's founders presume that the SFUSD will not be liable for the debts or obligations of the charter school pursuant to Education Code Section 47604(c). In the event that the SFUSD does not complete its responsibilities for charter school oversight under the Charter Schools Act, the SFUSD may expose itself to liability. The school intends to purchase liability and property insurance as outlined above to protect the school's assets, staff, Board of Directors members, and, where appropriate SFUSD personnel.

Additional Clauses

Term

The term of this Charter shall be 1st of July 2007 through the 30th June 2012. This Charter may be renewed for one or more subsequent five (5) year terms upon the mutual agreement of the parties.

Revisions

Material revisions of the provisions contained in this Charter may be made in writing with the mutual consent of the SFUSD board of trustees and the Aim High Board of Directors. Material revisions and amendments shall be made pursuant to the standards, criteria, and timelines in

Education Code Section 47605; provided however that the charter school shall not be required to obtain petition signatures prior to making material amendments to the charter petition.

Severability

The terms of this charter are severable. In the event that any of the 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 respective boards of AHCCS and SFUSD. The district and school agree to meet to discuss and resolve any issues or differences relating to invalidated provisions in a timely, good faith fashion.

Miscellaneous

The San Francisco Unified School District and the charter school shall engage in a mutually agreeable MOU, which outlines further details of the relationship between the district and the charter school.

The MOU shall include, but not be limited to the following:

Services to be purchased by the charter school from the district, and the fee schedule for such services, transportation and food services to be provided by the district, if any, special education services and funding formulas, hold harmless indemnification, if required by the district, cash advances to handle cash flow issues, if necessary, charter school's receipt of mandated cost reimbursement, fiscal reporting requirements to the state, either independently or through the district, and district support for the charter school in seeking additional funding.

The charter school may procure administrative services from the district, including site budgeting, instructional programs, development, custodial services, and food services accounting, payroll and purchasing services and some degree of personnel support. Specific terms of most of these services should be covered by the memorandum of understanding. The district will also be expected to provide oversight and performance monitoring services, including the monitoring of school and student performance data, reviewing the school's financial statement and audit reports, performing annual site visits, and considering charter amendment and renewal requests.

This MOU will delineate the liability of SFUSD if AHCCS should default. As a nonprofit organization, AHCCS anticipates that SFUSD's liability will be minimal as long as the district performs its oversight functions, according to law.

AHCCS reserves the rights to purchase additional administrative or other goods or services from any third party as needed.

Communication

All official communication between the charter school and the San Francisco Unified School District will be sent via first class mail or other appropriate means to the Charter School Executive Director and the Superintendent of the district:

Alec Lee – Executive Director
Aim High
P.O. Box 170340
San Francisco, CA 94117

San Francisco Unified School District
555 Franklin St.
San Francisco, CA 94102

APPENDICES

APPENDIX A

SAMPLE CURRICULUM

6th Grade Science

7th Grade Science

8th Grade Science

AIM HIGH COMMUNITY CHARTER SCHOOL

6th Grade Earth Science

The following document serves as a curriculum timeline, as well as a table of contents, for a year long, 6th Grade Earth Science course. "Science Content Standards" for 6th Grade.

Course Outline and Index

Unit 1: Introduction to Science – 6 weeks (1a through 1f; additionally, "Scientific Thinking Processes" appropriate for 6-8 graders will be covered in this unit. This includes the following skills: observing; communicating; comparing; organizing; relating; and, inferring.)

The unit begins with what will be, for most students, their first introduction to a more formal study of Science. Through a series of laboratory activities, students learn the "doing" of Science, beginning with a look at lab safety, followed by an introduction to observation and inference, quantitative measurement, the organization of data, and the development of scientific models that logically explain patterns observed in the data.

The unit concludes with an introduction to a few basic themes that help define the course: the immense magnitude of geologic time, the particulate model of matter, the unique chemistry of water, and the relationship between the transfer of heat energy between masses and the phase changes of matter. Students are introduced to these themes through a series of systematic observations and experiments that also teach how science is done.

Unit 2a: Density and Convection – 2 weeks (3c and 3d).

The concepts of "density" and "convection" occur with regularity throughout the study of Earth Science. An understanding of weather and plate tectonics, two of the key topics studied in 6th grade, is impossible without an understanding of density and convection. Therefore, Unit 2 begins with a short sequence of activities designed to expose students to density and convection in as many settings as possible.

Unit 2b: Weather – 4 weeks (3a through 3e).

The main unifying focus for this unit is an understanding that air masses have a characteristic temperature, pressure, and humidity, and these properties lead to the formation of weather. The unit looks at the phenomena of wind, clouds, and fronts, and how these phenomena are affected by the uneven transfer of heat energy through radiation and convection on, or near, Earth's surface. Throughout the unit, students are given an opportunity to collect qualitative and quantitative data related to weather patterns, and to relate observed data patterns to future weather phenomena.

Unit 3a: Geology – 4 weeks (4b and 4f):

The unit begins with a series of activities involving the classification of objects based on their properties. Students are then given an opportunity to examine and classify a set of rocks and minerals common to California. Then, through a series of investigations, they learn how geologists classify rocks based on how they are formed; the difference between rocks and minerals; and, the process in and on the Earth that create the "Rock Cycle."

Unit 3b: Plate Tectonics – 4 weeks (4a through 4g).

The second half of Unit 3 builds on the hands-on knowledge students gained through their investigation of rocks and minerals. Students learn about Earth's structure, the vastness of geologic time, and the dynamic processes involving heat transfer deep inside Earth that help drive the movement of tectonic plates on the surface of our planet. The theory of plate tectonics is then connected to the formation and destruction of landforms such as mountains and volcanoes, the creation and destruction of oceans, and the occurrence of earthquakes. The

concept of viscosity if introduced, as students explore the role viscosity plays in influencing the properties of volcanic eruptions. Each topic is introduced in a real world context, with special attention devoted to how tectonic processes affect California. An important aspect of this local focus centers on what students and their families can do to improve their own safety in the event of a large earthquake. Students also explore how buildings and structures can be designed to survive the magnitude of earthquakes common to the Bay Area.

Unit 4: Shaping Earth's Surface – 4 weeks ("Landforms," which is found in the 5th grade "Science Content Standards," but is part of the 6th grade state Science standards).

The unit begins with students developing their abilities to create models of various Earth features. Specifically, students learn how geologists use topographic maps to model Earth's surface. Then, through a series of investigations, students explore how plate tectonics, blowing wind, running water, and ocean waves, combined with the force of gravity, combine to alter the appearance of Earth's surface through the processes of weathering and erosion.

Unit 5: Ecology & Resources – 5 weeks (5a through 5e, and 6a through 6d).

In unit 5, students explore the interaction between organisms and the environment as they exchange energy and nutrients. The themes of renewable energy resources, food webs, and biomes, are explored through a series of investigations presented in the form of an "environmental detective story."

Science and technology are placed in a social context, as students work in teams to solve an environmental mystery: what is killing the fish in a watershed? The complex chain of events that result when organisms interact with the environment are explored, and students learn that sometimes, solutions require compromise.

Unit 6: Astronomy – 5 weeks (2a through 2c).

The astronomy unit gives students a chance to apply what they have learned about geologic processes on Earth to an investigation of other objects in our Solar System. In studying the structure and geologic processes of the planets, moons, asteroids, comets, and meteors of our Solar System, we in turn learn more about our own planet – both its past, and its future. Key themes in this unit include: the scale and magnitude of the Solar System and the Universe; and, the size of our Sun and how this determines the lifespan of our Sun and of our Solar System; "our place in the Universe." Finally, students will be given a chance to explore the possibilities of extraterrestrial life.

AIM HIGH COMMUNITY CHARTER SCHOOL

7th Grade Life Science

Unit 1 - Intro to Science, Measurement and the Human Body
Unit 2 - Skeletal, Muscular and Digestive Systems
Unit 3 - Circulatory and Respiratory Systems, Eyes and Ears
Unit 4 - Microscope and Cells
Unit 5 - Plant and Human Reproduction
Unit 6 - Genetics and Evolution

7th Grade Life Science Curriculum Outline

Unit	Lessons and Activities	Materials Provided	7th Grade California Standards
1 - Intro to Science, Measurement and the Human Body	1. Definition of Science (2+ class periods) What is Science? Science Types Review Puzzle Ways to Study Vocabulary Words Quiz 2. Scientific Thinking (4+ class periods) Archeology Mystery Observation vs. Inference Quiz 3. Nuclear Fleas (1-2 class periods) Sewer Lice/Nuclear Fleas 4. Basic Measurement (2 class periods) Student Rulers 5. Human Body Intro (1.5 weeks) Skinny Students Meter Sticks A Body of Knowledge 6. Levels of Organization Cells R Us 7. Organ Systems Organ System Puzzle	Adding Machine Tape Cardstock Overhead Transparencies	5a,b 7a-e
2 - Skeletal, Muscular and Digestive System	1. Intro to the Skeletal System (1 week) Paper Bridges Pre-Test/Post Test Name That Bone Animal Bones 2. Five Functions of the Skeletal Sys. (3+ days) Notes Broken Bone Interview Cow Femur Dissection 3. Movement and Joints (1 days) Bone Joint Notes 4. Owl Pellets (1 week) Owl Pellet Notes Owl Pellet Lab Handout Food Web/Skulls/Vole Skeleton 5. Muscular System (1+ week) Muscle Names Handout To Choose or Not to Choose How do Muscles Work? Chicken Wing Dissection Notes	Torso Model Human Machine Video Eyewitness Skeletons Video Digestion Chemicals Droppers Bottles Owl Pellets	5a-c 6h,i 7a-e Grade 5 – 2b-d

	6. Nutrients in Food (3+ days) Energy From Food Demo Calories in Your Kitchen What's in Your Lunch? 7. Digestive System (3+ days) Construct a Gut Digestion Demonstration Farside Cartoons		
3 - Circulatory, Respiratory, Eyes and Ears	1. Circulatory System (2 weeks) Stethoscopes Heart Rate Labs Diagram of a Heart Blood and Blood Vessels Circulation through the Heart Direction of Blood Flow A Fish Tale Heart Dissection Notes and Clues Heart Transplant 2. Respiratory System (1 weeks) Respiratory System Lung Model Am I Blue? Smoking Poster Project Sample Quizzes Teaching Cartoon 3. The Ears and Sound (3 days) Ear Diagram Sound Activities 4. Light and the Eyes (2 weeks) Pupil Pinhole Magnifier Blind Spot Harris Ranch Order Form Cow Eye Dissection Worksheet Cow Eye Dissection Procedure Various Eye Handouts Travel Brochure	Stopwatches Color Analyzers Guide Small Balloons Large Balloons Razor Blades Color Filters For schools that didn't receive them last year: Stethoscopes Color Analyzers	5a,b,g 6a-g,j 7a-e
4 - Microscopes and Cells	Microscope Use (2 weeks) 1. Cartwheels (1 day) Water Lenses 2. The Compound Microscope (4+ days) My Microscope Study Sheet Microscope Rules & License Microscope Maintenance 3. How Big Is It? (1 days) 4. Give Me An "e" (1-2 days) Fake or Counterfeit? 5. Sew Long (1 days) 6. Sounds Fishy to Me (1 days) Lab Helper (Slide Organize) Cell Structure (2 weeks) 7. Water, Water Everywhere (2 days) How to Label Microscope Diagrams Protist Key Hay Infusion Instructions	box of plastic microscope slides (144) box of plastic cover slips (100) plastic box for storing slides 1 pad of lens paper 10 medicine droppers For large schools with over 4 science classrooms, their plastic slide box contains 10 prepared human anatomy slides and 10 prepared slides of onion root tip showing stages of mitosis. Open carefully!	1a-f 2e 5a 7a-e

	8. Greensleeves (1 day) 9. Onion Rings (1 day) 10. Don't Be Cheeky (3+ days) Cell Projects Cell Processes (1 week) 11. Diffusion (2 day) Screen Play The Green Machine 12. Mitosis (2 days) Mitosis Story	For schools that didn't receive them last year: "The Microscope Book" by Levine & Johnstone	
5 - Plant and Human Reproduction	1. Plant Reproduction (1 week) Flower Dissection Fruit Dissection Build a Flower 3D Flower Model 2. Human Reproduction (3 weeks) Sample Letter Animal vs. Plant Reproduction Anatomy Miracle of Life Notes Events in a Menstrual Month STDs/Phenolphthalein Egg Baby 3. Genetics (part 1) (1 week) ABC's of DNA Tasty DNA Gene Wheel Take a Class Survey	Miracle of Life Video Phenolphalien PTC Paper + Control	1c,f 2a-e 5a,b,d,e,f 7a-e
6 - Genetics and Evolution	Genetics (2 weeks) Gene Wheel ABC's of DNA Tasty DNA Gene Wheel Genetics – Punnett Squares Heredity #3 Reebops (2 days) Evolution (4 weeks) Variation In A Species Adaptation Evolution & Natural Selection Speciation Creating Fossils Ages of Rock Layers Geologic Time Walking with Prehistoric Beasts Science Fiction Project	Fossil Models Walking with Beasts Video	2a-e 3a-e 7a-e

DRAFT

AIM HIGH COMMUNITY CHARTER SCHOOL

8th Grade Physical Science

Approximate Time Frame	Topics from Standards
September- mid October (~ 6 weeks)	DENSITY AND BUOYANCY • Floating and sinking objects • Measuring mass and volume • Graphing mass and volume to determine density • Density of solids • Density of gases
Mid October- November (~6 weeks)	STATES OFMATTER • Solids, liquids and gases • Melting ice • Freezing water • Making ice cream • Boiling Liquids • Dry ice investigations
December- Mid January (~6 weeks)	STUCTURE OF MATTER • Static electricity • Atomic model • Atomic mass and number • Periodic Table
Mid January- February (~6 weeks)	REACTIONS • Chemical reactions • Balancing chemical equations • Chemical and physical changes • Acids and bases
March-Mid April (~6 weeks)	MOTION • Speed and velocity • Graphing distance and or velocity vs. time • Changing velocity
Mid April – May (~5 weeks)	FORCES • Nature and kinds of forces • Cumulative effect of two or more forces • Balances and unbalanced forces and their relation to motion

APPENDIX B

ACADEMIC CALENDAR

Appendix B - Academic Calendar

AHCCS will offer at least the minimum number of instructional days per year (175 days) and number of instructional minutes per grade (grades 4-8 = 54,000). We anticipate offering significantly more than these minimums each year. AHCCS will open by September 30th of its first year of operation.

We anticipate the following academic calendar and schedule for the 2007/08 school year and reserve the right to adjust the calendar during our planning year:

Anticipated First day of school 2007-2008 : September 6, 2007
Anticipated Last Day of school : June 15, 2008
Anticipated First day of summer session : June 25, 2008
Instructional days will be at least : 175
Number of Instructional Minutes will exceed: 54,000
Anticipated start time of Instructional Day : 8 a.m.
Anticipated end time of Instructional Day: 3:30 p.m.
Anticipated # of professional development days: 10 in summer, 2007 and 5 during school year.

Anticipated holiday schedule:

Holiday	**Dates**
Labor Day	September 4, 2007
Veteran's Day	Nov 11, 2007
Thanksgiving	Nov. 24-25, 2007
Winter Recess	Dec. 19-30, 2007
MLK Holiday	Jan 15, 2008
President's Day(s)	Feb. 12-20, 2008
Cesar Chavez	March 31, 2008
Spring Recess	April 08 - 15, 2008
Memorial Day	May 28, 2008

SUPPLEMENTAL INFORMATION

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SUPPLEMENTAL INFORMATION A

DRAFT HEALTH AND SAFETY POLICY

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Draft Health & Safety Policy

The Aim High Community Charter School ("AHCCS" or "the School") is committed to providing and maintaining a healthy and safe environment for all students, employees, visitors, and guests. Accordingly, AHCCS has instituted an Injury and Illness Prevention Program designed to protect the health and safety of all students and personnel [*to be designed, approved, and implemented prior to commencing instruction*]. Every employee will receive a copy of the Injury and Illness Prevention Program, which is kept by the school's Executive Director and is available for your review. Employees are required to know and comply with the School's general safety rules and to follow safe and healthy work practices at all times. Employees are required to immediately report to the AHCCS Executive Director any potential health or safety hazards and all injuries or accidents.
In compliance with Proposition 65, the School will inform all employees of any known exposure to a chemical known to cause cancer or reproductive toxicity.
The School has also developed guidelines to help maintain a secure workplace.

Student Health Examinations

Health Examination Certificates or Waivers

Upon enrollment, the School will verify that the student's file contains a certificate of the health examinations required under Health & Safety Code section 124040, or a waiver from those requirements.

Health Examinations by the School

The Governing Board recognizes that periodic health examinations of students may lead to the detection and treatment of conditions that impact learning. Health examinations also may help in determining whether special adaptations of the School's program are necessary. The School shall conduct health examinations of students as needed to insure proper care of the students.

Vision and Hearing Tests

Upon first enrollment in the School and at least every third year thereafter until the child has completed the eighth grade, the School shall test the student's vision and hearing. The vision test shall include tests for visual acuity and color vision, although the color vision shall be appraised once and only on male students, the results of which shall be entered in the health records. Classroom teachers are responsible for continuous observation of the appearance, behavior and complaints of students that might indicate vision problems. Where a student's school performance begins to give evidence that the existence of the problem might be caused by a visual difficulty, a visual evaluation shall be done in consultation with the school nurse.
The vision evaluation may be waived by the parents/guardians if they present a certificate from a physician and surgeon or an optometrist setting out the results of a determination of the child's vision, including visual acuity and color. Parents/guardians may also avoid the testing and observation if they file with the School Director a statement in writing that they adhere to the faith or teachings of any well-recognized

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religious sect, denomination, or organization and in accordance with its creed, tenets or principles depend for healing upon prayer in the practice of their religion.
A parent/guardian may file annually with the School's Director a statement in writing, signed by the parent/guardian, stating that he/she will not consent to a physical examination of his/her child. The student will thereafter be exempt from physical examinations, but if there is good reason to believe that the student is suffering from a recognized contagious or infectious disease, the student will be sent home and not be permitted to return to school until the School Director is satisfied that any contagious or infectious disease does not exist.

Scoliosis Screening

Every female student in grade 7 and every male student in grade 8 shall be screened for the condition known as scoliosis. The screening shall be in accordance with standards established by the State Department of Education. The screening shall take place during the regular school day and any staff time devoted to these activities shall be redirected from other ongoing activities not related to the student's health care. If a student is suspected of having scoliosis, the School will notify the parents. The notice will include an explanation of scoliosis, the significance of treating it at an early age, and the public services available, after diagnosis, for treatment.
The Director, or designee, shall ensure that staff employed to examine students are fully qualified to do so and exercise proper care of each student and that examination results are kept confidential. Records related to these examinations shall be available only in accordance with law.
The School Director may make reports to the Governing Board regarding the number of students found to have physical problems and the effort made to correct them from time to time. The reports shall in no way reveal the identity of students.

Immunizations

To protect the health of all students and staff and to curtail the spread of infectious diseases, the Board of Directors desires to cooperate with state and local health agencies to encourage immunization of all district students against preventable diseases.

Admission

Students shall not be unconditionally admitted to the School unless prior to his/her first admission to the School, he/she presents an immunization record which shows at least the month and year of each immunization the student has received, in accordance with law. Students may be conditionally admitted in accordance with the regulations promulgated by the Department of Health Services. If a student conditionally admitted fails to fulfill the conditions of admission, the School will prohibit from further attendance until that student has been fully immunized as required by law.
Immunization records shall be part of the mandatory permanent pupil record and shall be kept in accordance with the School's record-keeping policy.

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If the School discovers that an admitted student has not received all required immunizations, the School will notify his/her parent/guardian. If, within 10 school days of the notice, the child does not provide documentation of having received all required immunizations, the School shall exclude the student from attendance.

Exemptions from Requirements

Students will be exempted from immunization requirements if his/her parent or guardian files with the School a letter or affidavit stating that the immunization is contrary to his or her beliefs. Additionally, a student will be exempted from the immunization requirements, to the extent indicated in the written statement, if his/her parent or guardian files with the School a written statement by a licensed physician to the effect that the physical condition of the student is such, or medical circumstances relating to the student are such, that the immunization is not considered safe. However, whenever there is good cause to believe that the person has been exposed to a communicable disease for which immunization is required, that student may be temporarily excluded from the School until the local health officer is satisfied that the person is no longer at risk of developing the disease.

The School will file a written report on the immunization status of new entrants to the School with the Department of Health Services as required by law.

The Executive Director, or designee, may arrange for qualified medical personnel to administer immunizations at School to any Student whose parent/guardian has consented in writing.

Administration of Medications

The following policy regarding the administration of medications is applicable when the AHCCS staff is responsible for the administration of, or assisting in the administration of, medication to students attending school during regular school hours, including before or after-school programs, field trips, extracurricular and co-curricular activities, and camps or other activities that typically involve at least one overnight stay away from home, because administration of the medication is absolutely necessary during school hours and the student cannot self-administer or another family member cannot administer the medication at school.

Requirements for Administration or Assistance

Before AHCCS will allow a student to carry and self administer prescription auto-injectable epinephrine, or inhaled asthma medication, or have authorized School personnel administer medications or otherwise assist a student in administering his or her medication, the School must receive a copy of the following:

- A written statement executed by the student's authorized healthcare provider specifying the medication the student is to take, the dosage, and the period of time during which the medication is to be taken and a statement that the medication must be taken during regular school hours, as well as detailing the method, amount and time schedule by which the medication is to be taken.
- A written statement by the student's parent or guardian initiating a request to

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have the medication administered to the student or to have the student otherwise assisted in the administration of the medication, in accordance with the authorized healthcare provider's written statement. The written statement shall also provide express permission for the School to communicate directly with the authorized healthcare provider, as may be necessary, regarding the authorized healthcare provider's written statement.

- In the cases of self-administration of asthma medication or prescription auto-injectable epinephrine, the School must also receive a confirmation from the authorized healthcare provider that the student is able to self-administer the medication and a written statement from the parent/guardian consenting to the student's self-administration and releasing the School and its personnel from civil liability if the self-administering student suffers an adverse reaction by self-administering his/her medication.
- New statements by the parent/guardian and the authorized healthcare provider shall be required annually and whenever there is a change in the student's authorized healthcare provider, or a change in the medication, dosage, method by which the medication is required to be taken or date(s), or time(s) the medication is required to be taken. If there is not a current written statement by the student's parent or guardian and authorized healthcare provider, the School may not administer or assist in administration of medication. The School will provide each parent with a reminder at the beginning of each school year that they are required to provide the proper written statements.

Parent(s)/guardian(s) of students requiring administration of medication or assistance with administration of medication shall personally deliver (or, if age appropriate, have the student deliver) the medication for administration to the school's Executive Director.

Responses to the Parent/Guardian upon Request

The School shall provide a response to the parent/guardian within 10 business days of receiving the request for administration and the physician statement regarding which School employees, if any, will administer medication to the student, and what the employees of the School will do to administer the medication to the student or otherwise assist the student in the administration of the medication.

Termination of Consent

Parent(s)/guardian(s) of students who have previously provided consent for the School to administer medication or assist a student with the administration of medication may terminate consent by providing the School with a signed written withdrawal of consent on a form obtained from the office of the Executive Director.

Authorized Personnel

A nurse who is employed by or under contract with the School and certified in accordance with Education Code section 44877 will administer or assist in administering the medication to students. If not available, a designated School employee who is

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legally able to and has consented to administer or assist in administering the medication to students will administer the medication or otherwise assist the students.

Storage of Medication

Medication for administration to students shall be maintained in the medical office in a locked cabinet. It shall be clearly marked for easy identification. If the medication requires refrigeration, the medication shall be stored in a refrigerator in a locked office, which may only be accessed by the School nurse and other authorized personnel. If stored medication is unused, discontinued or outdated, the medication shall be returned to the student's parent/guardian where possible. If not possible, the School shall dispose of the medication by the end of the school year in accordance with applicable law.

Confidentiality

School personnel with knowledge of the medical needs of students shall maintain the students' confidentiality. Any discussions with parents/guardians and/or authorized healthcare providers shall take place in an area that ensures student confidentiality. All medication records or other documentation relating to a student's medication needs shall be maintained in a location where access is restricted to the Executive Director, the School nurse or other designated School employees.

Medication Record

The School shall maintain a medication record for each student that is allowed to carry and self-administer medication and for each student to whom medication is administered or other assistance is provided in the administration of medication.

The medication record shall contain the following: 1) The authorized healthcare provider's written statement; 2) The written statement of the parent/guardian; 3) A medication log (see below); 4) Any other written documentation related to the administration of the medication to the student or otherwise assisting the pupil in the administration of the medication.

The medication log shall contain the following information: 1) Student's name; 2) Name of the medication the student is required to take; 3) Dose of medication; 4) Method by which the pupil is required to take the medication; 5) Time the medication is to be taken during the regular school day; 6) Date(s) on which the student is required to take the medication; 7) Authorized healthcare provider's name and contact information; and 8) A space for daily recording of medication administration to the student or otherwise assisting the student, such as date, time, amount, and signature of the individual administering the medication or otherwise assisting in administration of the medication.

Deviation from Authorized Healthcare Provider's Written Statement

If a material or significant deviation from the authorized healthcare provider's written statement is discovered, notification as quickly as possible shall be made as follows: 1) If discovery is made by a licensed healthcare professional, notification of the deviation shall be in accordance with applicable standards of professional practice; 2) If discovery is made by an individual other than a licensed healthcare professional, notification shall be given to the Executive Director, the student's parent/guardian, any School employees that are licensed healthcare professionals and the student's authorized healthcare provider.

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Emergencies

First Aid and CPR

Teachers are certified in first aid and CPR and are re-certified every year in either first aid or CPR. Every classroom has 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.

Resuscitation Orders

School employees are trained and expected to respond to emergency situations without discrimination. If any student needs resuscitation, trained staff shall make every effort to resuscitate him/her. The School does not accept or follow 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. The Executive Director, or his/her designee, shall ensure that all parents/guardians are informed of this policy.

Emergency Contact Information

For the protection of a student's health and welfare, the School shall require the parent(s)/guardian(s) of all students to keep current with the School emergency information including the home address and telephone number, business address and telephone number of the parent(s)/guardian(s), and the name, address and telephone number of a relative or friend who is authorized to care for the student in any emergency situation if the parent/guardian cannot be reached.

Emergency Aid to Students with Anaphylactic Reaction

The School will provide emergency epinephrine auto-injectors to trained School personnel and those trained personnel may use those epinephrine auto-injectors to provide emergency medical aid to persons suffering from an anaphylactic reaction. The training provided to School personnel shall be in compliance with the requirements of Education Code section 49414.

Trained School personnel shall immediately administer an epinephrine auto-injector to a person exhibiting potentially life-threatening symptoms of anaphylaxis at School or a School related activity when a physician is not immediately available.

The Executive Director shall create a plan addressing the following issues: 1) Designation of the individual(s) who will provide the training for administration of emergency epinephrine auto-injectors; 2) Designation of a licensed healthcare provider or local emergency medical services director for consultation for the prescription of epinephrine auto-injectors; 3) Documentation as to which School personnel will obtain the prescription from the individual identified under subparagraph (2) and the medication from a pharmacist; and 4) Documentation as to where the medication is stored and how the medication will be made readily available in case of an emergency.

Head Lice

To prevent the spread of head lice infestations, School personnel 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

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or members of the same household in accordance with the School's health examination policy. If nits or lice are found, the student(s) shall be excluded from attendance and parent(s)/guardian(s) informed about recommended treatment procedures and sources of further information.

In the event of one or more persons infested with lice, an exposure notice with information about head lice shall be sent home to all parents/guardians of the students that have been exposed to the head lice.

School personnel 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, a designee, or other authorized healthcare representative shows that all nits and lice have been removed. After returning, the student may be reexamined by the nurse as appropriate to ensure that re-infestation has not occurred.

Tuberculosis Testing

Except for employees transferring from other schools, no person shall be employed by the School unless the employee has submitted proof of an examination within the past 60 days that the employee is free of active tuberculosis. Employees transferring from other public or private schools within the State of California must either provide proof of an examination within the previous 60 days or a certification showing that he or she was examined within the past four years and was found to be free of communicable tuberculosis. It is also acceptable practice for the employee's previous school employer to verify that it has a certificate on file that contains the showing that the employee was examined within the past four years and was found to be free of communicable tuberculosis.

The tuberculosis test shall consist of an approved intradermal tuberculin test, which if positive shall be followed by an X-ray of the lungs.

All employees shall be required to undergo the foregoing examination at least once every four (4) years, excepting "food handlers" who shall be examined annually. After such examination, each employee shall cause to be on file with the School a certificate from the examining physician showing the employee was examined and found free from active tuberculosis.

The examination for applicants for employment is a condition of initial employment. Therefore, the expense incident thereto shall be borne by the applicant. The cost of the examination required of existing employees shall also be borne by the applicant or their respective insurance carrier. Employees should follow the School's reimbursement procedures.

The County Health Department may provide skin testing to employees at regular intervals at no cost to the employee. The availability of this testing may be announced by the School.

Criminal Background Checks

As a condition of employment, the School requires all applicants for employment to submit two sets of fingerprints to the Department of Justice for the purpose of obtaining

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criminal record summary information from the Department of Justice and Federal Bureau of Investigation. The School will not employ a person who has been convicted of a violent or serious felony or a person who would be prohibited from employment by a public school district because of his or her conviction for any crime, unless an applicable exception applies. The School will not employ any applicant until the Department of Justice completes its check of the state criminal history file as provided by law. The School shall also request subsequent arrest notification from the Department of Justice and take all necessary action based upon such further notification.

Drug and Smoke Free Workplace

It is the School's policy to maintain a drug and alcohol-free workplace. No employee may use, possess, offer for sale or be under the influence of any illegal drugs or alcohol during working hours, including lunch and break periods, in the presence of pupils or on School property at any time.

Engaging in any of the activities above shall be considered a violation of School policy and the violator will be subject to discipline, up to and including termination. The School complies with all federal and state laws and regulations regarding drug use while on the job.

All School buildings are non-smoking facilities.

Workplace Safety and Violence Prevention

AHCCS takes the safety and security of its employees seriously. The school does not tolerate acts or threats of physical violence, including but not limited to intimidation, harassment and/or coercion, that involve or affect AHCCS or that occur, or are likely to occur, on School property. You should report any act or threat of violence immediately to the Executive Director.

Be aware of unknown persons loitering in parking areas, walkways, entrances, exits and service areas. Report any suspicious persons or activities to security personnel or the Executive Director. Secure your desk or office at the end of the day. When called away from your work area for an extended length of time, do not leave valuable or personal articles around your workstation that may be accessible. You should immediately notify your supervisor when keys are missing or if security access codes, identification materials, or passes have been breached. The security of the facilities, as well as the welfare of our employees, depends upon the alertness and sensitivity of every individual.

Facilities Development

It is the policy of the Board of Directors to provide facilities which offer safe, comfortable, accessible, efficient, and attractive spaces to accommodate and facilitate the organizational and instructional pattern that support AHCCS's educational philosophy and instructional goals.

It is the policy of the Board of Directors to develop educational specifications for new buildings and those undergoing extensive remodeling with a high level of input from the full staff and the community.

It is the policy of the Board of Directors to provide for the systematic maintenance of major and critical building infrastructure components.

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It is the policy of the Board of Directors to provide for the systematic renewal of Charter School facilities.
It is the policy of the Board of Directors to use building design and construction that will provide decreased maintenance costs and the conservation of energy, consistent with current and future budgetary considerations. The following factors will also be given special consideration.
Each AHCCS building will have:

1. Safe, effective and efficient mechanical systems, including electrical, plumbing, wiring, ventilation, and air conditioning.
2. Sound structural elements including roof, doors, floors, walls, and windows.
3. Effective and efficient illumination.
4. Adequate classroom space for all students.
5. Adequate, safe, outdoor space for the physical education/recreation activities of the School program.
6. Adequate supplementary space to support the programs required for instruction of the students required to attend the school, including space for itinerant staff and staff who provide special programs in addition to the regular instructional program and/or on a resource basis.
7. Infrastructure required to support instructional and administrative technology.
8. Full compliance with all current building safety codes at the time of construction or renovation.
9. Full compliance with the access requirements specified in the Americans with Disabilities Act.

Child Neglect and Abuse Reporting

Any employee who knows or reasonably suspects a child has been the victim of child abuse shall report the instance to the police or sheriff's department, or to the county probation department. Child abuse is broadly defined as "a physical injury that is inflicted by other than accidental means on a child by another person." School employees are required to report instances of child abuse when the employee has a "reasonable suspicion" that child abuse or neglect has occurred. Reasonable suspicion arises when the facts surrounding the incident or suspicion could cause a reasonable person in a like position to suspect child abuse or neglect.
Child abuse should be reported immediately by phone to the police or sheriff's department, or to the county probation department. The phone call is to be followed by a written report prepared by the employee within thirty-six (36) hours. There is no duty for the reporter to contact the child's parents.
Reporting the information regarding a case of possible child abuse or neglect to your supervisor, the Executive Director, a School counselor, coworker or other person shall not be a substitute for making a mandated report to the police or sheriff's department, or to the county probation department.

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Sexual Harassment Policy and Procedures

Sexual harassment of or by any student or member of the AHCCS staff shall not be tolerated. The Board of Directors considers sexual harassment to be a major offense, which may result in disciplinary action, including dismissal or expulsion, of the offending student or staff member, or other appropriate sanction.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when it interferes with an individual's performance at school and/or creates an intimidating, hostile or offensive educational environment. The conduct described above is also sexual harassment when submission to it is made either explicitly or implicitly a term or condition of an individual's access to education.

Sexual harassment regulated by this policy pertains to behavior of a sexual nature while students are under the jurisdiction of the School.

Students may receive age-appropriate training and/or instruction on the prohibition of sexual harassment at the School. Copies of this policy, implementing administrative regulations containing rules and procedures for reporting charges of sexual harassment and for pursuing available remedies shall be available at the School's administrative office.

Any student who believes that he or she has been harassed or has witnessed sexual harassment is encouraged to immediately report such incident to his or her teacher or to the Executive Director. The Investigator will promptly investigate all such incidents in a confidential manner.

Statement Against Sexual Harassment

- **No toleration policy -** Sexual harassment of or by any faculty, staff or student is illegal and will not be tolerated. The Board of Directors prohibits sexual harassment, and harassment based on pregnancy, childbirth or related medical conditions, race, religious creed, color, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation, or any other basis protected by federal, state or local law or ordinance or regulation.
- **To whom the policy applies -** This policy applies to all persons involved in the operation of the School and prohibits unlawful harassment by faculty, staff, and students.
- **Discipline -** The Board of Directors considers sexual harassment to be a major offense and any individuals who violate this policy are subject to discipline up to and including dismissal, expulsion or other appropriate sanction.
- **Prompt and Thorough Investigation -** All claims of harassment will be taken seriously and will be investigated promptly and thoroughly.
- **Confidentiality -** Sexual harassment advisers and others responsible to implement this policy will respect the confidentiality and privacy of individuals reporting or accused of sexual harassment to the extent appropriate.

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- **No Retaliation -** Retaliation against any employee or student who in good faith reports or provides information related to harassment in violation of this policy is against the law and will not be tolerated. Intentionally providing false information, however, is grounds for discipline.

Sexual Harassment Defined

Unwelcome sexual advances, requests for sexual favors, and other visual, verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made implicitly or explicitly a term or condition of employment or educational development;
- Submission or rejection of such conduct is used as a basis for employment or education decisions affecting individuals; or
- Such conduct has a purpose or effect of unreasonably interfering an individual's work or educational performance, or creating an intimidating, hostile or offensive working or educational environment.
- Sexual harassment in California also includes:
  - Verbal harassment, such as epithets, derogatory comments or slurs;
  - Physical harassment such as assault or physical interference with movement or work; and
  - Visual harassment, such as derogatory cartoons, drawings or posters.
  - Unwelcome sexual advances of an employer towards an employee or student of the same sex and harassment on the basis of pregnancy disability are unlawful sexual harassment. Employees and students in California are protected from discrimination based on their actual or perceived sexual orientation. Sexual orientation is defined as "heterosexuality, homosexuality, and bisexuality."
- Specifically, sexual harassment may occur as a pattern of degrading sexual speech or actions and may include, but is not limited to the following examples:
  - Vulgar remarks;
  - Sexually derogatory comments regarding a person's appearance;
  - Physical touching, pinching, patting, or blocking free movement;
  - Sexual propositions or advances (with or without threats to a person's job or promotion if that person does not submit);
  - Sexually suggestive or degrading posters, cartoons, pictures or drawings;
  - Offensive sexual jokes, slurs, insults, innuendos or comments; or
  - Physical assault.

Notification

- A Sexual Harassment Policy Information Sheet shall be provided to all School students and employees at the beginning of the first semester of each school year with the disbursement of the first paycheck, noting whether any amendments have been made.
- A copy of the Policy Information Sheet and Board Sexual Harassment Policy

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will be provided as part of new student orientation and at the beginning of each new school term.

- New employees to the School will receive a copy of the Information Sheet and Board Sexual Harassment Policy upon acceptance of employment.
- The Board Sexual Harassment Policy will be displayed in a prominent location at the School.
- A copy of the Board Sexual Harassment Policy shall appear in any publication of the School that sets forth the comprehensive rules, regulations, procedures and standards of conduct from the School.

Employees or students who have questions concerning this Board Policy are encouraged to contact the Executive Director.

Complaint Filing Procedure

- Informal Resolution **-** The Board encourages communication among its employees and students. If a student feels harassed by another student, if reasonably possible, we suggest informing the party directly that his or her conduct is unwelcome or offensive, and that it must stop. If this is not possible, or if the alleged harasser is an employee of the School, or if the behavior continues, follow the complaint filing procedure.
- Written Complaint – Complaints should be submitted within one (1) year of the alleged incident to ensure a prompt, thorough investigation.
- Any student who believes he or she has been harassed, or believes he or she has witnessed harassment by a peer, or agent of the School should promptly report in writing, using the attached form, incident(s) to the his or her supervisor and / or the Executive Director.
- It is important to fill in as much information as accurately as possible. A copy of this form can be obtained from the Executive Director.
- The Executive Director, or designee, will investigate all reported incidents within 10 days of receiving a written complaint form, unless the Executive Director, or designee, is the subject of the investigation, in which case the Board of Directors shall appoint an investigator. The individual responsible for the investigation will hereinafter be referred to as the “Investigator.” If the Investigator deems it necessary, he or she will convene a Team of trained investigators to proceed in the investigation.

Investigation

- Complaints will be treated seriously and investigated immediately.
- Complaints will be handled confidentially.
- Complainants will be promptly and fully informed of their rights pursuant to this policy.
- All witnesses and the accused will be properly and fully informed of their rights and remedies pursuant to this policy.
- All interviews of the accused, witnesses and the complainant shall be conducted in a private area.

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- The Investigator will be properly trained to listen to the allegations, make complete notes, attempt to identify all persons involved, as well as all possible witnesses, and interview the accused.
- No complainant, witness, or party who assists in the investigation will be retaliated against.
- The School will take steps to prevent the recurrence of any harassment and will correct any discriminatory effects on the complainant and others.

The Investigator will initiate an investigation to determine whether there is reasonable cause to believe that a violation of the Board's sexual harassment policy has occurred. "Reasonable cause" is shown if a person of ordinary caution or prudence would be led to believe and conscientiously entertain a strong suspicion of a violation of the sexual harassment policy.

- All individuals involved in the investigation including the complainant, witnesses and the accused shall be fully informed of their rights under this policy.
- The accused shall be provided with a copy of the complaint form and an opportunity to respond to the allegations within seven (7) days of receipt of the request for a formal inquiry. The investigation will include interviews with the complainant and other witnesses as determined by the circumstances.
- The Investigator shall fully and effectively conduct an investigation that includes interviewing:
  1. The complainant;
  2. The accused;
  3. Any witnesses to the conduct; and
  4. Any other person who may be mentioned during the course of the investigation as possibly having relevant information.
- When appropriate, interim protections or remedies for the complainant, such as limitations on contact, alternative course schedules, and the like, may be recommended to the appropriate School administrator at any time during the process. The complainant will be kept informed of the status of the complaint, consistent with the Board's policy and regulation and applicable law.
- The formal investigation shall typically be completed within sixty days of the date of the filing of the request.
- The final determination of the Investigator's investigation shall result in a report which shall contain, at the minimum:
  1. a statement of the allegations and issues;
  2. the positions of the parties;
  3. a summary of the evidence received from the parties and the witnesses;
  4. any response the accused wishes to add to the report; and
  5. all findings of fact.
- The final determination report shall state a conclusion that the Investigation

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Team:

1. Found reasonable cause that the accused violated the sexual harassment policy; or
2. Did not find sufficient evidence to find reasonable cause that the accused violated the sexual harassment policy. Where the Investigator did not find reasonable cause but believes the behavior complained of may constitute misconduct, the Investigator may state such a conclusion and refer the matter to the appropriate School administrator.

- The report shall be submitted to the appropriate School administrator(s) for action, within thirty (30) days of the completion of the investigation or as soon thereafter as is feasible. The Investigator will inform the complainant and the accused that the report has been forwarded and to whom. The appropriate administrator(s) will ensure that the complainant and the accused are timely notified in writing of the disciplinary action taken.
- Within fifteen (15) days of disciplinary action being taken against the accused, or as required by applicable Board procedures, the appropriate administrator(s) shall provide written notification to the complainant indicating:
  1. individual remedies available to the complainant; and
  2. all sanctions against the accused of which the complainant needs to be aware in order for the sanctions to be fully effective
- Within fifteen (15) days of taking disciplinary action against the accused, the appropriate administrator(s) shall provide written notification to the Investigator indicating
  1. the results of any disciplinary actions and the initiation of any appeals; and
  2. all further individual remedies available to the complainant.
- If the final determination is that sexual harassment has occurred, a prompt, relevant and effective remedy shall be provided to the complainant and appropriate disciplinary action taken against the harasser.

Appeal

Appeal of Sexual Harassment Investigation Finding of No Reasonable Cause - There are different ways to appeal a finding of no reasonable cause depending on whether the complainant is a student, faculty, or staff. In most cases, existing School complaint procedures provide a mechanism for such an appeal, and where available, such procedures must be utilized.

Notice to the Complainant

Where the Investigator concludes that there is no reasonable cause to believe that a violation of the Board's sexual harassment policy has occurred and the complaint is to be dismissed, a copy of the report will be sent to the complainant and the accused in accordance with the Board policies/regulations applying to the disclosure of information from School records.

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Written Appeal

A written appeal must be directed to the appropriate administrator, as designated by the Executive Director, within thirty (30) days of notification to the complainant of the dismissal of the complaint.

Basis for Appeal

The appeal may be based only on one of the following grounds:

1. There is newly discovered important evidence not known at the time of the report;
2. Bias on the part of an Investigator member; or
3. The Investigator failed to follow appropriate procedures.

Decision

The Executive Director or his or her designee will consider the appeal and will provide a written decision to the complainant and the Investigator within thirty (30) days of receipt of the appeal.

Extensions of Deadlines

Extensions of all deadlines contained in these procedures may be granted at the discretion of the Investigator for good cause. The Executive Director shall be consulted before a decision is made on requests for extensions involving faculty and staff.

Disaster & Emergency Preparedness Plans

The intent of this plan is to clarify school procedures in the case of an emergency. The objectives of our plan are the following:

1. To provide for action which will minimize injuries and loss of life of students, and school and emergency personnel, if an emergency occurs during school hours;
2. To provide for maximum use of school personnel and school facilities;
3. To ensure the safety and protection of our students and school personnel immediately after a disaster;
4. To arrange for a calm and efficient plan for parents to retrieve their children from school, should it be necessary, following a disaster.

To meet these objectives, in the event a disaster should occur when children are at school, the following action plan would be implemented.

The Teacher Will Follow these Guidelines

1. Give “duck, cover and hold” instructions in event of earthquake.
2. Evacuate building in case of fire or after an earthquake
   - Take emergency folder and duffel bag and evacuate students to assigned area.
   - Take first aid kit and duffel bag only when evacuating after an earthquake.
   - Hold students in assigned yard area, take role, and wait for further instructions from authorized school or emergency personnel.
   - Remain with class and report anyone who is missing.
   - Take appropriate first aid action.
   - Refrain from re-entering buildings until deemed safe.

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3. Dismiss students to go home only to parent or responsible adult designated on child's emergency release form. The student must be signed out by a parent, or a responsible adult.

The Assigned Principal or Executive Director Will Follow these Guidelines

1. In the event of a fire, shut off gas, electricity and water (in that order).
2. In the event of an earthquake, if gas is smelled, turn off gas; if there is an electrical problem, turn off electricity; if there are water leaks, turn off water.
3. Inspect buildings for damage.
4. Report to Executive Director for further instructions.
5. Set up and coordinate a first aid center.
6. Assign available adults to tasks as needed.
7. Decide if evacuation to a designated shelter is necessary.

The School Secretary Will Follow these Guidelines

1. If telephones are operable:
   - Notify the police department and/or fire department.
   - Monitor incoming phone calls.
2. Maintain communication with staff and outside agencies.

Special Information For Parents

Telephones/Communications

In the event of an earthquake, flood or other natural disaster, keep your radios tuned to your local radio station for advisory information. Please do not call the school as we must have the lines open for emergency calls.

Dismissal

Should there be a major earthquake, students will remain under the supervision of school authorities until parents or responsible adults can pick them up.

Student Release Procedure

1. Go directly to the entrance of the school or evacuation area.
2. Inform teacher, aide or adult responsible for that classroom that you are taking the student from the class line.
3. Proceed with child back to Student Release Tables just outside the school entrance to sign a Student Release form for each child you are taking. Do not remove your child or any other child from school without signing the emergency release form. This provides us a record of where each child is when someone else arrives later looking for the student.
4. Unless you are staying to volunteer, please leave as quickly as possible after signing out your student.
5. Adults will be needed to help with first aid, dismissing students, helping with classes, monitoring traffic, etc. If you are able to volunteer to help, go directly to

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the Command Center where the Volunteer coordinator will give you an assignment. Volunteers should leave children with their classes and not sign student release form until they are ready to leave.

If You Cannot Get to the School

Should a major disaster occur, it is likely that many parents will not be able to reach the school right away. If conditions make it necessary, we will release your child to the adult indicated on your child's Emergency Release form. We will keep a written record of the child and the adult to whom the child has been released.
The Executive Director or teacher in charge will determine the need to leave the building. In the event the building cannot be reoccupied or if a fire requires evacuation of the school, the students will be transferred to the nearest available safe shelter.
If the children are caught in a disaster between home and school, it is recommended that they go immediately to school.

Food and Water

In the event that children would need to remain on campus for several hours after any sort of a disaster, there will be a supply of fresh water and limited food, in the school earthquake kit.

Fire Drills and Evacuation

In the case of fire at the school, the school will be immediately evacuated according to the floor plan set forth at the beginning of each school year. Teachers are required to keep a student roster with them at all times, checking attendance immediately after evacuation. Fire drills will be conducted at least once per year with the evacuation of the local fire department.

Bomb Threats

In the case of a bomb threat at the school, the school will be immediately evacuated according to the fire evacuation plan; appropriate emergency personnel will be summoned. Students and teachers will not re-enter the building until it has been deemed safe by emergency personnel.

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SUPPLEMENTAL INFORMATION B

BOARD ROSTER & SENIOR STAFF

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AIM HIGH Board Roster and Terms

Scott Wu, President 1999 – 2006 (3rd term)	Tasman Group
David Simpson, Vice President 2002 – 2006 (2nd term)	GoldMail, Inc.
Lawrence K. Weiss, Vice President *Aim High parent* 2001 – 2006 (2nd term)	Lau Financial Services
Glenn A. Shannon, Treasurer 2003 – 2006 (1st term)	Shorenstein Properties
Jan Blaustein Scholes, Secretary 2002 – 2006 (2nd term)	Babcock & Brown
Albert M. Adams, EdD, Head ex officio	Lick-Wilmerding High School
Jessica Beckett-McWalter 2005 – 2006 (1st term)	Farella Braun & Martel
Malia Cohen *Aim High Graduate* 2004 – 2006 (1st term)	San Francisco Mayor's Office
Stephen Davenport 1997 – 2006 (3rd term)	Writer & Volunteer
Brian David 2005 – 2006 (1st term)	Visage Mobile
Lara Druyan 2004 – 2006 (1st term)	Allegis Capital
Robert L. Falkenberg 1998 – 2006 (3rd term)	Babcock & Brown
James Harris *Aim High Graduate* 2004 – 2006 (1st term)	Morgan Media Group

Larry Kane 2005 – 2006 (1st term)	Orrick Herrington & Sutcliffe
Alec L. Lee., Jr, Executive Director ex officio	Aim High
Karan A. Merry, Head ex officio	St. Paul's Episcopal School
Edward G. Poole 2001 – 2006 (2nd term)	Anderson & Poole
Mark Salkind, Director ex officio	The Urban School of San Francisco
Douglas W. Shorenstein 2003 – 2006 (1st term)	Shorenstein Properties
Sandra Diane Yuen, PhD *Aim High parent* 2005 – 2006 (1st term)	Consultant

Aim High Non-Profit - Senior Staff Information

Aim High employs three full-time staff – the Executive Director, Directors of Operations & Program, and Director of Development. In addition, Aim High employs a part-time Director for the Aim High Headlands Environmental Program. In September, Aim High will also employ a full-time Director of the Student and Parent Center.

Alec L. Lee, Jr., Executive Director (1.0 FTE) – Alec Lee is an accomplished educator, founded Aim High in 1986 and serves as the full-time executive director. Alec has a Masters in Education from Harvard University, and received a Klingenstein Fellowship from Columbia Teachers College. Alec taught History at Lick-Wilmerding High School, a high school in San Francisco, for 17 years. As the Executive Director, Alec ensures high quality programming is implemented at all Aim High sites, including: overseeing policy and administrative decisions; recruiting, supervising and evaluating site directors; overseeing educational program development; overseeing the finances, and fundraising efforts; managing relationships with staff, students and parents.

Matt Reno, Director of Operations (1.0 FTE) – Matt Reno is an experienced educator and administrator. Matt has been a teacher and site director at Aim High for 15 years, and became a full-time employee in August 2004. Before joining the Aim High staff, Matt was the Dean of St. Joseph's of the Sacred Heart, a college preparatory school in Atherton, CA, for nine years. Matt has a Masters in Education from University of San Francisco, and a BS degree in Marketing from San Francisco State. As the Director of Operations, Matt has primary responsibility for the day-to-day management of the finances of the program, manages the data collection and evaluation efforts for the program, leads the development of winter phase activities, and provides technical support to site directors.

Laura Foulke, Director of Development (1.0 FTE) – Laura Foulke has over fourteen years of experience in education and nonprofit management. Before joining Aim High in September 2004, Laura served the Dean of Student Support Services at a K-8 charter school in Boston, was the Director of Early College Awareness and oversaw a GEAR UP partnership between Harvard University and a middle school in Boston focused on helping middle school students prepare for and pursue post-secondary education, and was a Program Officer at a small foundation in San Francisco. Laura has a Masters in Education from Harvard University and a BA in English from Bowdoin College. As the Director of Development, Laura has primary responsibility for fundraising and external relations for Aim High.

Richard Lautze, Director for Environmental Program (.5 FTE) – Richard Lautze, veteran teacher at Urban School teacher, has worked part-time for Aim High for over 15 years and has served as the Director of the Headlands Program for the last eight years. Richard works closely with Alec Lee, the Founder and Executive Director of Aim High and Brian O'Neill, the Superintendent of the GGNRA, supervises six part-time staff in the summer. Richard has also worked with part-time interns during the year through the Site Stewardship Program of the Golden Gate National Parks Association (GGNPA). Richard also works closely with lead teachers from the three collaborating middle schools that are involved in the program during the academic year.

Michelle Burns, Director of Student, Parent and Community Center (1.0 FTE) – Michelle Burns has been a teacher at Aim High for two years. She has worked in San Francisco public middle schools for three years teaching health education, supporting administration, faculty and

staff, and creating supportive environments to foster both academic and social growth. Currently, at Aim High Academy, Michelle has developed a growing Parent and Community Center and coordinated the after-school tutorial program including the recruitment and support of community volunteers. Michelle has a BS in Health Science from San Francisco State University and a teaching credential in Health Education for secondary school.

Portions of this charter petition were adapted with permission from "The Charter School Development Guide," @2005 by Eric Premack

Michael Fletcher, "Connectedness Called Key to Student Behavior", Washington Post, April 17th, 2002, discusses several recent studies which illustrate that in large, traditional schools, student isolation often leads to unhealthy behavior. In particular, results from the national Longitudinal Study of Adolescent Health. This is the first study to point to school size as a factor in student health, behavior and commitment to school. Additionally, Ann Lieberman, "The Work of Restructuring Schools: Building from the Ground up" examines schedules, block periods, and advising groups.

[1] Linda Darling-Hammond, "Redesigning Schools: What Matters and What Works" discusses the advantages of serving special needs student in a small or redesigned school setting. Helene Gordon, *1999 and 2000 Evaluation Report, Aim High*, SFUSD, Department of Research, Planning and Evaluation.

[1] The interdisciplinary treatment of a health topic, for example, by a science or math educator does not diminish the importance of the health educator's discipline. Interdisciplinary instruction should enrich all perspectives on a topic, not replace any. "Standards, Instruction, and Student Assessment", *[Online]* Available: http://www.ridoe.net/standards/frameworks/health/part3_resources.htm

[1] Too often, unfortunately, these early instincts (curiosity and experimentation) are buried by later experiences, including what can feel like the chore of learning science in school...it is (our) task to nurture children's instincts of exploration." Koch, Janice. "Science Stories: Teachers and Children as Science Learners." Houghton Mifflin Company: 1996 (pp 1-2)

[1] Barry, M. E. (Ed.). (1996). Team teaching. *AskERIC InfoGuide*.[Online]. Available: http://askeric.org/Old_Askeric/InfoGuides/alpha_list/teamteach12_96.html

[1] Compelling evidence demonstrates that reducing class size, particularly for younger children, will have a positive effect on student achievement overall and an especially significant impact on the education of poor children. Reducing class size is a significant means of improving student achievement, but it is not the only piece. American Federation of Teachers *[Online]* available: http://www.aft.org/issues/class_size.html; [1] Linda Darling-Hammond, "Redesigning Schools: What Matters and What Works" discusses the advantages of serving special needs student in a small or redesigned school setting.

[1] Again and again, studies of successful schools point to mission alignment and focus as a hallmark of a focused and effective program. (here is one reference, but others will be easy to find) http://www.dpi.state.wi.us/dpi/dlsea/sit/cssintro.html Our mission outlines four main goals, each of which is supported by instructional strategies. These are summarized below.

[1] IBID. Helene Gordon, *1999 and 2000 Evaluation Report, Aim High*, SFUSD, Department of Research, Planning and Evaluation.

[1] Linda Darling-Hammond, "Redesigning Schools: What Matters and What Works" discusses the advantages of serving special needs student in a small or redesigned school setting.

ITEM #42

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2007 AGENDA

SUBJECT	
Appeal by the Rehoboth Charter Academy for Renewal by the State Board of Education: Hold Public Hearing and Take Action	☒ Action ☒ Information ☒ Public Hearing

RECOMMENDATION

The California Department of Education (CDE) and the Advisory Commission on Charter Schools (ACCS) recommend that the State Board of Education (SBE) hold a public hearing on the appeal by the Rehoboth Charter Academy (RCA) for renewal by the SBE.

Following the public hearing, the CDE and the ACCS recommend that the SBE take action to deny the RCA renewal appeal pursuant to *Education Code* (*EC*) sections 47605(j), 47607, and 47607.5, based upon the written reasons justifying denial that are set forth in the CDE staff analysis of the RCA charter.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Pursuant to *EC* sections 47605(j), 47607, and 47607.5, operators of a charter school that has been denied renewal at the local level may appeal to the SBE for renewal of the charter. Subject to certain conditions, the SBE may grant or deny the renewal.

To date, the SBE has considered three appeals of charter renewal denials. Two appeals were granted by the SBE (Edison Charter Academy and High Tech High Bayshore) and the schools are currently operating under SBE oversight. One appeal was denied (Cypress Grove Charter High School), and the school is now closed. Regulations adopted by the SBE in December 2001 guide the process of reviewing charters on appeal. The review process includes consideration by the ACCS.

SUMMARY OF KEY ISSUES

The RCA is a charter school in its fifth year of operation within the Riverside Unified School District. The CDE staff analysis indicates that RCA is a very low performing school in relation to other schools in the RUSD. The CDE believes that the school

SUMMARY OF KEY ISSUES (cont)

fails to meet the minimum threshold for renewal (based on academic achievement) as set forth in *EC* Section 47607. Moreover, the CDE believes that denial of the charter is justified based on several of the reasons for denial set forth in *EC* Section 47605(b), as explained in the CDE staff analysis of the RCA charter. The ACCS recommended that the SBE approve the CDE staff recommendation for denial of the RCA charter.

If, following the public hearing, the SBE chooses to approve renewal of the RCA charter (instead of denial), CDE staff recommend that various charter revisions be incorporated and that the SBE's customary conditions on the opening and operation of schools it charters be incorporated in the approval action. If necessary, CDE staff will provide the SBE with copies of the recommended conditions.

FISCAL ANALYSIS (AS APPROPRIATE)

Approval or denial of the appeal for renewal of the RCA charter would have little (if any) effect on the total amount of state local assistance funding to public schools. To the extent RCA students continue to attend RCA, or instead attend another public school, the funding to support the students would be essentially the same overall.

There are currently two full-time-equivalent CDE staff positions assigned to oversee the SBE-approved charter schools, including the two statewide benefit charter schools, and the eight all-charter districts (which are jointly approved by the SBE and the State Superintendent of Public Instruction), as well as to provide some essential business functions that support these schools and districts. SBE approval of this renewal appeal would increase workload, but the CDE would be entitled to recover the actual costs of oversight up to one percent of the general purpose and categorical block grant revenues generated by the school.

ATTACHMENT(S)

Attachment 1: CDE Staff Analysis of the RCA Charter (39 Pages)

Attachment 2: RCA Charter as Denied by the Riverside Unified School District (24 Pages)

California Department of Education
2006-07 CHARTER SCHOOL PETITION REVIEW FORM

Petitioner
Rehoboth Charter Academy (RCA)

This form is a tool to evaluate a charter school petition submitted to the State Board of Education (SBE) on appeal. It is designed to ensure that the petition is reviewed in relation to the requirements of statute and regulation.	Evaluator Greg Geeting

OVERALL CALIFORNIA DEPARTMENT OF EDUCATION (CDE) EVALUATION

Background. The Rehoboth Charter Academy (RCA) renewal appeal is presented to the Advisory Commission on Charter Schools (ACCS) and the SBE pursuant to *Education Code* (*EC*) Section 47607.5. If renewals are denied at the district level, *EC* Section 47607.5 allows for appeal in the same manner as an original charter, i.e., initially to the county board of education and, if unsuccessful, to the SBE. Key background facts pertaining to this renewal appeal are:

- The RCA charter was initially granted by the Riverside Unified School District (RUSD) governing board in August 2001 and the expiration of the charter's term was set for June 30, 2006.
- RCA initially opened in fall 2002, and the school has completed four years of operation (2002-03, 2003-04, 2004-05, and 2005-06).
- The RCA charter was denied renewal by the RUSD governing board in June 2006 for numerous reasons that will be discussed herein.
- RCA's first-level renewal appeal was denied by the Riverside County Board of Education in August 2006, also for numerous reasons that will be discussed herein.
- By order of the Riverside County Superior Court, RCA has effectively been continued in operation until June 30, 2007, to enable the petitioners to pursue the renewal appeal process to its conclusion in accordance with law.
- RCA's 2005-06 CBEDS-reported enrollment was 241 in grades K-6. Approximately 50 percent of the students were Hispanic/Latino, 25 percent African American, 22 percent white, and 3 percent other ethnicities. About 10 percent of the school's students were identified as English learners, virtually all of them being classified as "Fluent English Proficient." About 70 percent of the school's students qualified for free or reduced-price meals (based on 2004-05 figures).

Recommendation. **CDE staff recommend that the ACCS and the SBE deny the RCA renewal appeal.** We do not believe that RCA has met the minimum academic achievement requirement for renewal established by *EC* Section 47607 (as explained immediately below). Moreover, significant issues surround the school's educational program, governance, and finances, which are described in more detail in this analysis, and which also provide adequate foundation to deny renewal. Most importantly, during the past three years (based upon the growth API), RCA has been either the lowest performing (2003-04) or the second lowest performing (2004-05 and 2005-06) of the 30 elementary schools in the RUSD. Although RCA achieved substantial growth in 2004-05 (+75 on the growth API), almost one-third of that gain was wiped out in 2005-06 (-22 on the growth API).

Threshold Requirement for Renewal. Our analysis of the RCA renewal appeal begins with *EC* Section 47607, which establishes minimum renewal criteria related to academic achievement. After a charter school has been in operation for four years, the school must meet at least one criterion as

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a prerequisite for renewal. These criteria were added by Assembly Bill 1137 (Chapter 892, Statutes of 2003). The Senate Third Reading (Final) Analysis of AB 1137 indicates that the criteria were intended provide "a method to review academic performance and ensure that charter schools are fulfilling their purpose of increasing innovation and learning opportunities while being accountable for achieving measurable student outcomes." We do not believe the RCA's record of academic achievement is sufficient to meet even one criterion under *EC* Section 47607. The following bullets list each of the *EC* Section 47607 criteria (underlined), and why we conclude RCA has failed to meet each criterion.

- The school has attained its API growth target in the prior year. RCA did not meet its 2006 growth target. Rather, it declined. This criterion is not met.
- The school has attained its API growth target in two of the last three years. Because a base API could not be established for RCA in 2003, the school has had growth data for only two years. In one year the school exceeded its growth target, but in the other year the school declined. This criterion is not met.
- The school has attained its API growth target in the aggregate for the prior three years. Here again, because a base API could not be established for RCA in 2003, the school has had growth data for only two years. A three-year aggregation cannot be established. This criterion is not met.
- The school ranked in declies 4 to 10, inclusive, on the statewide API in the prior year or in two of the last three years. RCA has been received an API ranking in only two years. The ranks were 2 (2004-05) and 3 (2005-06), respectively. Because RCA declined on the 2006 growth API, the school will not be higher than a rank of 3 when rankings are released in spring 2007, and it could be lower. This criterion is not met.
- The school ranked in declies 4 to 10, inclusive, on the similar schools API in the prior year or in two of the last three years. To date, RCA has had insufficient test takers to be eligible for a similar schools API in any year. This criterion is not met.
- The entity that approved the charter determines that the school's academic performance is at least equal to the academic performance of the public schools that the school's pupils would otherwise have been required to attend, as well as the academic performance of the schools in the school district in which the charter school is located, taking into account the composition of the pupil population that is served at the charter school. There is no evidence of the RUSD making the necessary determination. Moreover, RCA has consistently been the lowest or second-lowest performing of the 30 elementary schools in the RUSD (based on comparison of the schools' growth APIs). Therefore, it is extremely unlikely that a foundation exists for the necessary determination. This criterion is not met.
- The school has qualified for the alternative school accountability model (ASAM). RCA does not qualify as an ASAM school. This criterion is not met.

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CDE Staff Recommendation if Approval is Contemplated. If the ACCS and the SBE determine to approve the RCA renewal appeal, CDE staff have identified numerous technical and substantive modifications necessary and desirable to recast the document as an SBE-authorized charter. If approval is recommended, it should be subject to incorporation of all changes identified not only by CDE staff, but also in the continuing process of review (up to and including the public hearing held by the SBE). In addition, CDE staff would recommend the inclusion of the SBE's traditional conditions on opening and operation, which are:

- Insurance Coverage. Not later than [DATE TO BE DETERMINED (TBD)] (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.
- MOU/Oversight Agreement. Not later than TBD, either (a) 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 (b) enter into an appropriate agreement between the charter school, the SBE (as represented by the Executive Director of the SBE), and an oversight entity, pursuant to *EC* Section 47605(k)(1), regarding the scope of oversight and reporting activities, including, but not limited to, adequacy and safety of facilities.
- SELPA Membership. Not later than TBD, submit written verification of having applied to a special education local plan area (SELPA) for membership as a local educational agency and, not later than TBD, submit either written verification that the school is (or will be at the time students are being served) participating in the SELPA, or an agreement between a SELPA, a school district that is a member of the SELPA, and the school that describes the roles and responsibilities of each party and that explicitly states that the SELPA and the district consider the school'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). Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of CDE staff following a review of either (1) the school's written plan for membership in the SELPA, including any proposed contracts with service providers or (2) the agreement between a SELPA, a school district, and the school, including any proposed contracts with service providers.
- Educational Program. Not later than TBD, 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 TBD, 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. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of

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CDE staff.

- Student Attendance Accounting. Not later than TBD, 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 SBE based primarily on the advice of the Director of the School Fiscal Services Division.
- Facilities Agreements. Not later than TBD, present written agreements (e.g., a lease or similar document) indicating the school's right to use the principal school site and any ancillary facilities identified by the petitioners for at least the first year of the school's operation (as an SBE-chartered school) and evidence that the facilities will be adequate for the school's needs. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of the Director of the School Facilities Planning Division.
- Zoning and Occupancy. Not less than 30 days prior to the school's opening, present evidence that the school's 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 SBE 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 SBE based primarily on the advice of the Director of the School Facilities Planning Division.
- Final Charter. Not later than TBD, present 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, 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 SBE based primarily on the advice of the Charter Schools Division staff.
- Legal Issues. In the final charter, resolve any legal issues that may be identified by the SBE's Chief Counsel or the CDE's General Counsel.
- Processing of Employment Contributions. 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).
- Operational Date. If any deadline specified in these conditions is not met, approval of the charter is terminated, unless the SBE deletes or extends the deadline not met. If the school is not in operation within one year of the charter petition's approval by the SBE, approval of the charter is terminated.

The written reasons for denial of the RCA charter renewal cited by the RUSD governing board are addressed in Addendum 1. The written reasons

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for denial of RCA's first-level renewal appeal cited by the Riverside County Board of Education are addressed in Addendum 2.

REQUIREMENTS FOR SBE-AUTHORIZED CHARTER SCHOOLS, PURSUANT TO *EC* SECTION 47605

SOUND EDUCATIONAL PRACTICE	***EC* Section 47605(b)** ***CCR, Title 5,* Section 11967.5.1(a)**
Evaluation Criteria For purposes of *EC* Section 47605(b), a charter petition shall be "consistent with sound educational practice" if, in the SBE's judgment, it is likely to be of educational benefit to pupils who attend. A charter school need not be designed or intended to meet the educational needs of every student who might possibly seek to enroll in order for the charter to be granted by the SBE.	
Is the charter petition "consistent with sound educational practice"?	**No**
Comments: By its own terms, RCA's charter indicates that the school is designed and intended for "all children," and the document does not identify a target student population. As noted above, over the past three years, the school has consistently been the lowest or second-lowest performing of the 30 elementary schools in the RUSD. Given that overall record, we do not believe it reasonable to conclude that RCA "is likely to be of educational benefit to pupils who attend."	

UNSOUND EDUCATIONAL PRACTICE	***EC* Section 47605(b)(1)** ***CCR, Title 5,* Section 11967.5.1(b)**
Evaluation Criteria For purposes of *EC* Section 47605(b)(1), a charter petition shall be "an unsound educational program" if it is either of the following: (1) A program that involves activities that the SBE determines would present the likelihood of physical, educational, or psychological harm to the affected pupils. (2) A program that the SBE determines not to be likely to be of educational benefit to the pupils who attend.	
Does the charter petition present "an unsound educational program"?	**Yes**

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UNSOUND EDUCATIONAL PRACTICE	***EC* Section 47605(b)(1)** ***CCR, Title 5,* Section 11967.5.1(b)**
Comments: For the reasons stated above, we believe it reasonable to determine that RCA's educational program is "not…likely to be of educational benefit to the pupils who attend."	

DEMONSTRABLY UNLIKELY TO IMPLEMENT THE PROGRAM	***EC* Section 47605(b)(2)** ***CCR, Title 5*, Section 11967.5.1(c)**
Evaluation Criteria For purposes of *EC* Section 47605(b)(2), the SBE shall take the following factors into consideration in determining whether charter petitioners are "demonstrably unlikely to successfully implement the program." (1) If the petitioners have a past history of involvement in charter schools or other education agencies (public or private), the history is one that the SBE regards as unsuccessful, e.g., the petitioners have been associated with a charter school of which the charter has been revoked or a private school that has ceased operation for reasons within the petitioners' control. (2) The petitioners are unfamiliar in the SBE's judgment with the content of the petition or the requirements of law that would apply to the proposed charter school. (3) The petitioners have presented an unrealistic financial and operational plan for the proposed charter school (as specified). (4) The petitioners personally lack the necessary background in the following areas critical to the charter school's success, and the petitioners do not have plan to secure the services of individuals who have the necessary background in curriculum, instruction, assessment, and finance and business management.	
Are the petitioners "demonstrably unlikely to successfully implement the program"?	**Yes**
Comments: Based on the RCA's academic achievement, we believe the petitioners' history of involvement with this school has demonstrated an inability to implement an educational program consistent with the charter that results in substantial academic achievement by the students who attend. RCA has consistently been the lowest or second-lowest performing of 30 elementary schools in the RUSD.	

REQUIRED NUMBER OF SIGNATURES	***EC* Section 47605(b)(3)** ***CCR, Title 5*, Section 11967.5.1(d)**
Evaluation Criteria For purposes of EC Section 47605(b)(3), a charter petition that "does not contain the number of signatures required by [law]"…shall be a petition that did not contain the requisite number of signatures at the time of its submission…	

REQUIRED NUMBER OF SIGNATURES	***EC* Section 47605(b)(3)** ***CCR, Title 5*, Section 11967.5.1(d)**
Did the petition contain the required number of signatures at the time of its submission?	**Yes**

Comments:
Given that the charter was originally approved more than five years ago, and given that RCA has been operating for the past four years, the sufficiency and validity of signatures is presumed.

AFFIRMATION OF SPECIFIED CONDITIONS	***EC* Section 47605(b)(4)** ***EC* Section 47605(d)** ***CCR*, Title 5, Section 11967.5.1(e)**

Evaluation Criteria
For purposes of *EC* Section 47605(b)(4), a charter petition that "does not contain an affirmation of each of the conditions described in [*EC* Section 47605(d)]"…shall be a petition that fails to include a clear, unequivocal affirmation of each such condition. Neither the charter nor any of the supporting documents shall include any evidence that the charter will fail to comply with the conditions described in *EC* Section 47605(d).

(1) …[A] charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against any pupil on the basis of ethnicity, national origin, gender, or disability. Except as provided in paragraph (2), admission to a charter school shall not be determined according to the place of residence of the pupil, or of his or her parent or guardian, within this state, except that any existing public school converting partially or entirely to a charter school under this part shall adopt and maintain a policy giving admission preference to pupils who reside within the former attendance area of that public school.

(2) (A) A charter school shall admit all pupils who wish to attend the school.

(B) However, if the number of pupils who wish to attend the charter school exceeds the school's capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the district except as provided for in Section 47614.5. Other preferences may be permitted by the chartering authority on an individual school basis and only if consistent with the law.

(C) In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the charter school and, in no event, shall take any action to impede the charter school from expanding enrollment to meet pupil demand.

(3) If a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, the charter school shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card, and health information. This paragraph applies only to pupils subject to compulsory full-time education pursuant to [*EC*] Section 48200.

Does the charter petition contain the required affirmations?	**Yes**

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AFFIRMATION OF SPECIFIED CONDITIONS	***EC* Section 47605(b)(4)** ***EC* Section 47605(d)** ***CCR*, Title 5, Section 11967.5.1(e)**
Comments: The charter includes affirmations consistent with the regulation.	

THE SIXTEEN CHARTER ELEMENTS

1. DESCRIPTION OF EDUCATIONAL PROGRAM	***EC* Section 47605(b)(5)(A)** ***CCR, Title 5*, Section 11967.5.1(f)(1)**
Evaluation Criteria The description of the educational program…, as required by *EC* Section 47605(b)(5)(A), at a minimum:	
(A) Indicates the proposed charter school's target student population, including, at a minimum, grade levels, approximate numbers of pupils, and specific educational interests, backgrounds, or challenges.	Incomplete
(B) Specifies a clear, concise school mission statement with which all elements and programs of the school are in alignment and which conveys the petitioners' definition of an "educated person" in the 21st century, belief of how learning best occurs, and goals consistent with enabling pupils to become or remain self-motivated, competent, and lifelong learners.	Generally
(C) Includes a framework for instructional design that is aligned with the needs of the pupils that the charter school has identified as its target student population.	Incomplete
(D) Indicates the basic learning environment or environments (e.g., site-based matriculation, independent study, community-based education, technology-based education).	Yes
(E) Indicates the instructional approach or approaches the charter school will utilize, including, but not limited to, the curriculum and teaching methods (or a process for developing the curriculum and teaching methods) that will enable the school's pupils to master the content standards for the four core curriculum areas adopted by the SBE pursuant to *EC* Section 60605 and to achieve the objectives specified in the charter.	Yes
(F) Indicates how the charter school will identify and respond to the needs of pupils who are not achieving at or above expected levels.	Incomplete
(G) Indicates how the charter school will meet the needs of students with disabilities, English learners, students achieving substantially above or below grade level expectations, and other special student populations.	Incomplete

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1. DESCRIPTION OF EDUCATIONAL PROGRAM	***EC* Section 47605(b)(5)(A)** ***CCR, Title 5*, Section 11967.5.1(f)(1)**
(H) Specifies the charter school's special education plan, including, but not limited to, the means by which the charter school will comply with the provisions of *EC* Section 47641, the process to be used to identify students who qualify for special education programs and services, how the school will provide or access special education programs and services, the school's understanding of its responsibilities under law for special education pupils, and how the school intends to meet those responsibilities.	No
If serving high school students, describes how district/charter school informs parents about: • transferability of courses to other public high schools; and • eligibility of courses to meet college entrance requirements (Courses that are accredited by the Western Association of Schools and Colleges (WASC) may be considered transferable, and courses meeting the UC/CSU "a-g" admissions criteria may be considered to meet college entrance requirements.)	N/A
Does the petition overall present a reasonably comprehensive description of the educational program?	**No**

Comments:

The charter is incomplete in addressing the issue of the target school population. The grade levels are specified (K-6), and the budget projects enrollment of 259 (in 2006-07), increasing annually by an average of about 37 students, to reach 446 (in 2011-12). However, the charter simply states that the school is for "all children" and does not identify "specific educational interests, backgrounds, or challenges" of targeted students.

The mission, vision, and goals sections are composed to a large degree of general, high order statements. The statement concerning what it means to be an educated person in the 21st century oddly omits any reference to knowledge of history-social science, other than "world cultures both present and historic." It should be revised.

Because the charter is vague in describing a target school population, it is impossible to determine whether the framework for instructional design is adequate. The framework's description is limited, mentioning "direct instruction" as an emphasis and noting that the "Micro-Society program" is incorporated. Some specific instructional materials programs are referenced (e.g., Open Court Reading and Saxon Math), but the charter states only that these programs "may" be used and states that the RCA governing board "reserves the right to use any other sequential series deemed comparable or better." Non-specific references are made to "small class size, cross-age tutoring, cross-age generational learning, community mentors, and experts" as means of individualizing instruction. Detail is lacking.

Beyond the vague reference to individualizing instruction, the charter provides little indication of how the school will "respond to the needs of pupils who are below grade level in achievement."

The charter devotes some attention to English learners and special education. However, it does not sufficiently address students achieving

1. DESCRIPTION OF EDUCATIONAL PROGRAM	***EC* Section 47605(b)(5)(A)** ***CCR, Title 5*, Section 11967.5.1(f)(1)**

substantially above or below grade level expectations, and other special student populations.

The special education plan outlined in the charter does not meet the minimum requirements of regulation and would need to be completely rewritten. As denied, the charter envisioned continuation of RCA as a school of the RUSD for special education purposes. As proposed to be amended by the petitioners, the charter essentially pledges to provide special education programs and services "in accord with existing policies in the [RUSD] and/or SELPA," then indicates that the school with either continue as a school of the RUSD or "contract with an outside agency" for special education services. The charter does not address such key matters as identification and referral of students, IEP development, or the school's understanding of its responsibilities under law.

The Educational Program description would need to be substantially rewritten if RCA were to become an SBE-chartered school.

2. MEASURABLE PUPIL OUTCOMES	***EC* Section 47605(b)(5)(B)** ***CCR, Title 5*, Section 11967.5.1(f)(2)**

Evaluation Criteria
Measurable pupil outcomes, as required by EC Section 47605(b)(5)(B), at a minimum:

(A) Specify skills, knowledge, and attitudes that reflect the school's educational objectives and can be assessed, at a minimum, by objective means that are frequent and sufficiently detailed enough to determine whether pupils are making satisfactory progress. It is intended that the frequency of objective means of measuring pupil outcomes vary according to such factors as grade level, subject matter, the outcome of previous objective measurements, and information that may be collected from anecdotal sources. To be sufficiently detailed, objective means of measuring pupil outcomes must be capable of being used readily to evaluate the effectiveness of and to modify instruction for individual students and for groups of students.	Yes
(B) Include the school's Academic Performance Index growth target, if applicable.	No
Does the petition present a reasonably comprehensive description of measurable pupil outcomes?	**Incomplete**

Comments:
The charter does specify some educational objectives that can be assessed by objective means, such as logical reasoning; application of mathematical processes and concepts; basic reading and writing; applying major concepts underlying the various branches of science; and understanding and applying knowledge of history. The charter also references outcomes that, by the charter's own terms, are informally and subjectively measured, such as skills related to character and ethics, and the maintenance of a "balanced life." This section of the charter does not include meeting API growth targets annually as a measurable pupil outcome. Consequently, the section is incomplete in relation to the regulation.

3. METHOD FOR MEASURING PUPIL PROGRESS	***EC* Section 47605(b)(5)(C)** ***CCR, Title 5*, Section 11967.5.1(f)(3)**
Evaluation Criteria The method for measuring pupil progress, as required by EC Section 47605(b)(5)(C), at a minimum:	
(A) Utilizes a variety of assessment tools that are appropriate to the skills, knowledge, or attitudes being assessed, including, at minimum, tools that employ objective means of assessment consistent with the measurable pupil outcomes.	Needs revision
(B) Includes the annual assessment results from the Statewide Testing and Reporting (STAR) program.	Needs revision
(C) Outlines a plan for collecting, analyzing, and reporting data on pupil achievement to school staff and to pupils' parents and guardians, and for utilizing the data continuously to monitor and improve the charter school's educational program.	No
Does the petition present a reasonably comprehensive description of the method for measuring pupil progress?	**No**
Comments: This section of the charter lists various objective assessments the school uses to measure pupil progress. However, some references are incorrect. For example, the CAT/6 does not assess history-social science or science as indicated in the charter. Also, reference is made to SABE/2, which is no longer the state assessment of basic skills in Spanish. No reference is made to the Physical Fitness Test, which the school is required to give to fifth grade students. No mention is made to state assessments in relation to special education (e.g., CAPA). This section does not outline a plan for collecting, analyzing, and reporting data to staff and parents, and for utilizing data continuously to monitor and improve the educational program.	

4. GOVERNANCE STRUCTURE	***EC* Section 47605(b)(5)(D)** ***CCR, Title 5*, Section 11967.5.1(f)(4)**
Evaluation Criteria The governance structure of the school, including, but not limited to, the process…to ensure parental involvement…, as required by *EC* Section 47605(b)(5)(D), at a minimum:	
(A) Includes evidence of the charter school's incorporation as a non-profit public benefit corporation, if applicable.	Yes
(B) Includes evidence that the organizational and technical designs of the governance structure reflect a seriousness of purpose necessary to ensure that: 1. The charter school will become and remain a viable enterprise. 2. There will be active and effective representation of interested parties, including, but not limited to parents (guardians). 3. The educational program will be successful.	No

4. GOVERNANCE STRUCTURE	***EC* Section 47605(b)(5)(D)** ***CCR, Title 5*, Section 11967.5.1(f)(4)**
Does the petition present a reasonably comprehensive description of the school's governance structure?	**No**

Comments:

A nonprofit public benefit corporation has been established. Pursuant to the charter, the governing board has "three to five members," but no prerequisites are established for members, nor are terms of members specified, nor is a process for recruitment and appointment included. These matters are all deferred to the corporate bylaws (which can be modified without review by the SBE). Thus, it is impossible to discern per the charter how representative of interested parties (including parents) the governing board will be on a continuing basis. If the SBE were to become RCA's chartering authority, the governing board membership should be specified so as to ensure that interested parties (including parents) are represented on a continuing basis. CDE staff recommend against having members on the governing board who are also paid employees of the school, as such members have inherent conflicts in fact and in appearance. [This is particularly important if the governing board is composed of as few as three members, as allowed under the RCA charter, because recusal by a single member may make action impossible.] For example, such members would have an actual conflict on any matters from which they have a financial interest, such as their own salaries and benefits. In addition, such members would have conflicts in appearance in many ways, such as making recommendations (as representatives of the school's management or employees) and then voting on their own recommendations.

Reference is made to the chartering authority appointing a "non-voting" representative to the RCA governing board. We do not believe that *EC* Section 47604(b) restricts a chartering authority's representative to non-voting status. If the SBE were to become the RCA's chartering authority, this provision of the charter should be removed or modified to ensure that the SBE representative has voting rights.

The charter lists numerous responsibilities of the governing board, but is silent on the extent to which the governing board may delegate decision-making authority to administrators or contractors. CDE staff recommend that appropriate limitations on delegation of decision-making authority be specified in the charter to ensure that the RCA governing board remains active and involved.

The charter includes a subsection on parent involvement, listing three "vehicles" through which parents "may participate" in the school: the Parent Advisory Council, the Parent Association, and "general school participation." These vehicles are essentially advisory in nature as to actual governance of the school, and invite parents to perform activities such as assistance with fieldtrips, community outreach, and fundraising. Service on the governing board is not specifically listed as a means of parent involvement.

A subsection is also included on resolution of disputes between RCA and its parents. The first step in dispute resolution is for the complainant to meet with the person against whom the complaint is made, unless the complainant "feels uncomfortable doing so," in which case this step is omitted. The second step (supervisor/Principal level) and third step (governing board) include references to submitting complaints in writing, which could create an obstacle for some parents. If the SBE were to become RCA's chartering authority, this subsection should be rewritten to ensure due process without unnecessary burdens.

5. EMPLOYEE QUALIFICATIONS	***EC* Section 47605(b)(5)(E)** ***CCR, Title 5*, Section 11967.5.1(f)(5)**
Evaluation Criteria The qualifications [of the school's employees], as required by *EC* Section 47605(b)(5)(E), at a minimum:	
(A) Identify general qualifications for the various categories of employees the school anticipates (e.g., administrative, instructional, instructional support, non-instructional support). The qualifications shall be sufficient to ensure the health, and safety of the school's faculty, staff, and pupils.	No
(B) Identify those positions that the charter school regards as key in each category and specify the additional qualifications expected of individuals assigned to those positions.	Minimal
(C) Specify that all requirements for employment set forth in applicable provisions of law will be met, including, but not limited to credentials as necessary.	No
Does the petition present a reasonably comprehensive description of employee qualifications?	**No**

Comments:

This section of the charter offers broad, general statements about qualifications for all employees, such as "view themselves as dedicated" and "are risk takers with a passion for lifelong learning." A statement concerning non-discrimination is included, but the listing of prohibited bases for discrimination is different from the general assurance earlier in the charter. These general statements concerning employee qualifications are not sufficient to ensure the health, and safety of the school's faculty, staff, and pupils. More specificity is needed.

The section specifies additional qualifications for administrators and teachers. However, none of the qualifications for administrators is binding, only desirable (i.e., "should possess"). Teacher qualifications are binding, but some are rather subjective, e.g., "caring" and "sensitivity to social as well as academic needs."

The section defines "core" subjects for credentialing purposes as mathematics, English-language arts, science, and history-social science. The section also recognizes in a general way that the school is subject to the teacher qualification provisions of NCLB. However, RCA does not indicate its understanding of the NCLB provisions that do apply to teachers of non-core subjects. This section would need to be rewritten if RCA were to become an SBE-chartered school.

6. HEALTH AND SAFETY PROCEDURES	***EC* Section 47605(b)(5)(F)** ***CCR, Title 5*, Section 11967.5.1(f)(6)**
Evaluation Criteria The procedures…to ensure the health and safety of pupils and staff, as required by *EC* Section 47605(b)(5)(F), at a minimum:	
(A) Require that each employee of the school furnish the school with a criminal record summary as described in *EC* Section 44237.	Yes
(B) Include the examination of faculty and staff for tuberculosis as described in *EC* Section 49406.	No
(C) Require immunization of pupils as a condition of school attendance to the same extent as would apply if the pupils attended a non-charter public school.	No
(D) Provide for the screening of pupils' vision and hearing and the screening of pupils for scoliosis to the same extent as would be required if the pupils attended a non-charter public school.	No
Does the petition present a reasonably comprehensive description of health and safety procedures?	**No**
Comments: This section does specifically require criminal background checks per *EC* Section 44237. However, all other matters are merely listed, with the specifics being relegated to policies to be established by the governing board. The nature and extent of the policies are not specified. This section would need to be rewritten to provide a greater level of detail if RCA were to become an SBE-chartered school.	

7. RACIAL AND ETHNIC BALANCE	***EC* Section 47605(b)(5)(G)** ***CCR, Title 5*, Section 11967.5.1(f)(7)**
Evaluation Criteria Recognizing the limitations on admissions to charter schools imposed by *EC* Section 47605(d), the means by which the school(s) 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…, as required by *EC* Section 47605(b)(5)(G), shall be presumed to have been met, absent specific information to the contrary.	
Does the petition present a reasonably comprehensive description of means for achieving racial and ethnic balance?	**Yes**
Comments: This section indicates that RCA "will strive to achieve" a racial and ethnic balance similar to the RUSD by such means as "targeted marketing" that includes flyers, promotional materials, and direct mail. Reference is made to producing materials in languages other than English.	

8. ADMISSION REQUIREMENTS, IF APPLICABLE	***EC* Section 47605(b)(5)(H)** ***CCR, Title 5*, Section 11967.5.1(f)(8)**
Evaluation Criteria To the extent admission requirements are included in keeping with *EC* Section 47605(b)(5)(H), the requirements shall be in compliance with the requirements of *EC* Section 47605(d) and any other applicable provision of law.	
Does the petition present a reasonably comprehensive description of admission requirements?	**Unclear**
Comments: This section is unclear as to admission preferences. If more applications are received than space available, the section indicates that residents of the district will receive "first priority," but that siblings of current students would receive "second preference." However, the section also indicates that "a lottery system will be used." It is unclear whether the lottery would be exclusively among students fitting a category, or whether the categories interact with one another. For example, is there a single lottery in which applicants receive greater weighting depending on the factors of district residency and status as a sibling? Or, is the lottery held only among applicants who are left over after the first priority and second preference categories have been satisfied? Is there an extra priority given to district residents who are also siblings? This section would need to be clarified if RCA were to become an SBE-chartered school.	

9. ANNUAL INDEPENDENT FINANCIAL AUDITS	***EC* Section 47605(b)(5)(I)** ***CCR, Title 5*, Section 11967.5.1(f)(9)**
Evaluation Criteria The manner in which annual independent financial audits shall be conducted using generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the SBE's satisfaction, as required by *EC* Section 47605(b)(5)(I), at a minimum:	
(A) Specify who is responsible for contracting and overseeing the independent audit.	Yes
(B) Specify that the auditor will have experience in education finance.	Yes
(C) Outline the process of providing audit reports to the State Board of Education, California Department of Education, or other agency as the State Board of Education may direct, and specifying the timeline in which audit exceptions will typically be addressed.	No
(D) Indicate the process that the charter school(s) will follow to address any audit findings and/or resolve any audit exceptions.	No
Does the petition present a reasonably comprehensive description of annual independent financial audits?	**No**
Comments: The charter indicates that the RCA governing board will select an experienced auditor. Recently changes in statute and regulation make clear that the auditor must be from the list of auditors approved by the State Controller's Office. The charter indicates that a copy of each annual audit will be	

9. ANNUAL INDEPENDENT FINANCIAL AUDITS	***EC* Section 47605(b)(5)(I)** ***CCR, Title 5*, Section 11967.5.1(f)(9)**

forwarded to the CDE and other specified entities. However, with regard to audit exceptions, this section indicates that the RCA governing board will merely "report" how audit exceptions "have been or will be resolved." Any disagreement is referred to dispute resolution. Only in regard to "accounting practices and fiscal controls" does the charter indicate that deficiencies "will be resolved to the satisfaction of the [chartering authority]." If the SBE is to be the chartering authority, we recommend that all audit exceptions be resolved to the SBE's satisfaction. We recommend that the subsection on "Annual Audit" be revised as follows:

> Annual Audit
>
> The charter school's board will annually audit the fiscal integrity of the Rehoboth Charter Academy in order to ensure that sound financial procedures are in place and are being followed. The charter school's board will oversee selection of an independent auditor, from the Certified Public Accountants Directory published by the State Controller's Office, with experience in conducting education audits and the completion of the annual audit of the school's financial affairs. The audit will verify the accuracy of the school's financial statements, attendance and enrollment accounting practices, and review the school's internal controls. The audit will be conducted pursuant to Education Code Section 41020 and in accord with generally accepted accounting practices applicable to the school. ~~It is anticipated that the~~ The annual audit will be completed ~~by~~ on or before December 15 each year and a copy of the auditor's findings will be forwarded to the Superintendent and chief financial officer of the Riverside County Office of Education, the State Controller's Office, ~~the County Superintendent of Schools, and~~ the California Department of Education (CDE) Charter Schools Division and the CDE Audit Resolution Office. The school's audit committee will review any audit exceptions or deficiencies and report to the school's board with recommendations on how to resolve them. The board will ~~report to~~ resolve to the satisfaction of the State Board of Education ~~regarding how the~~ any audit exceptions and deficiencies ~~have been or will be resolved. Any disputes regarding the resolution of audit~~ Audit exceptions and deficiencies ~~will~~ may be referred to the ~~dispute resolution process contained in this document~~ Education Audit Appeals Panel (EAAP) process (EC Section 41344.1), as appropriate.
>
> As mentioned above, a system of accounting practices and fiscal controls have been developed to govern the financial practices of RCA that is in accordance with applicable law. Such fiscal controls will be audited as per the above process, and any audit exceptions or deficiencies in this area will be resolved to the satisfaction of the State Board of Education.

This section also makes reference to "administrative services" and "trainings and other resources" provided by the charter authorizer. The petitioners have proposed merely substituting the SBE for the RUSD in regard to these references. However, the SBE does not have administrative services or trainings available for charter schools. The section would need to be rewritten if RCA were to become an SBE-charter school.

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10. SUSPENSION AND EXPULSION PROCEDURES	***EC* Section 47605(b)(5)(J)** ***CCR, Title 5*, Section 11967.5.1(f)(10)**
Evaluation Criteria The procedures by which pupils can be suspended or expelled, as required by *EC* Section 47605(b)(5)(J), at a minimum:	
(A) Identify a preliminary list, subject to later revision pursuant to subparagraph (E), of the offenses for which students in the charter school must (where non-discretionary) and may (where discretionary) *be* suspended and, separately, the offenses for which students in the charter school must (where non-discretionary) or may (where discretionary) be expelled, providing evidence that the petitioners' reviewed the offenses for which students must or may be suspended or expelled in non-charter public schools.	No
(B) Identify the procedures by which pupils can be suspended or expelled.	No
(C) Identify the procedures by which parents, guardians, and pupils will be informed about reasons for suspension or expulsion and of their due process rights in regard to suspension or expulsion.	No
(D) Provide evidence that in preparing the lists of offenses specified in subparagraph (A) and the procedures specified in subparagraphs (B) and (C), the petitioners reviewed the lists of offenses and procedures that apply to students attending non-charter public schools, and provide evidence that the charter petitioners believe their proposed lists of offenses and procedures provide adequate safety for students, staff, and visitors to the school and serve the best interests the school's pupils and their parents (guardians).	Minimal
(E) If not otherwise covered under subparagraphs (A), (B), (C), and (D): 1. Provide for due process for all pupils and demonstrate an understanding of the rights of pupils with disabilities in…regard to suspension and expulsion. 2. Outline how detailed policies and procedures regarding suspension and expulsion will be developed and periodically reviewed, including, but not limited to, periodic review and (as necessary) modification of the lists of offenses for which students are subject to suspension or expulsion.	Minimal
Does the petition present a reasonably comprehensive description of suspension and expulsion procedures?	**No**

Comments:
The charter does not identify separate lists of offenses for which students (1) may be suspended and (2) must or may be expelled. Instead, this section presents a single listing representing "some of the potential grounds" for suspension and expulsion. The listed offenses are among those applicable to expulsions in non-charter public schools, thereby presenting minimal evidence of review having occurred by petitioners. A reference is made to "due process" and to conformity with special education laws. No procedures are identified to informing parents, guardians, and pupils about suspension or expulsion and due process rights. For the most part, the charter relegates specifics to "student discipline policies" that are adopted by the RCA governing board. More specificity would need to be included in this section if RCA were to become an SBE-chartered school.

11. STRS, PERS, AND SOCIAL SECURITY COVERAGE	***EC* Section 47605(b)(5)(K)** ***CCR, Title 5*, Section 11967.5.1(f)(11)**
Evaluation Criteria 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, as required by *EC* Section 47605(b)(5)(K), at a minimum, specifies the positions to be covered under each system and the staff who will be responsible for ensuring that appropriate arrangements for that coverage have been made.	
Does the petition present a reasonably comprehensive description of STRS, PERS, and social security coverage?	**No**
Comments: The charter does not specify the positions to be covered under STRS or PERS and who will be responsible for ensuring the appropriate arrangements. Moreover, the charter endeavors to establish the "option" to enter PERS at a future time based solely on the action of the RCA governing board. This section would need to be rewritten if the RCA were to become an SBE-chartered school.	

12. PUBLIC SCHOOL ATTENDANCE ALTERNATIVES	***EC* Section 47605(b)(5)(L)** ***CCR, Title 5*, Section 11967.5.1(f)(12)**
Evaluation Criteria The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools, as required by *EC* Section 47605(b)(5)(L), at a minimum, specify that the parent or guardian of each pupil enrolled in the charter school shall be informed that the pupil has no right to admission in a particular school of any local education 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.	
Does the petition present a reasonably comprehensive description of public school attendance alternatives?	**Yes**
Comments: The charter makes clear that attendance at RCA is optional with the student and parent or guardian.	

13. POST-EMPLOYMENT RIGHTS OF EMPLOYEES	***EC* Section 47605(b)(5)(M)** ***CCR, Title 5*, Section 11967.5.1(f)(13)**
Evaluation Criteria The description of the rights of any employees 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, as required by EC Section 47605(b)(5)(M), at a minimum, specifies that an employee of the charter school shall have the following rights:	

13. POST-EMPLOYMENT RIGHTS OF EMPLOYEES	***EC* Section 47605(b)(5)(M)** ***CCR, Title 5*, Section 11967.5.1(f)(13)**
(A) Any rights upon leaving the employment of a local education agency to work in the charter school that the local education agency may specify.	Modification Proposed
(B) Any rights of return to employment in a local education agency after employment in the charter school as the local education agency may specify.	Modification Proposed
(C) 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 SBE 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.	Modification Proposed
Does the petition present a reasonably comprehensive description of post-employment rights of employees?	**Modification Proposed**
Comments: As denied, the charter contained a lengthy description of post-employment issues. The petitioners recognized that the description was mostly irrelevant to an SBE-chartered school. In place of this lengthy description, the petitioners have proposed a relatively brief paragraph stating (in effect) that RCA employees have no right of return to their previous employer (whether district or county office), other than that allowed by the previous employer. RCA should be allowed to modify this section as proposed if it becomes an SBE-chartered school.	

14. DISPUTE RESOLUTION PROCEDURES	***EC* Section 47605(b)(5)(N)** ***CCR, Title 5*, Section 11967.5.1(f)(14)**
Evaluation Criteria The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to the provisions of the charter, as required by *EC* Section 47605(b)(5)(N), at a minimum:	
(A) Include any specific provisions relating to dispute resolution that the SBE determines necessary and appropriate in recognition of the fact that the SBE is not a local education agency.	No
(B) Describe how the costs of the dispute resolution process, if needed, would be funded.	Yes
(C) Recognize that, because it is not a local education agency, the State Board of Education may choose resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, provided that if the State Board of Education intends to resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, it must first hold a public hearing to consider arguments for and against the direct resolution of the dispute instead of pursuing the dispute resolution process specified in the charter.	No

14. DISPUTE RESOLUTION PROCEDURES	***EC* Section 47605(b)(5)(N)** ***CCR, Title 5*, Section 11967.5.1(f)(14)**
(D) Recognize that if the substance of a 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 *EC* Section 47604.5, the matter will be addressed at the State Board of Education's discretion in accordance with that provision of law and any regulations pertaining thereto.	No
Does the petition present a reasonably comprehensive description of dispute resolution procedures?	**No**

Comments:
This section of the charter establishes a dispute resolution process that begins with a written notice-to-cure-style document. It then proceeds through mediation and binding arbitration. [Some language in the mediation step appears to be missing.] The section indicates that each party will "bear its own costs" in dispute resolution and "evenly divide" the joint costs of the mediation and arbitration processes. In keeping with the regulation, this section would need to be substantially rewritten if RCA were to become an SBE-chartered school.

15. EXCLUSIVE PUBLIC SCHOOL EMPLOYER	***EC* Section 47605(b)(5)(O)** ***CCR, Title 5*, Section 11967.5.1(f)(15)**

Evaluation Criteria
The declaration of whether or not the district shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act (Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the *Government Code*), as required by *EC* Section 47605(b)(5)(O), recognizes that the SBE is not an exclusive public school employer and that, therefore, the charter school must be the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act.

Does the petition include the necessary declaration?	**Yes**

Comments:
The charter is clear that RCA "shall be the exclusive public school employer" of its employees under the EERA.

16. CLOSURE PROCEDURES	***EC* Section 47605(b)(5)(P)**

Evaluation Criteria
A description of the procedures to be used if the charter school closes, in keeping with *EC* Section 47605(b)(5)(P). The procedures shall ensure a final audit of the school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records.

16. CLOSURE PROCEDURES	***EC* Section 47605(b)(5)(P)**
Does the petition include a reasonably comprehensive description of closure procedures?	**No**
Comments: This section begins with the presumption that closure occurs only when documented by official action of the RCA governing board which is technically incorrect and would need to be modified. It also presumes that all student records will be transferred to other schools. No provision is made for employment records. Reference is made to a final audit being arranged and paid for by the school. Any net remaining assets are to be "distributed in accordance with the…articles of incorporation, bylaws, and applicable law." The charter states that RCA "shall remain responsible for satisfaction of all liabilities arising from the operation of the school." However, no specific source of funding is identified for closure activities. This section would need to be strengthened if RCA were to become an SBE-chartered school.	

ADDITIONAL REQUIREMENTS UNDER *EC* SECTION 47605

STANDARDS, ASSESSMENTS, AND PARENT CONSULTATION	***EC* Section 47605(c)**
Evaluation Criteria Evidence is provided that:	
(1) The school shall meet all statewide standards and conduct the pupil assessments required pursuant to *EC* sections 60605 and 60851 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in noncharter public schools.	Yes
(2) The school shall, on a regular basis, consult with their parents and teachers regarding the school's educational programs.	Yes
Does the petition provide evidence addressing the requirements regarding standards, assessments, and parent consultation?	**Yes**
Comments: The charter's affirmations and assurances section includes specific references to state standards and assessments and to regular consultation with parents and teachers regarding the educational program.	

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EMPLOYMENT IS VOLUNTARY	***EC* Section 47605(e)**
Evaluation Criteria The governing board…shall not require any employee…to be employed in a charter school.	
Does the petition meet this criterion?	**Yes**
Comments: Between the descriptions in Element E (Employee Qualifications), Element M (Return Rights), and Element O (Labor Relations/Employment), it is clear that employment at RCA is voluntary.	

PUPIL ATTENDANCE IS VOLUNTARY	***EC* Section 47605(f)**
Evaluation Criteria The governing board…shall not require any pupil…to attend a charter school.	
Does the petition meet this criterion?	**Yes**
Comments: Element L (Alternative Attendance Options) makes clear that attendance at RCA is voluntary.	

EFFECT ON AUTHORIZER AND FINANCIAL PROJECTIONS	***EC* Section 47605(g)**
Evaluation Criteria …[T]he petitioners [shall] provide information regarding the proposed operation and potential effects of the school, including, but not limited to:.	
• The facilities to be utilized by the school. The description of the facilities to be used by the charter school shall specify where the school intends to locate.	Yes
• The manner in which administrative services of the school are to be provided.	Yes
• Potential civil liability effects, if any upon the school and the SBE.	Minimally
The petitioners shall also 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.	No
Does the petition provide the required information and financial projections?	**No**

EFFECT ON AUTHORIZER AND FINANCIAL PROJECTIONS	***EC* Section 47605(g)**

Comments:
In the document proposing changes to the charter to reflect the SBE as charter authorizer, the petitioners indicate the school's location (9191 Colorado Avenue, Riverside) in leased facilities. The petitioners also indicate that the school has applied for the use of RUSD facilities under *EC* Section 47614 (Proposition 39) beginning in 2007-08.

The additional information indicates that RCA contracts for accounting, bookkeeping, and legal services, and "from time to time" contracts with "other consultants." Business and personnel activities are "primarily" carried out by RCA employees.

The additional information discusses civil liability effects, indicating that RCA is "responsible for its own debts, liabilities, and obligations." The school maintains $2 million in general liability insurance and "directors and officers liability insurance (or its legal equivalent) in amounts of not less than $1 million per occurrence." The information is minimal. More detail would be desirable.

The financial information does not include cash flow projections. Therefore, the financial information would need to be revised to be consistent with the regulation. In addition, the analysis performed by the School Fiscal Services Division included the following findings:

<u>Prior Year Data</u>

- There were no audit findings on audit reports submitted for the 2 prior years, 2004-05 and 2005-06.
- Per the audit reports for both the 2004-05 and 2005-06 fiscal years, Rehoboth Charter Academy (RCA) started each year with a negative fund balance carried over from the prior year, -$184,556 and -$51,227 respectively. Note that RCA started the current fiscal year, 2006-07, with a positive beginning fund balance of $24,876.

<u>Budget</u>

- Prior year data is used as a base for budgeting purposes and presented on an annual basis.
- For fiscal years 2006-07, and 2008-09 through 2011-12, RCA meets the recommended reserves established in California Code of Regulations, Title 5, Section 15443.
    - Note that for fiscal year 2007-08, RCA does not meet the recommended reserves of 5 percent; reserves available are 3 percent.
- Assumes revenue from SELPA in each fiscal year.
    - Without this revenue, ending fund balance in 2006-07, 2007-08 and 2008-09 will be negative. The expenditures will exceed revenues by $13,178, $84,039 and $58,121, respectively.

EFFECT ON AUTHORIZER AND FINANCIAL PROJECTIONS	***EC* Section 47605(g)**

- Federal revenue may be overstated in fiscal years 2007-08 through 2011-12, based on the projected state cost-of-living adjustment (COLA) applied.
  - The state and federal COLA rates are not consistent.
  - COLA should not be assumed for Title I, Part A, based on historical trends.
- Textbooks and Core Curriculum expenditures may be overstated.
  - It appears that funds may be budgeted to purchase new textbooks for all students for each fiscal year.
- New teachers added in 2007-08 through 2010-11 appear to be budgeted at a beginning level.
- Expenditure for Instructional Aides is reduced in fiscal year 2008-09 to the 2006-07 funding level.

ACADEMICALLY LOW ACHIEVING PUPILS	***EC* Section 47605(h)**
Evaluation Criteria In reviewing petitions, the charter authorizer shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to pupils identified by the petitioners as academically low achieving…	
Does the petition merit preference by the SBE under this criterion?	**No**
Comments: There is no indication of petitioners' intent to target academically low achieving students.	

TEACHER CREDENTIALING	***EC* Section 47605(l)**
Evaluation Criteria Teachers in charter schools shall be required to hold a CCTC certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold…It is the intent of the Legislature that charter schools be given flexibility with regard to noncore, noncollege preparatory courses.	
Does the petition meet this requirement?	**Yes**

TEACHER CREDENTIALING	***EC* Section 47605(l)**

Comments:
The charter's affirmations and assurances section indicates that RCA will comply with applicable teacher credentialing provisions.

TRANSMISSION OF AUDIT REPORT	***EC* Section 47605(m)**

Evaluation Criteria
A charter school shall transmit a copy of its annual independent financial audit report for the preceding fiscal year…to the chartering entity, the Controller, the county superintendent of schools of the county in which the charter is sited…, and the CDE by December 15 of each year.

Does the petition address this requirement?	**Needs Revision**

Comments:
In Element I (Audit of Financial Operations) the charter indicates that it is "anticipated" RCA will be completed by December 15 of each year and that copies will be forwarded to the CDE and other agencies. This section needs to be rewritten for greater technical clarity. For example, the audit needs to be delivered to the CDE and other agencies by December 15, not just "completed" by that date.

ADDENDUM 1: REASONS FOR DENIAL BY THE RIVERSIDE UNIFIED SCHOOL DISTRICT

On June 5, 2006, the RUSD governing board voted 3-2 to deny RCA's charter renewal request. Three factual findings were made relative to the denial. **The first factual finding was that the RCA charter presents an unsound educational program**. The following 11 written reasons for denial were outlined regarding that finding:

(1) Has operated in violation of the Political Reform Act and implementing regulations. Does not have an approved conflict of interest code, has not required disclosure of economic interest, and has not required officials to abstain from participation in decisions affecting their financial interests.

CDE Staff Comment: The charter states that RCA will operate in compliance with the Political Reform Act. Information provided by petitioners indicates that a conflict of interest code was adopted on or about May 26, 2006. We do not have any information that refutes the district's historical information concerning RCA.

(2) Mr. Sherman Flakes has had several actual or apparent conflicts of interest, primarily related to the leasing of property.

CDE Staff Comment: We do not have any information that refutes the district's historical information concerning RCA.

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(3) Mr. Flakes' conflicts of interest have continued over the years, despite the RUSD governing board's expression of concerns, and recent corrective efforts by RCA do not fully cure the effects of the violations.

CDE Staff Comment: In support of this finding, the district attached minutes from the RUSD governing board meeting of April 21, 2003, during which there was extensive discussion of the RCA lease agreement with Rehoboth Tabernacle Church. One RUSD board member expressed concern that "it appears…the church is profiting from the lease." Another board member disagreed. We do not have any information that refutes the district's historical information concerning RCA.

(4) The RCA governing board does not appear to be actively participating in the school's governance as required by the charter and sound governance practices.

CDE Staff Comment: The RUSD indicates that this finding is supported by examination of the RCA governing board minutes for 2005-06. We do not have any information that refutes the district's historical information concerning RCA.

(5) The RCA governing board has not ensured parent involvement in governance, as required by its current charter and state law.

CDE Staff Comment: The RUSD indicates that this finding is also supported by examination of the RCA governing board minutes for 2005-06. We noted above that the charter provides for parent involvement, but does not specifically require that one or more parents serve on the governing board. We do not have any information that refutes the district's historical information concerning RCA.

(6) The RCA governing board has not operated in a manner consistent with a publicly-funded school, and specifically has not complied with the provisions of the Ralph M. Brown Act.

CDE Staff Comment: The RUSD indicates that this finding is also supported by examination of the RCA governing board minutes for 2005-06. We noted above that the charter indicates that the governing board will comply with the Ralph M. Brown Act. We do not have any information that refutes the district's historical information concerning RCA.

(7) The charter contains requirements not implemented by RCA during the four years of operation, including adoption of health and safety policies and student discipline policies.

CDE Staff Comment: As noted above, the charter's section on health and safety procedures (Element F) largely relegates specifics to policies to be adopted by the RCA governing board. In fact, the school's operation for essentially the whole of its existence without health and safety policies and student discipline policies in place creates serious concern regarding the RUSD's diligence in charter oversight. We do not have any information that refutes the district's historical information concerning RCA.

(8) The RUSD has received numerous parent complaints regarding the school's operation and refusal to "hear and address" parent concerns.

ADDENDUM 1: REASONS FOR DENIAL BY THE RIVERSIDE UNIFIED SCHOOL DISTRICT

The RUSD has no confidence that this situation will improve in the future.

CDE Staff Comment: We do not have any information that refutes the district's historical information concerning RCA.

(9) The RUSD "discovered financial practices that were inappropriate, including the use of school credit cards to pay for personal expenses."

CDE Staff Comment: In support of this finding, the RUSD included a report by district staff regarding discussion at an RCA governing board meeting held on June 21, 2004. We do not have any information that refutes the district's historical information concerning RCA.

(10) RUSD staff observed classroom instruction at RCA and identified "significant concerns regarding the quality of academic instruction."

CDE Staff Comment: In support of this finding, the RUSD included a letter from RUSD staff to RCA's principal dated June 7, 2004, reporting on a site visitation to RCA. The site visitation included some complimentary remarks and some areas of concern. We do not have any information that refutes the district's historical information concerning RCA.

(11) The RUSD "has been required to intervene in the areas of academic instruction, the handling of finances, parent complaints, and legal compliance throughout the term of the charter. This level of required intervention goes beyond a supervisory role and indicates an inability…to operate a sound educational program consistent with [RCA's] charter and state law."

CDE Staff Comment: As noted above, we concluded that the RCA charter's descriptions of the educational program and of the governance structure are not reasonably comprehensive. We do not have any information that refutes the district's historical information concerning RCA.

The RUSD governing board's second factual finding was that the RCA governing board and administrators are demonstrably unlikely to successfully implement the program set forth in the charter. Regarding this finding, the RUSD cited back to the reasons for denial enumerated above and also stated:

> While there has been a flurry of activity by RCA in recent weeks in an effort to correct violations and improve operations, the [RUSD governing board] has little confidence that RCA operators are capable of successfully carrying out all the requirements imposed by law and the charter without continual assistance from legal counsel and District staff. [The RUSD governing board] is not confident that RCA is capable of providing quality academic instruction without significant intervention from District staff.

CDE Staff Comment: We do not have any information that refutes the district's historical information concerning RCA. We also concluded that the petitioners are demonstrably unlikely to successfully implement the charter, based on the reasons noted in the analysis above.

The RUSD governing board's third factual finding was that the charter does not contain a reasonably comprehensive description of governance structure and parental involvement. The RUSD governing board listed the following three reasons in regard to this finding:

ADDENDUM 1: REASONS FOR DENIAL BY THE RIVERSIDE UNIFIED SCHOOL DISTRICT

(1) The RUSD governing board has expressed a great deal of concern regarding the governance structure, including the lack of parental participation and the extent to which Mr. Flakes controls RCA operations and participates in self-dealing transactions and other decision involving his own financial interests.

CDE Staff Comment: If the SBE were to become the RCA's chartering authority, we have recommended above that the governance section be rewritten. We do not believe that it reflects a reasonably comprehensive description of governance in its current form. We do not have any information that refutes the district's historical information concerning RCA.

(2) The revised charter does not require parent participation on the RCA governing board. Although the corporate bylaws currently provide for parent participation, the bylaws may be modified to remove that requirement, and there is no assurance parents will have meaningful participation in governance.

CDE Staff Comment: As noted above, we found specific references to means of providing for parent involvement. However, we did not find evidence in the charter of parents being represented on the RCA governing board.

(3) The existing charter states that the Parent Advisory Council will have input in certain areas, but the RCA governing board agendas and minutes reflect little or no input provided by parents. The description of a governance structure does not ensure parental involvement.

CDE Staff Comment: We do not have any information that refutes the district's historical information concerning RCA.

ADDENDUM 2: REASONS FOR DENIAL BY THE RIVERSIDE COUNTY BOARD OF EDUCATION

On August 23, 2006, the Riverside County Board of Education voted 7-0 to deny RCA's first-level renewal appeal. The County Board made three factual findings, each finding being supported by numerous written reasons as follows:

Finding 1. Rehoboth presents an unsound educational program for the pupils to be enrolled in the charter school.

(1) The explanations of both the program and how it will be implemented is insufficiently detailed and complete to evaluate the educational merits of the proposed School or to assess its viability as an operating School. This is particularly troubling because Rehoboth has been an operating school for four years and so should be able fully to describe and explain the program and how it is implemented.

CDE Staff Comment: We generally concur as indicated in the analysis above.

(2) The Charter contains many generalized statements without adequate explanation of what is actually meant or how and if these provisions can be implemented successfully, including from a fiscal basis. This is also particularly troubling because Rehoboth has been an operating school for four years so should be able to describe with specificity how the program is successfully implementing its plans and the fiscal

ADDENDUM 2: REASONS FOR DENIAL BY THE RIVERSIDE COUNTY BOARD OF EDUCATION

condition of the operations.

CDE Staff Comment: We generally concur as indicated in the analysis above.

(3) Based both on the Charter document submitted and discussions between RCOE staff and the Petitioners and their counsel, it is apparent that the Petitioners do not demonstrate an understanding of the legal rights of special education students and the obligations of a charter school to provide for special needs students. Staff has concerns regarding Rehoboth's ability to adequately provide special education services to its students with special needs.

CDE Staff Comment: We generally concur with the expression of concern regarding special education. We are unable to comment on the discussions between RUSD staff and the petitioners.

(4) The Charter does not meet the needs of students with exceptional needs as it does not adequately address the provision of services pursuant to the Individuals with Disabilities Education Act ("IDEA") and Section 504 of the Rehabilitation Act of 1973 ("Section 504"), as described in more detail below.

CDE Staff Comment: As noted above, we believe the charter would need to be rewritten in the area of special education.

(5) There is no description of the instructional materials the English Language Learner ("ELL") students will use, despite the fact that Rehoboth has been operating for four years and should be using appropriate instructional materials for ELL students. The Charter does not adequately describe how class size will be established.

CDE Staff Comment: We do not necessarily believe that specific instructional materials must be identified in the charter for English learners. However, we do not believe that the description of the educational program set forth in the charter is reasonably comprehensive.

(6) The curriculum described in the proposal is insufficiently defined to ensure that students will receive a comprehensive educational experience:

- The Charter fails to propose a coherent curriculum with a clear explanation of what will be learned and how it will be learned.
- There is no description of the instructional materials that will be used or authorized at each grade level and it cannot be determined if the materials in actual use align with state standards.
- The educational program described in the Charter is related to methodology, such as small class size, cross-age, tutoring, and cross-age generational learning but not to curriculum.

CDE Staff Comment: We generally concur with the concerns expressed. We do not believe the description of the educational program set forth in the charter is reasonably comprehensive.

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(7) There is no discussion/description of Rehoboth's retention policy if a student fails to keep pace with his/her peers.

CDE Staff Comment: Discussion of a specific policy on retention in the charter may be desirable, but we do not believe it is required.

(8) There is no description of how Rehoboth will address the unique needs of students who are academically high achieving.

CDE Staff Comment: We concur. In order to satisfy the regulation, this topic would need to be addressed in the charter.

(9) The Charter provides that teachers who teach "core, college preparatory" classes must hold a California teaching credential and defines core classes as math, English/language arts, science and history/social science. It further provides that "enrichment" classes will not be taught by credentialed teachers and defines "enrichment" classes as art, Spanish, music and others that the Rehoboth Board deems appropriate. Yet, the federal No Child Left Behind Act ("NCLB") defines core classes to include art, music and foreign languages, and thus, those classes must be taught by a credentialed employee, and the failure so to require evidences a lack of understanding of and compliance with NCLB.

CDE Staff Comment: We do not believe that NCLB's definition of core subjects necessarily results in teachers of art, music, and foreign language in charter schools being required to have a credential. NCLB defers to state law as regards credentialing in charter schools.

(10) The Charter does not specify that it will not allow concurrent enrollment in a private school.

CDE Staff Comment: *EC* Section 47602(a)(2) states in pertinent part, "No charter school shall receive any public funds for a pupil if the pupil also attends a private school that charges the pupil's family for tuition." This provision of law applies whether or not it is restated in a charter. The penalty for violation of the statute is loss of apportionment for each affected pupil. We do not believe that restatement of the provision in the RCA charter is necessary.

Finding 2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

(1) The budget documents provided contain few line items, combining a wide variety of unspecified costs in a single line item, and provide no supporting documentation to verify the accuracy of cost projections, and fail to provide an essential list of budget assumptions. RCOE staff specifically requested that the budget be revised further to break down expenses and that supporting documentation be provided in order for the RCOE to assess the validity of the budget documents, but this was not done. For example, from school year 2006-2007 to 2007-2008, the projected budgets provide that salaries will increase by $500,000.00, yet ADA is only expected to increase by 60 and no explanation is provided for this substantial increase in salaries.

CDE Staff Comment: We concur that RCA's financial information would need to be revised.

(2) During the Charter Petition review process, the Petitioners exhibited an "approve the Charter and we will work that out later" approach, even

ADDENDUM 2: REASONS FOR DENIAL BY THE RIVERSIDE COUNTY BOARD OF EDUCATION

on matters controlled by federal law and/or about which the RCOE expressed very serious concerns, such as special education. Additionally, issues identified in meetings and in written communications were not substantively addressed or were ignored entirely. These matters raise a question about how responsive the Charter School will be to RCOE requests in the future, which could impede the RCOE's ability to carry out its oversight obligations.

CDE Staff Comment: We are unable to comment on this reason as it involves discussions in which we did not participate.

(3) RCOE is obligated to ensure that a proposed charter school will meet the needs of individuals with exceptional needs in accordance with state and federal law. The Charter does not provide a workable method of providing services to students pursuant to the IDEA and Section 504 and a failure to do so would run afoul of federal law and unnecessarily expose the RCOE to liability for the Charter School's failure to provide such services.

CDE Staff Comment: As indicated above, we believe the charter would need to be substantially rewritten in the area of special education if RCA were to become an SBE-chartered school.

(4) The Petitioners have presented an unrealistic financial and operational plan for the Rehoboth Charter Academy, and have failed to submit the required financial documents and projections. For example, with the original Charter, the Petitioners submitted a budget for the 2005-2006 school-year which has already passed. Despite being made aware of this error and oversight, Petitioners did not provide a budget for the 2006-2007 school-year.

CDE Staff Comment: As indicated above, we believe RCA would need to provide substantially more detailed financial information and multiple-year plan if it were to become an SBE-chartered school.

(5) The Charter lacks an adequate description of what salary schedule will be utilized and what rules will govern the placement and movement of employees on the salary schedule.

CDE Staff Comment: We concur that RCA would need to provide substantially more detailed financial information and multiple-year budget plan if it were to become an SBE-chartered school. However, we do not necessarily believe that the salary schedule needs to be incorporated in the charter.

(6) The Charter lacks an adequate description of a plan to track employee work hours and ensure that non-exempt workers are paid appropriate overtime compensation and receive the benefits and protection of other applicable wage and hour laws, including the federal Fair Labor Standards Act.

CDE Staff Comment: We concur that RCA would need to provide substantially more detailed financial information and multiple-year budget plan if it were to become an SBE-chartered school. However, we do not necessarily believe that the plan to track employee work hours and related matters

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is needs to be incorporated in the charter.

(7) The Charter lacks an adequate description of how Rehoboth will handle employee discipline in terms of progressive discipline, documentation, preparing charges for employee suspension, preparing charges for employee dismissal, conducting Skelly meetings, and other elements of required due process.

CDE Staff Comment: We do not believe that the level of specificity envisioned in this reason for denial is necessarily required in the charter, though it may be appropriate for a companion document, such as a memorandum of understanding with the charter authorizer.

Finding 3. The petition does not contain a reasonably comprehensive description of the following required elements.

(1) A description of the educational program of the school, including identifying 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 Charter does not adequately address the provision of services pursuant to the IDEA and Section 504. The following highlights some of the Charter's most notable deficiencies in this area.
  - While Petitioners have indicated that they will be contracting with Total Education Solutions ("TES"), a certified non-public agency, or RUSD, for the provision of all special education services required by students attending the Charter, the Charter was not revised to reflect this plan for providing special education services, nor were any details provided as to the types of services Petitioners would be contracting for. For example, the Charter does not indicate whether Petitioners intend to contract with TES regarding insuring the Charter's compliance with "child find" obligations pursuant to the IDEA and Section 504. Further, although Petitioners were told in advance of RCOE's concerns regarding the Charter's description of the provision of special education and related services, no substantive revisions were actually made to this section. Instead of directly addressing the RCOE's concerns by revising the Charter, Petitioners merely sent a letter indicating that they would be contracting with TES or RSUD for the provision of special education services and attached a description of the services available through TES. No information was provided regarding whether Petitioners have actually contacted either TES or RUSD regarding providing special education services to Rehoboth. Additionally, because the Petitioners failed to revise the Charter, the Charter as submitted for approval by RCOE contains an incorrect description of how these important and federally mandated services will be provided by Rehoboth.
  - The Charter fails adequately to describe, or even to address at all, the procedures to be followed related to meeting the Charter School's "child find" obligations pursuant to both the IDEA and Section 504.
  - The Charter fails to identify procedures for ensuring compliance with Section 504. In fact, the Charter fails to address Section 504 at all, or even to recognize that Rehoboth has obligations pursuant to Section 504. This demonstrates a fundamental lack of understanding of Section 504 and raises grave concerns as to the Petitioners' ability to operate Rehoboth in compliance with state

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and federal law.

CDE Staff Comment: As noted above, the educational program description regarding special education would need to be significantly rewritten if RCA were to become and SBE-chartered school.

- The description of the program for ELL causes numerous concerns:
  - The Charter mentions that ELL students are part of the program, yet there are no course descriptions for ELL students in Language Arts or in any of the content areas that differentiate the type of instruction that they are to receive other than the brief mention that students will be instructed using the "SDAIE approach."
  - While the Charter mentions CLAD certification and use of SDAIE strategies, the Charter fails to list CLAD certification or training in the SDAIE approach as a requirement for the teachers who will be teaching ELL students.
  - There is no specific information to address the levels of Beginner-Early Intermediate, Intermediate, Early Advanced, and Advanced.
  - The Charter lacks a description of how the curriculum and assessment processes will be differentiated to meet the needs of ELL students.
  - The proposal lacks procedures to provide follow-up for ELL students who have an IEP.

CDE Staff Comment: Though we agree that the charter's educational program description is not reasonably comprehensive, we do not believe that the level of detail specified here is required, e.g., providing "information" about instruction for each level of English learners.

(2) The governance structure of the school.

- The proposed governance structure presents conflict of interest concerns that appear to violate applicable law, including but not limited to Government Code Section 1090 and the Political Reform Act of 1974, as well as good faith practices to protect the public interest. Rehoboth's Governing Board as currently constituted includes Mr. Sherman Flakes as President of the Board and his wife, Ms. Toya Flakes, is employed as Principal of the school at a rate of approximately $98,000 per year. Mr. Flakes also leases the property at which the School is located to the School for a monthly rental of $13,500. However he is unwilling to disclose the amount he pays in rent to the landlord for the same property that he is leasing back to the school. He is also unwilling to provide to RCOE a copy of the master lease for the property.
- The petitioners have submitted correspondence wherein they contend that Government Code Section 1090 is inapplicable to charter schools. Given that charter schools are part of the public school system and are public entities, as well as the fact that the terms of Section 1090 are interpreted broadly in order to protect the strong public interest in assuring that public officials act in the public interest, rather than out of self-interest, RCOE staff believes there continue to be strong arguments that Section 1090 applies with full force to charter schools.
- The relationship between the President of the Rehoboth Board and the Principal, as well as the personal financial interest the President

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has in the lease, would violate Section 1090. Further, even if credence was given to the Petitioner's position that Section 1090 technically does not apply to Rehoboth, public policy prohibits the Flakes' current financial relationship with the Rehoboth Charter Academy. Rehoboth's governance structure does not permit the RCOE to appoint a voting representative to the Board of the non-profit corporation that operates Rehoboth. This is contrary to the provisions of Education Code Section 47604 which specifically provides that the board of the chartering agency is entitled to a representative on the Board of Directors of the non-profit public benefit corporation.

CDE Staff Comment: Though we agree that the charter's governance description is not reasonably comprehensive, we do not believe that all of the detail specified here is required, e.g., we are not persuaded that *Government Code* Section 1090 applies to charter schools, although we concur that real and apparent conflicts of interest must be avoided.

(3) Qualifications of employees.

- The Principal is the individual who is granted the primary responsibility for the operations of this School. Acknowledging that Education Code is not specific regarding credentialing for charter school administrators, sound educational practices implemented statewide are that all school principals hold administrative credentials because of the training and experience required to receive that credential. RCOE is concerned that the petition has no requirement that the person holding the Principal position have the expertise or qualifications to carry out necessary administrative tasks nor have any educational expertise, although this individual will be making many educational decisions for students as well as supervising teachers. Although the Charter provides that it is "preferred" that the Principal have administrative experience, this individual is not required to hold a valid California teaching credential or administrative credential.
- The Charter does not provide specific information about the qualifications and credentials of staff who will work with special needs students and ELL students.
- Although the Charter makes reference to the need for instructional assistants, the Charter does not include a section on qualifications for instructional assistants, or an assurance that Rehoboth will employ instructional assistants who comply with NCLB.

CDE Staff Comment: We concur that the description of employee qualifications in the charter is not reasonably comprehensive. This section would need to be rewritten if the RCA were to become an SBE-chartered school.

(4) Health and safety procedures, including criminal record checks.

- The "procedures" to ensure heath and safety of students/staff have not been set forth in the Charter but instead are set forth in a policy that was apparently drafted on May 4, 2006, even though this School had already been operating for four years at that point. The operation of the School for four years without such policies is cause for grave concern.
- The Charter and the policies submitted do not describe how the Charter School will assure the avoidance of discrimination under applicable state and federal anti-discrimination laws, including the California Fair Employment and Housing Act, California Family Rights

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Act, and Pregnancy Disability Leave Act, and, under federal law, including Title VII of the Civil Rights Act, the American with Disabilities Act, Age Discrimination in Employment Act, Family and Medical Leave Act, and Health Insurance Portability and Accountability Act, in terms of employment practices and decisions, including:
  - Hiring, discipline, dismissal;
  - Compensation, assignment, classification;
  - Transfer, promotion, layoff;
  - Testing procedures and reasonable accommodation;
  - Use and accessibility of facilities;
  - Training programs; and
  - Pay, retirement plans, health and welfare benefits and leaves of absence.
- The Charter and the health and safety policies do not ensure an education environment or workplace free of sexual harassment, including policies, complaint procedures and a plan for discipline of those who are found guilty of sexual harassment.
- The Charter and the health and safety policies do not ensure that copies of facility inspections reports are on file and ready for inspection.
- The Charter and the health and safety policies do not describe the Charter School's exposure control plan, school safety plan and disaster preparedness plan.
- The Charter and the health and safety policies do not describe the plan to comply with local, state and federal laws regarding food safety and environmental protection, including:
  - All federal, state, and RCOE Health Code regulations.
  - All child nutrition segments of Title 7 of the Code of Federal Regulations.
- The Charter and the health and safety policies do not describe efforts to comply with state and federal law designed to protect children, including, but not limited to, the proper administration of medication to students in schools and the reporting of child abuse.

CDE Staff Comment: Though we agree that the charter's description of health and safety procedures is not reasonably comprehensive, we do not believe that the full level of detail specified here is required in the charter, e.g., describing "how…avoidance of discrimination" will be assured, the "plan" for disciplining those found guilty of sexual harassment, and the "plan" for food safety and environmental protection. We concur with the RCOE staff's grave concern regarding lack of health and safety policies for the past four years. In fact, RUSD's diligence in charter oversight is called into question.

(5) 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 entity to which the charter petition is submitted.
- With respect to the means by which the School will achieve a racial and ethnic balance among its pupils that is reflective of the general

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population residing within the territorial jurisdiction of the agency to which the Charter Petition is submitted, required by Education Code Section 47605(b)(5)(G), the Charter does not:

- Specify any concrete outreach or recruitment plan, that could be subject to objective review, to achieve the above-identified goal, which might include:
  - The nature, number and location of community outreach presentations to be made within the RCOE;
  - The specific community-based organizations with which the Charter School may partner in order to fulfill the above-identified goal;
  - The print and non-print media in which the Charter School will advertise, and the nature, number, and frequency of such advertisements;
  - A description of the promotional and informational material to be distributed as part of outreach efforts and the methods by which it will be distributed.
- Describe the means by which the Charter School will maintain an accurate accounting of the ethnic and racial balance of students enrolled at the Charter School.

CDE Staff Comment: Although it may be desirable for RCA to elaborate on the means by which it will pursue a racial and ethnic balance reflective of the RUSD, we believe that what has been provided in the charter is technically sufficient to meet the regulation.

(6) The manner of conducting annual, independent audits and the manner in which audit exceptions and deficiencies shall be resolved to the RCOE's satisfaction.

- The Charter fails to specify the timeline in which audit exceptions and deficiencies will be addressed. Additionally, the Charter fails to specify that the audit exceptions and deficiencies must be resolved to the satisfaction of RCOE and how that requirement will be met, but rather, the Charter refers disputes over such exceptions and deficiencies to the dispute resolution procedure, which is not to the RCOE's satisfaction. Further, the proposed dispute resolution process is lengthy and cumbersome so handling audit exceptions and deficiencies through that process would unduly interfere with the RCOE's ability to oversee operations of the Charter School.

CDE Staff Comment: As noted in the analysis, we do not find the charter's description related to annual audits to be reasonably comprehensive. This section would need to be rewritten if RCA were to become an SBE-chartered school. We generally concur with criticisms identified by RCOE staff in this area.

(5) Procedures for student suspension and expulsion.

- The description contained in the student discipline policy, for the most part, tracks the language of the Education Code, however, it does not incorporate all the relevant sections. Accordingly, there are problems with understanding and applying the student discipline policy. For example, the policy references an expulsion panel, but fails to identify who will make up the panel. Additionally, the expulsion policy

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makes reference to a "Charter School Director" taking certain actions regarding expelled students but the Charter does not provide for this position.

CDE Staff Comment: As noted in the analysis, we do not believe that the charter's description of procedures for suspension and expulsion is reasonably comprehensive. The section would need to be rewritten if RCA were to become an SBE-chartered school.

(6) Procedures to be followed by the school and RCOE to resolve disputes relating to the provisions of the charter.

- This provision is unacceptable because it proposes to make the chartering agency's authority and discretion to revoke the Charter, as provided in Education Code Section 47605(c) and (d), subject to the dispute resolution procedures. A chartering agency's ability to revoke a charter if it determines that the violation by the charter school constitutes a severe and imminent threat to the health and safety of students, is of particular importance. The dispute resolution provision proposed in the Rehoboth Charter requires that all disputes be subject to the dispute resolution policy. This would limit the RCOE Board's legal authority and responsibility to revoke or deny a charter, Such restrictions, which may take several months to complete, place the safety and health of students needlessly at risk and impede the chartering agency's ability to effectively oversee the Charter.

CDE Staff Comment: As noted in the analysis, we do not believe that the charter's description of procedures for dispute resolution is reasonably comprehensive. The section would need to be rewritten if RCA were to become an SBE-chartered school.

(7) A description of the procedures to be used if the school closes. The procedures shall ensure a final audit to determine the disposition of assets and liabilities of the school, including plans for disposing of any net assets and for maintenance and transfer of student records.

- The process set forth in the Charter for the closure of the Charter School is not reasonably comprehensive and the proposed closure procedures are unacceptable:
  - The provision, as drafted, fails to provide for immediate notification to all affected parties.
  - This clause is incomplete because it provides that all assets become the sole property of the School and are to be disbursed in accordance with the School's Articles of Incorporation and bylaws. The bylaws provide that all assets will be disbursed to an agency for social welfare purposes. Thus, the chartering agency cannot effectively determine if the assets will be disbursed properly, particularly since the clause provides that the assets will become the sole property of Rehoboth upon the closure of the School, instead of becoming its property after the payment of all obligations incurred by the School. Further, the bylaws can be changed at any time by the Rehoboth corporation, so this provision provides no certainty as to the disbursement of the School's net assets upon closure.

CDE Staff Comment: As noted in the analysis, the charter's description of procedures for closure is not reasonably comprehensive. When revising

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the section, it would clearly be desirable to address certain issues in more depth, as indicated in the RCOE staff comments.

(8) Information regarding the potential civil liability effects upon the chartering agency.

- Under the provisions of Education Code Sections 47605(g) and 47605(j)(1), the Charter School must provide to the charter entity information regarding the proposed operation and potential affects of the School, including, but not limited to, the potential civil liability effects, if any, upon the School and upon the RCOE. There is no statement as to the liability insurance coverage maintained nor is there is a hold harmless clause in the Charter, only a promise made by Mr. Flakes in his August 9, 2006, communication to indemnify RCOE as outlined in an exhibit to the correspondence, which exhibit was not attached to the correspondence or otherwise provided to RCOE.

CDE Staff Comment: The charter as denied does not include a description of civil liability effects that is reasonably comprehensive. However, in the document proposing changes to the charter to reflect the SBE as charter authorizer, the petitioners do address civil liability effects in a manner that appears minimally consistent with the regulation.

REHOBOTH CHARTER ACADEMY

A Charter School Renewal Petition

Presented to:

The Riverside Unified School District

Prepared in compliance with the terms, conditions and requirements of the Charter Schools Act.
Submitted in cooperation with parents, teachers, staff, community leaders and other concerned citizens of Riverside, California.

May 4, 2006

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AFFIRMATIONS/ASSURANCES

As the authorized representative of the applicant, I, Sherman Flakes, hereby certify that the information submitted in this application for a charter for the Rehoboth Charter Academy ("School," "RCA," or "Charter School") to be located within the boundaries of the Riverside Unified School District is true to the best of my knowledge and belief; I also certify that this application does not constitute the conversion of a private school to the status of a public charter school; and further, I understand that if awarded a charter, the School:

- Will meet all statewide standards and conduct the student assessments required, pursuant to Education Code Section 60605, and any other statewide standards authorized in statute, or student assessments applicable to students in non-charter public schools. [Ref. Education Code Sections 47605(c), 47612.5(a)(3)]

- Will be deemed the exclusive public school employer of the employees of the Charter School for purposes of the Educational Employment Relations Act. [Ref. Education Code Section 47605(b)(5)(O)]

- Will be non-sectarian in its programs, admissions policies, employment practices, and all other operations. [Ref. Education Code Section 47605(d)(1)]

- Will not charge tuition. [Ref. Education Code Section 47605(d)(1)]

- Will admit all students who wish to attend the School, and who submit a timely application, unless the School receives a greater number of applications than there are spaces for students, in which case each application will be given equal chance of admission through a random lottery process. [Ref. Education Code Section 47605(d)(2)(B)]

- Will not discriminate on the basis of race, ethnicity, national origin, religion, gender, sexual orientation, perceived sexual orientation, home language, or disability. [Ref. Education Code Section 47605(d)(1)]

- Will adhere to all provisions of federal law related to 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.

- Will meet all requirements for employment set forth in applicable provisions of law, including, but not limited to credentials, as necessary. [Ref. Title 5 California Code of Regulations Section 11967.5.1(f)(5)]

- Will ensure that core, college preparatory 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 statute, flexibility will be given to non-core, non-college preparatory teachers. [Ref. California Education Code Section 47605(l)]

- Will at all times maintain all necessary and appropriate insurance coverage.

- Will, if a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, notify the superintendent of the School District of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript or grades or report card, and health information. This paragraph applies only to pupils subject to compulsory full-time education pursuant to Education Code Section 48200.

- Facilities utilized by the Rehoboth Charter Academy will comply with the requirements of the Americans with Disabilities Act and with the California Building Code as required by Education Code section 47610, unless deemed exempt pursuant to section 47610.5.

- Will follow any and all other federal, state, and local laws and regulations that apply to the Charter School including but not limited to:

  - The Charter School shall maintain accurate and current written records that document all pupil attendance and make these records available for audit and inspection.

  - The Charter School shall on a regular basis consult with its parents and teachers regarding the Charter School's education programs.

  - The Charter School shall comply with any jurisdictional limitations to locations of its facilities.

  - The Charter School shall comply with all laws establishing the minimum and maximum age for public school enrollment.

  - The Charter School shall comply with all applicable portions of the No Child Left Behind Act.

  - The Charter School shall comply with the Public Records Act.

  - The Charter School shall comply with the Family Educational Rights and Privacy Act.

_____

Name **Date**

ELEMENT A
Educational Program

The Rehoboth Charter Academy is committed to providing a successful, safe, and challenging kindergarten through sixth grade educational experience, while promoting the joy and importance of learning for all of our students. Our community of learners is committed to social, civic, character, and academic development. Rehoboth Charter Academy is located within the Riverside Unified School District boundaries.

Mission

The mission of Rehoboth Charter Academy (RCA) is to provide a comprehensive educational system that provides all children in grades K-6 with the tools necessary for leadership and service throughout the 21st century. Students will become literate, well-prepared life-long learners through participation in a (primarily) teacher-directed, phonics-based, highly disciplined program. Meaningful, regularly assigned homework, after school learning opportunities and recognition for achievement will contribute to student success. A learning environment will be established that develops leadership, academic excellence in reading, writing, and mathematics, and science, social studies, physicality and character development. The student will further develop an understanding and appreciation of service to society and be provided the skills necessary for self motivated, competent life-long learning. Grade level proficiency is seen as a key to promotion to the next grade and to eventual college readiness.

We will constantly measure student and staff achievement and make necessary improvements on a timely basis. Financial and human resources will be effectively and efficiently utilized to maximize student performance and provide a benchmark of excellence for replication throughout the county.

Vision

Rehoboth Charter Academy's vision is based on the reality of our global economy, and the opportunity and challenges of social and economic diversity. We offer an education that provides students with the tools necessary for survival and achievement in the 21st century. Our children deserve the highest quality education that will enhance their academic and developmental potential, as well as prepare them for the future. The charter law is intended to provide an environment where accountability, flexibility, innovation, parental choice, parent teacher involvement, and public-private partnerships can work together to provide a better future for our children. This environment will be marked by excellence. Excellence is not an outcome to be wished for, but a standard to be maintained. In this environment, diversity will be celebrated. The community of the future is a world community and the skill of communication across cultural barriers is essential. This requires the ability to see difference as a reality to be celebrated.

In short, the key cornerstones of the school are: 1) academic achievement – the ability to read, speak, write, and calculate with clarity and precision; 2) the ability to

demonstrate good citizenship through self-control, respectfulness, and kindness especially with respect to teachers and others; 3) a high self-esteem based on academic success; and 4) preparation to confidently address future academic challenges.

High academic standards are utilized when implementing the action-oriented curriculum and instruction. Curriculum is research-based and student-focused to develop each student's full potential, while recognizing his or her uniqueness. The school aligns its curriculum and instruction with district and state academic content standards. Our high expectations will result in literate, self-reliant, and confident learners. Students are required to wear uniforms.

The goals of Rehoboth Charter Academy are:

- to provide students with practical knowledge and skills that will promote competence, a life-long curiosity and self-motivation for learning in an ever-changing world;
- to teach and motivate students to seek understanding of circumstances in their life experience and to apply this understanding to the broader world contexts of career, family and civic responsibility;
- to help students learn to reason, research, analyze, apply, elucidate and extrapolate for preventive problem-solving and goal setting/attainment;
- to provide a customer-driven culture that will learn by doing, accompanied by the willingness and the energy to keep asking the questions that will generate the next best alternative to try;
- to regularly measure student and staff performance and to provide information for attaining higher achievement;
- to regularly measure parent and school community satisfaction;
- to provide an environment where leadership, business principles, and community service will be incorporated into the subject matter;
- to enable pupils to become self motivated, competent, and life-long learners.

What it Means to be an Educated Person in the 21st Century

The purpose of education today is to prepare people to lead happy and productive lives. An educated person in the millenium will:

- have a strong understanding in core areas of math, reading, writing, and science;
- be knowledgeable of world cultures both present and historic;
- be able to work collaboratively with others;
- be a complex and creative thinker;
- be a problem solver and an independent decision-maker;
- be a lifelong learner, capable of using existing knowledge and skills. Capable of learning new skills when necessary;
- understand that every action has an impact and will recognize the impact of his or her behavior on others and the environment;

- be self-assured, articulate, accepting and compassionate, and use common sense.

We establish a learning community where:

- learning needs are met;
- resources are provided;
- questions are answered, and
- potentials are unlocked for all learners.

In designing a facility to invite learning, architecture and construction will represent our student-centered focus. Where possible, community facilities will be remodeled and renovated to meet this end. It is a beacon of community hopes to bring out the best in working with student possibilities, not impossibilities. The community creativity allows for access to resources which establishes a pathway to growth. A local identity is maintained while encompassing a global perspective. The school model that is envisioned is “in-seat” (students at the school site in a traditional school program). Where additional staffing for expanded programs operating outside of traditional school time is needed, such staffing will be supplied.

How Learning Best Occurs

The Rehoboth Charter Academy educational program is based upon the understanding that learning best occurs:

- when children feel safe, cared about, respected, and are encouraged to be themselves and to explore their individual talents to the fullest extent possible;
- as a result of positive attitudes, a supportive environment, and high expectations from teachers and parents;
- students, staff, parents, and community members see themselves as teachers and role models;
- when parents participate in school and are taught how to help their students with their schoolwork;
- when teachers are highly qualified, motivated, and love their work;
- when teachers know how to reassure students and treat them fairly;
- in small classes and through curriculum that is exciting, challenging, and comprehensive;
- when students are invited to apply their knowledge and encouraged to look at all sides of issues;
- when all learning styles are acknowledged and addressed;
- in an orderly environment.

Curriculum and Instructional Program

The educational program includes an integrated curriculum, incorporating a variety of learning/teaching styles, and is assessed regularly. We have incorporated the Micro-Society program which includes literacy, technology, arts, community service, and self

responsibility. Small class size, cross-age tutoring, cross-age generational learning, community mentors, and experts, teach students at their own rate in order to individualize instruction. We celebrate diversity and build on the strengths of each community member. Learning applications occur in real work and micro-society settings.

The charter school follows a curriculum that emphasizes direct instruction methods for teaching. Examples of the types of texts to be used may include, but are not limited to, Open Court Reading, Saxon Math, combined with Houghton Mifflin Math, and Houghton Mifflin Social Studies and McGraw Hill Science. Rehoboth Charter Academy will utilize state board approved texts for the core curriculum in order to ensure that the program is aligned with the California Content Standards and Frameworks. Although the school may elect these text series, the RCA board reserves the right to use any other sequential series deemed comparable or better in effectively meeting the educational needs of our student population.

The current instructional day is from 7:50 to 2:50 p.m. for grades K through 6, with extra curricular activities and tutorial opportunities available after core instruction. The Board and staff reserve the right to make changes to the schedule as they deem necessary.

The school uses a range of assessments to determine student progress, including the state Standardized Testing and Reporting (STAR) program and school-developed assessments, including individual student growth data such as pre- and post-testing. Please see element C below for a detailed description of RCA's student performance assessments.

The Rehoboth Charter Academy recognizes that access to and utilization of technology is essential to preparing students for secondary and post-secondary education as well as for productive placement in the business and professional world. We realize as well that access to the information superhighway for many families, and for their school-age children, is often limited. To this end, our goal is to develop a comprehensive technology plan which will include the following:

- acquisition of appropriate software, hardware, and routing access to the information superhighway;
- a management plan that will encourage daily access to computers;
- course competencies in computer literacy;
- utilization of technologically-advanced software to supplement the core curriculum and promote the practice of higher-level thinking skills;
- appropriate safeguards to ensure access to educational information only.

Serving Students with Special Needs:

English Language Learners (ELLs) have full access to Rehoboth's educational program. Before a child begins at RCA, we administer the state-required home language survey

to determine whether English is the student's native language. Within 30 days of enrollment, all students whose home language is other than English are given the California English Language Development Test (CELDT) to determine their English language proficiency level. These students are also administered a primary language assessment in their native language within 90 days of enrollment. Based on the CELDT results, we determine which of our students are English Language Learners. Rehoboth uses annual CELDT data, teacher assessments, and STAR test data to identify ELL student needs and reclassify English Language Learners students as English proficient when appropriate. RCA also administers trimester assessments to determine each ELL student's needs.

We believe that our ELL students are best served through a Sheltered English Immersion program utilizing SDAIE (Specially Designed Academic Instruction in English) for English language development to assist students in successfully achieving English language proficiency at the fastest possible rate. In addition to assisting our ELL students through the SDAIE approach during school hours, we also offer supplemental English instruction for our ELL students after school. This supplemental ELL instruction focuses exclusively on English language development skills through an after school tutoring program for those who need extra help. Rehoboth employs CLAD certified teachers and works with other ELL specialists and bilingual instructional aides as appropriate. Our goal is to ensure a quality ELL instructional program that enables RCA's ELL students to attain English proficiency, achievement in all academic subject areas, and to have full access to the range of educational opportunities that RCA envisions for all of its students.

Special Education students will be afforded educational opportunities in accord with their Individualized Education Plans and in accord with existing policies in the District and/or SELPA. Special Education students' growth expectations will be reflected in their Individualized Education Plans. Rehoboth Charter Academy and Riverside Unified School District pledge to work in cooperation with all local education agencies (LEAs) and special education local plan areas (SELPAs) to ensure that a free and appropriate education is provided to all students with exceptional needs.

RCA functions as a "public school of the local education agency that granted the charter" for purposes of providing special education and related services pursuant to Education Code Section 47641(b). During each school year during which the school operates as an arm of the district for special education purposes, the school shall pay to the district an amount of funding per unit of average daily attendance equal to the district's direct costs of providing special education and related services minus the district's revenues from all special education and transportation funding sources. In return, the district shall provide the school with all funding and/or services reasonably necessary to ensure that all students with exceptional needs who attend the school are provided a free and appropriate education.

RCA and RUSD shall annually and in good faith negotiate and enter into a written agreement to more clearly specify the desired mix of special education funding and

services to be provided. The school shall enjoy reasonable flexibility to decide whether to receive services, funding, or some combination of both pursuant to Education Code Section 47646(b). The school and the district shall work in good faith to document the specific terms of this relationship in an annual contract or memorandum of understanding.

ELEMENT B
Measurable Pupil Outcomes

Business leaders, politicians, community members, and students themselves often express concern that school today bears little resemblance to what students will be expected to do in the workplace of tomorrow. Rehoboth Charter Academy standards represent the skills necessary for success in our rapidly changing world. Accordingly, it is the goal for graduates of this charter school that they demonstrate appropriate age or grade-level mastery of the following core academic skills:

RCA Pupil Outcomes

- *Mathematics* – students will develop abilities to reason logically and to understand and apply mathematical processes and concepts, including those within arithmetic, algebra, geometry, and other mathematical subjects which fall within the state framework and content areas based on the California Content Standards.
- *Language Arts* – students will demonstrate basic reading, writing, listening, speaking and presentation skills, with communication skills appropriate to the setting and audience – comprehending and critically interpreting multiple forms of expression, including literature from various time periods and cultures base on the California Content Standards. Students will also listen and communicate orally to express opinions and gain new information. Students will use writing as a process to effectively communicate knowledge and express ideas, interests and values. Students will view reading as a lifelong tool for growth. Students will also effectively use technology as a tool for communication.
- *Science* – students will successfully utilize scientific research and inquiry methods to understand and apply the major concepts underlying the various branches of science, which may include physics, chemistry, biology, ecology, astronomy, and earth sciences. Students will utilize the scientific process for new learning and new questions based on the California Content Standards.
- *History and Social Studies* – students will understand and apply civic, historical, economical, and geographical knowledge in order to serve as citizens in today's world of diverse cultures based on the California Content Standards. Students will deal effectively with diverse perspectives by viewing different cultures as a strength and utilizing conflict resolution when appropriate. Students will understand current social and political events and issues .

In addition to demonstrating the above academic outcomes, Rehoboth Charter Academy students will demonstrate the following non-academic skills and standards:

Character and Ethics Standards, which include:

- promoting responsibility for one's actions and deeds, self-esteem, sociability, collaboration, integrity and honesty;
- demonstrating confidence, empowerment, self-discipline and resiliency;
- benefiting from failures and making them successes;
- working collaboratively as a team player;
- acting respectfully and with responsibility for own action;
- having the ability to facilitate and build consensus in problem solving;
- learning by doing and applying;
- demonstrating a positive vision for the future; and
- taking risks by understanding and utilizing the learning environment.

Balanced Life Standards, which address:

- participation in fitness and wellness as a life-long habit while utilizing all of the intelligences;
- involvement in the community;
- demonstrating wellness in life style;
- being committed to academic excellence;
- demonstrating ethical responsibility in decision-making;
- applying learning as a never-ending process;
- thinking globally and acting locally for the benefit of the community; and
- understanding how social, organizational, and environmental systems work together.

Progress towards meeting the “Character and Ethics Standards” and “Balanced Life Standards” will be measured informally by student, staff, and parent surveys.

Each of the skills identified above is viewed within the context of integrated learning opportunities, utilizing critical thinking skills, study skills and habits (including initiating and completing a project), social skills (including conflict resolution), and essential life skills (financial management, job readiness, and higher education continuance skills).

School Outcomes

In addition to individual pupil outcome goals, the Rehoboth Charter Academy has set high standards for the school itself and its board, staff, and parents. Specifically, the Rehoboth Charter Academy educational program will be based on the following elements:

- a vision, mission and operational business plan that focuses on student learning;
- academically rigorous well-focused basics in core subject curricula;

- effective and engaging instruction with a commitment to utilizing differing teaching approaches to meet the needs of different learning styles;
- incentives that increase and encourage collaboration among teachers;
- professional development that puts skills into a context consistent with the overall school mission;
- autonomy that allows the charter school to develop and implement a process of change tied to high standards;
- parent and community involvement in and support for school programs;
- regular measurement of progress toward achieving both student and staff performance goals;
- a community communication process detailing student and school performance; and
- an effective and efficient business process that ensures maximum utilization of private and public resources (both human and financial).

ELEMENT C
Evaluating Pupil Performance

The Rehoboth Charter Academy is accountable to the Riverside Unified School District Board for the progress of students in meeting challenging learning standards. In addition, the entire learning community assumes responsibility for the educational success of all students. We believe that a student's success equals our success. Academic Standards must be measurable and measured.

The school uses a range of assessments to determine student progress and participates in the state Standardized Testing and Reporting (STAR) Program. The school measures student academic performance based on the state STAR Test results, redesignation rates for English Learners, and academic growth as measured by school-developed assessments, including pre- and post-testing. School-based, standards-based assessments at RCA currently include, but are not limited to, the San Diego Quick, Saxon Placement Inventory when applicable, Houghton Mifflin Inventory Test, Riverside Unified School District Trimester Math and Language Arts Tests, Johns Inventory Test, and Open Court Program Assessments.

Daily instruction also provides ongoing feedback through such measures as observation, projects, criterion-referenced tests, open-ended tasks, and writing samples. Each classroom teacher will continually assess learning, analyze multiple assessment results, and develop improved teaching strategies to shape instruction.

Following is a chart of the specific assessments RCA uses to measure each pupil outcome.

Student Outcome and Assessment Matrix

Measurable Outcomes	Assessment Tools
Students will achieve proficiency in English/Language Arts	• California Assessment Test (CAT)/6; California Standards Test (CST) • Pre- and post-diagnostics • In-class assessments • Other school-based assessments, such as San Diego Quick and Johns Inventory
Students will achieve proficiency in Mathematics	• California Assessment Test/6; California Standards Test • Pre- and post-diagnostics • In-class assessments • Other school-based assessments
Students will achieve proficiency in Science	• California Assessment Test/6; California Standards Test • Pre- and post-diagnostics • In-class assessments • Other school-based assessments
Students achieve proficiency in History/Social Science	• California Assessment Test/6; California Standards Test • Pre- and post-diagnostics • In-class assessments • Other school-based assessments
ELL students will make substantial progress toward fluency in English	• California English Language Development Test (CELDT) • Spanish Assessment of Basic English SABE/2 (or other state-required equivalent Spanish language assessment, as applicable) • School-based assessments
Special education students will achieve or make progress toward the learning goals in their Individualized Education Plans.	• IEP progress and review

Progress will be measured and communicated on an ongoing basis by means of trimester report cards and progress report cards so that parents and educators always know where students are in their educational program and can make appropriate

choices and set goals each trimester to ensure each student's success. Each year, the Rehoboth Charter Academy will survey parents on a variety of indicators of parent satisfaction, staff relationships, and student progress. Results of the survey will be published in the school newsletter.

ELEMENT D
Governance and Operations

Legal

The Rehoboth Charter Academy is a public charter school, granted and overseen by the Riverside Unified School District. RCA is incorporated as a not-for-profit, public benefit corporation. RCA shall be solely operationally managed by the RCA non-profit board of directors.

The Rehoboth Charter Academy will be non-sectarian in its programs, admissions policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against any student on the basis of race, ethnicity, national origin, gender, or disability, or any other impermissable discrimination.

The school will comply with all federal and state laws, regulations, and ordinances that are applicable to California charter schools. The Board of Directors will comply with the requirements of the Ralph M. Brown Act (Government Code Section 54950 *et seq.*). In addition, directors, officers, and employees of Rehoboth Charter Academy will comply with the requirements of the Political Reform Act and implementing regulations (Government Code Sections 81000 *et seq.*, Title 2, California Code of Regulations, Section 18109 *et seq.*).

The Riverside Unified School District shall be responsible for implementing the Charter Schools Act and any other applicable laws in a good faith manner, and to cooperatively pursue any applicable waivers necessary to implement the charter.

Rehoboth Charter Academy will notify the Riverside Unified School District immediately regarding any claim for damages or legal complaint that is filed with or against the Academy.

Governance

The Rehoboth Charter Academy is governed by its Charter Board. The Charter Board will have three to five members. Per the charter law, the RUSD may designate a representative to this Board, as a non-voting liaison, for purposes of comment on items relating to the Rehoboth Charter Academy. Board members shall serve staggered terms and may be renominated at the expiration of their term at the annual Board meeting. Elections will be held per the bylaws.

Among its roles and responsibilities, the Charter Board will have responsibility for the following:

- the general policies of the school
- the school's budget;
- hiring, evaluating, and if necessary, firing all RCA staff;
- receipt of funds for the operation of the school in accordance with the charter school laws;
- solicitation and receipt of grants and donations consistent with the mission of the school;
- reviewing the school's personnel policies and receiving from the site Principal reports relative to their implementation, such policies to be consistent with any applicable laws;
- confirming that all other responsibilities provided for in the California Corporations Code, the Articles of Incorporation, Bylaws, or this charter necessary to ensure the proper operation of the school are being carried out;
- reviewing operations reports from the Principal and audit reports;
- the development and execution of an operational business plan that focuses on student learning;
- providing professional development that puts skills into context consistent with the overall school mission;
- parent and community involvement in and support for school programs and change efforts;
- regular measurement of progress towards achieving both student and overall school performance;
- effective human resource models for career and compensation;
- a community communication process detailing student and school performance; and
- an effective and efficient business process that ensures maximum utilization of private and public resources, both human and financial.

Parent Involvement

One goal of this school is that of empowering parents as educational partners. Parents should feel that their voice and participation at the school influences the development of the total school and its components. Parents may participate in RCA through three primary vehicles: The Parent Advisory Council, the Parent Association, and general school participation.

The Rehoboth Charter Academy will have an elected site Parent Advisory Council of school parents. The advisory council will advise the Charter Board through the site Principal on the operations of the school, staff, teachers, and students. It will review and provide input on all discipline policies, curriculum, fundraising, and governance ideas for increasing student performance.

In order to ensure significant parent involvement, the school also has a standing Parent Association which is open to all parents. Some of the responsibilities of the Parent Association will be fieldtrips, community outreach, fundraisers, grants, etc. Finally, parents will have the opportunity to participate in a variety of meaningful ways at the school site and their presence on campus and assisting teachers in the classroom is most important.

Summary of Parent Complaint/Internal Dispute Process

Complaints which allege that the Rehoboth Charter Academy has violated federal or state laws or regulations governing educational programs will be addressed as per the Uniform Complaint Procedure in RCA's school policies. Other, informal internal disputes at the school among teachers, parents, and staff will be addressed and resolved as follows:

1. Complainant meets with person against whom complaint is made, unless complainant feels uncomfortable doing so, in which case, he or she may go directly to that party's supervisor. If not resolved, go to #2.
2. Complainant submits complaint to employee's supervisor/principal. Principal requests the complaint in writing. Principal investigates and attempts to resolve the complaint within 30 days (sends written response to complainant). If not resolved, go to #3.
3. Complainant appeals to Rehoboth Charter Academy School Board of Directors. Rehoboth School Board of Directors requests the complaint in writing. The board will grant a hearing with the complainant within 30 days. The Board of Directors renders a final decision, and the complainant is notified of that decision in writing within 5 business days.

The Parent Complaint/Internal Dispute Procedure will be included in the Parent Handbook and annually distributed to all parents.

ELEMENT E
Employee Qualifications

Employees are reflective, to the extent possible, of the diversity of the community in gender and ethnicity. All parents, community members, and staff see themselves as teachers and role models. Because of their love for children, employees view themselves as dedicated staff members willing to work beyond their normal scope of hours and duties. They are committed to developing the social, civic, character, and academic development of each student. Employees are risk takers with a passion for lifelong learning in a positive environment where they can be viewed as coaches and facilitators of learning.

Selection and appointment of Rehoboth Charter Academy's staff members shall be the exclusive prerogative of the Rehoboth Charter Academy. Persons who work at the

charter school shall be selected, employed, and released by the charter school which will set the terms and conditions of employment.

The Rehoboth Charter Academy will not discriminate against any applicant on the basis of his/her race, creed, color, national origin, age, gender, disability, or any other basis prohibited by law.

Administrators' Qualifications

The Principal at the Rehoboth Charter Academy should possess leadership abilities and a comprehensive educational vision that is consistent with the school's mission and educational program. In addition, the Principal should possess skills in hiring and supervising excellent teachers, technological and data-analysis experience , and if possible, business experience.

Teachers' Qualifications

The most important qualifications for our teachers are: (1) caring about our students; (2) familiarity with or willingness to be trained in the school's curriculum sequence and learning styles; (3) a demonstrable effectiveness in teaching; and (4) a willingness to work hard and to take responsibility and exercise leadership for the school as a whole. Specific qualifications include:

- possession of a California Teaching Credential for all "core, college preparatory" teachers. RCA defines "core, college preparatory" as all teachers in grades K-6 who teach the academic subjects of math, English/language arts, science and history/social science. RCA enrichment class instructors are considered "non-core, non-college preparatory" and are therefore not required to hold a credential as per charter law. Enrichment instructors include such subjects as art, Spanish, music, and others that the RCA board deems appropriate. As a public school, RCA understands that it is subject to the federal accountability provisions regarding teacher qualifications under the No Child Left Behind Act.
- dedication to putting in time, energy, and effort in developing the school's program;
- commitment to working with parents as educational partners;
- willingness to become a learner as well as teacher/coach in the school;
- knowledge or willingness to become knowledgeable about the developmental needs of our kindergarten and/or elementary students;
- sensitivity to social as well as academic needs of the students;
- willingness and ability to plan cooperatively with other teachers;
- willingness to be trained in the use of different curricula and learning styles in the classroom;
- willingness to be an active participant in ongoing staff meetings;
- willingness to work closely with the school counselor by providing any information regarding a student's behavior change, attitude, and/or classroom performance;

- willingness to take a leadership role in some aspect of the school's development; and
- a strong knowledge of their personal strengths and weaknesses, and a willingness to continue education through additional courses and training, workshops, seminars, and staff development.
- A commitment to structured inservice training provided by qualified consultants and a willingness to participate in district, county, and state in-services on a scheduled basis as appropriate.

ELEMENT F
Procedures to Ensure Health and Safety of Pupils and Staff

Procedures to ensure the health and safety of staff and pupils are outlined in RCA's health and safety policies as approved by the RCA board. These procedures shall include but not be limited to fire safety, earthquake safety, other emergency situations, immunizations, child abuse reporting, policies relative to the administration of prescription drugs, adherance to conditions necessary to create a drug, alcohol, and tobacco free workplace, etc. Applicable federal and state laws relative to health and safety will also be followed. The Rehoboth Charter Academy shall comply with all provisions of Education Code 44237 regarding criminal background checks.

ELEMENT G
Maintaining a Racial and Ethnic Balance in the School

Pupils will be considered for admission without regard to ethnicity, race, or national origin. The school will strive to achieve a racial and ethnic balance of students and staff which reflects the entire school district in which the school is located.

Targeted marketing in order to achieve racial balance includes print and electronic media, community, and regional outreach through flyers, direct presence at service group meetings within and outside the community, distribution of promotional and informational materials to a broad variety of community groups and agencies that serve the various racial and ethnic groups represented in the district in languages appropriate to those groups, outreach meetings in convenient locations and upon the request of community groups to reach prospective students and parents, and direct mail where appropriate.

ELEMENT H
Admissions Requirements

Because the Rehoboth Charter Academy is a public school committed to equal opportunity, the charter school will be non-sectarian and employ no admissions exams or special admissions requirements. Admission to the Rehoboth Charter Academy shall

be open to all California residents legally able to attend a California public school for the identified grade levels being served by this school, on a non-discriminatory basis without regard to race, color, national origin, disability, creed, sex, ethnicity, behavior, age, ancestry, proficiency in English language, or academic achievement. The Rehoboth Charter Academy is a school of choice.

If more students apply than can be admitted, first priority will be given to residents who reside in the boundaries of RUSD, second preference will go to siblings. In any year in which more students apply than can be admitted, a lottery system will be used.

ELEMENT I
Audit of Financial Operations

The Rehoboth Charter Academy will receive funding in accordance with the charter school law. It is the intent of the Rehoboth Charter Academy and the RUSD to develop a mutually agreeable, annual memorandum of understanding as a separate document apart from this petition. This would encompass, but not be limited to, such items as:

- Funding arrangements
- Any administrative services provided for by the district
- Access to district trainings and other district resources
- Special Education funding and service arrangements

Annual Audit

The charter school's board will annually audit the fiscal integrity of the Rehoboth Charter Academy in order to ensure that sound financial procedures are in place and are being followed. The charter school's board will oversee selection of an independent auditor with experience in conducting education audits and the completion of the annual audit of the school's financial affairs. The audit will verify the accuracy of the school's financial statements, attendance and enrollment accounting practices, and review the school's internal controls. The audit will be conducted in accord with generally accepted accounting practices applicable to the school. It is anticipated that the annual audit will be completed by December 15 each year and that a copy of the auditor's findings will be forwarded to the chief financial officer of the Riverside Unified School District, the State Controller, the County Superintendent of Schools, and the California Department of Education. The school's audit committee will review any audit exceptions or deficiencies and report to the school's board with recommendations on how to resolve them. The board will report to the RUSD regarding how the exceptions and deficiencies have been or will be resolved. Any disputes regarding the resolution of audit exceptions and deficiencies will be referred to the dispute resolution process contained in this document.

As mentioned above, a system of accounting practices and fiscal controls have been developed to govern the financial practices of RCA that is in accordance with applicable law. Such fiscal controls will be audited as per the above process, and any audit

exceptions or deficiencies in this area will be resolved to the satisfaction of the Riverside Unified School District.

Financial and Attendance Reports

When feasible, Rehoboth Charter Academy will submit to the district between 2-7 days prior to the deadlines required by law, all required reports and audits, including but not limited to, the annual audit, annual budget, interim and final financial reports, and P1, P2, and annual attendance reports.

ELEMENT J
Suspension and Expulsion Procedures

The criteria for suspension and expulsion of students at the Rehoboth Charter Academy will be consistent with state and federal laws and implemented as outlined and approved in RCA's student discipline policies. The bottom-line purpose of the suspension and expulsion procedures will be to ensure a safe and effective learning environment. Successful procedures will provide for due process, will conform with applicable special education laws, be specific and concrete, and be supported by the school community.

Each potential applicant and parent will be provided opportunity to sign an agreement showing their understanding of and support for and commitment to the expectations of students and parents. These expectations will be provided to each parent and applicant. While suspension and expulsion are to be regarded as a last resort, the following represents some of the potential grounds for such action:

1. The threat, causation, or attempted causation of physical injury to another person;
2. Possession of a weapon (e.g., firearms, knives, and explosives) as grounds for immediate expulsion;
3. Unlawful possession, use, sale, offer, or being under the influence of any controlled substance, alcoholic beverage, or intoxicant;
4. Robbery or attempted robbery of another person's property or school property;
5. Significant damage or attempt to damage school property;
6. An obscene or offensive act or habitual profanity/vulgarity;
7. Persistent failure to respond to correction, especially as to respect for staff, respect for others (consistent with the State Education Code prohibition against harassment), or persistent and repeated failure to follow student rules.

For a specific description of consequences for discipline issues and for specific processes and procedures, please see RCA's student discipline policies.

ELEMENT K

Retirement

Staff at the RCA will participate in the federal social security system and/or will 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. The school retains the option for its board to elect to participate in the State Teachers Retirement System and/or Public Employees Retirement System and to coordinate such participation, as appropriate, with the social security system or other reciprocal systems in the future, should it find that participation enables the school to attract and retain a higher quality staff. The school participates in the STRS system and should it opt to participate in the PERS systems, RUSD shall cooperate as necessary to forward any required payroll deductions and related data.

ELEMENT L
Alternative Attendance Options

As per state law, no governing board of a school district shall require any pupil enrolled in a school district to attend a charter school. Students whose parents choose for them to not attend the charter school may attend schools in their own district of residence in accord with district policy.

ELEMENT M

Return Rights

The Rehoboth Charter Academy will hire all school staff. All RCA staff are employees of Rehoboth Charter Academy. For staff employed by a public school district in the prior year, they shall (as in the case of all other employees) be selected, employed, and released by the charter school, which shall set the terms and conditions of employment.

Employees who were employed by RUSD in the prior year and leave the district to work in the charter school will retain their seniority at the district if they are rehired in the future to RUSD. Return rights would be offered with no loss nor gain of status or seniority with the district, at the salary and benefit rate in current use by the district for employees in the same classification who remained in the district. It is understood that charter leaves are granted on an annual basis for the full year and that return rights and placement are determined by the district and are not guaranteed during the school year. Appropriately certified teachers who are working in the charter school have the right to accrue permanent status in RUSD on the same schedule and through a joint evaluation process with RUSD as per Education Code. This provision shall apply only to teachers who were employed by RUSD in a public school assignment immediately prior to their assignment to the charter school. RCA will assist in negotiations on these issues and related issues.

Charter school staff who were employed by another public school district outside of RUSD may have the same rights as district staff with regard to applying for transfers back into another district school, if such policy and procedure is in place at another district.

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ELEMENT N
Dispute Resolution Procedure

Dispute Resolution Process between the Charter School and District

(a) California Education Code Section 47605 (b)(1)(4) requires that a charter designate the procedures to be followed by the charter school and the "entity" creating the charter in the event of a dispute relating to the provisions of the charter. In the case of the Rehoboth Charter Academy Petition, the entity creating the charter shall be the Riverside Unified School District (RUSD).

(b) The Rehoboth Charter Academy shall be legally governed by the Charter Board, as set out in Element D of this charter application. The Board is responsible for the governance and operation of the school in accordance with the provisions of the charter.

(c) In the event of a dispute concerning whether the Rehoboth Charter Academy is meeting the goals and objectives of the charter, the Riverside Unified School District shall provide written notice to the nature of the dispute and the facts which the party believes supports the failure to comply. The notice will provide a reasonable opportunity to cure any areas of concern, as mutually agreed upon by RUSD and the charter school. This notice shall be provided within 15 calendar days of when the party either knew or should have known of the possible violation unless there are extenuating circumstances. In an emergency, where oral notice precedes written notice, the oral notice shall be immediately followed by written notice.

(d) After the receipt of the notice, the RUSD designee and a representative of the Board shall meet to try and resolve the dispute. If a resolution is reached, a written description of that resolution shall be drafted and signed and preserved as guidance for future action.

(e) If no resolution is reached, the matter shall be submitted to a mediator experienced in conflict resolution and educational issues. The first opportunity for striking shall be determined by lot. The parties shall alternately strike until one name remains. Within 10 calendar days of appointment or otherwise mutually agreed, the parties shall meet to resolve the dispute. Any agreements reached shall be written and preserved as set out in paragraph (d) above.

(f) If the agreement is unresolved 15 calendar days after the meeting, either party may request that the State Mediation and Conciliation Service provide names of arbitrators experienced in matters relating to the schools of California. This shall be a binding arbitration process. Using the striking process set out above, an arbitrator shall be chosen who shall allow for a hearing in which both parties may submit evidence in support of their positions. The award of the arbitrator must be provided within 15 calendar days of the hearing and shall be final and binding except as set out in CCP Section 1280 et. Seq. The arbitrator shall have no power to add to, subtract from, or otherwise modify the charter. The formal rules of evidence shall not be applicable at the hearing, and either party may choose or not choose to be represented by counsel. Each party shall bear its own costs and evenly divide the cost for the mediation and arbitration. The award of the arbitrator shall be preserved and guide how future disputes with same or similar issues are resolved.

ELEMENT O
Labor Relations/Employment

All employees of the charter school shall be employees of the charter school and not employees of any district or the RUSD for purposes of the Education Employment Relations Act ("EERA"). The Charter School shall be the exclusive public school employer under the EERA.

ELEMENT P
School Closure Procedures

Closure of the charter school shall be documented by official action of the Board of RCA. The action shall identify the reason for the closure. The RCA Board shall promptly notify RUSD of the closure, with in 10 business days, of the RCA Board's decision to close the school. Whenever possible, school closure will occur at the end of a school year.

The RCA 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 RCA Board's decision to close the school. As applicable, the school shall transfer all appropriate student records to 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").

As soon as reasonably proctical, the school shall prepare final financial records. The school shall also have an independent audit completed as soon as resonably 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 qualified independent auditor selected by RCA's Board and shall be provided to RUSD promptly upon completiton.

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 RCA and shall be distributed in accordance with the School's articles of incorporation, bylaws 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. The RCA board will ensure that all ADA apportionments are accounted for, reported to the district and the state, and returned to the state as appropriate.

As the School is organized as a nonprofit public benefit corporation under California law, the RCA 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 agencis. The RCA Board will remain intact until all school closure issues and liability have been resolved.

ADDITIONAL CHARTER PROVISIONS

Term and Renewal of Charter

Pending a successful charter renewal, the term of this charter shall begin on the day following the expiration date of the first charter term and shall be in effect for five years thereafter.

A request by the Rehoboth Charter Academy for renewal of the school's charter will be presented no later than 6 months before the expiration of the current term.

Amendments

Any amendments to this charter will be made by the mutual agreement of the governing boards of RCA and RUSD. Material revisions and amendments shall be made pursuant to the standards and criteria in Education Code Section 47605. RCA and RUSD shall mutually determine which changes are "material revisions" and mutually determine the timeline for charter amendments.

Severability

The terms of this charter contract are severable. In the event that any of the 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 Riverside Unified School District and governing board of the Rehoboth Charter Academy. The district and

school agree to meet to discuss and resolve any issues or differences relating to invalidated provisions in a timely, good faith fashion.

ITEM #43

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2007 AGENDA

SUBJECT	
Facilities for Charter Schools (Proposition 39): Adopt or Amend Proposed Title 5 Regulations	☒ Action ☒ Information ☐ Public Hearing

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) either:

1. Approve the proposed Title 5 regulations; or

2. Amend the proposed Title 5 regulations and direct that the amended regulations be circulated for a 15-day public comment period in accordance with the Administrative Procedures Act.

   - If no relevant comments to the amendments are received during the 15-day public comment period, the CDE shall complete the rulemaking package and submit the amended regulations to the Office of Administrative Law for approval.

   - If any relevant comments to the amendments are received during the 15-day public comment period, the CDE shall place the amended regulations on the SBE's May 2007 agenda for action following consideration of the comments received.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At the January 2007 SBE meeting, the SBE approved commencement of the rulemaking process for additions and revisions to the regulations pertaining to facilities for charter schools (Proposition 39). The 45-day public comment period concludes at 5:00 p.m. on March 5, 2007. The public hearing is scheduled for 1:00 p.m. on March 5, 2007.

The proposed additions and revisions were recommended by the CDE based upon contributions received from a broadly based workgroup that included representatives of charter schools, school boards, school districts, county offices of education, teachers, and parents.

SUMMARY OF KEY ISSUES

The proposed regulatory additions and revisions are displayed in Attachment 1, and they are described in narrative fashion in the Initial Statement of Reasons, which is Attachment 2. Key additions and amendments include the following:

- A three-step dispute resolution process: formal presentation of a dispute, mediation, and "immediate resolution," in which an administrative law judge or arbitrator hears both sides and renders a decision with which both parties must comply, although judicial review can be pursued. The costs of mediation or arbitration are typically divided evenly.
- Elaboration regarding charter schools established by conversion of an existing public school site. The regulations do not currently address the status of these charter schools created by conversion beyond the first year of operation.
- Elaboration regarding the definition of "contiguous" to reflect a major appellate court decision.
- Expansion of the discussion of "conditions reasonably equivalent" to cover the situation where a "comparison group" of schools as envisioned in the existing regulations cannot be identified.
- Modification of requirements related to charter school facilities requests both as to time line and content.

In one or more Item Addendums, the CDE will summarize comments received during the 45-day public comment period and at the public hearing. The CDE will also make a specific recommendation that the SBE either approve the regulations as proposed, or amend the regulations and send them out for an additional 15-day public comment period. If amendment of the regulations is recommended, the specific amendments will be presented.

FISCAL ANALYSIS (AS APPROPRIATE)

The Economic and Fiscal Impact Statement presented at the January 2007 SBE meeting found that no additional costs or savings will result from the proposed regulations.

ATTACHMENT(S)

Attachment 1: Additions and Revisions to Article 3 (commending with Section 11969.1), facilities for charter schools, of Subchapter 19, of Chapter 11, of Division 1, of Title 5, of the *California Code of Regulations* (19 Pages)

Attachment 2: Initial Statement of Reasons (13 Pages)

One or more Item Addendums will be provided to summarize comments received during the 45-day public comment period and the public hearing. If necessary, the CDE will also propose amendments to the regulations.

Title 5. EDUCATION

Division 1. California Department of Education

Chapter 11. Special Programs

Subchapter 19. Charter Schools

Article 3. Facilities for Charter Schools

§ 11969.1. Purpose and Stipulation.

(a) This article governs provision of facilities by school districts to charter schools under Education Code section 47614.

(b) If a charter school and a school district mutually agree to an alternative to specific compliance with any of the provisions of this article, nothing in this article shall prohibit implementation of that alternative.

NOTE: Authority cited: Section 47614(b), Education Code. Reference: Section 47614, Education Code.

§ 11969.2. Definitions.

(a) Average Daily Classroom Attendance. As used in Education Code section 47614(b), "average daily classroom attendance," or "classroom ADA," is average daily attendance (ADA) for classroom-based apportionments as used in Education Code section 47612.5. "In-district classroom ADA" is classroom ADA attributable to in-district students. Nothing in this article shall prohibit a school district from allowing a charter school to include nonclassroom-based ADA in average daily classroom attendance, but only:

(1) to the extent of the instructional time that the students generating the nonclassroom-based ADA are actually in the classroom under the direct supervision and control of an employee of the charter school; and

(2) if the school district and charter school agree upon the time(s) that facilities devoted to students generating nonclassroom-based ADA will be used.

(b) Operating in the School District. As used in Education Code section 47614(b), a charter school is "operating in the school district" if the charter school meets the requirements of Education Code section 47614(b)(5) regardless of whether the school

district is or is proposed to be the authorizing entity for the charter school and whether the charter school has a facility inside the school district's boundaries.

(c) In-district Students. As used in Education Code section 47614(b), a student attending a charter school is an "in-district student" of a school district if he or she is entitled to attend the schools of the school district and could attend a school district-operated school, except that a student eligible to attend the schools of the school district based on interdistrict attendance pursuant to Education Code section 46600 et seq. or based on parental employment pursuant to Education Code section 48204(f) shall be considered a student of the school district where he or she resides.

(d) Contiguous. As used in Education Code section 47614(b), facilities are "contiguous" if they are contained on the school site or immediately adjacent to the school site. If the in-district average daily classroom attendance of the charter school cannot be accommodated on any single school district school site, contiguous facilities also includes facilities located at more than one site, provided that the school district shall minimize the number of sites assigned and shall consider student safety. In evaluating and accommodating a charter school's request for facilities pursuant to Education Code section 47614, the charter school's in-district students must be given the same consideration as students in the district-run schools, subject to the requirement that the facilities provided to the charter school must be contiguous.

(e) Furnished and Equipped. As used in Education Code section 47614(b), a facility is "furnished and equipped" if it includes ~~all the~~ reasonably equivalent furnishings and equipment necessary to conduct classroom~~-based~~ instruction ~~(i.e., at a minimum, desks, chairs, and blackboards)~~ and to provide for student services that directly support classroom instruction as found in the comparison group schools established under section 11969.3(a) and (as applicable) consistent with the use of the terms furnishings and equipment in the California School Accounting Manual, excluding furnishings and equipment acquired with non-district resources.

NOTE: Authority cited: Section 47614(b), Education Code. Reference: Section 47614, Education Code.

§ 11969.3. Conditions Reasonably Equivalent.

The following provisions shall be used to determine whether facilities provided to a charter school are sufficient to accommodate charter school students in conditions reasonably equivalent to those in which the students would be accommodated if they were attending public schools of the school district providing facilities, as required by Education Code section 47614(b).

(a) Comparison Group.

(1) The standard for determining whether facilities are sufficient to accommodate charter school students in conditions reasonably equivalent to those in which the students would be accommodated if they were attending public schools of the school district providing facilities shall be a comparison group of ~~school~~ district-operated schools with similar grade levels. <u>If none of the district-operated schools has grade levels similar to the charter school, then the comparison group of schools shall be all of the district-operated schools that serve any of the grade levels served by the charter school. When a comparison group includes schools that do not serve similar grade levels, a contiguous facility within the meaning of subdivision (d) of Section 11969.2 shall be a facility that is most consistent with the needs of students in the grade levels served at the charter school.</u>

(2) The comparison group shall be the school district-operated schools with similar grade levels that serve students living in the high school attendance area, as defined in Education Code section 17070.15(b), in which the largest number of students of the charter school reside. The number of charter school students residing in a high school attendance area shall be determined using in-district classroom ADA projected for the fiscal year for which facilities are requested.

(3) For school districts whose students do not attend high school based on attendance areas, the comparison group shall be three schools in the school district with similar grade levels that the largest number of students of the charter school would otherwise attend. For school districts with fewer than three schools with similar grade levels, the comparison group shall be all schools in the school district with similar grade levels.

(4) If a charter school's grade level configuration is different from the configuration of the district's schools, the district is not obligated to pay for the modification of a school site to accommodate the charter school's grade level configuration. However, nothing in this article shall preclude the district from entering into an agreement with the charter school to modify a school site, with the costs of the modifications being paid exclusively by the charter school or by the school district, or paid jointly by the district and the charter school.

(b) Capacity.

(1) Facilities made available by a school district to a charter school shall be provided in the same ratio of teaching stations to ADA as those provided to students in the school district attending comparison group schools. School district ADA shall be determined using projections for the fiscal year and grade levels for which facilities are requested. Charter school ADA shall be determined using in-district classroom ADA projected for the fiscal year and grade levels for which facilities are requested. The number of teaching stations shall be determined using the classroom inventory prepared pursuant to California Code of Regulations, title 2, s~~S~~ection ~~1859.30~~ 1859.31 ~~of Title 2 of the California Code of Regulations~~, adjusted to exclude classrooms identified as interim housing portables.

(2) If the school district includes specialized classroom space, such as science laboratories, in its classroom inventory, the space allocation provided pursuant to subdivision (b)(1) shall include a share of the specialized classroom space and/or a provision for access to reasonably equivalent specialized classroom space. The amount of specialized classroom space allocated and/or the access to specialized classroom space provided shall be determined based on three factors:

(A) the grade levels of the charter school's in-district students;

(B) the charter school's total ~~and shall be commensurate with the~~ in-district classroom ADA ~~of the charter school.~~ ; and

(C) the per-student amount of specialized classroom space in the comparison group schools.

(3) The ~~S~~school districts shall allocate and/or provide access to non-teaching station space commensurate with the in-district classroom ADA of the charter school and the

per-student amount of non-teaching station space in the comparison group schools. Non-teaching station space is all of the space that is not identified as teaching station space or specialized classroom space and includes, but is not limited to, administrative space, kitchen, multi-purpose room, and play area space. If necessary to implement this paragraph, the district shall negotiate in good faith with the charter school to establish time allocations and schedules so that educational programs of the charter school and school district are least disrupted.

~~(4) Space allocated to a charter school may be shared with school district-operated programs. Sharing arrangements may involve use of a space by a charter school and a school district-operated program at the same time or at different times.~~

(c) Condition.

(1) All of the factors listed below shall be used by the school district and charter school to determine whether the condition of facilities provided to a charter school is reasonably equivalent to the condition of comparison group schools. Condition is determined by assessing such factors as age (from latest modernization), quality of materials, and state of maintenance.

(A) School site size.

(B) The condition of interior and exterior surfaces.

(C) The condition of mechanical, plumbing, electrical, and fire alarm systems.

(D) The ~~conformity~~ condition of mechanical, plumbing, electrical, and fire alarm systems, including conformity to applicable codes.

(E) The availability and condition of technology infrastructure.

(F) The ~~suitability~~ condition of the facility as a safe learning environment including, but not limited to, the suitability of lighting, noise mitigation, and size for intended use.

(G) The ~~manner in which the facility is furnished and equipped~~ condition of the facility's furnishings and equipment.

(H) The condition of athletic fields and/or play area space.

(2) Notwithstanding ~~subdivision~~ paragraph (1) of subdivision (c), at a charter school~~s~~ established ~~through the conversion from~~ at an existing public school site ~~as described in~~ pursuant to Education Code sections 47605(a)(2), 52055.5, 52055.55, or 52055.650, the condition of the facility previously used by the school district at the ~~conversion~~ site

shall be considered to be reasonably equivalent to the condition of school district facilities for the first year the charter school uses the facility. During its first year of operation, the charter school shall be subject to charges for pro rata costs pursuant to section 11969.7, but shall not be subject to reimbursement for over-allocated space pursuant to section 11969.8.

(d) Additional Provisions Relating to a Charter School Established at an Existing Public School Site.

The following provisions apply only to a charter school established at an existing public school site pursuant to Education Code sections 47605(a)(2), 52055.5, 52055.55, or 52055.650 and that operated at the site in its first year pursuant to paragraph (2) of subdivision (c).

(1) The school site, as identified in the school's charter, shall be made available to the school for its second year of operation and thereafter upon annual request pursuant to Education Code section 47614. The district is entitled to charge the charter school pro rata costs for the school site pursuant to section 11969.7, and the district is entitled to receive reimbursement for over-allocated space from the charter school pursuant to section 11969.8, except as provided in paragraph (3).

(2) If, by material revision of the charter, the location of a charter school is changed, or if one or more additional sites are approved pursuant to Education Code section 47605(a)(4), then the school is entitled to request and the district shall provide for the use of facilities by the school in accordance with the revised charter, Education Code section 47614, and the provisions of this article.

(3) If, by February 1 of its first year of operation, a charter school notifies the district that it will have over-allocated space in the following fiscal year, the space identified is not subject to reimbursement for over-allocated space pursuant to section 11969.8 in the following year or thereafter, and the district is entitled to occupy all or a portion of the space identified. To recover space surrendered to the district pursuant to this paragraph, a charter school must apply to the district. An application to recover surrendered space shall be evaluated by the district in accordance with the provisions of this article.

NOTE: Authority cited: Section 47614(b), Education Code. Reference: Section 47614, Education Code.

§ 11969.4. Operations and Maintenance.

(a) Facilities and furnishings and equipment provided to a charter school by a school district shall remain the property of the school district.

(b) The ongoing operations and maintenance of facilities and furnishings and equipment is the responsibility of the charter school. Projects eligible to be included in the school district deferred maintenance plan established pursuant to Education Code section 17582 and the replacement of furnishings and equipment supplied by the school district in accordance with school district schedules and practices, shall remain the responsibility of the school district. The ~~school district may require that the~~ charter school shall comply with school district policies regarding the operations and maintenance of the school facility and furnishings and equipment, except to the extent variation is approved by the district. However, ~~school districts may not require~~ the charter school~~s to~~ need not comply with policies in cases where actual school district practice substantially differs from official policies.

NOTE: Authority cited: Section 47614(b), Education Code. Reference: Section 47614, Education Code.

§ 11969.6. Location.

A school district may satisfy the requirements of Education Code section 47614 by providing facilities that are located outside the school district's boundaries, subject to other provisions of this article and subject to the restrictions on location of charter schools established in Education Code sections 47605 and 47605.1. No school district is required to provide facilities that are located outside the school district's boundaries to a charter school.

NOTE: Authority cited: Section 47614(b), Education Code. Reference: Section 47614, Education Code.

§ 11969.7. Charges for Facilities Costs.

If t~~T~~he school district ~~may~~ charges the charter school a pro rata share of its facilities costs for the use of the facilities~~.~~, t~~T~~he pro rata share ~~amount~~ shall not exceed (1) a per-square-foot amount equal to those school district facilities costs that the school district pays for with unrestricted general fund revenues, as described ~~on pages 203-1 and 305-1 of Part I of the 2001 edition~~ in Procedures 105 and 305 of the California School Accounting Manual (at ~~www.cde.ca.gov/fiscal/sacs/csam~~ http://www.cde.ca.gov/fg/ac/sa), divided by the total space of the school district times (2) the amount of space allocated by the school district to the charter school. The following provisions shall apply to the calculation of the pro rata share of facilities costs:

(a) For purposes of this section, facilities costs that the school district pays with unrestricted general fund revenues includes those costs associated with plant maintenance and operations, facilities acquisition and construction, and facilities rents and leases, as defined ~~on page 81 of Part II of the 2001 edition~~ in Procedure 325 of the California School Accounting Manual (at ~~www.cde.ca.gov/fiscal/sacs/csam~~ http://www.cde.ca.gov/fg/ac/sa). For purposes of this section, facilities costs also includes:

(1) ~~the~~ contributions from unrestricted general fund revenues to the school district's Ongoing and Major Maintenance Account (Education Code section 17070.75), Routine Restricted Maintenance Account (Education Code section 17014), and/or deferred maintenance fund,

(2) costs paid from unrestricted general fund revenues for projects eligible for funding but not funded from the deferred maintenance fund, and

(3) costs paid from unrestricted general fund revenue for replacement of facilities-related furnishings and equipment, that have not been included in subdivisions (a)(1) and (a)(2), according to school district schedules and practices.

For purposes of this section, facilities costs do not include any costs that are paid by the charter school, including, but not limited to, costs associated with ongoing operations and maintenance. The value of any tangible items paid for by the charter school shall be adjusted in keeping with a customary depreciation schedule for each item.

(b) For purposes of this section, the cost of facilities shall include debt service costs.

(c) "Space allocated by the school district to the charter school" shall include a portion of shared space where a charter school shares a campus with a school district-operated program. Shared space ~~may~~ includes but is not limited to those facilities needed for the overall operation of the campus, whether or not used by students. The portion of the shared space to be included in the "space allocated by the school district to the charter school" shall be calculated based on the amount of space allocated for the exclusive use of the charter school compared to the amount of space allocated to the exclusive use of the school-district-operated program.

(d) The per-square-foot charge shall be determined using actual facilities costs in the year preceding the fiscal year in which facilities are provided and the largest amount of total space of the school district at any time during the year preceding the fiscal year in which facilities are provided.

(e) The per-square-foot charge shall be applied equally by the school district to all charter schools that receive facilities under this article and, beginning in 2008-09, each charter school using school district facilities pursuant to Education Code section 47614 shall report the per-square-foot charge it is paying in the current fiscal year to the California Department of Education (CDE). The per-square-foot charge information (as applicable) shall be included in the notification each charter school makes to the CDE by June 1 pursuant to Education Code section 47630.5(b). The CDE shall post the per-square-foot amounts reported by charter schools on its publicly accessible Web site. The CDE shall offer the opportunity to each school district to provide explanatory information regarding its per-square-foot charge and shall post any information received.

(f) If a school district charges a charter school for facilities costs pursuant to this article, and if the district is the charter school's authorizing entity, the facilities are not substantially rent free within the meaning of Education Code section 47613, and the district may only charge for the actual costs of supervisorial oversight of the charter school not to exceed 1 percent of the school's revenue.

NOTE: Authority cited: Section 47614(b), Education Code. Reference: Section 47614, Education Code.

§ 11969.8. Reimbursement Rates for Over-Allocated Space.

(a) Space is considered to be over-allocated if (1) the charter school's actual in-district classroom ADA is less than the projected in-district classroom ADA upon which the facility allocation was based and (2) the difference is greater than or equal to a threshold ADA amount of 25 ADA or 10 percent of projected in-district classroom ADA, whichever is greater. The per-pupil rate for over-allocated space shall be equal to the statewide average cost avoided per pupil set pursuant to Education Code section 42263. The reimbursement amount owed by the charter school for over-allocated space shall be equal to (1) this rate times the difference between the charter school's actual in-district classroom ADA and the projected in-district classroom ADA upon which the facility allocation was based, less (2) this rate times one-half the threshold ADA. For purposes of this subdivision, the actual in-district classroom ADA shall be determined using the report submitted pursuant to ~~S~~section 11969.9(i) in conjunction with the second principal apportionment under Education Code section 41601.

(b) A charter school must notify the school district when it anticipates that it will have over-allocated space that could be used by the school district. Upon notification by a charter school that the charter school anticipates having over-allocated space, a school district may elect to use the space for school district programs. The school district must notify the charter school whether or not it intends to use the over-allocated space within 30 days of the notification by the charter school. If the school district notifies the charter school that it intends to use all or a portion of the over-allocated space, payments for over-allocated space and pro rata share payments shall be reduced accordingly beginning at the time of the school district notification to use the space. If the school district notifies the charter school that it does not intend to use the space, the charter school must continue to make payments for over-allocated space and pro rata share payments. The school district may, at its sole discretion, reduce the amounts owed by the charter school.

(c) With respect to charter schools established at existing public school sites pursuant to Education Code sections 47605(a)(2), 52055.5, 52055.55, or 52055.650, the provisions of this section are limited by the applicable provisions of subdivisions (c) and (d) of section 11969.3.

NOTE: Authority cited: Section 47614(b), Education Code. Reference: Section 47614, Education Code.

§ 11969.9. Procedures and Timelines for the Request for, Reimbursement for, and Provision of, Facilities.

(a) A charter school must be operating in the school district as defined in Education Code section 47614 before it submits a request for facilities. A new or proposed new charter school is operating within the school district and, therefore, eligible to request facilities for a particular fiscal year only if it submitted its charter petition ~~to a local education agency~~ pursuant to Education Code sections 47605, 47605.6, or 47605.8 on or before November ~~15~~ 1 of the fiscal year preceding the year for which facilities are requested. A new charter school is entitled to ~~receive~~ be allocated and/or provided access to facilities only if it ~~received~~ receives approval of the petition before March 15 of the fiscal year preceding the year for which facilities are requested.

(b) To receive facilities during a particular fiscal year, a charter school must submit a written facilities request to the school district ~~by October~~ on or before November 1 of the preceding fiscal year. ~~However, a new charter school, defined as a charter school that did not receive funds pursuant to Education Code section 47633 in the fiscal year preceding the fiscal year for which facilities are requested, must submit its written facilities request before January 1 of the preceding fiscal year. In the absence of a successful local school bond measure, a charter school making a request for facilities under this article in compliance with the procedures and timelines established in this section shall be entitled to receive facilities beginning on November 8, 2003.~~

(c)(1) The written facilities request must include:

(A) reasonable projections of in-district and total ADA and in-district and total classroom ADA;

(B) a description of the methodology for the projections;

(C) if relevant, documentation of the number of in-district students meaningfully interested in attending the charter school;

(D) the charter school's instructional calendar;

(E) information regarding the general geographic area in which the charter school wishes to locate; and

(F) information on the charter school's educational program that is relevant to assignment of facilities.

(2) Projections of in-district ADA, in-district classroom ADA, and the number of in-district students shall be broken down by grade level and by the school in the school district that the student would otherwise attend.

(3) (A) Until subparagraph (B) becomes operative, ~~S~~school districts may require the charter school to submit its facilities request containing the information specified in subdivisions (c)(1) and (2) on a form available from the ~~California Department of Education~~ CDE and developed in consultation with the Advisory Commission on Charter Schools or another form specified by the school district. School districts may also require the charter school either to distribute a reasonable number of copies of the written facilities request for review by other interested parties, such as parents and teachers, or to otherwise make the request available for review.

(B) Beginning with the facilities to be used in 2008-09, the charter school shall submit its facilities request containing the information specified in subdivisions (c)(1) and (c)(2) on a form made available (and periodically revised) by the CDE following consultation with the Advisory Commission on Charter Schools and the Office of Public School Construction. The CDE shall post and maintain the form on its publicly accessible Web site.

(d) The school district shall review the ~~projections and provide the charter school a reasonable opportunity to respond to any concerns raised by the school district regarding the projections~~ charter school's projections of in-district and total ADA and in-district and total classroom ADA and, on or before December 1, express any objections in writing and state the projections the district considers reasonable. If the district does not express objections in writing and state its own projections by the deadline, the charter school's projections are no longer subject to challenge, and the school district shall base its offer of facilities on those projections.

(e) On or before January 2, the charter school shall respond to any objections expressed by the school district and to the district's projections provided pursuant to

subdivision (d). The charter school shall reaffirm or modify its previous projections as necessary to respond to the information received from the district pursuant to subdivision (d). If the charter school does not respond by the deadline, the district's projections provided pursuant to subdivision (d) are no longer subject to challenge, and the school district shall base its offer of facilities on those projections.

(f) On or before February 1, ~~The~~ the school district shall prepare a preliminary proposal regarding the space to be allocated to the charter school and/or to which the charter school is to be provided access. At a minimum, the preliminary proposal shall include (1) the projections of in-district classroom ADA on which the proposal is based, (2) the specific location or locations of the space, (3) all conditions pertaining to the space, and (4) the ~~associated~~ projected pro rata share amount and a description of the methodology used to determine that amount ~~provide the charter school a reasonable opportunity to review and comment on the proposal~~. The district shall also provide the charter school a list of the comparison group schools used in developing its preliminary offer.

(g) On or before March 1, the charter school shall respond to the school district's preliminary proposal made pursuant to subdivision (f), expressing any concerns and/or making counter proposals.

(h) On or before April 1, having reviewed any concerns and/or counter proposals made by the charter school pursuant to subdivision (g), the school district shall submit a final notification of the space offered to the charter school. The notification shall include a response in writing to the charter school's concerns and/or counter proposals (if any). The notification shall

~~(e) The school district must provide a final notification of the space offered to the charter school by April 1 preceding the fiscal year for which facilities are requested. The school district notification must~~ specifically identify:

(1) the teaching station, specialized classroom space, and non-teaching station space offered for the exclusive use of the charter school and the teaching station, specialized classroom space, and non-teaching station space to which the charter is to be provided access on a shared basis with district-operated programs;

(2) for shared space, the arrangements for sharing;

(3) the in-district classroom ADA assumptions for the charter school upon which the allocation is based and, if the assumptions are different than those submitted by the charter school pursuant to subdivision (e), a written explanation of the reasons for the differences;

(4) the specific location or locations of the space;

(5) all conditions pertaining to the space;

~~(4)~~(6) the pro rata share amount; and

~~(5)~~(7) the payment schedule for the pro rata share amount, which shall take into account the timing of revenues from the state and from local property taxes.

~~(f)~~(i)The charter school must notify the school district in writing whether or not it intends to occupy the offered space. This notification must occur by May 1 or 30 days after the school district notification pursuant to subdivision (h), whichever is later. The charter school's notification can be withdrawn or modified before this deadline. After the deadline, if the charter school has notified the school district that it intends to occupy the offered space, the charter school is committed to paying the pro rata share amount as identified. If the charter school does not notify the school district by this deadline that it intends to occupy the offered space, then the space shall remain available for school district programs and the charter school shall not be entitled to use facilities of the school district in the following fiscal year.

~~(g)~~(j) The space allocated to the charter school by the school district (or to which the school district provides the charter school access) must be furnished, equipped and available for occupancy by the charter school for a period of at least ~~seven~~ ten working days prior to the first day of instruction of the charter school. For good cause, the period is subject to reduction by the school district, but to no fewer than seven working days.

~~(h)~~(k) The school district and the charter school shall negotiate an agreement regarding use of and payment for the space. The agreement shall contain at a minimum, the information included in the notification provided by the school district to the charter school pursuant to subdivision ~~(e)~~(h). In addition~~, if required by the school district, the agreement shall provide that the charter school shall~~:

(1) ~~Maintain~~ The charter school shall maintain general liability insurance naming the school district as an additional insured to indemnify the school district for damage and

losses for which the charter school is liable. The school district shall maintain first party property insurance for the facilities allocated to the charter school. ~~; and/or~~

(2) ~~Comply~~ The charter school shall comply with school district policies regarding the operations and maintenance of the school facility and furnishings and equipment.

(3) A reciprocal hold-harmless/indemnification provision shall be established between the school district and the charter school.

(4) The school district shall be responsible for any modifications necessary to maintain the facility in accordance with Education Code section 47610(d).

~~(i)~~(l) The charter school must report actual ADA to the school district every time that the charter school reports ADA for apportionment purposes. The reports must include in-district and total ADA and in-district and total classroom ADA. The charter school must maintain records documenting the data contained in the reports. These records shall be available on request by the school district.

~~(j) The charter school and the school district may negotiate separate agreements and/or reimbursement arrangements for specific services not considered part of facilities costs as defined in Section 11969.7. Such services may include, but are not limited to, the use of additional space and operations, maintenance, and security services.~~

~~(k) Notwithstanding any of the other provisions of this section, a charter school and the school district may mutually establish different timelines and procedures than provided in this section. A school district may establish timelines as much as two months earlier than provided in this section provided that (1) it notify charter schools of the changes, (2) it does not change the dates for submission of facility requests, and (3) charter schools have the same amount of time to respond to the school district's offer of space.~~

NOTE: Authority cited: Section 47614(b), Education Code. Reference: Section 47614, Education Code.

§ 11969.10. Procedures and Timelines for Dispute Resolution Regarding Facilities for Charter Schools.

(a) A charter school has standing to initiate the dispute resolution process established in this section only if one of the following conditions applies.

(1) The charter school believes it filed a facilities request in accordance with Education Code section 47614 and this article, but that the school district did not meet its obligations by the deadlines specified in subdivisions (d), (e), or (f) of section 11969.9. Initiation of the dispute resolution process for this purpose must occur not later than ten working days following the deadline alleged to have been missed.

(2) The charter school believes the facilities offer it was provided pursuant to subdivision (h) of section 11969.9 does not comply with Education Code section 47614 or this article. Initiation of the dispute resolution process for this purpose must occur not later than April 15.

(3) The charter school believes the school district otherwise failed to comply with Education Code section 47614 or this article.

(b) A school district has standing to initiate the dispute resolution process established in this section only if the school district believes the charter school has failed to comply with Education Code section 47614 or this article.

(c) If a school district is also the authorizing entity of a charter school, disputes between the school district and the charter school regarding an alleged violation, misinterpretation, misapplication, or failure to comply with Education Code section 47614 or this article shall be resolved using the dispute resolution process identified in the school's charter. If either party does not want to resolve the dispute in the manner identified in the school's charter, or if the school district is not the charter school's authorizing entity, then the following steps apply to resolve the dispute:

(1) The first step in the dispute resolution process is:

(A) If the charter school initiates the dispute resolution process, it shall bring the dispute before the school district's governing board, and the district governing board shall respond within 30 days or at the conclusion of the governing board's next regularly scheduled meeting at which the matter can be appropriately noticed for action, whichever is earlier.

(B) If the school district initiates the dispute resolution process, it shall bring the dispute before the charter school's governing authority as identified in the charter, and

the school's governing authority shall respond within 30 days or at the conclusion of the governing authority's next regularly scheduled meeting at which the matter can be appropriately noticed for action, whichever is earlier.

(C) If a school district governing board or charter school governing authority response pursuant to subdivision (c)(1) does not resolve the dispute, or if a response is not received within 30 days, the party initiating the dispute resolution process shall notify the other party (responding party) in writing that it intends to proceed with the second step of the dispute resolution process.

(2) The second step in the dispute resolution process is mediation, but it is applicable only if agreeable to both parties. If mediation is not agreeable to both parties, the third step in the dispute resolution process applies. Mediation consists of the following:

(A) The initiating party shall select a mediator, subject to the agreement of the responding party. If, though agreeing to mediation, the parties are unable to agree upon a mediator, the CDE shall be requested by the initiating party to appoint a mediator within seven days to assist the parties in resolving the dispute. The mediator shall meet with the parties as quickly as possible.

(B) Within seven days of the selection or appointment of the mediator, the party initiating the dispute resolution process shall prepare and send to both the responding party and the mediator a notice of dispute that shall include the following information:

(i) The name, address, and phone numbers of designated representative of the parties;

(ii) A statement of the facts of the dispute, including information regarding the parties' attempts to resolve the dispute;

(iii) The specific sections of the statute or regulations that are in dispute; and

(iv) The specific resolution sought by the initiating party.

(C) Within seven days of receiving the information specified in sudivision (c)(2)(B), the responding party shall file a written response.

(D)(i) The mediation procedure shall be entirely informal in nature. However, copies of exhibits upon which either party bases its case shall be shared with the other party. The relevant facts should be elicited in a narrative fashion to the extent possible, rather

than through examination and cross-examination of witnesses. The rules of evidence will not apply and no record of the proceedings will be made.

(ii) If an agreement is reached, the agreement shall be reduced to writing and shall be signed by the school district and the charter school. The agreement shall not set a precedent for any other case.

(iii) If the school district and the charter school fail to meet within the specified time line, have not reached an agreement within 15 days from the first meeting held by the mediator, or if the mediator declares the parties at impasse, the mediation is terminated, and the parties proceed to the third step in the dispute resolution process.

(E) The costs of the mediation are divided equally by the two parties and paid promptly.

(3) The third and final step in the dispute resolution process is immediate resolution. Immediate resolution consists of the following:

(A) The party initiating the dispute resolution process shall request the CDE to immediately resolve the dispute. CDE, at its discretion, shall take either of the following actions, balancing in that decision its determination of the method that will be less expensive and more expeditious:

(i) Submit the matter to the Office of Administrative Hearings (OAH) for consideration and resolution by an administrative law judge.

(ii) Prepare within five working days a list of five charter school facility arbitrators. Beginning with the responding party, the parties shall alternatively strike names from the list until only one name remains. Striking names from the list shall occur within five days of the receipt of the list by the responding party. The initiating party shall contact the CDE regarding the selection of the arbitrator. Arbitration shall be scheduled and conducted as quickly as possible following the selection of the arbitrator.

(B) Prior to the administrative hearing or the arbitration, the parties shall meet to attempt to frame the issue or issues to be submitted to the administrative law judge or arbitrator, share all evidence, determine whether a court reporter is necessary, and attempt to settle the dispute, if possible.

(C) The administrative law judge or arbitrator shall hold an administrative hearing or arbitration concerning the dispute and render a decision. Both parties shall comply with

the decision. The administrative law judge or arbitrator is empowered to include the award of any remedies he or she determines to be reasonable, proper, and in compliance with Education Code section 47614 and this article.

(D) Unless otherwise specified by the administrative law judge or arbitrator, all costs of the administrative hearing or arbitration, including, but not limited to, the fees of the OAH or the arbitrator's fees, per diem, travel, and subsistence expenses, and the cost, if any, of a hearing room and transcription of the hearing, shall be divided equally by the school district and the charter school and paid promptly.

(E) Only after the administrative procedures established in this section have been exhausted may judicial review be sought regarding a dispute related to an alleged violation, misinterpretation, misapplication, or failure to comply with Education Code section 47614 or this article.

(F) If judicial review is sought of a decision rendered pursuant to subdivision (c)(3)(C), it shall be incumbent upon the party pursuing judicial review to establish conclusively that the decision does not comply with a provision of Education Code section 47614 or of this article

NOTE: Authority cited: Section 47614(b), Education Code. Reference: Section 47614, Education Code.

12-6-06 [California Department of Education]

Initial Statement of Reasons
Facilities for Charter Schools

SECTION 11969.1 PURPOSE.
SECTION 11969.2. DEFINITIONS.
SECTION 11969.3. CONDITIONS REASONABLY EQUIVALENT.
SECTION 11969.4. OPERATIONS AND MAINTENANCE.
SECTION 11969.6. LOCATION.
SECTION 11969.7. CHARGES FOR FACILITIES COSTS.
SECTION 11969.8. REIMBURSEMENT RATES FOR OVER-ALLOCATED SPACE.
SECTION 11969.9. PROEDUCRES AND TIMELINES FOR THE REQUEST FOR, REIMBURSEMENT FOR, AND PROVISION OF, FACILITIES.
SECTION 11969.10. PROCEDURES AND TIMELINES FOR DISPUTE RESOLUTION REGARDING FACILITIES FOR CHARTER SCHOOLS.

SPECIFIC PURPOSE OF THE REGULATION

The proposed amendments will clarify and expand existing provisions and add content to the section pertaining to procedures and timelines for dispute resolution.

NECESSITY/RATIONALE

Education Code (*EC*) sections 47605 and 47605.6 authorize the establishment of charter schools upon the approval of charter petitions that meet specified requirements. Depending on particular circumstances, petitions may be approved by school district governing boards, county boards of education, or the State Board of Education (SBE). The body approving a petition is known as the charter authorizer.

Proposition 39 (November 2000) lowered the percentage necessary to pass local school bonds from two-thirds to 55 percent. The change has lead to the approval of some $30 billion in additional local school bonds over the past six years. Along with this substantial benefit to school districts, Proposition 39 established *EC* Section 47614. Regardless of the charter authorizer, *EC* Section 47614 requires each school district to make available to each charter school operating within the district “facilities sufficient for the charter school to accommodate all of the charter school’s in-district students in conditions reasonably equivalent to those in which the students would be accommodated if they were attending other public schools of the district.” *EC* Section 47614 also requires that facilities made available to a charter school be “contiguous, furnished, and equipped” and that the district “make reasonable efforts to provide the charter school with facilities near to where the charter school wishes to locate, and shall not move the charter school unnecessarily.” The facilities “remain the property of the school district.”

When a school district makes facilities available to a charter school, the district may charge the school for the facilities costs paid for by the district with unrestricted general

fund revenues. The charge is to be pro rata, i.e., based upon the ratio of the space allocated to the charter school divided by the district's total space. When a charter school desires to be allocated space, it must annually submit a reasonable projection of average daily attendance generated by in-district students. If a charter school that has been allocated space generates less average daily attendance than projected, the charter school must reimburse the district for the over-allocated space.

In 2002, the State Board of the Education adopted regulations to implement the provisions of *EC* Section 47614. The regulations are located in *California Code of Regulations*, Title 5, Division 1, Chapter 11, Subchapter 19, Article 3 (commencing with Section 11969.1). These regulations were developed with assistance from a workgroup broadly representative of the education community, including charter schools, school administrators, school boards, and teachers. A key provision of the regulations (*CCR*, Title 5, Section 11969.10) related to dispute resolution procedures. Though in effect temporarily, this section was ultimately rejected by the Office of Administrative Law because the Department of Finance disagreed with the State Board's finding that the dispute resolution provision would impose no costs on governmental entities. However, all of the other provisions of the regulations have been and continue to be operative.

California Department of Education (CDE) staff received direction to review the existing regulations with the assistance of a similarly representative workgroup. The specific objective was to identify amendments that would update, clarify, or enhance the existing regulations based on the past four years' experience, including pertinent published appellate level decisions. The workgroup process commenced in January 2006 and ended in August 2006. The workgroup members were exceedingly generous in contributing their time and expertise to develop ideas for consideration. The workgroup was not convened with the expectation of reaching complete consensus, nor were its members (or the organizations they represented) bound in any way to support the final package in whole or in part.

Using the workgroup input and other sources of information, including the knowledge and expertise of staff, proposed regulatory amendments were prepared by the CDE and presented to the Advisory Commission on Charter Schools (ACCS) on November 27, 2006. The ACCS recommended that the SBE proceed with initiation of the rulemaking process following further review and incorporation of changes as necessary.

Specifically, the proposed regulatory additions and amendments do the following:

<u>Section 11969.1</u>. Currently, this section consists solely of a general purpose statement indicating that the article governs the provision of facilities by school districts to charter schools.

- An additional subdivision stipulates that nothing in the article shall prohibit, by mutual agreement, an alternative to specific compliance. The workgroup process revealed that some charter schools and school districts viewed the regulations'

existence as precluding any alternative except where narrowly and specifically allowed within the regulations themselves. The additional subdivision addresses that issue, specifying that, if a charter school and a school district mutually agree to an alternative to specific compliance, nothing in the article shall prohibit implementation of the alternative (without limitation).

Section 11969.2. This section defines certain terms used in Education Code section 47614.

- Subdivision (a) currently defines "average daily classroom attendance" as being only average daily attendance (ADA) claimed for classroom-based apportionments. The addition states that nothing prohibits a school district from allowing a charter school to also include nonclassroom-based ADA in average daily classroom attendance, but only to the extent of the instructional time that the students generating the nonclassroom-based ADA are actually in the classroom under the direct supervision and control of an employee of the charter school, and only if the school district and the charter school agree upon the time(s) that facilities devoted to the students generating nonclassroom-based ADA will be used.

  Some nonclassroom-based charter schools (known as "hybrid" or "personalized learning" schools) serve students in the classroom for a portion of the students' total instructional time. However, the portion of in-classroom time is less than 80 percent of the affected students' total instructional time. Therefore, pursuant to Education Code section 47612.5, the students do not generate ADA for classroom-based apportionments. The workgroup process revealed that some districts felt obligated to prohibit the inclusion of nonclassroom-based ADA in average daily classroom attendance regardless of circumstance. The addition makes clear that a school district is not prohibited from allowing the inclusion of nonclassroom-based ADA to the extent students generating the ADA are actually served in the classroom, provided the school district and charter school agree upon the time(s) that facilities devoted to students generating nonclassroom-based will be used.

- Subdivisions (b) and (c) define, respectively, "operating in the school district" and "in-district students." No changes are proposed.

- Subdivision (d) defines "contiguous." In *Ridgecrest Charter School v. Sierra Sands Unified School District* (30 Cal.Rptr.3d 648), the Court of Appeal addressed the issue of a school district making facilities available to a charter school at multiple locations. Review of the *Ridgecrest* decision in the workgroup process revealed an addition that would be beneficial to this subdivision. Under the addition, in reviewing a charter school's request for facilities, a school district is required to give the charter school's in-district students the same consideration as students in the district-run schools, subject to the requirement that the

facilities provided to the charter school must be contiguous. In other words, a school district (1) is not permitted to treat a charter school's in-district students with less consideration than students in the district-run schools and (2) in allocating and providing access to facilities to a charter school, a school district must begin from the premise that the facilities are to be on a single school site, except where the district is unable to accommodate the students on a single site. In moving along the continuum away from a single site, the obligations of a school district are to minimize the number of sites and to consider student safety. The process the school district follows to meet these obligations should be documented in the public record.

- Subdivision (e) defines "furnished and equipped." The proposed changes are as follows:

  (1) The reference to "all" furnishings and equipment is modified to "reasonably equivalent" furnishings and equipment and tied back to "the comparison group schools." Input received in the workgroup process indicated that both changes would make the subdivision more amenable to practical administration.

  (2) The reference "conduct classroom-based instruction" is divided into two component parts: "conduct classroom instruction" and "provide for student services that directly support classroom instruction." The division into the two components makes the reference clearer, and brings this subdivision into alignment with Section 11969.3 which provides (in addition to teaching station space) for the inclusion of specialized classroom space and non-teaching station space. This reorganization more clearly reflects the intent of Education Code section 47614 that the facilities made available to a charter school (whether teaching station space, specialized classroom space, or non-teaching station space) be furnished and equipped.

  (3) The subdivision does not currently reference to the use of the terms "furnishings and equipment" in the California School Accounting Manual (CSAM). A reference to CSAM, which is a reliable and reasonably exhaustive source document, is added. The CSAM reference replaces a limited, partial list of examples of furnishings and equipment.

  (4) The subdivision does not currently exclude furnishings and equipment acquired with non-district resources. That oversight is rectified. A school district should not be obligated to provide furnishings and equipment that have been acquired in comparison group schools by non-district resources, such as parent fundraising, grants, or donations from businesses.

<u>Section 11969.3</u>. This section addresses "conditions reasonably equivalent" within the meaning of Education Code section 47614. The section currently consists of

three subdivisions. Changes to these existing subdivisions are described below, along with the addition of a fourth subdivision.

- Subdivision (a) describes the creation of a comparison group of schools. Following consideration of input received through the workgroup process, two sentences have been added to paragraph (1). These added sentences address the situation in which a comparison group as envisioned in the existing regulations cannot be assembled. In such a situation, the comparison group includes all of the district-operated schools serving any of the grade levels served by the charter school. A contiguous facility in such a situation is a facility that is most consistent with the needs of students in the grade levels served at the charter school.

  An example of a situation in which this might be applicable is a charter school that serves kindergarten through grade eight in a school district that is configured solely of sites that are either for elementary grades (kindergarten through grade five) or for middle grades (grades six through eight). In such a situation, the issue of a “contiguous” facility as required by law is to be determined based on consistency with the needs of students in the grade levels served at the charter school, recognizing that modification of a site may be necessary to serve the charter school’s students.

  A fourth paragraph is added to address the situation in which space allocated to a charter school needs modifications to meet the needs of the school’s students. This additional paragraph makes it clear that the school district is not obligated to pay for the modifications. The modifications may be paid for exclusively by the charter school, by the district, or under a collaborative arrangement between the district and the school.

- Subdivision (b) addresses capacity of facilities. It currently consists of four paragraphs.

  - Paragraph (b)(1) addresses teaching station space. No change is proposed.

  - Paragraph (b)(2) addresses specialized classroom space. A technical change provides for consistency in the use of the term “access.” Another technical change clarifies that the paragraph references “in-district” students. Finally, a third factor is added to the determination of specialized classroom space that a charter school is allocated (or to which it is provided access). The third factor is the per-student amount of specialized classroom space in the comparison group schools. This factor, which emerged from input received in the workgroup process, provides an important tie back to the comparison group schools concept.

  - Paragraph (b)(3) addresses non-teaching station space. A technical change provides for consistency in the use of the term “access.” Another technical

change clarifies that non-teaching space is the remainder after taking away both teaching station space and specialized classroom space. Finally, an added requirement specifies that good faith consultation will take place to establish time allocations for the sharing of non-teaching station space, if necessary. For example, if a school site is being shared, use of the kitchen facilities would need to be scheduled to ensure that the charter school's pupils and the pupils in district-run programs are served meals efficiently. In some cases (e.g., where a charter school occupies a whole school site), good faith consultation on time allocations would not be necessary.

- Paragraph (b)(4) is permissive and, thus, not in appropriate form. Moreover, pertinent aspects of this paragraph have been consolidated into paragraph (3). Thus, this paragraph is proposed for elimination.

- Subdivision (c) addresses condition of facilities. It consists of two paragraphs.

  - Paragraph (c)(1) lists factors to be used in determining whether the condition of facilities provided to a charter school is reasonably equivalent to the condition of facilities in comparison group schools.

    One change provides for general guidance that the listed factors are to be viewed in association with overriding factors such as the facilities' age (from latest modernization), quality of materials, and state of maintenance. Within the workgroup process, it was revealed that the listed factors have been narrowly reviewed in some instances. For example, the focus would be whether an exterior surface is painted, without regard to the age of the paint, the quality of the paint, and the maintenance of the painted surface.

    A group of technical changes modifies subparagraphs (D), (F), and (G) to be consistent in structure.

    Subparagraph (H) is added to include athletic fields and/or play area space in the listing of factors to be used. The workgroup process revealed that athletic fields and/or play area space was not necessarily being considered in all instances, but that they are essential to evaluating the condition of facilities.

  - Paragraph (c)(2) addresses charter schools that are established at an existing public school site pursuant to specified provisions of the Education Code and that are in their first year of operation.

    Technical changes incorporate all of the Education Code sections under which such charter schools may be established.

    An additional sentence specifies that charter schools established under the specified Education Code section can be charged pro rata for facilities costs during their first year of operation, but are not subject to reimbursement for

over-allocated space. In the workgroup process, the lack of specificity was noted concerning the status of these types of charter schools in their first year of operation as regards charges for pro rata costs and reimbursement for over-allocated space. This change addresses the issue. It is appropriate not to subject a conversion charter school in its first year of operation to reimbursement for over-allocated space, given that the retention of prior-year students in the circumstance of first-year operation is inherently problematic.

- Subdivision (d) is proposed to address on a continuing basis the school sites at which charter schools are established pursuant to the Education Code sections identified in paragraph (2) of subdivision (c). The proposed subdivision consists of three paragraphs. The workgroup process revealed that the existing body of regulations lacks specificity regarding conversion charter schools beyond the first year of operation.

  - Paragraph (d)(1) takes account of the special status of these types of charter schools, which are specifically tied to particular school sites by their charters. The paragraph states that an affected charter school retains its site if so requested annually pursuant to Education Code section 47614. The paragraph also states that the charter school is subject to pro rata charges for facilities costs and is subject to reimbursement for over-allocated space after its first year of operation.

  - Paragraph (d)(2) indicates that such a charter school can be assigned the use of different or additional sites based on the school's application, but only if a material revision to the charter changes the school's location.

  - Paragraph (d)(3) addresses the circumstance where such a charter school does not fully utilize its site. The charter school is exempt from over-allocated space reimbursement in its first year of operation. However, under this paragraph, the school is obligated to report over-allocated space by February 1 of that first year of operation. Once identified as over-allocated, the space is permanently exempt from over-allocated space reimbursement, but the school district is empowered to occupy space for its own programs. Recovery of surrendered space requires the affected charter school to request the space in the annual process of requesting the use of space from the school district.

Section 11969.4. This section addresses operations and maintenance. The section consists of two subdivisions. No changes are proposed in subdivision (a) which declares that facilities, furnishings, and equipment made available to charter schools under Education Code section 47614 remain the property of the school district. Technical changes are proposed in subdivision (b) to eliminate permissive phrasing.

Section 11969.5. This section addresses the availability of facilities. No changes are proposed.

Section 11969.6. This section addresses the location of facilities made available to charter schools pursuant to Education Code section 47614. A technical change is made to account for restrictions on the location of charter schools enacted since the existing body of regulations was adopted.

Section 11969.7. This section addresses charges for facilities costs. The opening paragraph is technically restructured to eliminate the permissive phrasing and to provide a lead-in sentence for the subdivisions that follow. In addition, the specific reference to the California School Accounting Manual is updated, though substantively it is the same.

- Subdivision (a) addresses what is included in facilities costs. The specific reference to the California School Accounting Manual is updated, though substantively it is the same. Specific references are included to contributions of unrestricted general fund monies to the Ongoing and Major Maintenance Account and the Routine Restricted Maintenance Account (in addition to the deferred maintenance fund). Finally, a paragraph is added concerning the exclusion of costs paid by the charter school, as well as the value of tangible items paid for by the charter school (which are to be depreciated). For example, if the charter school were to pay for resurfacing of the play area, the depreciated value of the resurfacing would be annually deducted from facilities costs.

- Subdivision (b) addresses debt service costs. No changes are proposed.

- Subdivision (c) addresses shared space. A technical change eliminates permissive phrasing in one sentence.

- Subdivision (d) addresses determination of the per-square-foot charge on which the charter school's pro rata share is based. No changes are proposed.

- Subdivision (e) addresses application of the per-square-foot charge. An addition to this subdivision requires charter schools that use school district facilities pursuant to Education Code section 47614 to annually report their per-square foot charge to the California Department of Education, beginning in 2008-09. The report is made on the charter schools' annual funding survey pursuant to Education Code section 47630.5(b). The California Department of Education is required to Web post all per-square-foot charges so that the information is publicly accessible. The workgroup process revealed considerable variation in per-square-foot charges. This proposed change allows for public scrutiny of the variations at virtually no cost. School districts are provided the opportunity to submit explanatory information of Web posting as they see fit.

- Subdivision (f) is added to coordinate Education Code section 47614 with the pre-existing provisions of Education Code section 47613. Under Education Code section 47613, a school district (which authorizes a charter) may collect actual costs of supervisorial oversight of up to 3 percent of a charter school's revenue if the district provides the charter school substantially rent free facilities. This subdivision states that if a school district collects facilities costs pursuant to this article, the facilities are not substantially rent free, and the district may only charge for the actual costs of supervisorial oversight not to exceed 1 percent of the school's revenue.

Section 11969.8. This section addresses reimbursement rates for over-allocated space. It is currently comprised of two subdivisions. No change is proposed in either. A third subdivision is proposed for the technical purpose of conforming this section to the provisions added to Section 11969.3 relating to conversion charter schools.

Section 11969.9. This section addresses procedures and timelines for the request for, reimbursement for, and provision of facilities to charter schools. This section is revised extensively to provide for a revised timeline and revised procedures.

- Subdivision (a) includes several technical changes to (1) more specifically identify when a new or proposed new charter school is operating in the school district for purposes of Education Code section 47614, (2) include new or proposed new countywide benefit and statewide benefit charters, and (3) reference the provisions of access to space. Submission of facilities requests by new or proposed new charter schools is advanced from "before November 15" to "on or before November 1," thus placing new, proposed new, and continuing charter schools on the same time line for submission of facilities requests. Finally, to qualify for facilities, a new or proposed new charter school must be approved before March 15, instead of being approved before March 1.

- Subdivision (b) addresses the submission of facilities requests by charter schools that were in operation in the preceding year. The submission date is delayed from "before October 1" to "on or before November 1." The delay will enable the school to prepare more accurate projections of in-district classroom ADA for the forthcoming year. Technical amendments ensure alignment of this subdivision with subdivision (a). Finally, an outdated sentence in the existing regulations (pertaining to local school bonds) is eliminated.

- Subdivision (c) addresses the written facilities request. It consists of three subdivisions.

    - Paragraph (c)(1) lists the required content of a facilities request. No changes are proposed.

  - Paragraph (c)(2) elaborates on ADA projections to be included in the facilities request. No changes are proposed.

  - Paragraph (c)(3) currently addresses a template form, prepared by the California Department of Education (CDE) in consultation with the Advisory Commission on Charter Schools) that school district may require charter schools to use. The paragraph is changed to require the submission of facilities requests on the CDE-prepared beginning the request for facilities to be used in 2008-09. Input received in the workgroup process suggested that a common, standardized form for submission of facilities requests would greatly assist with implementation of Education Code section 47614.

- Subdivision (d) is rewritten to introduce a new step in the process of considering facilities requests. On or before December 1, the school district is provided the opportunity to object to the charter school's projections of ADA and state its own projections. If the district fails to respond and to state its own projections, the district must base its offer on the charter school's projections. ADA projections are arguably the most essential single element in creating offers of facilities. Thus, focusing attention on the ADA projections separate from all other aspects of a facilities request is appropriate.

- Subdivision (e) is added to complete the step of reviewing ADA projections. By January 2, the charter school is provided the opportunity to respond to the district's objections and ADA projections and reaffirm or modify its previous ADA projections. If the charter school fails to respond, the district's ADA projections are the base for the offer of facilities.

- Subdivision (f) is added to require, on or before February 1, that the school district provide the charter school a preliminary proposal for space allocation and access. The preliminary proposal must address, at a minimum, ADA projections, location or locations of the space, all conditions pertaining to the space, and the projected pro rata share (i.e., the cost of the facilities to be paid by the charter school), including a description of the methodology for determining the pro rata share, as well as a list of the comparable schools on which the preliminary proposal is based. Currently, this section calls for preparation of a preliminary proposal, but establishes no deadline for its submission to the charter school.

- Subdivision (g) is added to require, on or before March 1, that the charter school respond to the school district's preliminary proposal, expressing any concerns and/or making counter proposals. Currently, this section sets no deadline for the charter school to respond to the school district's preliminary proposal.

- Subdivision (h) replaces existing subdivision (e) and requires the school district to submit a final notification to the charter school on or before April 1 and to identify the elements to be included in the final notification. The elements include

a response in writing to the charter school's concerns and/or counter proposals (regarding the district's preliminary proposal). The list of other elements is largely the same as the existing regulations, except for technical changes, and the addition of the location or locations of the space and all conditions pertaining to the space.

- Subdivision (i) replaces existing subdivision (f) with one technical addition.

- Subdivision (j) replaces existing subdivision (g). However, the timeline for the charter school to occupy space is modified from the existing "at least seven days" to "at least ten working days," although a provision is added that for good cause the period may be lessened to no fewer than seven working days.

- Subdivision (k) replaces existing subdivision (h). It includes technical changes for clarity. It also adds requirements for establishment of a reciprocal hold-harmless/indemnification provisions between the school district and the charter school, as well as stating that the school district shall be responsible for modifications of the facilities necessary to meet the California Building Code as locally adopted and enforced in accordance with Education Code section 47610(d).

- Subdivision (l) replaces existing subdivision (i) with no change in the text.

- Existing subdivisions (j) and (k) are eliminated because they are permissive and unnecessary.

Section 11969.10. This section is added to address procedures and timelines for dispute resolution regarding facilities for charter schools. It consists of three subdivisions.

- Subdivision (a) specifies when a charter school has standing to invoke the dispute resolution process.

- Subdivision (b) specifies when a school district has standing to invoke the dispute resolution process.

- Subdivision (c) describes the dispute resolution process.

    - The subdivision begins by recognizing that the school's charter specifies a dispute resolution mechanism that shall be used unless either party does not want to use it.

    - The subdivision next outlines a first step of dispute resolution as the initiating party bringing the dispute before the governing board or authority of the responding party. The governing board or authority is given 30 days to respond.

- If the governing board or authority does not resolve the dispute, then a second step (mediation) is offered. Mediation is bypassed unless both parties agree.

- Mediation involves selection of a mediator by the initiating party with the agreement of the responding party. If agreement on a mediator cannot be reached, the California Department of Education (CDE) is to be called upon to appoint a mediator. Mediation is to begin as quickly as possible. If, within 15 days of beginning mediation, no resolution is reached or if the mediator declares impasse, the parties proceed to the third and final step of the dispute resolution process. Costs of mediation are divided equally by the two parties.

- The third and final step in the dispute resolution process is immediate resolution. Under immediate resolution, the CDE (at its option) arranges for the matter to be heard before an administrative law judge within the Office of Administrative Hearings or before an independent arbitrator selected by a specified process.

- The administrative law judge or arbitrator is to hold a hearing or arbitration as quickly as possible and render a decision, including the award of any remedies determined reasonable, proper, and in compliance with Education Code section 47614 and this article. The parties shall comply with the decision.

- The costs of the administrative hearing or arbitration, unless otherwise specified by the administrative law judge or the arbitrator, shall be divided equally between the school district and the charter school.

- Judicial review of disputes is prohibited until the administrative process of the article have been exhausted. If judicial review of the decision of an administrative law judge or arbitrator is sought, the burden of the party initiating the judicial review is to establish conclusively that the decision does not comply with Education Code section 47614 or this article.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The SBE did not rely upon any technical, theoretical or empirical studies, reports or documents in proposing the adoption of this regulation.

REASONABLE ALTERNATIVE TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES

No other alternatives were presented to or considered by the SBE.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.

The SBE 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 regulations would not have a significant adverse economic impact on any business because the regulations only apply to charter schools, school district, and the California Department of Education.

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2007 AGENDA

☒ **General Waiver**

SUBJECT	
Request by **Grossmont Union High School District** (UHSD) to waive *Education Code (EC)* Section 52522(b) to increase from 5 percent to 7 percent the proportion of their adult education state block entitlement that may be used to implement approved Adult Education Innovation and Alternative Instructional Delivery Programs. Waiver Number: 8-12-2006	☒ **Action** ☒ **Consent**

RECOMMENDATION

☒ **Approval** ☐ **Approval with conditions** ☐ **Denial**

That *EC* Section 33051(c) will not apply, and the district will be required to provide an evaluation before a renewal is granted.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Waivers of this type have been approved by the State Board Of Education (SBE) since 2001, under SBE Waiver Policy 02-01, Adult Education Innovation and Alternative Instruction Delivery Program: Percentage of Block Entitlement.

SUMMARY OF KEY ISSUES

In 1993 the California Legislature passed *EC* Section 52522 permitting the Superintendent of Public Instruction to approve adult school plans to spend up to five percent of their block entitlement on innovation and alternative instructional delivery.

Application requirements include reimbursement and accountability worksheets for all courses. Courses must be approved by the California Department of Education (CDE) per *EC* Section 52515, and certification of an approved attendance accountability system is required. All ten mandated adult education program areas are eligiblefor alternative delivery, however the majority of approved applications offer coursework in Elementary Basic Skills, English as a Second Language, Citizenship, and Parent Education.

Increased access to instruction for hard-to-serve adults is a basic tenet of adult education innovation and alternative instructional delivery programs. Checking out video and print materials, a decidedly low-cost, low-tech approach, has been the most prevalent intervention, however approved alternative instructional delivery modes also include live cable broadcast; audio check out, text, workbook and study packet assignments; and computer-based delivery.

The SBE adopted waiver guidelines in March 2002 for local educational agencies (LEAs) that apply for a waiver to increase the percentage of their state block entitlement expendable for innovation and alternative instructional delivery from five percent to an amount not greater than seven percent.

Grossmont UHSD has submitted all items requested in the SBE waiver guidelines and the review of documentation supports waiver approval.

However, the CDE recommends approval for one day less than two years so that *EC* 33051(c) will not apply and the district will be required to do an evaluation of their alternative program before a renewal is granted.

WAIVER GUIDELINES

The waiver request includes the following:

1. Verification that all other requirements of the Adult Education Program in the LEA are in current statutory compliance.

   ☒ Approval ☐ Denial

   Grossmont UHSD verification has been submitted and is on file.

2. Verification that the ratio of average daily attendance for adult education innovation and alternative instructional delivery of pupils to certificated employees responsible for adult education innovation and alternative instructional delivery shall not exceed the equivalent ratio of pupils to certificated employees for all other adult education programs operated by the district.

   ☒ Approval ☐ Denial

   Grossmont UHSD verification has been submitted and is on file.

3. Verification that the district's prior three-year history for annual apportionment indicates growth, stability, or not more than a 4.5 percent decline per year. Changes in the number of students with limited access that may support overall ADA loss in the regular adult education state apportionment program must be documented.

   ☒ Approval ☐ Denial

   Verification indicates stability with growth of 4% during the prior three-year history for annual apportionment. Grossmont UHSD's verification has been submitted and is on file.

4. A request for an increase from **five percent to an amount not greater than seven percent** of the amount of the adult block entitlement that may be used for innovation and alternative instructional delivery programs to include a description of the program and a rational for change. Information and documentation in all of the following three areas is required for consideration of the waiver:

   - Increase In Number of Students with Limited Access to Traditional Education Options

   Grossmont UHSD verification of increase in the student population with limited access to traditional education options has been submitted and is on file. The adult school is experiencing significant growth in the number of English Language Learners (ELL). Current data indicates a 10% growth in enrollment during the first semester of 2005-06 when compared with fall semester 2004-05.

   ☒ Approval ☐ Denial

   - Increase In Program Capacity

   Grossmont UHSD verification of increased program capacity has been submitted and is on file. Program expansion increasing curriculum delivery and access to curriculum is documented.

   ☒ Approval ☐ Denial

   - Improved Student Assessment Documentation

   Grossmont UHSD verification of improved student assessment documentation has been submitted and is on file.

   ☒ Approval ☐ Denial

Authority for Waiver: *EC* Section 33050

Period of request: July 1, 2006 to June 29, 2008, *EC* 33051(c) will not apply

Local board approval date(s): December 14, 2006

Public hearing held on date(s): December 14, 2006

Bargaining unit(s) consulted on date(s): November 14, 2006

Name of bargaining unit/representative(s) consulted: Grossmont Education Association, Francis Zumwalt, President

Position of bargaining unit(s) (choose only one):
☒ Neutral ☐ Support ☐ Oppose

Comments: 11/14/2006, CSEA, Loretta Purdy and SEIU, Luis Giorgi took a neutral position

Public hearing advertised by (choose one or more):
☒ posting in the newspaper ☒ posting at each school ☐ other (specify)

Advisory committee(s) consulted: Community Advisory Committee

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: October 23, 2006

FISCAL ANALYSIS (AS APPROPRIATE)

Approval adjusts the percentage within the district's fixed adult education block entitlement. No additional funding would result from approval of this waiver request.

ATTACHMENT(S)

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

MARCH 2007 AGENDA

☒ **General Waiver**

SUBJECT	
Request by **Metropolitan Education District** to waive *Education Code (EC)* Section 52522(b) to increase from 5 percent to 7 percent the proportion of their adult education state block entitlement that may be used to implement approved Adult Education Innovation and Alternative Instructional Delivery Programs. Waiver Number: 7-12-2006	☒ **Action** ☒ **Consent**

RECOMMENDATION

☒ **Approval** ☐ **Approval with conditions** ☐ **Denial**

That *EC* Section 33051(c) will not apply, and the district will be required to provide an evaluation before a renewal is granted.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Waivers of this type have been approved by the State Board Of Education (SBE) since 2001, under SBE Waiver Policy 02-01, Adult Education Innovation and Alternative Instruction Delivery Program: Percentage of Block Entitlement.

SUMMARY OF KEY ISSUES

In 1993 the California Legislature passed *EC* Section 52522 permitting the Superintendent of Public Instruction to approve adult school plans to spend up to five percent of their block entitlement on innovation and alternative instructional delivery.

Application requirements include reimbursement and accountability worksheets for all courses. Courses must be approved by the California Department of Education (CDE) per *EC* Section 52515, and certification of an approved attendance accountability system is required. All ten mandated adult education program areas are eligible, however the majority of approved applications offer coursework in Elementary Basic Skills, English as a Second Language, Citizenship, and Parent Education.

Increased access to instruction for hard-to-serve adults is a basic tenet of adult education innovation and alternative instructional delivery programs. Checking out video and print materials, a decidedly low-cost, low-tech approach, has been the most prevalent intervention, however approved alternative instructional delivery modes also include live cable broadcast; audio check out, text, workbook and study packet assignments; and computer-based delivery.

The SBE adopted waiver guidelines in March 2002 for local educational agencies (LEAs) that apply for a waiver to increase the percentage of their state block entitlement expendable for innovation and alternative instructional delivery from five percent to an amount not greater than seven percent.

Metropolitan Education District has submitted all items requested in the SBE waiver guidelines and the review of documentation supports waiver approval approval.

However the CDE recommends approval for one day less than two years so that *EC* 33051(c) will not apply and the district will be required to do an evaluation of their alternative program before a renewal is granted.

WAIVER GUIDELINES

The waiver request includes the following:

1. Verification that all other requirements of the Adult Education Program in the LEA are in current statutory compliance.

   ☒ Approval ☐ Denial

   Metropolitan Education District verification has been submitted and is on file. A 2004-05 Coordinated Compliance Review Notification of Finding states areas for commendations rather than noncompliance.

2. Verification that the ratio of average daily attendance for adult education innovation and alternative instructional delivery of pupils to certificated employees responsible for adult education innovation and alternative instructional delivery shall not exceed the equivalent ratio of pupils to certificated employees for all other adult education programs operated by the district.

   ☒ Approval ☐ Denial

   Metropolitan Education District verification has been submitted and is on file. Statistics by district is on file as well as current Federation of Teachers class size definition.

3. Verification that the district's prior three-year history for annual apportionment indicates growth, stability, or not more than a 4.5 percent decline per year. Changes in the number of students with limited access that may support overall ADA loss in the regular adult education state apportionment program must be documented.

   ☒ Approval ☐ Denial

   Verification indicates growth with stability during the prior three-year history for annual apportionment. Metropolitan Education District's verification has been submitted and is on file.

4. A request for an increase from **five percent to an amount not greater than seven percent** of the amount of the adult block entitlement that may be used for innovation and alternative instructional delivery programs to include a description of the program and a rational for change. Information and documentation in all of the following three areas is required for consideration of the waiver:

   - Increase In Number of Students with Limited Access to Traditional Education Options

   Metropolitan Education District verification of increase in the student population with limited access to traditional education options has been submitted and is on file. Census data and employment sector analysis supports a growth in student population needing rapidly paced employment related skills.

   ☒ Approval ☐ Denial

   - Increase In Program Capacity

   Metropolitan Education District verification of increased program capacity has been submitted and is on file. Program expansion increasing curriculum delivery and access to curriculum is documented and includes adding more teacher hours, more levels, and more curriculum. The program has expanded to four new sites.

   ☒ Approval ☐ Denial

   - Improved Student Assessment Documentation

   Metropolitan Education District verification of improved student assessment documentation has been submitted and is on file. Specific commendation is awarded in this area citing comprehensive accountability model that includes training, implementation, data collection timelines and analysis in order to improve instruction and student outcomes.

   ☒ Approval ☐ Denial

Authority for Waiver: *EC* Section 33050

Period of request: July 3, 2006 to June 29, 2008, *EC* 33051(c) will not apply

Local board approval date(s): November 8, 2006

Public hearing held on date(s): November 8, 2006

Bargaining unit(s) consulted on date(s): October 25, 2006

Name of bargaining unit/representative(s) consulted: American Federation of

Teachers, Local 957; Kathy Jasper, President

Position of bargaining unit(s) (choose only one):
☐ Neutral ☒ Support ☐ Oppose

Public hearing advertised by (choose one or more):
☒ posting in the newspaper ☐ posting at each school ☐ other (specify)

Advisory committee(s) consulted: Metropolitan Adult Education Program Leadership Committee (MAEP).

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: November 6, 2006

FISCAL ANALYSIS (AS APPROPRIATE)

Approval adjusts the percentage within the district's fixed adult education block entitlement. No additional funding would result from approval of this waiver request.

ATTACHMENT(S)

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

MARCH 2007 AGENDA

☒ **General Waiver**

SUBJECT	
Request by **Riverside Unified School District** (USD) to waive *Education Code (EC)* Section 52522(b) to increase from 5 percent to 7 percent the proportion of their adult education state block entitlement that may be used to implement approved Adult Education Innovation and Alternative Instructional Delivery Programs. Waiver Number: 9-12-2006	☒ **Action** ☒ **Consent**

RECOMMENDATION

☒ **Approval** ☐ **Approval with conditions** ☐ **Denial**

That *EC* Section 33051(c) will not apply, and the district will be required to reapply for renewal.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Waivers of this type have been approved by the State Board Of Education (SBE) since 2001, under SBE Waiver Policy 02-01, Adult Education Innovation and Alternative Instruction Delivery Program: Percentage of Block Entitlement.

SUMMARY OF KEY ISSUES

In 1993 the California Legislature passed *EC* Section 52522 permitting the Superintendent of Public Instruction to approve adult school plans to spend up to five percent of their block entitlement on innovation and alternative instructional delivery.

Application requirements include reimbursement and accountability worksheets for all courses. Courses must be approved by the California Department of Education (CDE) per *EC* Section 52515, and certification of an approved attendance accountability system is required. All ten mandated adult education program areas are eligible, however the majority of approved applications offer coursework in Elementary Basic Skills, English as a Second Language, Citizenship, and Parent Education.

Increased access to instruction for hard-to-serve adults is a basic tenet of adult education innovation and alternative instructional delivery programs. Checking out video and print materials, a decidedly low-cost, low-tech approach, has been the most prevalent intervention, however approved alternative instructional delivery modes also include live cable broadcast; audio check out, text, workbook and study packet assignments; and computer-based delivery.

The SBE adopted waiver guidelines in March 2002 for local educational agencies (LEAs) that apply for a waiver to increase the percentage of their state block entitlement expendable for innovation and alternative instructional delivery from five percent to an amount not greater than seven percent.

Riverside USD has submitted all items requested in the SBE waiver guidelines and the review of documentation supports waiver approval.

The CDE recommends approval.

WAIVER GUIDELINES

The waiver request includes the following:

1. Verification that all other requirements of the Adult Education Program in the LEA are in current statutory compliance.

   ☒ Approval ☐ Denial

   Riverside USD verification has been submitted and is on file. The high quality of the Riverside Adult School has been demonstrated by the school's six-year Western Association of Schools and Colleges accreditation term.

2. Verification that the ratio of average daily attendance for adult education innovation and alternative instructional delivery of pupils to certificated employees responsible for adult education innovation and alternative instructional delivery shall not exceed the equivalent ratio of pupils to certificated employees for all other adult education programs operated by the district.

   ☒ Approval ☐ Denial

   Riverside USD verification has been submitted and is on file.

3. Verification that the district's prior three-year history for annual apportionment indicates growth, stability, or not more than a 4.5 percent decline per year. Changes in the number of students with limited access that may support overall ADA loss in the regular adult education state apportionment program must be documented.

   ☒ Approval ☐ Denial

   Verification indicates stability during the prior three-year history for annual apportionment. Riverside USD's verification has been submitted and is on file. For the prior three years Riverside Adult School exceeded its ada cap.

4. A request for an increase from **five percent to an amount not greater than seven percent** of the amount of the adult block entitlement that may be used for innovation and alternative instructional delivery programs to include a description of the program and a rational for change. Information and documentation in all of the following three areas is required for consideration of the waiver:

   - Increase In Number of Students with Limited Access to Traditional Education Options

   Riverside USD verification of increase in the student population with limited access to traditional education options has been submitted and is on file. The adult school is experiencing significant growth in the number of English Language Learners.

   ☒ Approval ☐ Denial

   - Increase In Program Capacity

   Riverside USD verification of increased program capacity has been submitted and is on file. Program expansion increasing curriculum delivery and access to curriculum is documented along with a new managed enrollment model.

   ☒ Approval ☐ Denial

   - Improved Student Assessment Documentation

   Riverside USD verification of improved student assessment documentation has been submitted and is on file. The documentation serves to underscore the growth areas specific to the Innovation and Alternative Instructional Delivery Program.

   ☒ Approval ☐ Denial

Authority for Waiver: *EC* Section 33050

Period of request: July 1, 2006 to June 30, 2007, *EC* 33051(c) will not apply

Local board approval date(s): December 11, 2006

Public hearing held on date(s): December 11, 2006

Bargaining unit(s) consulted on date(s): December 11, 2006

Name of bargaining unit/representative(s) consulted: RCTA/CTA/NEA,
Mark Lawrence

Position of bargaining unit(s) (choose only one):
☐ Neutral ☒ Support ☐ Oppose

Public hearing advertised by (choose one or more):
☒ posting in the newspaper ☐ posting at each school ☐ other (specify)

Advisory committee(s) consulted: Community Advisory Board

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: December 6, 2006

FISCAL ANALYSIS (AS APPROPRIATE)

Approval adjusts the percentage within the district's fixed adult education block entitlement. No additional funding would result from approval of this waiver request.

ATTACHMENT(S)

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 2006 AGENDA

☒ **Federal Waiver**

SUBJECT	
Request by **Acton-Agua Dulce Unified School District** for a renewal 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-29-2006	☒ **Action** ☒ **Consent**

RECOMMENDATION

☒ Approval ☐ Approval with conditions ☐ Denial

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) approved a revision to State Board of Education Waiver Policy 01-01, Carl D. Perkins Vocational and Applied Technology Education Act: Consortium Requirement for Minimum Allocation on November 9, 2006. This waiver meets that new criteria, so is coming to the SBE on the Consent Calendar.

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 educational agencies (LEAs) whose allocations are less than $15,000 to enter into a consortium with other LEAs for the purpose of meeting the $15,000 minimum grant requirement. Section 131(d)(2) of the Act permits states to waive the consortium agreement.

The SBE Waiver Policy indicates that:

The LEA is:

- A district or agency in a rural, sparsely populated area (as defined by National Center for Education Statistics (NCES) Locale codes 33, 41, 42, and 43, OR
- A public charter school operating secondary vocational and technical education programs (as evidenced by a State Board of Education issued charter number), AND

The LEA:

- Demonstrates that it is unable to enter into a consortium for purposes of providing activities under this section (as evidenced by a description from the LEA or CDE of efforts to enter into a consortium).

CDE staff contacted the Acton-Agua Dulce Unified School District and verified that the LEA received its first consortium waiver in the 1994-1995 program year and that the LEA meets the new waiver criteria. The district is in NCES Locale Code #41 which is defined as rural, fringe.

The Acton-Agua Dulce Unified School District is located on the southern edge of the Antelope Valley south of Palmdale, California and covers a 200 square mile area of Los Angeles County. Acton is 22 miles from Lancaster, CA. Therefore there are no existing consortiums in this area that the district could join.

Pursuant to the SBE waiver policy, several districts were contacted by CDE staff, none of the districts are willing to form in a consortium with Acton-Agua Dulce Unified School District.

The department recommends approval.

Authority for Waiver: Carl D. Perkins Vocational and Technical Education Act of 1998, Section 131(d)(2)

Period of request: July 1, 2006, through June 30, 2010

Local board approval date(s): August 10, 2006

FISCAL ANALYSIS (AS APPROPRIATE)

Approval will enable the Acton-Agua Dulce Unified School District to receive its annual Perkins funds (estimated to be $9,678.00) without having to participate in a consortium. The waiver has no significant effect on the distribution of Perkins funds, statewide.

ATTACHMENT(S)

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

MARCH 2007 AGENDA

☒ **Federal Waiver**

SUBJECT	
Request by **Sierra-Plumas Joint Unified School District** for a renewal 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-30-2006	☒ **Action** ☒ **Consent**

RECOMMENDATION

☒ Approval ☐ Approval with conditions ☐ Denial

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) approved a revision to State Board of Education Waiver Policy 01-01, Carl D. Perkins Vocational and Applied Technology Education Act: Consortium Requirement for Minimum Allocation on November 9, 2006. This waiver meets that new criteria, so is coming to the SBE on the Consent Calendar.

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 educational agencies (LEAs) whose allocations are less than $15,000 to enter into a consortium with other LEAs for the purpose of meeting the $15,000 minimum grant requirement. Section 131(d)(2) of the Act permits states to waive the consortium agreement.

The SBE Waiver Policy indicates that:

The LEA is:

- A district or agency in a rural, sparsely populated area (as defined by National Center for Education Statistics (NCES) Locale Codes 33, 41, 42, and 43, OR
- A public charter school operating secondary vocational and technical education programs (as evidenced by a State Board of Education issued charter number), AND

The LEA:

- Demonstrates that it is unable to enter into a consortium for purposes of providing activities under this section (as evidenced by a description from the LEA or CDE of efforts to enter into a consortium).

CDE staff contacted the Sierra-Plumas Joint Unified School District and verified that this is the LEAs first consortium waiver and that the LEA meets the new waiver criteria. The district is in NCES Locale Code # 42 which is defined as rural, distant.

The Sierra-Plumas Joint Unified School District is located in the town of Sierraville, in Sierra County serving the communities of Sierraville, Loyalton, and Downieville. The town is near the north extent of California State Route 49, which ends at State Route 70 in Vinton, California. According to Rand-McNally, it is a fifty mile drive on State Route 49 to the county seat. Therefore there are no existing consortiums in this area that the district could join.

In addition, this LEAs isolated location makes it impractical to form a consortium with any other School District.

The department recommends approval.

Authority for Waiver: Carl D. Perkins Vocational and Technical Education Act of 1998, Section 131(d)(2)

Period of request: July 1, 2006, through June 30, 2010

Local board approval date(s): August 10, 2006

FISCAL ANALYSIS (AS APPROPRIATE)

Approval will enable the Sierra-Plumas Joint Unified School District to receive its annual Perkins funds of $3,871.00 without having to participate in a consortium. The waiver has no significant effect on the distribution of Perkins funds, statewide.

ATTACHMENT(S)

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

MARCH 2007 AGENDA

☒ **Federal Waiver**

SUBJECT	
Request by **Fillmore 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. Waiver Number: Fed-28-2006	☒ **Action** ☒ **Consent**

RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

That Fillmore Unified School District must submit a report to the Safe and Healthy Kids Program Office (SHKPO) no later than March 2008 that describes Western Kentucky University's (WKU) progress in evaluating the effectiveness of *The Great Body Shop* program. In addition, the District must submit a report to the SHKPO no later than March 2009 that describes the progress made by the WKU in submitting the results of the evaluation to the Center for the Study and Prevention of Violence Blueprints for possible designation as a Model Program. The District must be willing to take part in a formal evaluation, if requested. The District must also evaluate its own comprehensive prevention program consistent with the District's approving their local educational agency (LEA) Plan.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

State Board of Education (SBE) Policy 03-01 contains guidelines for approval of applications for waiver of the No Child Left Behind (NCLB) Act of 2001 requirements that Title IV funds be used for "science-based" prevention programs. The SBE has previously approved waivers allowing the use of *The Great Body Shop* by numerous other districts.

SUMMARY OF KEY ISSUES

This application requests a waiver so that the LEA may use the "promising" prevention program, *The Great Body Shop*. In accordance with SBE Policy 03-01, the following three conditions must be satisfied before the use of a "promising" prevention program may be approved:

1. Is the program innovative?
2. Does the program demonstrate substantial likelihood of success?

The two conditions for innovation and substantial likelihood of success are satisfied

because the program has been designated as “promising” by the National Registry of Evidence-based Programs and Practices (NREPP). SBE Board Policy 03-01 lists the NREPP as one of the reputable agencies that may designate a new program as “science-based.”

3. Is there a plan and timeline for submitting the program for review and Recognition?

The third condition requires that the evaluation of the program be reviewed by one of the science-based program designating agencies identified in SBE Policy 03-01. The waiver request meets this criterion because the producer of the program, Children’s Health Market (CHM), will participate in a study by the WKU. The LEA’s waiver request states that the CHM will submit a completed study and evaluation to the Center for the Study and Prevention of Violence Blueprints for Violence Prevention to be considered as a science-based program. The LEA has committed to participating in the data collection process for that study if requested. The District has provided supplemental information attached to the original waiver application. Following through on these commitments is therefore a condition for approval of the waiver.

The California Department of Education recommends that this waiver request be approved as it meets each of the three criteria in SBE Policy 03-01.

Authority for Waiver: NCLB, Title IV, Part A, Section 4115(a)(3)

Period of request: March 2007-March 2009

Local board approval date(s): November 7, 2006

FISCAL ANALYSIS (AS APPROPRIATE)

Waiver approval will allow the District to use Title IV, Safe and Drug-Free Schools and Communities funds for a promising program.

ATTACHMENTS

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

MARCH 2007 AGENDA

☒ **Federal Waiver**

SUBJECT	
Request by **Sierra Sands Unified School District** to waive No Child Left Behind (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-1-2007	☒ **Action** ☒ **Consent**

RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

The Sierra Sands Unified School District must submit another waiver extension request to the Safe and Healthy Kids Program Office (SHKPO) no later than March 2008. This request must describe Western Kentucky University's (WKU's) progress in evaluating the effectiveness of *The Great Body Shop* program, and describe the status of efforts to have *The Great Body Shop* listed on the National Register of Evidence-based Programs and Practices (NREPP). The District must be willing to take part in a formal evaluation, if requested.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

State Board of Education (SBE) Policy 03-01 contains guidelines for approval of applications for waiver of the No Child Left Behind Act of 2001 (NCLB) requirements that Title IV funds be used for "science-based" prevention programs. The SBE has previously approved several waivers, including one from this District, for the use of *The Great Body Shop*.

SUMMARY OF KEY ISSUES

This application requests a renewal of a waiver so that the local educational agency (LEA) may use the "promising" prevention program, *The Great Body Shop*. A renewal is appropriate because research to establish the effectiveness of the program has encountered administrative problems and is going to take longer than expected.
In accordance with SBE Policy 03-01, the following three conditions must be satisfied before the use of a "promising" prevention program may be approved:

1. Is the program innovative?

2. Does the program demonstrate substantial likelihood of success?

The two conditions for innovation and substantial likelihood of success are satisfied because the program has been designated as “promising” by the NREPP. SBE Board Policy 03-01 lists the NREPP as one of the reputable agencies that may designate a new program as “science-based.”

3. Is there a plan and timeline for submitting the program for review and recognition?

The third condition requires that the evaluation of the program be reviewed by one of the science-based program designating agencies identified in SBE policy 03-01. The waiver request meets this criterion because the producer of the program, Children’s Health Market, will participate in a study by the WKU, which will be submitting the results of the study to NREPP in 2008/09. The LEA has committed to participating in the data collection process for that study if requested.

The California Department of Education recommends that this waiver request be approved as it meets each of the three criteria in SBE Policy 03-01.

The California Department of Education recommends that this renewal waiver request be approved for one additional year to allow NREPP’s evaluation of the program to be completed.

Authority for Waiver: NCLB, Title IV, Part A, Section 4115(a)(3)

Period of request: November 2006-November 2007

Local board approval date(s): August 17, 2006

FISCAL ANALYSIS (AS APPROPRIATE)

Waiver approval will allow the District to use Title IV, Safe and Drug-Free Schools and Communities funds for a promising program.

ATTACHMENT(S)

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

MARCH 2007 AGENDA

☒ **Specific Waiver**

SUBJECT	
Request by **Sausalito Marin City School District** under the authority of *Education Code (EC)* Section 52863 for a waiver of *EC* Section 52852, allowing one joint school site council to function for two small schools, Bayside Elementary School and Martin Luther King Jr. Academy Middle School. Waiver Number: 17-11-2007	☒ **Action** ☒ **Consent**

RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

That the joint school site council contain representatives from both schools.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Many waivers of this type have been approved under the SBE Waiver Policy: Guidelines for Evaluating Requests of School Site Council Requirement for Schools Serving a Common Attendance Area.

These waivers are limited to schools that are on a School-Based Coordinated Plan approved by their district and are only approved for two-year terms under the waiver authority of *EC* 52863.

SUMMARY OF KEY ISSUES

Sausalito Marin City School District is composed of three small elementary schools, and is located in southern Marin County. Two of these schools, Bayside Elementary (with an enrollment of 111 students) and Martin Luther King Jr. Academy Middle School (with an enrollment of 32 students) are located on the same campus and are administered by the same school principal.

These two schools share the same attendance area, one Parent Teacher Student Association, and one school leadership team. Teachers at the two schools meet weekly to collaborate and have a common staff development program.

The department recommends approval of this waiver for two years on the condition that the joint school site council contain staff and parents from both schools represented.

Authority for the Waiver: *EC* 52863

Period of request: November 21, 2006 to June 30, 2008

Local board approval date(s): November 20, 2006

Bargaining unit(s) consulted on date(s): November 15, 2006

Name of bargaining unit(s)/representative(s):
Sausalito District Teachers Association, President
California School Employees Association, President

Position of bargaining unit(s) (choose only one):

☐ Neutral ☒ Support ☐ Oppose

Comments (if appropriate):

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of this request would not result in additional costs to the district or to the state.

ATTACHMENT(S)

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 Department of Education
SBE-005 Specific (REV 01/05/07)

ITEM # #WC-910

CALIFORNIA STATE BOARD OF EDUCATION

MARCHONTH 2007 AGENDA

☒ **Specific Waiver**

SUBJECT	
Request by **Summerville Union High School District** to waive *Education Code (EC)* Section 49550, the State Meal Mandate during the Summer School Session for **Summerville High School**. Waiver Number: 7-1-2007	☒ **Action** ☐ **Consent**

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RECOMMENDATION

☒ Approval ☐ Approval with conditions ☐ Denial

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Waivers fully meeting the statutory criteria usually go to the State Board of Education's consent calendar.

SUMMARY OF KEY ISSUES

School sites operating a summer school session may be granted a waiver if they meet one of the following ~~new~~ conditions:

CONDITION ONE

Elementary schools shall be granted a waiver if a Summer Food Service Program (SFSP) for children site is available within one-half mile of the school site. Middle schools, junior high schools, and high schools shall be granted a waiver if a SFSP site is available within one mile of the school site. Additionally, one of the following conditions must exist:

1. The hours of operation of the SFSP site commence no later than one half hour after the completion of the summer school session day.

2. The hours of operation of the SFSP site conclude no earlier than one hour after the completion of the summer school session day.

For purposes of this section of law, "elementary school" means a public school that maintains kindergarten or any of grades one to eight inclusive.

Summerville Union High School does not meet Condition One.

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CONDITION TWO

Serving meals during the summer school session would result in a financial loss to the school district, documented in a financial analysis performed by the school district, in an amount equal to one-third of the net cash resources as defined in Title 7, *Code of Federal Regulations* Section 210.2, which, for purposes of this section of law, shall exclude funds that are encumbered. If there are no net cash resources, the financial loss must be equal to the operating costs of one month as averaged over the summer school sessions.

PLEASE NOTE: The financial analysis must include a projection of future meal program participation based on either of the following:

1. The meal service period beginning after the commencement of the summer school session day and concluding before the completion of the summer school session day. In other words, districts must project profit or loss based on serving a breakfast or a lunch during school hours and not before or after the school day.

2. The school site operating as an open Summer Seamless Option or a SFSP site, and providing adequate notification thereof, including flyers and banners, in order to fulfill community needs under the SFSP.

The Summerville Union High School has provided evidence that providing means during the summer session will result in a financial loss that is greater than one third of the net cash resources at the school. This loss was calculated based upon meal service commencing and ending during the summer school day. Condition Two is met.

CONDITION THREE

Summer school sites that operate two hours less including breaks and recess shall be granted a waiver.

Summerville Union High School does not meet Condition Three.

Summerville Union High School meets Condition Two (above), therefore the department recommends approval of this waiver.

Authority for the Waiver: *EC* Section 49548

Period of request: 06/11/2007 through 07/20/2007

Local board approval date(s): 01/09/2007

~~**Bargaining unit(s) consulted on date(s):** Not required for summer meal waivers~~

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~~**Name of bargaining unit(s)/representative(s):** Not required for summer meal waivers~~

~~**Position of bargaining unit(s) (choose only one):** Not required for summer meal waivers~~

~~☐ Neutral ☐ Support ☐ Oppose~~

~~Comments (if appropriate):~~

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of the waiver may reduce the draw on Proposition 98 funds at the State level. Local district finances may be affected.

ATTACHMENT(S)

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

MARCH 2007 AGENDA

☒ **General Waiver**

SUBJECT	
Palo Verde Union Elementary School District (UESD) Academic Performance Index (API) Waiver. Specifically, the district requests waiver of a portion of *California Code of Regulations (CCR)*, Title 5, Section 1032(d)(1) & (6) to allow **Palo Verde Elementary School** to be given a valid API for the 2006 year despite **"adult testing irregularities"** (California Standards Test English-language arts for 32 fourth-grade students) of 8.1 percent. Waiver Number: 4-11-2006	☒ **Action** ☐ **Consent**

RECOMMENDATION

☐ **Approval** ☐ **Approval with conditions** ☒ **Denial**

Denial is recommended per *Education Code (EC)* Section 33051(a)(1); the educational needs of the pupils are not adequately addressed.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The Title 5 regulation that the Palo Verde UESD is asking to waive was specifically adopted by the State Board of Education (SBE) to protect the educational needs of the pupils. This regulation allows a school with adult testing irregularities that have affected less than five percent of the pupils tested to receive a valid API for the current year, but not be eligible for participation in any of the API award programs for that year. In 2001, the SBE approved *CCR*, Title 5, Section 1032(d)(1) and (6):

> In 2001 and subsequent years, a school's API shall be considered invalid under any of the following circumstances:
>
> (1) The local educational agency notifies the California Department of Education (Department) that there were adult testing irregularities at the school affecting five percent or more of the pupils tested.

Prior to 2001, schools with any testing irregularities could not get a valid API except through the waiver process.

SUMMARY OF KEY ISSUES

The Public Schools Accountability Act (PSAA) was based on the educational needs of students, particularly that of improving student achievement. Increases or decreases in student achievement at a school are measured through the API. The Title 5 Regulation that the Palo Verde UESD is asking to waive was specifically adopted by the SBE to protect the educational needs of the pupils by ensuring the validity of the API. This

regulation requires that the department invalidate a school's API if five percent or more of the students tested had testing irregularities. SBE adopted this regulation to ensure that the API would be a valid measure of student achievement by placing a maximum level of testing irregularities included in a school's API.

The Palo Verde UESD is requesting that Palo Verde Elementary School receive a 2006 Growth API and a 2006 Base API, even though the school had testing irregularities of five percent or more of the students tested. The district reported this irregularity to the department. On July 3, 2006, Phillip Anderson, the District's Standardized Testing and Reporting (STAR) test coordinator, submitted a STAR Program – District STAR Coordinator Irregularity Report form regarding his discovery that the alphabet had not been covered up while a fourth grade class took Part I of the English-language arts (ELA) test.

The population of students present during this irregularity was 32 fourth grade students, which is 8.1 percent of the 393 total number of students tested at Palo Verde Elementary School.

Palo Verde UESD asserts that invalidating its API score based on the exposed alphabet is excessively disproportionate to the irregularity. The district claims that each of the fourth grade students knew the alphabet and the order in which the alphabet is organized; they read whole words and phrases. The teacher overlooked removing the alphabet because it seemed inconsequential to the test. PVUESD further asserts that the likelihood that an uncovered alphabet affected the performance of fourth grade students on the ELA test is nil.

Based on information from the irregularity report submitted by the Palo Verde UESD, 8.1 percent of the students tested were affected by the adult testing irregularity. The circumstances described by the district are not extraordinary and do not warrant a waiver of SBE-adopted regulations. The Department recommends denial of the waiver based on *EC* Section 33051(a)(1); the educational needs of the pupils are not adequately addressed.

Authority for Waiver: *EC* Section 33051(a)

Period of request: 2005-06 testing year

Local board approval date(s): November 8, 2006

Public hearing held on date(s): November 8, 2006

Bargaining unit(s) consulted on date(s): None. District states that it has no employee bargaining units.

Name of bargaining unit and representative(s) consulted: None

Position of bargaining unit(s) (choose only one): None

☐ Neutral ☐ Support ☐ Oppose

Public hearing advertised by (choose one or more):
☒ posting in a newspaper ☒ posting at each school ☒ other (District Web site)
Posted at four separate areas in the community.

Advisory committee(s) consulted: School Site Council and English Learner Advisory Committee

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted:
School Site Council: 10/11/2006
English Learner Advisory Committee: 10/31/2006

FISCAL ANALYSIS (AS APPROPRIATE)

No state fiscal impact is expected as a result of approving or denying this waiver.

ATTACHMENT(S)

Attachment 1: General Waiver Request Form (4 pages) (This attachment is not available for Web viewing. A printed copy is available in the SBE office or the Waiver Office.)

Attachment 2: History of Palo Alto School/District Academic Performance Index (API) (1 page) (This attachment is not available for Web viewing. A printed copy is available in the SBE office or the Waiver Office.)

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2007 AGENDA

☒ **General Waiver**

SUBJECT	
Request by **Los Gatos School District** to waive California *Education Code* Section 15102, to allow the district to exceed its bonding limit of 1.25 percent of the taxable assessed value of property. (Requesting 1.26 percent) Waiver Number: 17-1-2007	☒ **Action** ☐ **Consent**

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

Approve with the condition that the bonded indebtedness of Los Gatos School District not exceed 1.26 percent of the assessed valuation of taxable property of the district and that the waiver is limited to the sale of the bonds approved by the voters in the June 2001 election.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has approved several bond issuance limit waiver requests that have been limited to specific general obligation bond issues already approved by local voters. The SBE recently approved waivers for Golden Valley Unified School District in November 2006 and Alisal Union School District in June 2006.

SUMMARY OF KEY ISSUES

The Los Gatos School District, in Santa Clara County, is requesting a waiver of *Education Code* Section 15102 which prohibits elementary school districts from issuing bonds in excess of 1.25 percent of the assessed valuation of taxable property of the district. This waiver would permit the district to increase its bonded indebtedness from its current 1.07 percent to 1.26 percent of assessed valuation.

In June 2001, the voters approved a general obligation bond for $91 million. The district has issued bonds totaling approximately $78 million, with $13 million remaining. The district now would like to issue all $13 million, but is limited to $12.2 million by statute. Approval of this waiver would allow the district to issue the difference, specifically $751,484. The additional amount moves the district from 1.25 percent to 1.26 percent in terms of ratio of issued bonds to assessed valuation.

Based on the current assessed valuation as of September 2006, the scheduled reduction in the amount of the outstanding bonds, and assuming a 9.26 percent assessed valuation growth within the district, the district anticipates falling back within the statutory debt limit by September 2007.

The waiver will allow the district to complete construction projects at the Blossom Hill Elementary School and Lexington Elementary School without incurring additional finance and interest costs. It will also allow the district to stay on schedule in completing the planned construction projects by August 2008.

If the waiver is not approved, the district will need two separate bond issuances, resulting in added costs of approximately $250,000 for the second issuance around September 2007 (at which time the district may have authority to issue the remaining bonds). The district could also obtain interim financing but this would result in approximately $525,000 in financing and interest costs. Finally, the least desirable option would be for the district to delay the completion of the school construction projects until they could issue bonds in September 2007 which would result in increased construction and delay costs of approximately $1.7 million.

Authority for Waiver: *Education Code* (*EC*) Section 33050

Period of request: March 2007 to March 2008

Local board approval date(s): November 14, 2006

Public hearing held on date(s): January 9, 2006

Bargaining unit(s) consulted on date(s):

Name of bargaining unit/representative(s) consulted: Los Gatos Elementary Teachers' Association, Los Gatos Union Classified Employees' 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) District Office

Advisory committee(s) consulted: Bond Oversight Committee

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: November 17, 2006

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of this waiver would allow the district to issue the remaining $13 million in voter approved bonds to complete construction at the Blossom Hill Elementary School and Lexington Elementary School without construction delays or finance costs. If the waiver is not approved, the district could incur costs ranging from $250,000 to as much as $1.7 million.

ATTACHMENT(S)

Attachment 1: General Waiver Request (4 pages) (This attachment is not available for Web viewing. A printed copy is available in the SBE Office or the Waiver Office.

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2007 AGENDA

☒ **General Waiver**

SUBJECT	
Request by the **Hawthorne School District**, a district serving kindergarten through grade eight, to waive *Education Code* sections 47605(a)(6) to allow the district to renew the charter of the Hawthorne Mathematics and Science Academy, a school serving grades nine through 12. Waiver Number: 5-12-2006	☒ **Action** ☐ **Consent**

RECOMMENDATION

☒ **Approval** ☐ **Approval with conditions** ☐ **Denial**

EC Section 33051(c) would continue to be operative thereafter, provided the information in the waiver request remains current.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Under *EC* Section 33050, a school district governing board may request a waiver of various provisions of statute and regulation for one or more of the schools under its jurisdiction.

The SBE has not previously considered a waiver pertaining to the grade level restriction on chartering under *EC* sections 47605(a)(6).

SUMMARY OF KEY ISSUES

Under this waiver request, the Hawthorne School District, a district serving kindergarten through grade eight, proposes to waive *EC* sections 47605(a)(6) to allow the district to renew the charter of the Hawthorne Mathematics and Science Academy, a school serving grades nine through 12.

The Hawthorne School District initially chartered the Hawthorne Mathematics and Science Academy in 2002, prior to the operative date of *EC* sections 47605(a)(6), which now prohibit an elementary district from chartering a school that serves exclusively high school grades (or a high school district from chartering a school that serves exclusively elementary grades).

The principal objective of the enacting *EC* sections 47605(a)(6) was to ensure that chartering of schools in non-unified districts did not infringe on the appropriate chartering roles of affected elementary and high school districts. Therefore, California Department of Education (CDE) staff contacted the Centinela Valley Union High School District and the Los Angeles County Office of Education asking whether either objected to the Hawthorne School District's waiver request. Neither the district nor the County Office expressed concerns or objections to this waiver.

Moreover, Hawthorne Mathematics and Science Academy achieved a statewide ranking of 10 and a similar schools ranking of 10 on the 2005 Academic Performance Index (API). As measured by the API, student achievement at Hawthorne Mathematics and Science Academy surpassed all schools in the Centinela Valley Union High School District.

The SBE has generally been inclined to approve waiver requests related to high performing schools, provided the waivers do not result in increased costs to the state. Accordingly, the CDE recommends approval of this waiver request.

Authority for Waiver: *EC* Section 33050

Period of request: February 8, 2008, through February 7, 2010
Since this waiver would be in effect for two consecutive years, the waiver would continue to be operative thereafter, provided the information in the waiver request remains current, pursuant to *EC* Section 33051(c).

Local board approval date(s): December 12, 2006

Public hearing held on date(s): December 12, 2006

Bargaining unit(s) consulted on date(s): CFT, AFT, AFL-CIO – November 14, 2006; HETA – November 15, 2006

Name of bargaining unit/representative(s) consulted: CFT, AFT, AFL-CIO – Jean DeSimone; HETA – Rudy Salas and Thuy Tran

Position of bargaining unit(s) (choose only one):
☒ Neutral ☐ Support ☐ Oppose
Comments (if appropriate): CFT, AFT, AFL-CIO – Neutral.

Position of bargaining unit(s) (choose only one):
☐ Neutral ☒ Support ☐ Oppose
Comments (if appropriate): HETA – Support.

Public hearing advertised by (choose one or more):
☐ posting in a newspaper ☒ posting at each school ☒ other (specify)
Also posted at District Office; Hawthorne Mathematics and Science Academy; Welcome/Enrollment Center; Children's Center.

Advisory committee(s) consulted: HSD District Advisory Committee; HMSA School Site Council.

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: HSD District Advisory Committee – November 27, 2006; HMSA School Site Council – November 30, 2006.

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of this waiver request would have essentially no impact on state costs. If the Hawthorne Mathematics and Science Academy were not chartered by the Hawthorne School District, the students would likely attend other public schools, and overall costs to the state would be approximately the same.

ATTACHMENT(S)

Attachment 1: General Waiver Request Form (3 pages) (This attachment is not available for Web viewing. A printed copy is available in the SBE office or the Waiver Office.)

Attachment 2: Comparison of Hawthorn Mathematics and Science Charter School Academic Performance Index (API) with that of the three Centinela Valley Union High School District (1 page) (This attachment is not available for Web viewing. A printed copy is available in the SBE office or the Waiver Office.)

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2007 AGENDA

☒ **General Waiver**

SUBJECT	
Request by the **Tehama County Department of Education** to waive a portion of *Education Code (EC)* Section 47607(a) to allow the Tehama County Board of Education to reduce the charter school's renewal term from five years to three years **(Sacramento River Discovery Charter School)**. Waiver Number: 29-1-2007	☒ **Action** ☐ **Consent**

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

That the waiver exclusively allow the Tehama County Board of Education to reduce the renewal term of the Sacramento River Discovery Charter School from five years to three years (July 1, 2006, to June 30, 2009), and that all other provisions of *EC* Section 47607(a) continue to apply, *EC* 33051(c) will not apply.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE considered one previous waiver pertaining to the five-year charter school renewal term in 2006. That waiver asked for a one year renewal period. The waiver was approved with the condition that all other provisions of *EC* Section 47607(a) continue to apply.

SUMMARY OF KEY ISSUES

Under this waiver request, the Tehama County Department of Education proposes to waive a portion of *EC* Section 47607(a) in order to allow the Tehama County Board of Education to reduce the renewal term of the Sacramento River Discovery Charter School from five years to three years (July 1, 2006, to June 30, 2009).

Reduction of the renewal term is supported by the charter school and is specifically mentioned in the charter as renewed. The school is endeavoring to raise academic achievement and resolve significant fiscal issues. The Tehama County Department of Education and the school agree that limiting the renewal term is appropriate as one element in a comprehensive effort to improve the school's performance and operation.

If approved by the State Board of Education (SBE), the waiver (by terms of the request) would be operative for three consecutive years, following which the information in the waiver request would no longer be current within the meaning of *EC* Section 33051(c). Therefore, the waiver would cease to be operative after June 30, 2009.

Authority for Waiver: *EC* Section 33050

Period of request: July 1, 2006, to June 30, 2009
If approved by the State Board of Education (SBE), the waiver (by terms of the request) would be operative for three consecutive years, following which the information in the waiver request would no longer be current within the meaning of *EC* Section 33051(c). Therefore, the waiver would cease to be operative after June 30, 2009.

Local board approval date(s): January 17, 2007

Public hearing held on date(s): January 17, 2007

Bargaining unit(s) consulted on date(s): Tehama County Certificated Employees Organization and California School Employees Association, Chapter No. 406 – December 5, 2006;

Name of bargaining unit/representative(s) consulted: Mary Craig (Tehama County Certificated Employees Organization) and Dovey Stocks (California School Employees Association, Chapter No. 406)

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 (specify)
Posting at Tehama County Department of Education (entrance) and at Sacramento River Discovery Charter School.

Advisory committee(s) consulted: Tehama County Department of Education Lincoln Street School Site Council and Sacramento River Discovery Charter School governing board.

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: Tehama County Department of Education Lincoln Street School Site Council (notified December 5, 2006, scheduled February 26, 2007). Sacramento River Discovery Charter School governing board (January 11, 2007).

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of this waiver request would have essentially no impact on state costs. The length of the school's renewal term is fiscally inconsequential. Even if the school were to close, the students would presumably attend other public schools and overall costs to the state would remain approximately the same.

ATTACHMENT (S)

Attachment 1 – General Waiver Request from Tehema County Office of Education (2 pages) (This attachment is not available for web viewing. A printed copy is available in the SBE office or the Waiver Office.)

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2007 AGENDA

☒ **General Waiver**

SUBJECT	
Request by **Shandon Joint Unified School District** for a waiver of portions of *Education Code* (*EC*) sections 48660 and 48916.1(d) to permit a community day school (CDS) established to serve students in grades 7-12 to also serve 6th grade students. Waiver Number: 24-1-2007	☒ **Action** ☐ **Consent**

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

That the waiver be for this student only for the remainder of the school year.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education has approved prior requests to allow school districts to serve students in grade 6 in a CDS authorized to serve students in grades 7-12 when it is not feasible to establish a separate CDS for younger students due to the size of the district and/or when the students in 6th grade have previously been retained.

SUMMARY OF KEY ISSUES

The Shandon Joint Unified School District requests a waiver of portions of *Education Code* (*EC*) sections 48660 and 48916.1(d) that provide for the maximum authorized grade span to be served in a CDS.

The district requests authorization to decide, on a case-by-case basis, if a student who is enrolled in the 6th grade may be served in the CDS serving students in grades 7-12.

Shandon Joint Unified School District is a small rural district with a total enrollment of 365. Due to their small size, it is not feasible for the district to operate a separate CDS for one or two students in grade 6. Additionally, there are not any County programs for students in 6th grade and below available in San Luis Obispo County. On January 9, 2007, the district's Board of Trustees held an expulsion hearing for a 6th grader. The Board suspended enforcement of the expulsion with the recommendation that the student attend the CDS for a very limited term with the intent that, as long as there are no violations of the suspended expulsion terms and his behavior improves, he return to the elementary campus for the last trimester which begins March 12. This is a very rare situation that has not happened in the district previously.

The District Board voted unanimously to support this request. The local bargaining units (all district elementary teachers were polled and voted affirmatively) and the School Site Council, representing students, parents, teachers, and administrators are also

supporting this request.

The CDE recommends that the waiver be approved through the end of the 2006-2007 school year, for this student only, as requested.

Authority for Waiver: *EC* Section 33050

Period of request: January 10, 2007 to June 30, 2007

Local board approval date(s): January 16, 2007

Public hearing held on date(s): January 16, 2007

Bargaining unit(s) consulted on date(s): Shandon Teachers Association, January 12, 2007; CSEA, January 12, 2007

Name of bargaining unit/representative(s) consulted: Susan Jamele, STA; Donna Heer, CSEA

Position of bargaining unit(s) (choose only one):
☐ Neutral ☒ Support ☐ Oppose
Comments: All district elementary teachers were polled and voted affirmatively.

Public hearing advertised by (choose one or more):
☐ posting in a newspaper ☒ posting at each school ☒ other: Shandon Post Office, Shandon Market, Parkfield Café

Advisory committee(s) consulted: Shandon School Site Council

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: January 16, 2007

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of this waiver would not have a fiscal impact on the state.

ATTACHMENTS

Attachment 1: General Waiver Request and Memorandum (2 Pages) (This attachment is not available for Web viewing. A printed copy is available in the SBE office or the Waiver Office.)

Attachment 2: Cover letter from Principal/Superintendent Chris Crawford (1 Page) (This attachment is not available for Web viewing. A printed copy is available in the SBE office or the Waiver Office.)

Attachment 3: Letter of support from Schaun Morlan, Shandon School Site Council (1 Page (This attachment is not available for Web viewing. A printed copy is available in the SBE office or the Waiver Office.)

Attachment 4: Letter of support from Susan Jamele, Shandon Teachers Association (1 Page) (This attachment is not available for Web viewing. A printed copy is available in the SBE office or the Waiver Office.)

Attachment 5: Letter of support from Donna Heer, CSEA (1 Page) (This attachment is not available for Web viewing. A printed copy is available in the SBE office or the Waiver Office.)

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2007 AGENDA

☒ **General Waiver**

SUBJECT	
Request by **Pleasanton Unified School District** for a waiver of *Education Code* (*EC*) Section 48661(a) relating to the placement of a community day school on the same site as a continuation high school (Village Continuation High School). Waiver Number: 1-2-2007	☒ **Action** ☐ **Consent**

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**
The waiver is for one year only, to be evaluated before renewal.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has approved several similar requests to allow the colocation of a community day school (CDS) with a continuation 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

The Pleasanton Unified School District requests a waiver of *Education Code* (*EC*) Section 48661(a) which states that a CDS shall not be situated on the same site as a continuation high school.

The district intends to locate the Pleasanton CDS on the same site as Village Continuation High School. 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.

Consistent with Section 48661, the CDS will maintain the greatest possible separation from other traditional school classrooms and students, not being located on the same site as an elementary, middle, or comprehensive high school.

The CDS will be separated Village High School by a series of physical barriers (fences and “no student” zones). Arrival and departure are at separate locations and times to prevent intermingling of students. There are also different bell schedules and lunch periods. Each school has its own restrooms. Public Safety Officers will ensure that the schools’ respective students are separated at all times.

The district believes that the measures described above will provide a very high level of safety. The local board and the Village High School Site Council,

representing students, parents, teachers, and administrators, each voted unanimously in support of the waiver request. The Association of Pleasanton Teachers also submitted a letter of approval.

While the district believes that the measures described above would provide a very high level of safety, the district is only requesting, and the CDE recommends, approval of the waiver for the one school year, allowing for re-evaluation before renewal is considered.

The CDE recommends that the waiver be approved as requested for one year only, to be evaluated before renewal.

Authority for Waiver: *EC* Section 33050

Period of request: January 30, 2007 to January 30, 2008

Local board approval date(s): January 30, 2007

Public hearing held on date(s): January 30, 2007

Bargaining unit(s) consulted on date(s): January 17, 2007

Name of bargaining unit/representative(s) consulted: Association of Pleasanton Teachers, Larry Aladeen

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: District Web site and "E-Connection" (parent e-mail system)

Advisory committee(s) consulted: Village High School School Site Council

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: January 26, 2007

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of this waiver would not have a fiscal impact on the state.

ATTACHMENTS

Attachment 1: General Waiver Request and Memorandum (2 Pages) (This attachment is not available for Web viewing. A printed copy is available in the SBE office or the Waiver Office.)

Attachment 2: Cover letter from Superintendent John M. Casey, Ed.D (1 Page) (This attachment is not available for Web viewing. A printed copy is available in the SBE office or the Waiver Office.)

Attachment 3: Letter of support from Larry Aladeen, Association of Pleasanton Teachers (1 Page) (This attachment is not available for Web viewing. A printed copy is available in the SBE office or the Waiver Office.)

Attachment 4: Site map (1 Page) (This attachment is not available for Web viewing. A printed copy is available in the SBE office or the Waiver Office.)

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2007 AGENDA

☒ **General Waiver**

SUBJECT	
Request by **Mendocino County Office of Education** to waive *Education Code (EC)* Section 1006(a) regarding the prohibition against electing a school district employee as a member of the county board of education. Waiver Number: 13-12-2006	☒ **Action** ☐ **Consent**

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

That the period of request for the waiver will be from December 1, 2005 until June 30, 2007, when Ms. Zucker will retire from the Ukiah School District, making this waiver unnecessary. *EC* 33051(c) will not apply.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has not previously heard this type of waiver.

SUMMARY OF KEY ISSUES

EC Section 1006(a) states: *"Any registered voter is eligible to be a member of the county board of education except the county superintendent of schools, any member of his staff, or any employee of a school district."*

On November 8, 2005, during the consolidated special statewide election, Ms. Diane Zucker, a teacher in the Ukiah Unified School District (USD), was elected to the Mendocino County Board of Education (CBE). Before filing her candidacy papers, Ms. Zucker had sought an opinion from the Superintendent of Mendocino County Office (MCOE) and the Mendocino County Registrar of Voters Office as to whether it was possible for her to continue her employment as an Ukiah USD teacher and serve on the Mendocino CBE at the same time. She states she was informed that there was no problem with doing both.

Ms. Zucker then ran for a position on the board and won a seat by a considerable margin. Ms. Zucker campaigned for her seat using her experience and expertise as a teacher within the county. In July of 2006, the Superintendent of MCOE informed Ms. Zucker that she was violating *EC* Section 1006(a) and that she needed to either retire as a teacher or resign from the board.

After four public meeting discussions on this issue, the Mendocino CBE passed Resolution No 06.12.2 on December 11, 2006 (see Attachment 2). This resolution

directs the MCOE Superintendent of Schools, the board's legal counsel and the president of the board to prepare and submit to the SBE a General Waiver of EC 1006(a) pursuant to EC 33050 of this restriction.

There is an Attorney General's Opinion of the topic, No 86-601, December 31, 1986, regarding a similar situation with a substitute teacher. The resultant opinion was that although the teacher in question could serve on the county board while working in a district not under the jurisdiction of that particular board, she may not serve on the board while working in a district within the jurisdiction of the board of education.

However, the public, the union and the other members of the Mendocino CBE are highly supportive of Ms. Zucker, and would like her to be able to continue in her elected position, in addition, the EC requested for waiver is not expressly excluded from the waiver authority as listed in *EC* 33050 (a)(1) through (20).

Also on February 21, 2007, Dianne Zucker indicated her intention to retire from the Ukiah School District effective June 30, 2007 (See Attachment 3). Her term on the Mendocino CBE began December 1, 2005, and will continue through December , 2009. It seems to be in the best interests of all concerned that this waiver be approved for the initial time period of December 2005 until June 30, 2007, while Ms Zucker is still actively employed, and terminate with her official retirement from the district. At this point Ms. Zucker can continue to serve in her elected position for the remainder of her term as a private citizen. The department is therefore recommending approval of this waiver for a limited time period.

Authority for Waiver: *EC* Section 33050

Period of request: December 12, 2006 to December 30, 2009

Local board approval date(s): December 11, 2006

Public hearing held on date(s): November 13, 2006

Bargaining unit(s) consulted on date(s): November 6, 2006

Name of bargaining unit/representative(s) consulted: Mendocino County Federation of School Employees, Jaime Connerton, 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: No such group exists at the Mendocino County Office of Education.

Objections raised (choose one): ☐ None ☐ Objections are as follows:

Date(s) consulted: No such group exists at the Mendocino County Office of Education.

FISCAL ANALYSIS (AS APPROPRIATE)

There are no state costs associated with approval of this waiver. However, if this waiver is denied, the county of Mendocino will incur the cost of replacing a board member.

ATTACHMENT(S)

Attachment 1 – General Waiver Request from Mendocino County Office of Education (2 pages) (This attachment is not available for web viewing. A printed copy is available in the SBE office of the Waiver Office.)

Attachment 2 – Resolution from Mendocino Board of Education (2 pages) (This attachment is not available for web viewing. A printed copy is available in the SBE office of the Waiver Office.)

Attachment 3 – E-mail resignation from Ms. Zucker. (1 page) (This attachment is not available for web viewing. A printed copy is available in the SBE office of the Waiver Office.)

2/21/07

To whom it may concern,

This e-mail is intended to serve as my declaration that I will retire as a teacher as of 6/30/2007. If there is any further information needed please contact me at (707)467-9798. Thank you for consideration of the waiver submitted by the Mendocino County Board of Education.

Diane Zucker
Teacher
Ukiah Unified School District

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2007 AGENDA

☒ **General Waiver**

SUBJECT	
Request by the **Riverside** and **San Bernardino County Offices of Education** for a waiver of portions of *Education Code (EC)* Section 35706 regarding the 120-day timelines between the first public hearing and approval or disapproval of the petition by the Riverside County Committee on School District Reorganization. This is a contested transfer of acreage from Beaumont Unified School District to Yucaipa-Calimesa Joint Unified School District. Waiver Number: 6-1-2007 and 10-1-2007	☒ **Action** ☐ **Consent**

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

That the waiver is applicable for only this proposed territory transfer from Riverside county to San Bernardino county, and the waiver is for one day less than 2 years, so EC 33051(c) will not apply.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has approved two similar waiver requests in the past 10 years: one from the Santa Clara County Office of Education (June 1997) and one from the Los Angeles County Office of Education (January 2006).

SUMMARY OF KEY ISSUES

A county committee on school district organization (county committee) is required by the *EC* to take certain actions, including holding public hearings, when it receives a petition to transfer territory between school districts. *EC* Section 35706 requires the county committee to recommend approval or disapproval of the territory transfer within 120 days of conducting the first public hearing of the petition.

In 1982, the California Supreme Court held that reorganization of school district boundaries is a project within the scope and meaning of the California Environmental Quality Act (CEQA). The county committee, as the agency with authority to approve territory transfers, is the lead agency for purposes of the CEQA. As such, it is required to consider the impact of the territory transfer on the environment.

The county committees of both Riverside County and San Bernardino County are addressing a highly controversial transfer of territory from Beaumont Unified School District in Riverside County to Yucaipa-Calimesa Joint Unified School District in San Bernardino County.

The county committees anticipate that additional time may be required to address CEQA requirements, as well as any objections to the proposed transfer. CEQA studies often take more than the 120 days in which *EC* Section 35706 requires county committees to take action on a reorganization proposal. Since a CEQA study must be completed before the proposal can be approved, a county committee is unable to comply with the 120-day timeline when an environmental study is conducted.

The department recommend approval of the timeline waiver for this proposed transfer.

Authority for Waiver: *Education Code* Section 33050

Period of request: March 19, 2007, to March 17, 2009
The department reduced the period of request by one day so that EC 33051(c) will not apply, and the county must reapply for a waiver if the process lasts longer than two years less a day.

Local board approval date(s): February 5, 2007, for San Bernardino County and February 14, 2007, for Riverside County

Public hearing held on date(s): February 5, 2007, for San Bernardino County and February 14, 2007, for Riverside County

Bargaining unit(s) consulted on date(s): January 5, 2007, for San Bernardino County and January 8, 2007, for Riverside County

Name of bargaining unit/representative(s) consulted: San Bernardino County: Doreen Ramsey, San Bernardino County Teachers Association; Riverside County: Kasey McCall, California State Employees Association, Chapter 693, and Mike Bochicchio, Riverside County Office Teachers Association

Position of bargaining unit(s) (choose only one):
☒ Neutral ☒ Support ☐ Oppose
Comments (if appropriate): San Bernardino County bargaining units adopted a support position and Riverside County bargaining units adopted a neutral position.

Public hearing advertised by (choose one or more):
☒ posting in a newspaper ☐ posting at each school ☒ other (specify)
San Bernardino County posted the public hearing notice in a newspaper and Riverside County posted public hearing notices at each Riverside County Office of Education site.

Advisory committee(s) consulted: No school site council has an interest in the waiver as it will not impact any program requiring school site council nor does any other advisory body or committee have an interest in the subject of the waiver.

Objections raised (choose one): ☐ None ☐ Objections are as follows:

Date(s) consulted: N/A

FISCAL ANALYSIS (AS APPROPRIATE)

There will be no significant cost to the county office of education, any affected district, or the state due to approval of this waiver.

ATTACHMENT(S)

Attachment 1 – General Waiver Request from Riverside County Office of Education (2 pages) (This attachment is not available for web viewing. A printed copy is available in the SBE office of the Waiver Office.)

Attachment 2 – General Waiver Request from San Bernardino County Office of Education (2 pages) (This attachment is not available for web viewing. A printed copy is available in the SBE office of the Waiver Office.)

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2007 AGENDA

☒ **General Waiver**

SUBJECT	
Request by **Petaluma Joint Union High School District** to waive *Education Code (EC)* Sections 52084(a)(c) and 52086(a), Grade Nine Class Size Reduction Program (Morgan-Hart) the requirement for a 20:1 student-teacher ratio so that the district may provide a 23 to 1 ratio across three core courses--English, math and science with no more than 24 in any one class. Waiver Number: 16-12-2006	☒ **Action** ☐ **Consent**

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

Approve with the following conditions: 1) the total funding to the district will not exceed two times the grade nine enrollment of the district; 2) all participating English, math, and science classes will be held to the 23:1 ratio; 3) the participating schools, Casa Grande High and Petaluma High, must be implementing the ninth grade smaller learning communities structure for all ninth graders; 4) district will provide an evaluation after the 2007-08 school year; and *Education Code* (EC) Section 33051(c) does not apply.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has discussed issues related to Grade Nine Class Size Reduction (Grade Nine CSR) on several occasions. The SBE has approved many waivers allowing the inclusion of three courses in Grade 9 CSR efforts rather than the two, but has generally maintained the 20:1 student teacher ratio, provided that state funding was capped at two times the applying district's grade nine enrollment.

This is a renewal request for a waiver approved by the SBE for Petaluma at the May 2006 meeting, including an evaluation of the program so far, as requested by the SBE.

The SBE also approved a waiver request from the Tamalpais Union High School District at the January 2006 meeting to allow a 25:1 student teacher ratio following the sunset of a statutory change allowing the higher average ratio.

SUMMARY OF KEY ISSUES

This waiver request from the Petaluma Joint Union High School District (JUHSD) seeks to use Grade Nine CSR funds to reduce average class sizes in three subjects (English, math, and science) to 23:1 (with no more than 24 pupils in any participating class). The district proposes the waiver to permit two high schools, Casa Grande High School and Petaluma High School to implement a ninth grade team program for English, math and science. Prior to approval of the 2006-07

waiver, the Petaluma JUHSD had the statutory 20:1 average ratio in English and mathematics classes, but 32:1 in science classes. Completion of ninth-grade English, mathematics, and science classes is required for high school graduation.

As part of the original waiver approval, the district agreed to provide evaluation data with this renewal request. That report was included with this waiver (attached) and indicates Petaluma JUHSD is working with an external evaluator, Public Works, "to track the success of our high school improvement initiatives." Though all the measures being tracked are in process, Petaluma JUHSD has seen initial evidence "that indicate a positive effect of this year's expansion of class size reduction to include Physical Science." In particular, the second grading period shows an increase in the percent of students earning an A and a decrease in the percent of students earning a D. That data is discussed in the attached report. Petaluma JUSHD will be available to provide an update if requested at the SBE meeting.

As the following chart documents, Casa Grande High School has shown steady improvement in its API scores. Petaluma has been less consistent but has shown a 37 point improvement from 2002 to 2006. Both high schools are seeking to utilize the smaller learning communities model to continue to positively impact student academic achievement.

	2002	2003	2004	2005	2006
Casa Grande	664	717	732	740	741
Petaluma	698	691	718	756	735

The California Department of Education (CDE) supports this waiver as it is consistent with the Superintendent's High Performing High Schools Initiative and will allow Petaluma JUHSD to continue implementing its smaller learning communities model. Providing an additional year, but not a permanent waiver, will allow Petaluma additional time to analyze the impact of this approach and will also require the district to return to the Board if the district chooses to seek a permanent waiver.

CDE recommends approval, with the following conditions: 1) the total funding to the district will not exceed two times the grade nine enrollment of the district; 2) all participating English, math, and science classes will be held to the 23:1 ratio; 3) the participating schools, Casa Grande High and Petaluma High, must be implementing the ninth grade smaller learning communities structure for all ninth graders; 4) district will provide an evaluation after the 2007-08 school year; and *EC* Section 33051(c) does not apply.

Period of request: July 1, 2007 – June 29, 2008

Local board approval date(s): December 19, 2006

Public hearing held on date(s): May 18, 2004

Bargaining unit(s) consulted on date(s): December 1, 2006

Name of bargaining unit/representative(s) consulted:

Petaluma Federation of Teachers (PFT) Gary Ravani.

Position of bargaining unit(s) (choose only one):
☒ Neutral ☐ Support ☐ Oppose
Comments (if appropriate): PFT is neutral.

Public hearing advertised by (choose one or more):
☒**X** posting in a newspaper ☒ posting at each school ☒ other - 3 public places

Advisory committee(s) consulted:
Casa Grande High School Principals Advisory Committee and Petaluma High School Principals Advisory Committee.

Objections raised (choose one): ☒ None ☐ Objections are as follows:
Site Advisory Committees at both high schools are in support.

Date(s) consulted:
Casa Grande High: May 4, 2004, December 2005, and December 2006
Petaluma High: August 19, 2004, December 2005, and December 2006

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).

ATTACHMENT(S)

Attachment 1: General Waiver Request Form and Evaluation Results Form (9 pages)
(This attachment is not available for Web viewing. A printed copy is available in the SBE office or the Waiver Office.)

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2007 AGENDA

☒ **Petition Waiver**

SUBJECT	
Petition request under *Education Code* (*EC*) sections 60421(d) and 60200(g) by **Glendale Unified School District** to purchase specified non-adopted instructional materials (*Everyday Mathematics,* Grades K-6) using Instructional Materials Funding Realignment Program (IMFRP) monies. Waiver Number: 21-11-2006	☒ **Action** ☐ **Consent**

RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

That the district supplement the *Everyday Mathematics* program to ensure that all mathematics content standards are met.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Many prior waiver/petition requests have been approved by the SBE, most with the condition that districts supplement the *Everyday Mathematics* program to ensure that all mathematics content standards are met.

This is the district's sixth request for a waiver/petition for *Everyday Mathematics.* The district was first approved by the SBE for a petition to purchase *Everyday Mathematics* using IMF funds in 1997; this petition was then renewed in 1999 by the SBE. When the fund source changed, a Schiff-Bustamante waiver request for this same program was granted by the SBE in June 2001, followed by two IMFRP petition requests which continued Glendale Unified School District's use of the program through June 30, 2006. The November 2005 petition was approved by the SBE with the additional condition that the district provide specific teacher training in mathematics to all teachers, grades kindergarten through grade six, for one year. In its narrative, the district has attested that it has provided this training.

SUMMARY OF KEY ISSUES

While no SBE policy currently exists for petitions under the IMFRP, language within the IMFRP in *EC* Section 60421(d) specifically authorizes the SBE to grant waivers for the purchase of nonadopted materials with IMFRP funds. The district has been using the *Everyday Mathematics* program since 1998, under consecutive instructional materials petitions approved by the SBE.

The district provided assessment data for its 20 elementary schools. District-wide, the 2006 Mathematics California Standards Test (CST) scores were above the state average, with between six and fifteen percent more students scoring at the "Basic" or

higher level than statewide for each grade level that was assessed. However, all twenty schools experienced declines from 2005 to 2006 in one or more grade levels of the percentage of students that scored at “Basic” or higher on the Mathematics CST. Four schools had drops of at least 10 percentage points scoring at “Basic” or higher in at least one grade level. The district has a higher percentage of English Language Learners (36%) than the state as a whole (30%).

The district is requesting the waiver period extend to June 2009 to allow the district time to review the state approve materials, pilot new materials as necessary and select and approve a new program and select and approve a new program. The waiver would allow the purchase of *Everyday Mathematics* materials during this time period.

Sample timeline
November 2007 –SBE adopts instructional materials for mathematics.
Spring 2008 – District review and approval process begins
Fall 2008 to Spring 2009 - Pilot materials and complete the review.
Spring 2009 – Purchase SBE-adopted instructional materials for 2010-11

The department recommends approval of this petition request.

Authority for Petition: *EC* 60421(d) and 60200(g)

Period of request: July 1, 2006, through June 30, 2009.

Local board approval date(s): May 3, 2005

Public hearing held on date(s): May 3, 2005

Public hearing advertised by (choose one or more):
☒ posting in a newspaper ☐ posting at each school ☐ other (specify)

FISCAL ANALYSIS (AS APPROPRIATE)

Annual estimated district expenditures for the *Everyday Mathematics* program, K-6:
$270,000

2005-06 District IMFRP (for comparison): $1,690,224

ATTACHMENT(S)

Attachment 1: Petition Request Request (4 pages) (This attachment is not available for Web viewing. A printed copy is available in the SBE office or the Waiver Office.)

Attachment 2: Assessment Information for Instructional Materials Petitions (39 pages)

(This attachment is not available for Web viewing. A printed copy is available in the SBE Office or the Waiver Office.)

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2007 AGENDA

☒ **Specific Waiver**

SUBJECT	
Request by **Richland Union Elementary School District** to waive *Education Code (EC)* Section 46201(d), the Longer Day Incentive Program requirement penalty for offering less instructional time in the 2005-2006 fiscal year than the minimum requirements set in 1986-87 fiscal year at **Redwood Elementary School** in the morning kindergarten class (shortfall of 110) and in the afternoon kindergarten class (shortfall of 150 minutes). Waiver Number: 21-08-2006	☒ **Action** ☐ **Consent**

RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

That the district maintains increased instructional time in the Kindergarten grade from the required 36,000 minutes per year to 36,150 minutes per year, and for the affected students' grade levels from the required 50,400 minutes per year to 50,550 minutes per year, for a period of two years beginning in 2006-2007 and continuing through 2007-2008 and report the increases for the instructional minutes in their yearly audits.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has approved similar requests with conditions. *EC* section 46206 authorizes waivers to be granted for fiscal penalties because of a shortfall in instructional time. A waiver may be granted upon the condition that the school or schools in which the minutes, days, or both, were lost, maintain minutes and days of instruction equal to those lost in addition to the amount for twice the number of years that it failed to maintain the required minimum length of time for the instructional school year, minimum number of instructional days for the school year following the year, or both.

SUMMARY OF KEY ISSUES

The annual audit of instructional minutes revealed that Redwood Elementary School was 110 minutes short in the a.m. kindergarten class and 150 minutes short in the p.m. kindergarten class of the required 36,000 instructional minutes. This error was caused by a schedule change. The shortfall created a fiscal penalty of $6,354. The district is requesting a waiver of the full fiscal penalty amount. The waiver requires the higher amount of minutes (150 minutes) to be made up at the affected grade levels and for the affected students.

Redwood Elementary's bell schedule was adjusted to increase the instructional time for the kindergarten grade to more than 36,150 annual instructional minutes. Beginning in

school year 2006-2007, the district began making up the shortage of instructional minutes in the kindergarten level and in the affected grades of first and second. The increased instructional time offered at the Redwood Elementary School will continue through the 2007-2008 school year. The district has submitted a chart of their instructional time usage for the next two years to verify this information. These new schedules show increased instructional time for the kindergarten grades as well as the first and second grades. In fact, all grade levels are offered instructional time at a higher level than the minimum required amounts.

Therefore, the department recommends approval of this waiver with the condition that the district maintains increased instructional time in the Kindergarten grade from the required 36,000 minutes per year to 36,150 minutes per year, and for the affected students' grade levels from the required 50,400 minutes per year to 50,550 minutes per year, for a period of two years beginning in 2006-2007 and continuing through 2007-2008 and report the increases for the instructional minutes in their yearly audits.

Authority for the Waiver: *EC* Section 46206

Period of request: 08/22/2005 to 06/30/2006

Local board approval date(s): August 21, 2006

Bargaining unit(s) consulted on date(s): August 18, 2006

Name of bargaining unit(s)/representative(s): Richland Teachers Association, Nancy Thompson, President

Position of bargaining unit(s) (choose only one):

☐ Neutral ☒ Support ☐ Oppose

Comments (if appropriate):

FISCAL ANALYSIS (AS APPROPRIATE)

The calculation for the penalty is as follows: 303.91 (Average Daily Attendance) times $5,063.02 (Base Revenue Limit) times 0.99108 (Deficit Factor) equals $1,524,977.18 (Apportionment). 150 (Number of Minutes Short) divided by 36,000 (Number of Required Minutes) equals 0.42% (Percentage of Minutes Not Offered). $1,524,977.18 (Apportionment) times 0.42% (Percentage of Minutes Not Offered) equals $6,354.07 (Penalty). The district requests to waive the full amount.

ATTACHMENT(S)

Attachment 1: Specific Waiver Request (2 pages) (This attachment is not available for web viewing. A hard copy is available in the SBE office or the Waiver Office.)

Attachment 2: Copy of Audit Finding (1 page) (This attachment is not available for web

viewing. A hard copy is available in the SBE office or the Waiver Office.)

Attachment 3: Instructional Time Schedules for 2006-2007 and 2007-2008 (2 pages)
(This attachment is not available for web viewing. A hard copy is available in the SBE office or the Waiver Office.)

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2007 AGENDA

☒ **Specific Waiver**

SUBJECT	
Request by **Upland Unified School District** to waive *Education Code (EC)* Section 46201(d), the Longer Day Incentive Program audit penalty for offering less instructional time in the 2005-2006 fiscal year than the minimum requirements set in 1986-1987 fiscal year at Magnolia Elementary in kindergarten (shortfall of 125 minutes), Sierra Vista Elementary grades 4-6 (shortfall of 45 minutes. Waiver Number: 10-12-2006	☒ **Action** ☐ **Consent**

RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

That the district will maintain increased instructional time in the Magnolia Elementary kindergarten grade from the required 36,000 minutes per year to 36,125 minutes per year, and increased instructional time in the 4-6 grades at Sierra Vista Elementary School from the required 50,400 minutes per year to 50,445 minutes per year, for a period of two years beginning in 2006-2007 and continuing through 2007-2008 and report the increases for the instructional minutes in their yearly audits. In both schools, the instructional time in the grade levels of the affected students must also be increased per attached chart.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has approved similar requests with conditions. *EC* section 46206 authorizes waivers to be granted for fiscal penalties because of a shortfall in instructional time. A waiver may be granted upon the condition that the school or schools in which the minutes, days, or both, were lost, maintain minutes and days of instruction equal to those lost in addition to the amount for twice the number of years that it failed to maintain the required minimum length of time for the minimum number of instructional days for the school year following the year.

SUMMARY OF KEY ISSUES

An audit of 2005-2006 fiscal year revealed that Upland Unified School District (USD) offered less than the required instructional minutes at two of their schools in the district. Specifically, they offered 125 minutes less than the required minimum of 36,000 instructional minutes for the kindergarten grade at Magnolia Elementary School and 45 minutes less than the required minimum of 50,400 instructional minutes for the 4-6 grades at Sierra Vista Elementary School.

Beginning in school year 2006-2007, the district began making up the shortage of

instructional minutes. The district has increased the instructional time for the Magnolia School kindergarten grade to 36,248 annual instructional minutes, which is over what is required for the make up. The first and second grades, the affected grade levels, have increased to 54,328, which is well beyond the minimum requirement, and over the minimum requirement for the make-up of instructional time.

Sierra Vista School increased their instructional minutes in grades 4-6 beyond the 45 minutes, the required make up time, to 640 minutes to make the total annual instructional time offered 54,640 minutes. Sierra Vista Elementary students affected by the shortage of instructional time in 2004-2005 are now attending either Pioneer Junior High or Upland Junior High and those schools have both increased their annual instructional minutes. At all schools, the increased instructional time offered will continue through the 2007-2008 school year. The district submitted charts of their instructional minutes for both 2006-2007 and 2007-2008 school years.

Therefore, the department recommends approval of this waiver with the condition that the district will maintains increased instructional time in the kindergarten grade from the required 36,000 minutes per year to 36,125 minutes per year, increased instructional time in the 4-6 grades at Sierra Vista Elementary School from the required 50,400 minutes per year to 50,445 minutes per year, for a period of two years beginning in 2006-2007 and continuing through 2007-2008 and report the increases for the instructional minutes in their yearly audits. As stated above, all affected students will received the additional time for two years per agreement (see attached charts).

Authority for the Waiver: *EC* 42602

Period of request: 07-01-05 to 06-30-07

Local board approval date(s): December 12, 2006

Bargaining unit(s) consulted on date(s): November 15, 2006

Name of bargaining unit(s)/representative(s): Mary Levi, Upland Teachers Association

Position of bargaining unit(s) (choose only one):
☐ Neutral ☒ Support ☐ Oppose
Comments (if appropriate):

FISCAL ANALYSIS (AS APPROPRIATE)

The calculation for the penalty amount for offering less the required minutes in kindergarten are: 739 (Average Daily Attendance) times $5,177.35 (Base Revenue Limit) equals $3,791,933.18 (Apportionment). 125 (Number of Minutes Short) divided by 36,000 (Number of Required Minutes) equals 0.35% (Percentage of Minutes Not Offered). $3,791,933.18 (Apportionment) times 0.35% (Percentage of Minutes Not Offered) equals $13,166.43 (Penalty).
Second penalty calculation for offering less the required minutes in grades 4-6: 2,672

(Average Daily Attendance) times $5,177.35 (Base Revenue Limit) equals $13,710,481.00 (Apportionment). 45 (Number of Minutes Short) divided by 54,000 (Number of Required Minutes) equals 0.08% (Percentage of Minutes Not Offered). $13,710,481.00 (Apportionment) times 0.08% (Percentage of Minutes Not Offered) equals $11,425.40 (Penalty).

$13,166.43 plus $11,425.40 equals $24,595.83. The district is requesting to waive the full penalty amount.

ATTACHMENT(S)

Attachment 1: Specific Waiver Request (2 pages) (These attachments are not available for web viewing. A hard copy is available in the SBE office or the Waiver Office.)

Attachment 2: Copy of Audit Finding (1 page) (This attachment is not available for web viewing. A hard copy is available in the SBE office or the Waiver Office.)

Attachment 3: Instructional Time Schedules to make up the instructional time for two years – 2006-2007 and 2007-2008 (4 pages) (These attachments are not available for web viewing. A hard copy is available in the SBE office or the Waiver Office.)

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2007 AGENDA

☒ **General Waiver**

SUBJECT	
Request by **San Bernardino City Unified School District** to waive portions of *Education Code (EC)* sections 45272(a) and 45310, relating to the responsibilities of the Personnel Commission and its Directors. Since these persons have not performed their mandated duties regarding filling vacancies in the classified services classification, the district is requesting this waiver so they can hire and pay classified employees using a designated district official, pending other resolution of the problem. Waiver Number: 11-10-2006	☒ **Action** ☐ **Consent**

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

1. District must continue to follow all or the statute and regulations in *EC* Chapter 5: Classified Employees *EC* 45100 – 45460, except for the sentences requested for waiver;
2. District must appoint Karen Hock, Director of Classified Human Resources, to perform the duties of the Personnel Director and Commission, for the duration of the waiver, and to incur all responsibility for violation of the rules as stated in *EC* 45310 (last sentence), and all of *EC* 45317;
3. The period of request shall be from 3/8/07 to 9/9/07, six months total, to allow district to hire sufficient employees to begin the 2007-08 school year; and
4. Waiver will terminate if other resolution to the problem is found.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

A waiver of this type has never been heard the State Board of Education. San Bernardino City Unified School District adopted the merit system in 1967 and has approximately 2,000 classified employees. A merit system may be voted into a district by a vote of the classified employees following the submission of a petition requesting an election. Approximately 100 school districts in California utilize the merit system.

The Personnel Commission is an independent body composed of three persons appointed for three-year staggered terms. The three member body is comprised of one appointment from the school board, one appointment from the classified employees' union and then the two members must agree on a third neutral commissioner. In the event the third neutral commissioner cannot be agreed upon, the appointment is made by the State Superintendent of Public Instruction. (State Education Code 45246)

The Personnel Commission is responsible for maintaining a merit system for classified

employees of the school and for fostering the advancement of a career service for such employees. To execute these responsibilities, the State Education Code provides that the Personnel Commissioners shall classify positions; hear appeals of disciplinary and dismissal matters, and protests involving examinations, selection and appointment procedures; and prescribe rules related to a variety of personnel practices. (State Education Code 45220 through 45320)

SUMMARY OF KEY ISSUES

Request by to waive portions of *EC* sections 45272(a) and 45310, relating to the responsibilities of the Personnel Commission and its Directors.

Attachment 3 is an Executive Summary of a long term problem in the hiring of classified staff at the district, and Attachment 5 is a chronology of events.

As of February 5, 2007, there are almost 500 vacancies in these classified classifications, which include 3 school police officers, 8 campus security officers, computer systems analysts, and hundreds of other vital personnel from accounting, personnel, classroom support, translators, clerical, maintenance, food service, janitors, and transportation. The district has been required since April 27, 2006, to hire only emergency or temporary employees (many are on “daily rate” pay scales) into the positions to continue district essential operations. A complete listing of vacancies is on Attachment 6.

The district has filed a Writ of Mandate (Case # SCVSS 1412168) with the Superior Court in San Bernardino County against the Personnel Commission and its Directors. This action first went to the court on February 2, 2007 and has been continued to March 16, 2007.

In addition the Superintendent of Public Instruction has attempted to relieve the problem by appointing a third neutral commission as allowed in EC 45246. The process was suspended in December 2006, when the local school board appointed commissioner resigned mid-term. The local school board filled the vacancy immediately, but it was advised to the Superintendent of Public Instruction that the process of appointing the third neutral commissioner go back to the local level through the process for a second time. The SBCUSD Personnel Commission met on January 24, 2007 to interview and nominate a new commissioner. A commissioner was nominated and may be appointed to the commission on February 21, 2007. This may, or may not resolve the issue.

However the district requests that this waiver request be also considered, as a short term solution to hire permanent employees for the 2007-08 school year. In waiving only specific references to duties of the Personnel Director and the Commission in the requested sections (See attachment 2), the district promises, as a condition of waiver approval to do the following:

1. District must continue to follow all or the statute and regulations in *EC* Chapter 5: Classified Employees *EC* 45100 – 45460, except for the sentences requested for waiver;
2. District must appoint Karen Hock, Director of Classified Human Resources to

perform the duties of the Personnel Director and Commission, for the duration of the waiver, and to incur all responsibility for violation of the rules as stated in *EC* 45310 (last sentence), and all of *EC* 45317;

3. The period of request shall be from 3/8/07 to 9/9/07, six months total, to allow district to hire sufficient employees to begin the 2007-08 school year; and
4. Waiver will terminate if other resolution to the problem is found.

In recognition to the possible disruption of educational services to the students in the San Bernardino City USD, as well as the possible jeopardizing of student and employee health and safety with the continuation of the current circumstances described. The California Department of Education recommends approval of this waiver with specific conditions as listed.

Authority for Waiver: *EC* Section 33050

Period of request: March 9, 2007 to September 9, 2007
Six months total, to allow district to hire sufficient employees to begin the 2007-08 school year, waiver will terminate if other resolution to the problem is found.
(Note: Original district request was for November 11, 2006 to June 30, 2006)

Local board approval date(s): October 19, 2006 and Board Resolution of October 3, 2006 (attached)

Public hearing held on date(s): October 19, 2006

Bargaining unit(s) consulted on date(s): October 17, 2006 and October 18, 2006

Name of bargaining unit/representative(s) consulted: California State Employees Association (CSEA) Local 183, Ken Holt, President

Position of the other union in the district will be presented at the SBE meeting.

Position of bargaining unit(s) (choose only one):
☐ Neutral ☐ Support ☒ **Oppose (CSEA)**
Comments (if appropriate):

The CSEA bargaining unit does not support the waiver because they believe the Personnel Commission is functioning and performing all duties as of this date.

Public hearing advertised by (choose one or more):
☒ posting in a newspaper ☒ posting at each school ☒ other (specify)

All other normal and customary means of publicizing public meetings of the Board of Education of the District were also used with this waiver request.

Advisory committee(s) consulted: District English Learner Advisory Committee (DELAC) will hold their general session. At this meeting, Dr. Delgado will meet with them to ask them to take a position on this waiver.

Objections raised (choose one): ☐ None ☐ Objections are as follows:

Date(s) consulted: February 15, 2007

FISCAL ANALYSIS (AS APPROPRIATE)

There is no state fiscal impact.

Impact on District:
Our inability to hire the positions as per Attachment 6 attached list of job classifications has had an impact on the number of various services to students. This includes inadequate services for our cafeterias at lunch time; replacement of Campus Security Officers for the safety of students; our inability to clean our school sites properly due to the lack of custodians; notices translated in appropriate languages due to the lack of translators; assistance to handicapped students because of the lack of classified workers; libraries that have been closed used due to the lack of library assistants; and computers that go un-repaired due to the lack of technicians.

ATTACHMENT(S)

Attachment 1: General Waiver Request (3 pages) (This attachment is not available for Web viewing. A printed copy is available in the SBE Office or the Waiver Office.)

Attachment 2: *EC* Being Waived (strike-out) (3 pages)

Attachment 3: Executive Summary (4 pages)

Attachment 4: San Bernardino City USD Board of Education Resolution Dated October 3, 2006 (8 pages) (This attachment is not available for Web viewing. A printed copy is available in the SBE Office or the Waiver Office.)

Attachment 5: Chronology of Events (5 pages)

Attachment 6: Vacancies by Job Classification and Number (3 pages)

Chapter 5. CLASSIFIED EMPLOYEES

ARTICLE 6. MERIT SYSTEM

EC 45272**. Vacancies in classified service; exemptions; promotional applicants**

(a) All vacancies in the classified service shall be filled pursuant to this article and the rules of the commission, from applicants on eligibility lists which, wherever practicable, as determined by the commission, shall be made up from promotional examinations, or appointments may be made by means of transfer, demotion, reinstatement, and reemployment in accordance with the rules of the commission. All applicants for promotional examinations shall have the required amount of service in classes designated by the commission or meet the minimum qualifications of education, training, experience, and length of service, which shall be determined by the commission to be appropriate for the class for which they have applied. Any promotional applicant who has served the required amount of time in a designated class or who meets the minimum qualifications for admission to a promotional examination shall be admitted to the examination.

~~The commission shall place applicants on the eligibility lists in the order of their relative merit as determined by competitive examinations.~~ The final scores of candidates shall be rounded to the nearest whole percent for all eligibles. All eligibles with the same percentage score will be considered as having the same rank. Appointments shall be made from the eligibles having the first three ranks on the list who are ready and willing to accept the position.

(b) Upon the request of a majority of the members of the governing board of a district, the commission may exempt one or more executive secretarial positions from the requirements of this section. Exemptions authorized under this subdivision shall be limited to executive secretarial positions reporting directly to members of the governing board, the district superintendent, or not more than four principal deputies of the district superintendent, or all of these positions. Any person employed in an exempt executive secretarial position shall continue to be afforded all of the rights, benefits, and burdens of any other classified employee serving in the regular service of the district, except he or she shall not attain permanent status in an executive secretarial position. Positions of executive secretary shall be filled from an unranked list of eligible employees who have been found to be qualified for the positions as specified by the district superintendent and determined by the personnel commission. Any person whose services in an executive secretarial position are discontinued for a cause other than a cause for disciplinary action specified in this code or in a rule of the commission shall have the right to return to a position in a classification he or she previously occupied or, if that classification no longer exists, in a similar classification, as determined by the commission. Nothing contained in this

section shall authorize the selection of eligible candidates in circumvention of the affirmative action programs of any school district.

EC 45310 **Certification for payment; appointment in violation of articles or rules**

~~No warrant shall be drawn by or on behalf of the governing board of any district for the payment of any salary or wage to any employee in the classified service unless the assignment bears the certification of the personnel director that the person named in the assignment has been employed and assigned pursuant to this article and the rules of the commission.~~

~~Whenever the commission, after a public hearing, finds that any appointment has been made in violation of this article or the rules of the commission as they apply to examination procedures, the commission may order that no salary warrant shall thereafter be drawn to the employee so appointed, for services rendered after the date of said order~~. Any violation of this article or the rules of the commission as they apply to examination procedures shall constitute grounds for the dismissal of the employee or employees guilty of such violation.

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2007 AGENDA

☒ **Specific Waiver**

SUBJECT	
Request by **West Park Elementary School District** to waive *Education Code (EC)* Section 56362 (c), allowing the caseload of the resource specialist to exceed the maximum caseload of 28 students by no more than 4 students (32 maximum). Susan Schneider at West Park Elementary. Waiver Number: 12-12-2006	☒ **Action** ☐ **Consent**

RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

That the district must provide nine hours of daily instructional aide time to the affected resource teacher.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Both *EC* 56101 and *California Code of Regulations* (*CCR*), Title 5*,* Section 3100, allow the State Board of Education (SBE) to approve waivers of resource specialists to exceed the maximum caseload of 28 students by no more than 4 students. However, there are specific requirements in these regulations, which must be met for approval, and if these requirements are not met, the waiver must be denied.

A resource specialist is a credentialed teacher who provides instruction and services to children with individualized education programs that are with regular education teachers for the majority of the school day. The resource specialist coordinates special education services with the regular school programs for their students. Statute limits caseload for resource specialists to no more than 28 pupils unless the SBE grants a waiver.

SUMMARY OF KEY ISSUES

West Park Elementary is a small single school district with an enrollment of around 200 and a highly mobile population. In 2006, enrollment increased by three new students in the resource specialist program. The district is requesting an increase in case load of the current resource specialist teacher, Susan Schneider, from the statutory 28 to 32 in order to serve these additional students. Dates requested for this change are to run from March 7, 2006, to June 2007. Two instructional aides assist in this classroom; this has been confirmed by telephone on January 10, 2007. This waiver request meets the conditions set forth in *CCR* 3100.

Susan Schneider stated in a phone conversation on January 23, 2007, that she had gone over case load in the last four weeks of the 2005-06 school year. She reported that her case load during those four weeks was between 29 and 32 students. At that

time, because it was the end of the school year and this school has a highly mobile population she could only estimate what her caseload would be for 2006-07; therefore, the district did not request a waiver.

At this point in the 2006-07 school year, due to the number of students enrolling in the resource specialist program Susan Schneider asked the district to request a waiver to allow up to 32 students through the end of the year. The district is in the process of hiring another aide as well as hiring another part time resource specialist for the 2007-08 school year.

Authority for the Waiver: *EC* 56101, *CCR,* Title 5*,* Section 3100

Period of request: January 30, 2007 through June 2007

Local board approval date(s): December 12, 2006

Bargaining unit(s) consulted on date(s): None

Name of bargaining unit(s)/representative(s): None

Position of bargaining unit(s) (choose only one):

☐ Neutral ☐ Support ☐ Oppose

Comments (if appropriate): There is no bargaining unit in this district.

FISCAL ANALYSIS (AS APPROPRIATE)

If the waiver is denied, the district will need to employ additional qualified staff or persons with emergency qualifications to provide services to the special education students.

ATTACHMENT(S)

Attachment 1: Specific Waiver Request (4 pages) (This attachment is not available for web viewing. A hard copy is available in the SBE office or the Waiver Office.)

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2007 AGENDA

☒ **General Waiver**

SUBJECT	
Request by **Fountain Valley School District** to waive portions of *Education Code* (*EC*) sections 17466, 17472, 17473,17474 and 17475, specific provisions for Sale/Lease of Surplus Property. Approval of the waiver would allow the District to sell two pieces of property using a broker and a "request for proposal" process, thereby maximizing the proceeds from the sale. The District properties for which the waiver is requested are the Lamb Property and the Wardlow Property, both located in Huntington Beach. Waiver Number: 10-11-2006	☒ **Action** ☐ **Consent**

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

That the governing board determine the most desirable sale, and for purposes of EC 17475, the district and the awarded bidder shall negotiate a final agreement within 60 days instead of 10.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At recent meetings the State Board of Education (SBE) approved similar sale and lease waiver requests from other districts.

SUMMARY OF KEY ISSUES

Under the provisions of *EC* sections 33050-33053, the Fountain Valley School District requests that specific portions of the *EC* sections relating to the sale and disposition of District property be waived. The District believes this will insure the maximum revenue from the sale of two valuable pieces of property. The District proposes to use a request for proposal process to realize the asset potential of these properties for residential development.

The District complied with the surplus property requirements, regarding offers to public agencies and non-profits, specified in *EC* sections 17464-17465 and 17485 *et seq.,* but received no acceptable offers.

The following specific waiver (strike out) is requested:

Section 17466. Before ordering the sale or lease of any property the governing board, in a regular open meeting, by a two-thirds vote of all its members, shall adopt a resolution, declaring its intention to sell or lease the property, as the case may be. The resolution

shall describe the property proposed to be sold or leased in such manner as to identify it ~~and shall specify the minimum price or rental and the terms upon which it~~

~~will be sold or leased and the commission, or rate thereof, if any, which the board will pay to a licensed real estate broker out of the minimum price or rental. The resolution shall fix a time not less than three weeks thereafter for a public meeting of the governing board to be held at its regular place of meeting, at which sealed proposals to purchase or lease will be received and considered~~.

The portions to be waived would allow the district to avoid specifying a minimum bid at a public meeting and would allow the District to set their own terms and conditions and remove references to minimum bids and actions to be taken with “sealed” bids. The district is instead negotiating the initial proposals with the various real estate agents that are put forward, and those proposals are changed over time as needed. Each negotiation will be totally confidential from the other agents.

Section 17472. At the time and place fixed in the resolution for the meeting of the governing body, all ~~sealed~~ proposals which have been received shall, in a public session, be opened, examined, and declared by the board. Of the proposals submitted ~~which conform to all terms and conditions specified in the resolution of intention to sell or to lease and~~ which are made by responsible bidders, the proposal ~~which is the highest~~ which the board determines represents the most desirable sale of the property, ~~after deducting there from the commission, if any, to be paid to a licensed real estate broker in connection therewith~~, shall be finally accepted, ~~unless a higher oral bid is accepted or the board rejects all bids.~~

The portions of this section to be waived would allow the district to determine what constitutes the most “desirable” bid, set their own terms and conditions, and would remove the requirement that an oral bid be accepted.

Section 17473. Entire section (regarding oral bids) to be waived.

Waiving this section will allow the Fountain Valley School District to eliminate the oral bidding process.

Section 17474. Entire section to be waived.

Waiving this section, related to the oral bidding process, eliminates technical language related to commissions paid to brokers who procure the winning oral bid.

Section 17475. The final acceptance by the governing body may be made either at the same session or at any adjourned session of the same meeting held within 60 ~~10~~ days next following.

Modifying this section would allow the district 60 days, instead of 10, to accept offers. The department recommends approval of this waiver with the sixty day bid acceptance limit as a condition of approval.

Authority for Waiver: *EC* Section 33050

Period of request: March, 2007 through November, 2008

Local board approval date(s): October 12, 2006

Public hearing held on date(s): October 12, 2006

Bargaining unit(s) consulted on date(s): September 26, 2006

Name of bargaining unit/representative(s) consulted:
FVEA – Malia Menendez, Anne Rogers, Michelle Young, Leslie Ternosky, Cheryl Loukides
CSEA #358 – Gregg Millett, Tony Monteleone, Sam Koser, Belinda Burroughs, Kathy Muscolo

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: Surplus Property Advisory Committee

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: October 4, 2006

FISCAL ANALYSIS (AS APPROPRIATE)

The flexibility in property disposition requested herein will allow the District to maximize revenue from valuable property. There is no state fiscal impact.

ATTACHMENT(S)

Attachment 1: General Waiver Request (5 pages) (This attachment is not available for Web viewing. A printed copy is available in the SBE Office or the Waiver Office.)

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2007 AGENDA

☒ **Specific Waiver**

SUBJECT	
Request by **Lindsay Unified School District** under the authority of *Education Code (EC)* 52863 for a waiver of *EC* Section 52852, to allow a reduction in the number and type of members required for a school site council (SSC) for a small continuation high school **Cairns Continuation High School.** Waiver Number: 11-12-2006	☒ **Action** ☐ **Consent**

RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

That the SSC be composed of four members, including the school principal, one teacher, one parent and one student.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Waivers of the composition requirements for SSCs have been previously approved under the SBE waiver authority. These waivers are limited to schools that are on a School-Based Coordinated Plan approved by their district and are only approved for two-year terms under the waiver authority of *EC* 52863.

SUMMARY OF KEY ISSUES

For a secondary school *EC* 52852 states in part:

> A schoolsite council shall be established at each school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school…
>
> … At the secondary level the council shall be constituted to ensure parity between (a) the principal, classroom teachers and other school personnel; and (b) equal numbers of parents, or other community members selected by parents, and pupils.
>
> At both the elementary and secondary levels, classroom teachers shall comprise the majority of persons represented under category (a)….

To meet the current composition requirements of *EC* 52852, a secondary school SSC must have twelve members, including the principal, four classroom teachers, one other school employee, three parents and three students.

Cairns Continuation High School enrolls fifty students and employs only two classroom teachers, therefore cannot physically meet this criteria, in addition it seems unreasonable that all employees of a school be required to be on the school site council all of the time.

In order to maintain parity between the school employees and the community/parent/student representation, the proposal is to allow Cairns Continuation High School to have an SSC composed of four members, including the school principal, one teacher, one parent and one student.

The department recommends approval of this waiver for two years.

Authority for the Waiver: *EC* 52863

Period of request: November 22, 2006 to June 15, 2008

Local board approval date(s): December 11, 2006

Bargaining unit(s) consulted on date(s): November 27, 2006

Name of bargaining unit(s)/representative(s):

Lindsay Teachers Association, Kathleen Waite, President

Position of bargaining unit(s) (choose only one):

☐ Neutral ☒ Support ☐ Oppose

Comments (if appropriate):

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of this request would not result in additional costs to the district or to the state.

ATTACHMENT(S)

Attachment 1: Specific Waiver Request (2 pages) (This attachment is not available for Web viewing. A printed copy is available in the SBE Office or the Waiver Office.)

ITEM #W-17

CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2007 AGENDA

☒ **General Waiver**

SUBJECT	
Request by sixteen local educational agencies (LEA) to waive the State Testing Apportionment Information Report deadline of December 31st in the *California Code of Regulations (CCR)*, Title 5, Section 11517.5(b)(1)(A) regarding the California English Language Development Test (CELDT), or *CCR* Title 5, Section 1225(b)(2)(A) regarding the California High School Exit Examination (CAHSEE), or *CCR*, Title 5, Section 862(c)(2)(A) regarding the Standardized Testing and Reporting Program (STAR). Waiver Numbers: see attached list for specific school districts	☒ **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 this type of waiver request as the deadline for submission of the State Testing Apportionment Information Reports were added to the *CCR* in 2005 with the approval of the SBE.

SUMMARY OF KEY ISSUES

The regulations for the State Testing Apportionment Information Report were amended in 2005 to include an annual deadline of December 31st for the return of the Apportionment Information Report for prior year testing for the STAR, the CAHSEE and the CELDT. The department sent letters announcing the new deadline in regulations to every local educational agency (LEA) advising them of this important change in the *CCR* in September of 2005. This deadline was enacted to speed the process of final reimbursement of testing costs to the LEAs.

The districts filing for this waiver request missed the deadline for requesting reimbursement due to the district closure during the holiday season or because the staff responsible for this report were new to the job and did not realize that there was a deadline of December 31st for turning in this report. A few districts reported that they did not receive the notice in time to respond to the deadline by December 31st although ninety percent of the LEAs submitted their reports on time. Staff verified that these districts needed the waiver and that each district submitted their report before the waiver request was recommended for approval.

These LEAs are now all aware of this important change in the timeline and must submit their reports to the Standard and Assessment Division office for reimbursement. Therefore, the department recommends the approval of these waiver requests as required by regulation prior to final reimbursement.

Authority for Waiver: *EC* Section 33050

Period of request: December 31, 2006 to December 31, 2007

Local board approval date(s): various dates

Public hearing held on date(s): various dates

Bargaining unit(s) consulted on date(s): various dates

Name of bargaining unit/representative(s) consulted: various

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)

FISCAL ANALYSIS (AS APPROPRIATE)

The LEAs will not receive the funding to reimburse them for the 2004-2005 tests administered. Attached is a list of the LEAs and the amounts that they will receive from the department if the waiver requests are approved.

ATTACHMENT(S)

Attachment 1: List of LEAs Requesting Waiver of State Testing Apportionment Information Report Deadline (1 Page)

LEAs Requesting Waiver of State Testing Apportionment
Information Report Deadline – March 2007

LEA Name	Waiver No.	Test Report Missing	Report Submitted Now?	Amount of Reimbursement
Alhambra Unified SD	02-02-2007	STAR	Yes	$38,095.21
Anderson Valley Unified SD	25-01-2007	STAR	Yes	$1,126.55
Gold Oak Union Elementary SD	15-01-2007	STAR	Yes	$1,477.60
Gravenstein Union Elementary SD	02-01-2007	CELDT and STAR	Yes	$1,075.12
Latino College Preparatory Academy	26-01-2007	STAR	Yes	$634.23
Lucia Mar Unified SD	37-01-2007	CAHSEE	Yes	$4665.08
Mineral Elementary SD	36-01-2007	STAR	Yes	$158.76
Montebello Unified SD	01-01-2007	CELDT	Yes	$84,150.00
Palmdale School District	04-12-2006	CELDT	Yes	$30,230.00
Pasadena Unified SD	27-01-2007	CELDT	Yes	$27,040.00
Perris Union High SD	22-01-2007	STAR	Yes	$17,545.34
Plainsburg Union Elementary SD	13-01-2007	STAR	Yes	$156.24
Sacramento River Discovery Charter	14-01-2007	STAR	Yes	$269.74
Scotia Union Elementary SD	16-01-2007	STAR	Yes	$461.80
Sweetwater Union High SD	31-01-2007	CAHSEE	Yes	$35,219.00
Washington Union High SD	18-01-2007	STAR	Yes	$2,106.32
TOTAL				$244,410.99