*CA* **Dept of EDUCATION** mobile

# Agenda--September 8-9, 2004

California State Board of Education (SBE) meeting agenda.

State Board Members

Ruth E. Green, President
Glee Johnson, Vice President
Ruth Bloom
Don Fisher
Ricky Gill
Reed Hastings
Jeannine Martineau
Joe Nuñez
Bonnie Reiss
Suzanne Tacheny
Johnathan Williams

Secretary & Executive Officer

Hon. Jack O'Connell

Executive Director

Rae Belisle

| SCHEDULE OF MEETING | LOCATION |
|---|---|
| Wednesday, September 8, 2004<br>9:00 a.m. ±<br><br>STATE BOARD OF EDUCATION<br>Closed Session - IF NECESSARY<br>(The public may not attend.) | California Department of Education<br>1430 N Street, Room 1101<br>Sacramento , California<br>916-319 - 0827 |

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

CLOSED SESSION AGENDA

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

- *Acevedo, et al. v. State of California, et al* ., Sacramento County Superior Court, Case No. 03CS00827
- *Adkins, et al* . v. State of California, et al., Sacramento County Superior Court, Case No. 03CS00938
- *Aguayo, et al. v. State of California, et al* ., Sacramento County Superior Court, Case No. 03CS00825
- *Amy* v. *California Dept. of Education, et al.,* Los Angeles County Superior Court, Case No. 99CV2644LSP
- *Boyd, et al.* v. *State of California, et al.,* Sacramento County Superior Court, Case No. 01CS00136
- *Brian Ho, et al.,* v. *San Francisco Unified School District, et al.*, United States District Court, Northern District of California, Case No. C-94-2418 WHO
- *Buckle, et al. v. State of California, et al* ., Sacramento County Superior Court, Case No. 03CS00826
- *California Association of Private Special Education Schools, et al., v. California Department of Education, et al.* , Los Angeles County Superior Court, Case No. BC272983
- *California Department of Education, et al.,* v. *San Francisco Unified School District, et al.,* San Francisco Superior Court,

Case No. 994049 and cross-complaint and cross-petition for writ of mandate and related actions

- *California State Board of Education* v. *Delaine Eastin, the Superintendent of Public Instruction for the State of California*, Sacramento County Superior Court, Case No. 97CS02991 and related appeal
- *Californians for Justice Education Fund, et al. v. State Board of Education, S* an Francisco City/County Superior Court, Case No. CPF-03-50227
- *Campbell Union High School District, et al.* v. *State Board of Education, et al.,* Sacramento Superior Court, Case No. 99CS00570
- *Chapman, et al. v. California Department of Education, et al.,* Alameda County Superior Court, Case No. 2002-049636
- *Chapman, et al.* v. *California Department of Education, et al.,* United States District Court, Northern District of California, Case No. C-01-1780 BZ
- *City Council of the City of Folsom* v. *State Board of Education*, Sacramento County Superior Court, Case No. 96-CS00954
- *Coalition for Locally Accountable School Systems* v. *State Board of Education*, Sacramento County Superior Court, Case No. 96-CS00939
- *Comité de Padres de Familia* v. *Honig*, Sacramento County Superior Court, Case No. 281124; 192 Cal.App.3d 528 (1987)
- *Crawford* v. *Honig*, United States District Court, Northern District of California, Case No. C-89-0014 DLJ
- *CTA, et al.* v. *Wilson,* United States District Court, Central District of California, Case No. 98-9694 ER (CWx) and related appeal
- *Daniel, et al.* v. *State of California, et al.,* Los Angeles Superior Court, Case No. BC214156
- *Donald Urista, et al.* v. *Torrance Unified School District, et al.*, United States District Court, Central District of California, Case No. 97-6300 ABC
- *Dutton v. State of California, et al* . Sacramento County Superior Court, Case No. 03CS01723
- *Educational Ideas, Inc.* v. *State of California, et al.,* Sacramento County Superior Court, Case No. 00CS00798
- *Emma C., et al.* v. *Delaine Eastin, et al.*, United States District Court, Northern District of California, Case No. C 96 4179
- *EMS-BP, LLC, Options for Youth Burbank, Inc . et al. v. California Department of Education, et al.* , Sacramento County Superior Court, Case No. 03CS01078 / 03CS01079
- *Ephorm, et al.* v. *California Board of Education, et al.,* Los Angeles Superior Court, Case No. TC013485
- *Grant Joint Union High School District v.California State Board of Education, et al*. Sacramento County Superior Court, Case No. 03 CS 01087
- *Larry P.* v. *Riles*, 495 F.Supp 926 (N.D. Ca. 1979) aff'd in part, rev'd in part, 793 F.2d 969 (9th Cir. 1986)
- *Maureen Burch, et al.* v. *California State Board of Education*, Los Angeles County Superior Court, Case No. BS034463 and related appeal
- *McNeil* v. *State Board of Education*, San Mateo County Superior Court, Case No. 395185
- *Meinsen, et al.* v. *Grossmont Unified School District, et al.*, U.S. District Court, Southern District of California, Case No. C 96 1804 S LSP (pending)
- *Miller, et al. v. California Department of Education, et al.* , San Diego Superior Court, North District , Case No. GIN036930
- *Ocean View School District, et al.v SBE, et al*., Superior Court of San Francisco, Case No. CGC-02-406738
- *Pazmiño, et al* . v. *California State Board of Education, et al.*, San Francisco City/County Superior Court, Case No. CPF-03-502554
- *Porter, et al.,* v. *Manhattan Beach Unified School District, et al.*, United States District Court, Central District, Case No. CV-00-08402
- *Renaissance Academy Charter School, et al. v. Los Angeles Unified School District, et al.,* Los Angeles County Superior Court, Case No. BS090869
- *Roxanne Serna, et al.,* v. *Delaine Eastin, State Superintendent of Public Instruction, et al*., Los Angles County Superior Court, Case No. BC174282
- *San Francisco NAACP* v. *San Francisco Unified School District, et al.*, United States District Court, Northern District of California, Case No. 78-1445 WHO
- *San Mateo-Foster City School District, et al.,* v. *State Board of Education*, San Mateo County Superior Court, Case No. 387127
- *San Rafael Elementary School District* v. *State Board of Education, et al.,* Sacramento County Superior Court, Case No. 98-CS01503 and related appeal
- *Shevtsov v. California Department of Education* , United States District Court, Central District of California, Case No. CV 97-6483 IH (CT)
- *Valeria G., et al.* v. *Wilson, et al.,* United States District Court, Northern District of California, Case No. C-98-2252-CAL; *Angel V.* v. *Davis*, Ninth Circuit No. 01-15219
- *Tinsley v. State of California* , San Mateo County Superior Court, Case No. 206010
- *Wilkins, et al.* , v. *California Board of Education, et al.,* Los Angeles Superior Court, Case No. TC014071
- *Williams, et al.* v. *State of California, et al.,* San Francisco Superior Court, Case No. 312236
- *Wilson, et al.* v. *State Board of Education, et al.,* Los Angeles Superior Court, Case No. BC254081

Under *Government Code* section 11126(e)(2), the State Board of Education hereby provides public notice that it may meet in closed session to determine whether, based on existing facts and circumstances, any matter presents a significant exposure to

litigation [see *Government Code* section 11126(e)(2)(B)(ii)] and, if so, to proceed with closed session consideration and action on that matter, as necessary and appropriate [see *Government Code* section 11126(e)(2)(B)(i)]; or, based on existing facts and circumstances, if it has decided to initiate or is deciding whether to initiate litigation [see *Government Code* section 11126(e)(2)(C)].

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

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

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| Schedule of Meeting | Location |
|---|---|
| Wednesday, September 8, 2004<br>9:00 a.m. ± (Upon Adjournment of Closed Session, if held)<br><br>STATE BOARD OF EDUCATION<br>Public Session | California Department of Education<br>1430 N Street, Room 1101<br>Sacramento , California<br>916-319 - 0827 |

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

| Schedule of Meeting | Location |
|---|---|
| Thursday, September 9, 2004<br>8:00 a.m. ±<br><br>STATE BOARD OF EDUCATION<br>Closed Session -- IF NECESSARY<br>(The public may not attend.) | California Department of Education<br>1430 N Street, Room 1101<br>Sacramento , California<br>916-319 - 0827 |

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

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|---|---|
| Thursday, September 9, 2004<br><br>8:00 a.m. ± (Upon Adjournment of Closed Session, if held)<br>STATE BOARD OF EDUCATION<br>Public Session | California Department of Education<br>1430 N Street, Room 1101<br>Sacramento , California<br>916-319 - 0827 |

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

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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.

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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.

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# FULL BOARD
## Public Session

## AGENDA

September 8 - 9, 2004

All Items within the Agenda are Portable Document Format (PDF) Files. And you'll need Adobe Acrobat Reader to open them.

Wednesday, September 8, 2004 -- 9:00 a.m.± (Upon adjournment of Closed Session if held)

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

- Call to Order
- Salute to the Flag
- Approval of Minutes (July 2004 Meeting)
- Announcements
- Communications
- REPORT OF THE SUPERINTENDENT
- SPECIAL PRESENTATIONS

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

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| ITEM 1 (PDF; 414KB; 26pp.) | STATE BOARD PROJECTS AND PRIORITIES. Including, but not limited to, future meeting plans; agenda items; State Board office budget; staffing, appointments, and direction to staff; declaratory and commendatory resolutions; update on litigation; bylaw review and revision; review of the status of State Board-approved charter schools as necessary; 2002-2004 biennial report to the Governor; and other matters of interest. | INFORMATION ACTION |
| ITEM 2 (PDF; 26KB; 1p.) | PUBLIC COMMENT. Public Comment is invited on any matter not included on the printed agenda. Depending on the number of individuals wishing to address the State Board, the presiding officer may establish specific time limits on presentations. | INFORMATION |
| ITEM 3 (PDF; 692KB; 71pp.) | Seminar: Educating English Learners in California. | INFORMATION |
| ITEM 4 (PDF; 23KB; 1p.) | Standardized Testing and Reporting (STAR) Program: Including, but Not Limited to, STAR Program Update. | INFORMATION ACTION |
| ITEM 5 (PDF; 284KB; 16pp.) | Standardized Testing and Reporting (STAR) Program: Release of the 2004 Test Results. | INFORMATION ACTION |

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| ITEM 6 (PDF; 212KB; 32pp.) | Standardized Testing and Reporting (STAR) Program: Adopt Amendments to Title 5 Regulations.<br>• Last Minute Blue (PDF; 209KB; 33pp.) | INFORMATION<br>ACTION |
| ITEM 7 (PDF; 28KB; 2pp.) | Standardized Testing and Reporting (STAR) Program: Approval of the 2004-2005 Contract for the Spanish Assessment of Basic Education (SABE/2) with CTB/McGraw-Hill. | INFORMATION<br>ACTION |
| ITEM 8 (PDF; 24KB; 1p.) | California High School Exit Examination (CAHSEE): Including, but Not Limited to, CAHSEE Program Update. | INFORMATION<br>ACTION |
| ITEM 9 (PDF; 1.63MB; 37pp.) | California High School Exit Examination (CAHSEE): Release of the 2004 Test Results. | INFORMATION<br>ACTION |
| ITEM 10 (PDF; 39KB; 2pp.) | California High School Exit Examination (CAHSEE): Approve District Apportionments for 2004-2005. | INFORMATION<br>ACTION |
| ITEM 11 (PDF; 30KB; 21pp.) | California High School Exit Examination (CAHSEE): Adopt Amendments to Title 5 Regulations.<br>• Last Minute Blue (PDF; 149KB; 24pp.) | INFORMATION<br>ACTION |
| ITEM 12 (PDF; 24KB; 1p.) | California English Language Development Test (CELDT): Including, but Not Limited to, Update on CELDT Program. | INFORMATION<br>ACTION |
| ITEM 13 (PDF; 27KB; 1p.) | Accountability: The Academic Performance Index (API) and the Adequate Yearly Progress (AYP) Results.<br>• Last Minute Blue (PDF; 18KB; 1p.) | INFORMATION<br>ACTION |
| ITEM 14 (PDF; 30KB; 2pp.) | *No Child Left Behind (NCLB) Act of 2001* - Including, but Not Limited to, Updates on the Status of Timeline Waiver/Ed-Flex and California's Proposed Amendments to the State's Accountability Workbook. | INFORMATION<br>ACTION |

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| ITEM 15 (PDF; 37KB; 2pp.) | *No Child Left Behind (NCLB) Act of 2001* : Approve Local Educational Agency Plans Title I Section 1112.<br>• Last Minute Blue (PDF; 28KB; 2pp.) | INFORMATION<br>ACTION |
| ITEM 16 (PDF; 67KB; 5pp.) | *No Child Left Behind (NCLB) Act of 2001:* Approve Additional Supplemental Educational Service Providers for the List of 2004-2005 School Year Providers.<br>• Last Minute Blue (PDF; 103KB; 9pp.) | INFORMATION<br>ACTION |
| ITEM 17 (PDF; 110KB; 13pp.) | *No Child Left Behind (NCLB) Act of 2001:* Approve Commencement of the Rulemaking Process for the Proposed Regulations for Supplemental Educational Services Title I Section 1116(e) (20 United States Code Section 6316(e).<br>• Last Minute Blue (PDF; 23KB; 2pp.) | INFORMATION<br>ACTION |
| ITEM 18 (PDF; 120KB; 11pp.) | *No Child Left Behind (NCLB) Act of 2001:* Title IX, Persistently Dangerous Schools: Approve 15-Day Comment Period for Proposed Title 5 Regulations with Revisions.<br>• Last Minute Blue (PDF; 21KB; 1p.) | INFORMATION<br>ACTION |
| ITEM 19 (PDF; 243KB; 16pp. ) | *No Child Left Behind (NCLB) Act of 2001* : Reading First Special Education Referral Reduction Program Application Review Process.<br>• Last Minute Blue (PDF; 26KB; 1p.) | INFORMATION<br>ACTION |
| ITEM 20 (PDF; 63KB; 9pp.) | Immediate Intervention/Underperforming Schools Program (II/USP) and High Priority Schools Grant Program (HPSGP): Proposed Definition of Significant Growth: Approve Commencement of the Rulemaking Process.<br>• Last Minute Blue (PDF; 59KB; 8pp.) | INFORMATION<br>ACTION |
| ITEM 21 (PDF; 50KB; 5pp.) | Immediate Intervention/Underperforming Schools Program (II/USP): Proposed Intervention for Cohort I, II, and III, Schools that Failed to Show Significant Growth.<br>• Last Minute Blue (XLS; 45KB; 3pp.)<br>Updated to include all attachments | INFORMATION<br>ACTION |
| ITEM 22 (PDF; 36KB; 3pp.) | Immediate Intervention/Underperforming Schools Program (II/USP): School Assistance and Intervention Team (SAIT): Approval of Expenditure Plan to Support SAIT Activities and Corrective Actions in State-Monitored Schools.<br>• Last Minute Blue (PDF; 48KB; 4pp.) | INFORMATION<br>ACTION |
| ITEM 23 (PDF; | High Priority Schools Grant Program (HPSGP): Review of Schools Not Making Significant Growth After 24 Months: Development of State Board of Education | INFORMATION<br>ACTION |

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|---|---|---|
| 31KB; 2pp.) | Procedure. | |
| ITEM 24 (PDF; 71KB; 11pp.) | Special Education: Adopt Title 5 Regulations (Sections 3088.1 and 3088.2) Regarding Withholding Funds to Enforce Special Education Compliance. | INFORMATION ACTION |
| ITEM 25 (PDF; 47KB; 4pp.) | Curriculum Development and Supplemental Materials Commission: Report to the State Board. | INFORMATION ACTION |
| ITEM 26 (PDF; 37KB; 5pp.) | Instructional Materials Fund -- Approve Tentative Encumbrances and Allocations for Fiscal Year 2004-05. | INFORMATION ACTION |
| ITEM 27 (PDF; 39KB; 5pp.) | School Bus and School Pupil Activity Bus Lap/Shoulder Belt Regulation: Adopt Proposed Title 5 Regulation.<br>• Last Minute Blue (PDF; 43KB; 7pp.) | INFORMATION ACTION |
| ITEM 28 (PDF; 29KB; 2pp.) | 2003-2004 Consolidated Applications: Approval. | INFORMATION ACTION |
| ITEM 29 (PDF; 146KB; 45pp.) | 2004-2005 Consolidated Applications: Approval. | INFORMATION ACTION |
| ITEM 30 (PDF; 31KB; 3pp.) | Mathematics and Reading Professional Development Program (AB 466) (Chapter 737, Statutes of 2001): Including, but Not Limited to, Approval of Training Providers and Training Curricula.<br>• Last Minute Blue (PDF; 70KB; 1p.) | INFORMATION ACTION |
| ITEM 31 (PDF; 96KB; 6pp.) | Mathematics and Reading Professional Development Program (AB 466): Approve Local Education Agencies' (LEAs) Reimbursement Requests. | INFORMATION ACTION |
| ITEM 32 | The Principal Training Program (AB 75): Approval of Local Educational Agencies | INFORMATION |

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| (PDF; 52KB; 4pp.) | (LEAs) and Consortia Applications for Funding. | ACTION |
| ITEM 33 (PDF; 33KB; 3pp.) | The Principal Training Program (AB 75): Approval of Training Providers. | INFORMATION<br>ACTION |
| ITEM 34 (PDF; 48KB; 7pp.) | Mathematics and Reading Professional Development Program<br><br>(AB 466): Adopt Title 5 Regulations. | INFORMATION<br>ACTION |
| ITEM 35 (PDF; 182KB; 27pp.) | Gifted and Talented Education (GATE): Approval of Local Educational Agency (LEA) Applications for Funding. | INFORMATION<br>ACTION |
| ITEM 36 (PDF; 28KB; 2pp.) | Assignment of Numbers for Charter School Petitions.<br><br>• Last Minute Blue (PDF; 33KB; 3pp.) | INFORMATION<br>ACTION |
| ITEM 37 (PDF; 45KB; 4pp.) | Charter Schools: Determination of Funding Requests for 2003-04 (and beyond) and for 2004-05 (and beyond) for Nonclassroom-based Charters. | INFORMATION<br>ACTION |
| ITEM 38 (PDF; 76KB; 12pp.) | Assembly Bill 1994 Statewide Charter Schools: Approve Commencement of Rulemaking Process for Amendments to Title 5 Sections 11967, 11968, and 11969.<br><br>• Last Minute Blue (PDF; 17KB; 1p.) | INFORMATION<br>ACTION |
| ITEM 39 (PDF; 60KB; 8pp.) | Request by New West Charter Middle School to Make Material Amendments to its Charter. | INFORMATION<br>ACTION |
| ITEM 40 (PDF; 30KB; 2pp.) | English Learner Advisory Committee: Appointment of Members.<br><br>• Last Minute Blue (PDF; 67KB; 1p.) | INFORMATION<br>ACTION |

ADJOURNMENT OF DAY'S SESSION

Thursday, September 9, 2004 -- 8:00 a.m.± (Upon adjournment of Closed Session if held)
California Department of Education, 1430 N Street, Room 1101, Sacramento, California

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

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

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

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

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| ITEM 41 (PDF; 52KB; 6pp.) | Legislative Update: Including, but Not Limited to, Information on Legislation. | INFORMATION<br>ACTION |

*** PUBLIC HEARING***

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

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| ITEM 42 (PDF; 83KB; 11pp.) | Environmental Effect of Proposed Formation of Wiseburn Unified School District from Wiseburn Elementary School District and a Portion of Centinela Valley Union High School District in Los Angeles County. | INFORMATION<br>ACTION<br>PUBLIC HEARING |
| ITEM 43 (PDF; 230KB; 32pp.) | Proposed Formation of Wiseburn Unified School District from Wiseburn Elementary School District and a Portion of Centinela Valley Union High School District in Los Angeles County.<br>• Last Minute Blue (PDF; 230KB; 34pp.) | INFORMATION<br>ACTION<br>PUBLIC HEARING |

WAIVER REQUESTS
CONSENT MATTERS

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

CARL D. PERKINS VOCATIONAL AND TECHNICAL EDUCATION ACT OF 1998

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| ITEM WC-1 (PDF; 26KB; 2pp.) | Request by Templeton Unified School District for renewal waiver of P.L.105-332, Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 to Waive the Consortium Requirement.<br>Waiver Number: Fed-10-2004<br>(Recommended for APPROVAL) | ACTION |

CHARTER SCHOOL ATTENDANCE

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| ITEM WC-2 (PDF; 29KB; 2pp.) | Request by Nevada County Superintendent of Schools under the authority of Education Code 33050 to waive Title 5 CCR Section 11960, related to charter school attendance for Muir Charter School.<br>Waiver Number: 18-7-2004<br>(Recommended for APPROVAL WITH CONDITIONS) | ACTION |

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FEDERAL WAIVER -- SAFE AND DRUG FREE

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| ITEM WC-3 (PDF; 28KB; 2pp.) | Request by Raisin City Elementary 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 Bully Proofing Your School, a kindergarten through grade eight program that offers a system approach to handling bully/victim problems through creation of a “caring community” approach and various safety and security measures.<br>Waiver Number: Fed-10-2003<br>(Recommended for APPROVAL WITH CONDITONS) | ACTION |

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| ITEM WC-4 (PDF; 27KB; 2pp.) | Request by Buena Vista Elementary 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 Character Counts, an education program that embraces six core ethnical values (Trustworthiness, Respect, Responsibility, Fairness, Caring and Citizenship).<br>Waiver Number: Fed-13-2003<br>(Recommended for APPROVAL WITH CONDITIONS) | ACTION |

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| ITEM WC-5 (PDF; 27KB; 2pp.) | Request by Tulare City Elementary School Districtto 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 Discover Skills for Life, a curriculum for kindergarten through grade eight students.<br>Waiver Number: Fed-08-2004<br>(Recommended for APPROVAL WITH CONDITIONS) | ACTION |

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NONPUBLIC SCHOOL/AGENCY (annual renewal application deadline)

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| ITEM WC-6 (PDF; 27KB; 2pp.) | Request by Los Angeles Unified School District to waive *Education Code* (EC) Section 56366.1(g), the August 1 through October 31 timeline on annual certification renewal application for Verdugo Hills Autism Project.<br>Waiver Number: 3-7-2004<br>(Recommended for APPROVAL) | ACTION |

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PHYSICAL EDUCATION/BLOCK SCHEDULE

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| ITEM WC-7 (PDF; 38KB; 2pp.) | Request by the Elk Grove Unified School District to waive portions of *Education Code* (EC) Sections 51222 and 51223 related to minimum physical education minutes in order to implement a block schedule at Edward Harris Middle School and Monterey Trail High School.<br>Waiver Number: 17-5-2004<br>(Recommended for APPROVAL WITH CONDITIONS)<br>EC 33051(c) will apply | ACTION |

- Last Minute Blue (PDF; 18KB; 1p.)

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| ITEM WC-8 (PDF; 38KB; 2pp.) | Request by the Sweetwater Union High School District to waive portions of *Education Code* (EC) Section 51222 related to minimum physical education minutes in order to implement a block schedule at Montgomery High School.<br>Waiver Number: 6-5-2004<br>(Recommended for APPROVAL WITH CONDITIONS)<br>• Last Minute Blue (PDF; 17KB; 1p.) | ACTION |

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SCHOOL IMPROVEMENT FUNDS

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| ITEM WC-9 (PDF; 28KB; 2pp.) | Request by the Capistrano Unified School District to renew a waiver of *Education Code* (EC) Section 62002 as relates to the formerly operative Section 52046(b)(3) in order to share and coordinate the use of School Improvement funds between San Clemente High School and five other high schools in the district.<br>Waiver Number: 10-6-2004<br>(Recommended for APPROVAL WITH CONDITIONS)<br>E.C. 33051(c) will apply | ACTION |

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RESOURCE SPECIALIST CASELOAD

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| ITEM WC-10 (PDF; 28KB; 2pp.) | Request by Claremont Unified 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 four students (32 maximum). Dena Woodward assigned at Condit Elementary School.<br>Waiver Number: 13-7-2004<br>(Recommended for APPROVAL WITH CONDITIONS) | ACTION |

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SCHOOL SITE COUNCIL

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| ITEM WC-11 (PDF; 27KB; 2pp.) | Request by Upper Lake Union Elementary School District to renew a waiver of *Education* Code (EC) Section 52852, relating to the establishment of a school site council as required for each school participating in the School Based Program Coordination Act (one council for two small rural schools).<br>Waiver Number: 35-5-2004<br>(Recommended for APPROVAL) | ACTION |

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| ITEM WC-12 (PDF; 27KB; 2pp.) | Request by Lassen View Union Elementary School District for a renewal of a waiver of *Education Code* (EC) Section 52852 relating to the establishment of a school site council as required for each school participating in the School Based Coordination Act (two small schools K-8 and Community Day, share one council.<br>Waiver Number: 15-6-2004<br>(Recommended for APPROVAL) | ACTION |

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| ITEM WC-13 (PDF; 27KB; | Request by the Novato Unified School District to waive *Education Code* (EC) Section 52852, in order to have equal numbers of school staff and parent/community members, plus up to two students, on both the Novato High, | ACTION |

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| 2pp.) | Marin Oaks High School's site councils.<br>Waiver Number: 12-6-2004<br>(Recommended for APPROVAL) | |

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NON - CONSENT (ACTION)

The following agenda items include waivers and other administrative matters that CDE staff have 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.

Items W-1 through W-28, Last Minute Blue (PDF; 41KB; 2pp.)

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ACADEMIC PERFORMANCE INDEX (API)

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| ITEM W-1<br>(PDF;<br>32KB;<br>3pp.) | Riverside Unified School District (RUSD) Academic Performance Index (API) Waiver. Specifically, the RUSD requests waiver of a portion of Title 5, CCR Section 1032(d)(1) & (6) to allow Sierra Middle School to be given a valid API for the 2003-04 year despite "adult testing irregularities" [CAT/6] (mathematics for 78 students) 8.4 percent.<br>Waiver Number: 10-7-2004<br>(Recommended for DENIAL) | ACTION |

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BOND INDEBTEDNESS LIMIT

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|---|---|---|
| ITEM W-2<br>(PDF;<br>31KB;<br>3pp.) | Request by Moreland Elementary 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 1.76 percent)<br>Waiver Number: 12-7-2004<br>(Recommended for APPROVAL WITH CONDITIONS) | ACTION |

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|---|---|---|
| ITEM W-3<br>(PDF;<br>31KB;<br>3pp.) | Request by Say Ysidro 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 2.15 percent)<br>Waiver Number: 19-7-2004<br>(Recommended for APPROVAL WITH CONDITIONS) | ACTION |

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CHARTER SCHOOL ATTENDANCE

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|---|---|---|
| ITEM W-4<br>(PDF;<br>32KB;<br>3pp.) | Request by Eagles Peak Charter School to waive portions of Title 5 CCR Section 11960(c)(A) and (B), related to charter school attendance, to be able to enroll new students over age 20 and to serve students that have reached 23 years and older, while continuing to receive K-12 apportionments for these students.<br>Waiver Number: 122-4-2004<br>(Recommended for DENIAL) | ACTION |

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COMMUNITY DAY SCHOOL (collocation/commingle)

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| ITEM W-5 (PDF; 39KB; 3pp.) | Request by Dos Palos Oro Loma Joint Unified School District for a waiver of portions of *Education Code* (EC) Sections 48660 and 48916.1(d) to permit the establishment of a community day school (CDS) for grades K-8 to be operated by a unified school district, and a portion of EC Section 48661(a)(1) relating to the placement of a CDS on the same site as Dos Palos High School.<br>Waiver Number: 15-7-2004<br>(Recommended for APPROVAL WITH CONDITIONS) | ACTION |

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EQUITY LENGTH OF TIME (full day kindergarten)

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|---|---|---|
| ITEM W-6 (PDF; 29KB; 2pp.) | Request by Capistrano Unified School District to waive *Education Code* (EC) Section 37202, the equity length of time requirement, to allow a full day kindergarten program at two of the district's fifty elementary schools, San Juan and Las Palmas Elementary Schools.<br>Waiver Number: 4-6-2004<br>(Recommended for APPROVAL WITH CONDITIONS) | ACTION |

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|---|---|---|
| ITEM W-7 (PDF; 29KB; 2pp.) | Request by Castro Valley Unified School District to waive *Education Code* (EC) Section 37202, the equity of length time requirement to allow a full day kindergarten program at two of the district's nine elementary schools, Castro Valley and Marshall Elementary Schools.<br>Waiver Number: 4-7-2004<br>(Recommended for APPROVAL WITH CONDITIONS) | ACTION |

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|---|---|---|
| ITEM W-8 (PDF; 29KB; 2pp.) | Request by Gilroy Unified School District to waive *Education Code* (EC) Section 37202, the equity length of time requirement, to allow a full day kindergarten at three of the districts eight elementary schools, Las Animas, Rod Kelley, and Rucker Elementary Schools.<br>Waiver Number: 19-5-2004<br>(Recommended for APPROVAL WITH CONDITIONS) | ACTION |

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|---|---|---|
| ITEM W-9 (PDF; 31KB; 3pp.) | Request by Simi Valley Unified School District for a renewal to waive *Education Code* (EC) Section 37202, the equity length of time requirement to allow a full day kindergarten program at eleven of the district's twenty-one elementary schools, Berylwood, Crestview, Justin, Katherine, Knolls, Madera, Park View, Santa Susana, Sycamore, Township and White Oak Elementary Schools.<br>Waiver Number: 9-6-2004<br>(Recommended for APPROVAL WITH CONDITIONS)<br>E.C. 33051(c) will apply<br>• Last Minute Blue (PDF; 18KB; 1pp.) | ACTION |

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|---|---|---|
| ITEM W-10 (PDF; 29KB; 2pp.) | Request by San Lorenzo Unified School District to waive *Education Code* (EC) Section 37202, the equity length of time requirement for kindergarten to allow a full day kindergarten program at one of the district's nine elementary schools, Hillside Elementary School.<br>Waiver Number: 9-7-2004<br>(Recommended for APPROVAL WITH CONDITIONS) | ACTION |

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|---|---|---|
| ITEM W-11 | Request by West Covina Unified School District to waive *Education Code* (EC) | ACTION |

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|---|---|---|
| (PDF; 29KB; 2pp.) | Section 37202, the equity length of time requirement for kindergarten students to allow a full day kindergarten program at three of the district's nine elementary schools, California, Cameron and Merlinda Elementary Schools.<br>Waiver Number: 8-7-2004<br>(Recommended for APPROVAL WITH CONDITIONS) | |
| ITEM W-12<br>(PDF; 29KB; 2pp.) | Request by Rescue Union School District to waive *Education Code* (EC) Section 37202, the equity length of time requirement, to allow a full day kindergarten program at one of the district's four elementary schools, Rescue Elementary School.<br>Waiver Number: 11-7-2004<br>(Recommended for APPROVAL WITH CONDITIONS) | ACTION |
| ITEM W-13<br>(PDF; 29KB; 2pp.) | Request by Hesperia Unified School District for a renewal waiver of *Education Code* (EC) Section 37202, the equity length of time requirement, to allow a full day kindergarten program at one of the district's twelve elementary schools, Mesa Academy School.<br>Waiver Number: 14-7-2004<br>(Recommended for APPROVAL WITH CONDITIONS)<br>E.C. 33051(c) will apply | ACTION |
| ITEM W-14<br>(PDF; 29KB; 2pp.) | Request by Pleasant Valley Elementary School District to waive *Education Code* (EC) Section 37202, the equity length of time requirement to allow full day kindergarten programs at two out of ten elementary schools, Santa Rosa Technology Magnet School and El Descanso Elementary School.<br>Waiver Number: 17-7-2004<br>(Recommended for APPROVAL WITH CONDITIONS) | ACTION |

FEDERAL WAIVER -- SAFE AND DRUG FREE

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|---|---|---|
| ITEM W-15<br>(PDF; 58KB; 5pp.) | Request by Santa Rita Union School District to waive No Child Left Behind Act (NCLB); Title IV, Part A Section 4115 (a)(1)(c) to use Safe and Drug Free Schools and Communities funds to support the cost of Here's Looking At You (HLAY), a kindergarten through twelve grade drug prevention program.<br>Waiver Number: Fed-09-2004<br>(Recommended for DENIAL) | ACTION |

INSTRUCTIONAL MATERIALS FUND

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|---|---|---|
| ITEM W-16<br>(PDF; 31KB; 2pp.) | Petition request under *Education Code* Section 60200(g) by Fresno County Office of Education to purchase nonadopted Instructional Resources for "special education students" using carryover Instructional Materials Fund (IMF) monies. (List attached)<br>Waiver Number: 8-6-2004<br>(Recommended for APPROVAL WITH CONDITIONS) | ACTION |

INSTRUCTIONAL MATERIALS SUFFICIENCY (Audit Findings)

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|---|---|---|
| ITEM W-17<br>(PDF; | Request by three school districts for a retroactive waiver of *Education Code* (EC) Section 60119 regarding the Annual Public Hearing on the availability of textbooks | ACTION |

41KB; 3pp.) or instructional materials. The district had an audit finding for fiscal year 2002-2003 that they 1) failed to hold the public hearing, or 2) failed to properly notice (10 days) the public hearing and/or 3) failed to post the notice in the required three public places.
11-6-2004 -- Oak Park Unified School District
14-6-2004 -- Kit Carson Union School District
16-6-2004 -- Los Altos School District
(Recommended for APPROVAL)

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INSTRUCTIONAL TIME

ITEM W-18 (PDF; 31KB; 3pp.) Request by Raymond-Knowles Union Elementary School District to waive *Education Code* (EC) Section 46202(b), the longer day incentive program for offering less time in the 2002-2003 fiscal year than what the district offered in 1982-1983 fiscal year at Raymond-Knowles School in grades four through eight (shortfall of 1,650 minutes).
Waiver Number: 1-7-2004
(Recommended for APPROVAL WITH CONDITIONS) ACTION

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ITEM W-19 (PDF; 30KB; 3pp.) Request by Morgan Hill Unified School District to waive *Education Code* (EC) Section 46202(b), the longer day incentive program penalty for offering less instructional time in the 2002-2003 fiscal year than the required 64,800 instructional minutes at Martin Murphy Middle School in grade nine (shortfall of 350 minutes).
Waiver Number: 13-6-2004
(Recommended for APPROVAL WITH CONDITIONS) ACTION

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ITEM W-20 (PDF; 31KB; 3pp.) Request by Redondo Beach Unified School District to waive *Education Code* (EC) Section 46202(b), the longer day incentive program penalty for offering less time in the 2002-2003 fiscal year than what the district offered in 1982-1983 at Jefferson Elementary School in grades four through six (shortfall of 360 minutes).
Waiver Number: 6-7-2004
(Recommended for APPROVAL WITH CONDITIONS) ACTION

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NON PUBLIC SCHOOLS (out-of-state)

ITEM W-21 (PDF; 28KB; 2pp.) Request by San Francisco Unified School District to waive *Education Code* (EC) Section 56366.1(a), certification for an uncertified nonpublic school, Youth Care/Pine Ridge Academy located in Draper, Utah to provide services to one special education student, Sophia S.
Waiver Number: 3-6-2004
(Recommended for APPROVAL) ACTION

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SALE/LEASE OF SURPLUS PROPERTY

ITEM W-22 (PDF; 41KB; 5pp.) Request by San Jose Unified School District to waive portions of *Education Code* (EC) Sections 17465,17466,17469, 17471, 17472, 17473, and 17475, specific provisions for Sale/Lease of Surplus Property. Approval of the waiver would speed the process faster than required by statute, emphasize the proposed usage for the property in the selection, rather that "highest bid", and eliminate the "oral bid" process. The three district properties for which the waiver is requested are the ACTION

former Hammer school site, the former Erikson school site, and the former Crossroads Community Day school site.
Waiver Number: 1-6-2004
(Recommended for APPROVAL WITH CONDITIONS)

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CHARTER SCHOOLS (independent study/teacher ratio)

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|---|---|---|
| ITEM W-23 (PDF; 32KB; 3pp.) | Request by California Virtual Academy @ Kern Charter School for a waiver of *Education Code* Section 51745.6 and Title 5, California Code of Regulations (*CCR*) Sections 11704,11963.3(2), and part of 11963.4(b)(3) related to charter school independent study average daily attendance (ADA)-to-teacher ratios to allow a ratio that is higher than the ratio required by these sections (request: ADA-to-teacher ratio of 35 to 1).<br>Waiver Number: 11-9-2003<br>(Recommended for APPROVAL WITH CONDITIONS) | ACTION |

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| | | |
|---|---|---|
| ITEM W-24 (PDF; 32KB; 3pp.) | Request by California Virtual Academy @ San Diego Charter School for a waiver of *Education Code* Section 51745.6 and Title 5 of the *California Code of Regulations* (*CCR*) Sections 11704,11963.3(2), and part of 11963.4(b)(3) related to charter school independent study average daily attendance (ADA)-to-teacher ratios to allow a ratio that is higher than the ratio required by these sections (request: ADA-to-teacher ratio of 35 to 1).<br>Waiver Number: 8-9-2003<br>(Recommended for APPROVAL WITH CONDITIONS) | ACTION |

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CHARTER SCHOOLS (full funding)

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|---|---|---|
| ITEM W-25 (PDF; 36KB; 4pp.) | Request by California Virtual Academy @ Kern Charter School for a waiver of Title 5 of the *California Code of Regulations* (*CCR)* Section 11963.4(b)(3) to allow the charter school to receive full funding with less than 50 percent (but more than 40 percent) of expenditures required for certificated staff costs due to the characteristics of a “Virtual Education Program.”<br>Waiver Number: 9-9-2003<br>(Recommended for DENIAL) | ACTION |

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|---|---|---|
| ITEM W-26 (PDF; 36KB; 4pp.) | Request by California Virtual Academy @ San Diego Charter School for a waiver of Title 5 of the *California Code of Regulations* (5 *CCR)* Section 11963.4(b)(3) to allow the charter school to receive full funding with less than 50 percent (but more than 40 percent) of expenditures required for certificated staff costs due to the characteristics of a “Virtual Education Program.”<br>Waiver Number: 10-9-2003<br>(Recommended for DENIAL) | ACTION |

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REORGANIZATION/BOND INDEBTEDNESS

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|---|---|---|
| ITEM W-27 (PDF; 29KB; 2pp.) | Request by Wiseburn School District (SD) for a waiver of *Education Code* (EC) Section 35575 and portions of EC 35576 to continue to pay bond indebtedness of Measure C (Centinela Valley Union High School District, March 2000 General Obligation Bond) by property owners of Wiseburn School District<br>Waiver Number: 16-5-2004 | ACTION |

(Recommended for APPROVAL WITH CONDITIONS)

- Last Minute Blue (PDF; 22KB; 2pp.)

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## ADJOURNMENT OF MEETING

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For more information concerning this agenda, please contact Rae Belisle, Executive Director of the California State Board of Education, or Deborah Franklin, Education Policy Consultant, at 1430 N Street, Room 5111, Sacramento, Ca, 95814; telephone 916-319-0827; fax 916-3190175. To be added to the speaker's list, please fax or mail your written request to the above referenced address/fax number. This agenda is posted on the State Board of Education's Web site. [http://www.cde.ca.gov/be/]

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

Last Reviewed: Thursday, August 04, 2011

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**ITEM #1**

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

| SUBJECT | |
|---|---|
| STATE BOARD PROJECTS AND PRIORITIES.<br>Including, but not limited to, future meeting plans; agenda items; State Board office budget; staffing, appointments, and direction to staff; declaratory and commendatory resolutions; update on litigation; bylaw review and revision; review of the status of State Board-approved charter schools as necessary; the 2002-2004 Biennial Report to the Governor; and other matters of interest. | ☒ **Action**<br>☒ **Information**<br>☐ **Public Hearing** |

### RECOMMENDATION

Approve the 2002-2004 Biennial Report to the Governor and consider and take action as necessary and appropriate regarding State Board Projects and Priorities.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

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

### SUMMARY OF KEY ISSUES

**2002-2004 Biennial Report to the Governor**

Every two years, the State Board is required to present to the Governor a report on its activities. The report highlights major State Board actions and policy decisions. The report is due to the Governor on September 30, 2004. Board staff recommends approval of the 2002-2004 Biennial Report to the Governor.

**Board Member Liaison Reports**

In the past, State Board members serving as liaisons to advisory groups and other organizations reported to their colleagues on the meetings, other activities, and issues of concern of those groups. These brief, informal reports were given orally at State Board meetings. The State Board may wish to consider including Board Member Liaison Reports on the agenda of future meetings.

**Reports from State Board Advisory Bodies**

There are currently six advisory bodies that meet separately from and provide advice to the State Board: the Title I Committee of Practitioners, Child Nutrition Advisory Council, Advisory Commission on Charter Schools, Advisory Commission on Special Education, Curriculum and Supplemental Materials Commission, and English Learner Advisory Committee. The State Board may wish to ask these advisory bodies to provide updates on their activities in information memoranda.

**Update on State Board Charter Schools**
Staff will report on the STAR and CAHSEE test results and the schoolwide Academic Performance Indexes (APIs) of the State Board-approved charter schools.

**Report on California Charter Academy**
The Board will be provided an update on the closure of the four California Charter Academy schools, CDE's outreach on behalf of the displaced students and families, and the ongoing audit and investigation of those schools.

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## FISCAL ANALYSIS (AS APPROPRIATE)

Not applicable for this “housekeeping” item.

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## ATTACHMENT

Attachment 1: State Board Bylaws (as amended July 9, 2003) (10 pages)
Attachment 2: Agenda Planner 2004-05 (4 Pages)
Attachment 3: Acronyms Chart (3 Pages)
Attachment 4: California State Board of Education Biennial Report to the Governor, 2002-2004 (17 pages)
Attachment 5: Schedule for Curriculum Framework Development and Adoption of K-8 Instructional Materials

# AGENDA PLANNER 2004-2005

**SEPTEMBER 8-9, 2004 BOARD MEETING ..... SACRAMENTO**

**Other Dates of Interest to the State Board:**

- Model content standards for physical fitness, hearings on draft standards
- Curriculum Development and Supplemental Materials Commission, Sacramento, September 29 –October 1
- 2004 Health Adoption, Public Hearing at Curriculum Commission meeting
- Quality Education Committee meeting, Sacramento, September 29-30
- CELDT contract with CTB expires September 14
- CAHSEE Independent Evaluation contract with HumRRO expires September 30

**OCTOBER 2004 ..... NO MEETING SCHEDULED**

**Other Dates of Interest to the State Board:**

- Curriculum Commission recommendations on 2004 Health Adoption, for information only
- Proposed policy for all-charter districts, for information only
- Advisory Commission on Charter Schools, Sacramento, October 4
- Title I Committee of Practitioners, Sacramento, October 13-14

**NOVEMBER 9-10, 2004 (TUESDAY/WEDNESDAY) ..... SACRAMENTO**

**Board Meeting**

- STAR, update/action as necessary
- CAHSEE, update/action as necessary
- CELDT, update on 2003-04 Initial Assessments
- No Child Left Behind Act, update/action as necessary
- 2004 Health Adoption, Public Hearing and Board action on Curriculum Commission recommendations for instructional materials adoption
- 2005 History-Social Science Adoption, appointment of members to content review panel and instructional materials advisory panel
- Model content standards for physical education, presented for adoption
- Medication Advisory, presented for action
- Accounting Manual, presented for approval
- Student Advisory Board on Education, presentation of recommendations
- Interviews of candidates for 2005-06 Student Member of the State Board
- Presentation of Presidential Awards for Excellence in Mathematics and Science Teaching
- Proposed policy for all-charter districts, presented for action
- Screening Committee meets to consider appointments to Child Nutrition Advisory Council

**Other Dates of Interest to the State Board:**

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

# AGENDA PLANNER 2004-2005

**DECEMBER 2004 .....NO MEETING SCHEDULED**

**Other Dates of Interest to the State Board:**

- Quality Education Committee meeting, Sacramento, December 1-2
- Curriculum Development and Supplemental Materials Commission, Sacramento, December 2-3
- CAHSEE contract with ETS for testing through June 2004 expires December 13
- SABE/2 contract with CTB expires December 31
- GED contract with ETS expires December 31

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

**Board Meeting**

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

**Other Dates of Interest to the State Board:**

- STAR program authorization repealed under ECS 60601, January 1
- Quality Education Committee meeting, Sacramento, January 19-20
- Title I Committee of Practitioners, Sacramento, January 26-27
- Curriculum Development and Supplemental Materials Commission, Sacramento, January 26-28

**FEBRUARY 2005.....NO MEETING SCHEDULED**

**Other Dates of Interest to the State Board:**

Advisory Commission on Charter Schools, Sacramento, February 2

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

**Board Meeting**

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

**Other Dates of Interest to the State Board:**

# AGENDA PLANNER 2004-2005

**APRIL 2005 ..... NO MEETING SCHEDULED**

**Other Dates of Interest to the State Board:**

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

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

**Board Meeting**

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

**Other Dates of Interest to the State Board:**

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

**JUNE 2005 ..... NO MEETING SCHEDULED**

**Other Dates of Interest to the State Board:**

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

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

**Board Meeting**

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

**Other Dates of Interest to the State Board:**

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

# AGENDA PLANNER 2004-2005

**AUGUST 2005.....NO MEETING SCHEDULED**

**Other Dates of Interest to the State Board:**

- API and AYP data releases

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

**Board Meeting**

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

**Other Dates of Interest to the State Board:**

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

**OCTOBER 2005.....NO MEETING SCHEDULED**

**Other Dates of Interest to the State Board:**

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

**Board Meeting**

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

**Other Dates of Interest to the State Board:**

**DECEMBER 2005 .....NO MEETING SCHEDULED**

**Other Dates of Interest to the State Board:**

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

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

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

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

SEPTEMBER 9, 2004

The Honorable Arnold Schwarzenegger
Governor
State of California
Sacramento, CA 95814

Dear Governor Schwarzenegger:

The California State Board of Education is pleased to submit to you our biennial report on the State Board's actions and operations for the years 2002-04.

California has been the nation's leader in establishing world-class standards for what students should know and be able to do. Much of the Board's work from 1996 to 1998 was focused on developing content standards in English-language arts, mathematics, history-social science, science, visual and performing arts, and English language development. For the past two years, the work of the Board was to bring those standards into the classroom and operationalize them for the benefit of all students.

California now has curriculum frameworks, criteria for adopting instructional materials, professional development, and an accountability system that are all aligned with the rigorous academic content standards in all four core areas, English-language arts, mathematics, history-social science, and science.

Highlights of this work over the past two years include:-

- New frameworks in science, mathematics, and visual and performing arts
- Instructional materials adoptions for Reading/language arts and foreign language
- Implementation of AB 466 and AB 75, professional development for teachers and principals that is aligned to the instructional materials used in the classroom
- Strengthening our state accountability system with heavier emphasis on the California Standards Tests on the Academic Performance Index
- Aligning our state accountability system with the accountability provisions in the federal *No Child Left Behind Act of 2001*

We appreciate the opportunity to present this report to you and look forward to continuing our work together to ensure a quality education for all children in California.

Sincerely,

Ruth Green
President
California State Board of Education

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# CALIFORNIA STATE BOARD
# OF
# EDUCATION

BIENNIAL REPORT
TO THE
GOVERNOR

2002 – 2004

DRAFT
8-23-04
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DRAFT
8-23-04

# MISSION AND MEMBERSHIP

### *Composition*

The State Board of Education consists of 11 public members, including one student member. The members are appointed by the Governor and approved by a 2/3 vote of the State Senate. Except for the student, each member serves a four-year term.

### *Amount of Time Required of Members*

The State Board of Education holds meetings every other month, generally two days in length. Additional meetings are held when needed. For the months in which no formal meetings are held, information memoranda are sent to the members. These memoranda may cover background material for upcoming items that will require action by the Board, or may be simply information given in order to update the Board on a particular issue.

Board members also may be assigned responsibility to act as liaisons representing the State Board in discussions with staff (as well as with other individuals and agencies) in relation to such topics as assessment and accountability, legislation, and implementation of federal and state programs.

The State Board meeting schedule, agendas, meeting minutes, information memoranda, and other public notices are posted on the Internet at http://www.cde.ca.gov/be/. Since February 2003, the web posting has included all background information for each agenda item.

### *Comprehensive Vision, Mission and Goals Statement*

Vision: All California students of the 21st century will attain the highest level of academic knowledge, applied learning, and performance skills to ensure fulfilling personal lives and careers and contribute to civic and economic progress in our diverse and changing democratic society.

Mission: Create strong, effective schools that provide a wholesome learning environment through incentives that cause a high standard of student accomplishment as measured by a valid, reliable accountability system.

Goals:

1. *Standards.* Adopt and support rigorous academic content and performance standards in the four core subjects for kindergarten and grades 1 through 12.

2. *Achievement.* Ensure that all students are performing at grade level or higher, particularly in reading and math, at the end of each school year, recognizing that a small number of exceptional needs students must be expected, challenged, and assisted to achieve at an individually determined and appropriately high level. Advocate for mandatory intervention for every child not at grade level. Do everything possible to ensure that "the job is done right in the first place."

3. *Assessment.* Maintain policies assuring that all students receive the same nationally normed and standards-based assessments, grades 2 through 11, again recognizing that a small number of exceptional needs students must be separately and individually assessed using appropriate alternative means to determine achievement and progress.


DRAFT
8-23-04

## POLICY INITIATIVES AND HIGHLIGHTS: 2002-2004

### *Improving Reading Achievement*

In May of 2002, and with assistance from the Reading First Partnership Advisory Committee, the State Board implemented a major provision of the federal No Child Left Behind Act by approving California's application for Reading First. This scientific research based program's goal is to ensure that all children learn to read by the end of the third grade. With the aim of targeting grant funds to districts with the greatest need, and on those with the highest quality proposals, eligibility was limited to local education agencies (LEAs) that have at least 1000 of their second and third graders, or 50% or more of those students, scoring "below basic" and "far below basic" on the California Standards Tests. Participating districts must be committed to the full implementation of scientific-research based and state-adopted instructional programs; use of appropriate valid and reliable screening, diagnostic, and classroom-based assessments; and ongoing professional development for teachers, reading/ literacy coaches, and site principals in the use of those instructional programs and assessments. As of July 1, 2004, 74 districts, 680 schools and 17,611 classrooms were participating in Reading First. Of those 17,611 classrooms, 1,077 are classrooms operating a bilingual program under a Proposition 227 waiver.

### *Curriculum and Instructional Resources*

The Board adopted a new science framework in February 2002. The framework focuses on content as defined by the grade level and discipline standards for earth, life, and physical science, including the investigation and experimentation strand. It calls for instructional programs and strategies, instructional materials, professional development, and assessments that are aligned with the State Board-adopted science content standards.

In March 2004, the State Board adopted revised criteria for evaluating K-8 science instructional materials for the 2006 primary adoption.

At the December 2002 meeting, the State adopted emergency regulations to implement the new K-12 Instructional Materials Funding Realignment Program (IMFRP) which went into effect January 1, 2003. Authorized under AB 1781, the IMFRP appropriated approximately $400 million during the 2002-03 fiscal year to provide each student with textbooks or instructional materials that are aligned to the state's academic content standards in English-language arts, mathematics, history-social science, and science.

In January 2003, the State Board approved the evaluation criteria for the next K-8 history-social science textbook adoption to be completed in fall 2005.

Concluding a multi-year process, the 2003 foreign language primary adoption of instructional

materials was completed in November of 2003 with the adoption of six programs for Spanish, three programs for Latin, three programs for French, and one program each for German and Japanese. This was the first adoption of foreign language instructional materials since 1991.

In January 2004, the State Board adopted a new *Visual and Performing Arts Framework for California Public Schools, Kindergarten through Grade Twelve*. The framework serves as the basis for instruction in the visual and performing arts in California's public schools and is the first in the visual and performing arts to be based on State Board-adopted academic content standards. The Board is scheduled to use criteria outlined in the framework to adopt instructional materials for the visual and performing arts in November of 2006.

***Standards and Assessment***

In February 2002, the board approved the adoption of performance standards for the California Standards General Mathematics Test and the California Standards Test Integrated Mathematics I, II, and III, using the same five performance standards designations used in the other standards-aligned mathematics tests: advanced, proficient, basic, below basic, and far below basic.

The State Board approved a three-year plan for development of California's assessment system in April of 2002. The plan was intended to accomplish three tasks: 1) to guide the development of key statewide tests, 2) to establish the connections between the tests, and 3) to ensure the quality of the tests. The tests include:

- The Standardized Testing and Reporting (STAR) Program, which includes the California Standards Tests, a nationally normed test (California Achievement Test 6th edition as of 2003), and the Spanish Assessment of Basic Education or SABE/2;
- California High School Exit Exam (CAHSEE);
- California English Language Development Test (CELDT);
- Golden State Examinations (GSE) (Note: AB 1266, Chapter 573, Statutes of 2003 discontinued funding and authorization for these exams.)

The three-year plan has six principles:

1. State tests will focus instruction on the mastery of state content standards.
2. All state assessments will conform to rigorous technical standards.
3. California Standards Tests will be the "core" of the state testing and accountability system.
4. A nationally normed test will provide national comparison data on student achievement.

5. Other state assessments will be coordinated with STAR.

6. State assessment results should be designed to be as useful as possible to school administrators, teachers, parents, and students.

In June of 2002, the State Board integrated the results of the California High School Exit Exam into the Academic Performance Index, or API, the annual statewide ranking of schools.

At their November 2002 meeting, the State Board examined a five-year trend analysis of subgroup scores on the Stanford-9 nationally-normed tests (1998-2002) in reading and math by race and ethnicity, as well as by language fluency, program participation (such as Title I and Migrant Education) and parent education level. This analysis showed dramatic achievement gains by Latino and African-American students in the early elementary grades, where the majority of students have experienced the benefit of standards-based instructional materials.

In May of 2003, the Board reviewed the findings of the independent evaluation of the California High School Exit Exam. This evaluation was mandated by AB 1609, which also gave the Board authority to delay the exit exam as a graduation requirement for the class of 2004. The evaluation found that the exit exam is valid and meets all nationally recognized test standards for use as a graduation requirement. The study by the Human Resources Research Organization (HumRRO) also found that the exam has motivated schools and students to focus on academic achievement and mastery of rigorous state academic content standards.

At the July 2003 meeting, the State Board made the decision to delay the CAHSEE as a requirement of graduation for two years and apply the graduation requirement to the class of 2006. The Board delayed the exit exam in light of the HumRRO findings that the test has been a "major factor" in boosting standards-based instruction and learning, but that many students, for different reasons, may not have yet benefited from courses of initial and remedial instruction to master the required standards. The Board also voted to reduce the exit exam from three days to two by requiring only one essay instead of two on the English-language arts portion of the test. The Board encouraged local school districts to continue to improve their remedial programs and to sustain the momentum that has made the exit exam a major catalyst for improving instruction at high schools throughout the state.

In January 2004, the State Board approved blueprints for middle school and high school science tests required under the federal *No Child Left Behind* Act (NCLB), with the administration of the middle school test approved for grade 8 with an emphasis on physical science and the administration of the high school test approved for grade 10 in life science.

In May 2004, the State Board approved performance standards (levels) for the Grade 5 California Standards Test in Science.

The California Alternate Performance Assessment (CAPA) was added to the STAR program during spring 2003. CAPA is an individually administered assessment for students with significant cognitive disabilities. It assesses subsets of the California academic content standards for English-language arts and mathematics and is designed to allow all students to participate in the STAR program. Over 33,000 students participated last year, which represents 0.7 percent of the students who were eligible to take STAR. This is well

within the one percent cap set by the federal government under NCLB for testing the most significantly cognitively disabled students with alternate standards. Performance standards for the CAPA were adopted in July 2003. Science was field tested in 2003-04 for inclusion in the 2004-05 administration of the CAPA.

***Accountability***

The State Board took key action in June 2002 in developing a uniform, easy-to-use School Accountability Report Card (SARC) that makes it easy for schools and school districts to post information on the Internet, and for parents and the public to access it. The SARC requires reporting of information such as student performance data, per-pupil expenditures, curriculum and instructional materials, the quality and currency of textbooks, school safety, and the adequacy of school facilities. In response to the requirements of NCLB, district level data was added to the report card in the spring of 2004.

In October of 2002, the Board discussed the process for assigning sanctions for schools in the Immediate Intervention/Underperforming Schools Program (II/USP) who failed to demonstrate significant growth in student achievement. (Significant growth had been defined by the Board in February 2002 as positive growth in the schoolwide API for either of the two years of implementation.) Those sanctions range from an educational audit by a School Assistance and Intervention Team to replacing school principals and even takeover by the State Board. A waiver policy for II/USP schools that perform at higher levels but still do not make "significant growth" and thereby are subject to state sanctions was established in May 2004. This allows those schools that have an API decile rank of 6 or higher and all its student subgroups have an API decile rank of 5 or higher to be placed on watch status instead of being subject to costly state sanctions, thus allowing those dollars to be channeled to schools in greater need.

The passage of the federal *No Child Left Behind Act of 2001*(NCLB) in January of 2002 brought with it a number of requirements with some very short timelines. The first requirement was that states were to submit Part I of their Consolidated State Application by the end of May 2002 (the timeline was extended very late in the process to June 12). This document outlined the goals, performance indicators, and performance targets that would be used as the framework for California's compliance with NCLB accountability. The document also included detailed descriptions of proposed state-level activities to implement the federal programs in NCLB, along with a description of key programmatic requirements, fiscal information, certifications, and assurances.

In January of 2003, the State Board approved submitting for federal peer review California's Accountability Workbook, a component of our Consolidated State Application and a major policy piece under NCLB. The main focus of the document was defining Adequate Yearly Progress (AYP). The challenge for the Board was to reconcile California's accountability system established in 1999 in the Public Schools Accountability Act with the new requirements for accountability in NCLB. NCLB requires that progress be defined in terms of how many students are performing at the proficient level, instead of

considering the growth that may have taken place in student achievement. After several months of discussion and testimony from various stakeholders across the state, the Board decided to maintain its API system while adding the AYP requirements as a separate element of each school's accountability report. As a result, the API and its widely known statewide ranking of schools was maintained with relatively little change. Growth on the API is used as the federally required additional indicator for AYP for all schools. The only recommended change to the API was to add two student groups to the current list of "significant subgroups" that are reported, students with disabilities and English learners. This requires a change in state law (SB722 is pending in the Legislature as of this writing).

Also at the January 2003 meeting, the State Board approved new weightings for the API Base Year reports, increasing the weight assigned to the California Standards Tests (CSTs) to 73 percent at the high school level, reducing the weight of the nationally normed test to 12 percent (with 15 percent for the high school exit exam). For grades 2-8, the weight was revised so that the CSTs constituted 80 percent of the API, reducing the weight to be attached to the nationally normed tests to 20 percent.

At its April 2003 meeting, the State Board approved the submission of Part II of California's Consolidated State Application for NCLB. This submission included the following elements:

- California's Accountability Workbook;
- State targets for percent of students achieving proficiency and above in reading and math (Targets through 2003-04: 13.6 % ELA, 16.0 % Math for Grades 2-8; 11.2 % ELA, 9.6 % math for high school);
- AYP baseline data in the percent of students achieving proficiency and above in reading and math Evidence of adopting academic content standards in math and reading;
- A timeline for adopting academic content standards in science (California presented evidence of adoption of grade level standards in science that had been adopted in 1998.);
- A detailed timeline for developing and implementing NCLB assessments in science; and
- A detailed timeline for setting academic achievement standards on the NCLB assessments in science.

The Alternative Schools Accountability Model (ASAM), established by the *Public Schools Accountability Act of 1999*, provides school accountability based on a system of multiple indicators of growth for alternative schools that serve very high-risk, highly mobile students, including continuation, community day, opportunity, county-operated court and community schools, and California Youth Authority schools, as well as other alternative schools and some charter schools that meet requirements set by the State Board in June 2003. In March 2001, the Board adopted a list of indicators to be used in addition to STAR

test data. At that time, schools were to select two indicators to report. The State Board continued its work on the ASAM in September 2003 by making available a list of locally adopted assessments that could be used as the third indicator of student achievement in reading, writing, or math. ASAM schools were required to use a third indicator for the 2003-04 school year. In July 2004, the Board adopted performance standards for the ASAM performance indicators.

At their meeting in January 2004, the State Board voted to take the steps necessary to facilitate an earlier release date for API growth reports, from October to August, prior to or simultaneously with the release of AYP. The Board took this action in belief that the API, which focuses on the need for continual and constant growth in student achievement, should remain the cornerstone of the state's school accountability system. In 2003, about 55 percent of schools met the AYP criteria (which focuses only on the percentage of students who are achieving at the proficient level or above regardless of starting point), while 78 percent of schools met their annual API growth targets, both school wide and for designated subgroups, and more than 90 percent of schools made some gain in their API scores.

Another requirement of *No Child Left Behind* is that each state receiving any of the funds available under the act must establish and implement a statewide policy requiring that any student attending a "persistently dangerous" school, or who becomes a victim of a violent crime while in or on school grounds, must be allowed to attend a safe public school in the district. With input of officials from various districts throughout the state, the Board adopted a definition that designated a school as "persistently dangerous" if the following conditions exist for three consecutive fiscal years:

- the school has a federal or state gun-free schools violation or a violent criminal offense has been committed by a student on school property and
- the number of expulsion for violent criminal offenses (delineated in the policy) for students enrolled exceed the following rates: three expulsions for a school with fewer than 300 students or one expulsion for every 100 students for larger schools.

When the data reported in July 2003 revealed that no schools were so identified, the State Board asked the advisory group to review the definition to ensure that the definition captured those schools that were indeed "persistently dangerous." The Board is still in the process of reviewing the definition.

### *English Learners*

In January 2002, the SBE adopted K-8 Reading/Language Arts/English Language Development programs that included specially designed instructional strategies to ensure English learners have equal access to the state's rigorous English-language arts academic content standards, which lay out what students should know and be able to do at each grade level. With that action, California became the first state in the nation to require all K-8

basic instructional programs to include materials that can be used by the regular classroom teacher to teach grade-level content standards to English learners while they attain English-language proficiency.

Although the Board had previously adopted regulations in 1998 to implement Proposition 227, in May of 2002, the Board revised these regulations to guide implementation of Proposition 227 and other laws regarding educational services to California's 1.5 million English learners. Key provision in the regulations with regard to parental exception waivers were as follows:

- School districts must provide parents and guardians with a full, written description and, upon request from a parent or guardian, a spoken description of the structured English immersion program and any alternative courses of study and all educational opportunities;
- School principal and educational staff may recommend a waiver to a parent or guardian;
- Parents/guardians who are denied waivers must be informed that they may appeal to the local governing board of the school district if the local board has established that appears process, or to a court;
- Section 11316 requires that notices required by the regulations comply with current Education Code Section 48985, which provides that notices to parents or guardians must be in the primary language if 15 percent or more of the pupils enrolled in the school speak a single primary language other than English.

In November of 2002, the Board announced the completion of the Spanish language translation of the two K-6 instructional programs adopted as part of the 2002 English-Language Arts/English Language Development textbook adoption. These Spanish language alternate formats of the adopted English-language arts programs were reviewed for accuracy in translation and approved as fully adopted, standards-aligned programs.

After receiving information and giving opportunity to comment at four separate board meetings during the spring and summer of 2003, the State Board discussed and approved, in July, the annual measurable achievement objectives (AMAOs) for English learners as required by NCLB. These AMAOs lay out 1) the gains in percentage of students meeting annual objectives on the California English Language Development Test and 2) the percentage of English learners expected to attain proficiency in English each year.

During the initial implementation of Reading First, the Board was of the opinion that the federal law required every K-3 classroom in an approved Reading First school to implement the full English-language arts program using the adopted instructional materials in English. California's approved Reading First plan expressly relies on two K-3 English-language arts instructional programs, which include English language development components, but were only available in English at the time that the California Reading First plan was approved. Also, these two instructional programs are fully aligned with California's English-language arts academic content standards and would provide students

with the necessary support to reach proficiency on the California Standards Tests for English-Language Arts by the end of third grade – a test that is in English. With the passage of AB 1485, California's Reading First plan was amended to allow classrooms operating under a Proposition 227 waiver to use the approved alternate format instructional materials in Spanish.

### *Professional Development*

In February 2002, the Board approved criteria for the evaluation and approval of training providers for AB 466, Math and Reading Professional Development Program and for AB 75, the Principal Training Program. The AB 466 professional development program provides intense and sustained training to classroom teachers in how to use the state-adopted core instructional materials in reading and math. Under AB 75, school site administrators receive training in the adopted materials as well as the skills necessary to be an effective instructional leader. The first cadre of providers was approved the following May.

After nearly a year of staff collaboration and consultation with representatives from the Commission on Teacher Credentialing, higher education, various teacher organizations, and other education organizations and stakeholders, the State Board approved a conceptual plan for compliance with the "highly qualified" teacher provisions of NCLB in July 2003. The new federal law requires that all teachers have a four-year college degree, are appropriately certified or credentialed by their state, and have established their subject matter competency in very specific ways. New elementary teachers must pass a rigorous state test that covers multiple subjects. Those entering the profession at the middle and high school levels must have a major or pass a test in each of the subjects they teach. All teachers who are "not new" to the profession will be able to satisfy the requirement for establishing subject matter competency through an alternative evaluation process specifically outlined in the law. In response to further input from the field and guidance from United States Department of Education (USDE), and in an effort to maximize any available flexibility, the regulations were amended several times before being acted upon by OAL and are once again in the process of being amended in order to take advantage of additional flexibility provided by the USDE in the spring of 2004.

### *Charter Schools*

California assigned numbers to 221 new charter schools between January 2002 and July 2004.

To ensure that students at charters schools are receiving appropriate instruction, at its June 2002 meeting, the Board adopted regulations pursuant to SB 740 authorizing charter schools to receive funding for nonclassroom-based instruction only if the following conditions are met:

- the charter school's site is a facility used principally for classroom instruction;
- the charter school requires its pupils to be in attendance at the school site for at least 80 percent of the minimum instructional time required by law;
- at least 80 percent of the instructional time offered is at the school site; and
- the pupils are engaged in educational activities and under the immediate supervision and control of a charter school employee authorized to provide instruction.

In May 2003, the State Board adopted regulations regarding claims for average daily attendance for pupils over the age of 19 by charter schools and charter granting entities. The regulations state that beginning in 2004-05, a pupil who is over the age of 19 years may generate attendance for apportionment purposes in a charter school only if both of the following conditions are met: 1) the pupil was enrolled in a public school in pursuit of a high school diploma (or an individualized education program if student is in special education) while 19 years of age and, without a break in public school enrollment since that time, is enrolled in the charter school and is making satisfactory progress towards a high school diploma; and 2) the pupil is not over the age of 22 years.

***Other State Board of Education Projects and Accomplishments***

In 2000, the Legislature enacted a law to add Algebra I as a requirement for high school graduation, starting with the class of 2004. In January of 2004, it became known that many had not met the Algebra I requirement for a variety of reasons, including, in many instances, lack of notice of the requirement and inadequate counseling, leaving a number of graduating seniors at risk of not receiving a diploma. The State Board took action to allow limited-term waivers of the state law requiring completion of Algebra I as a condition of graduation to be placed on its consent agenda under the following conditions:

- Students in the class of 2004 who have not competed Algebra I will be enrolled, or remain enrolled, and will be encouraged to complete the course during the spring semester of 2004;
- All students (and their parents/guardians) in the class of 2005 who have not completed Algebra I will be advised immediately of the Algebra I completion requirement and receive counseling in selecting summer school classes in 2004 and regular classes in 2004-05 to ensure that they enroll in and complete Algebra I; and
- Any district seeking such a waiver agrees to provide a status report to the California Department of Education on all of its students in the class of 2004 and the class of 2005 who have not completed Algebra I and the efforts being made to facilitate their completion of the course.

The Board made it clear that they do not intend to consider, as a consent matter, these types

of waivers for students in the class of 2005 and thereafter.

***Legislative Priorities***

The State Board approved six core principles to guide liaisons and staff in the pursuit of legislation. These principles include:

- preserving the existing assessment system [including the Standardized Testing and Reporting (STAR) Program, the California High School Exit Examination (CAHSEE), and the California English Language Development Test (CEDLT)];

- maintaining the state's existing accountability system, making only those minor conforming changes necessary to comply with NCLB;

- encouraging submission of more instructional materials by publishers that will meet California's rigorous requirements; (4) safeguarding the academic content standards as the foundation of California's K-12 educational system;

- strengthening coordination between K-12 and higher education; and

- encouraging only the highest quality charter schools.

The Board's legislative liaisons, with the help of Board staff, will review legislation enacted as a result of the 2004 session. That information will be shared with the State Board in November, along with recommendations for specific legislation that may be needed in the future to reinforce these priorities. Formal recommendations of the State Board for future legislation will be forwarded to the Governor at that time.

## CURRENT MEMBERS OF THE CALIFORNIA STATE BOARD OF EDUCATION

| Members | Began Service | Term Expires |
|---|---|---|
| Ms. Ruth E. Green*<br>*2004 State Board President* | February 25, 2004 | January 15, 2008 |
| Ms. Glee Johnson*<br>*2004 State Board Vice President* | February 18, 2004 | January 15, 2008 |
| Mr. Reed Hastings* | February 25, 2000 | January 15, 2006 |
| Mr. Joe Nuñez | October 26, 2001 | January 15, 2006 |
| Mr. Donald G. Fisher | March 15, 2001 | January 15, 2005 |
| Ms. Suzanne A. Tacheny | March 15, 2001 | January 15, 2005 |
| Ms. Ruth Bloom* | February 12, 2004 | January 15, 2007 |
| Ms. Jeannine L. Martineau* | February 10, 2004 | January 15, 2008 |
| Ms. Bonnie Reiss* | February 06, 2004 | January 15, 2006 |
| Mr. Johnathan Williams* | February 18, 2004 | January 15, 2007 |
| Mr. Ricky S. Gill*<br>*2004-2005 Student Member* | August 1, 2004 | July 31, 2005 |

**These appointees are subject to confirmation by the State Senate. They may serve up to one year without Senate confirmation.*

| *Previous Members* | **Began Service** | *Term Expired* |
|---|---|---|
| Nancy Ichinaga | 02/25/00 | 01/15/04 |
| Carlton Jenkins | 02/09/99 | 01/08/03 (Resigned) |
| Vicki Reynolds | 02/09/99 | 08/23/02 (Resigned) |
| Carol S. Katzman | 03/11/03 | 11/18/03 (Appt. withdrawn) |
| Susan Hammer | 02/09/99 | 01/15/03 |
| Luis J. Rodriguez | 04/16/03 | 11/18/03 (Appt. withdrawn) |
| Robert J. Abernethy | 03/17/00 | 01/28/04 |
| Marion Joseph | 08/14/97 | 01/15/03 (Resigned) |
| Curtis Washington | 03/21/03 | 11/18/03 (Appt. withdrawn) |
| Stephanie H. Lee (student) | 07/02 | 06/03 |
| Brent Godfrey (student) | 07/03 | 06/04 |

## CALIFORNIA STATE BOARD OF EDUCATION STAFF

**Rae Belisle**, *Executive Director*

**Karen Steentofte**, *Chief Counsel*

**Debbie Rury**, *Education Policy Consultant*

**Deborah Franklin**, *Education Policy Consultant*

**Rebecca Parker,** *Education Policy Consultant*

**Maryanna Rickner,** *Legal Assistant*

**Vickie Evans**, *Executive Assistant*

**Robin Jackson**, *Executive Secretary*

## PREVIOUS STAFF

**John B. Mockler**, Executive Director

**Rick Brandsma**, Executive Director

**Phil Garcia**, Deputy Executive Director

**Greg Geeting**, Assistant Executive Director

**Camille Esch**, Education Policy Consultant

**Hazel Bailey**, Executive Assistant

**Cathy Akana**, Executive Assistant

**Katherine Gales**, Office Technician

## Schedule for Curriculum Framework Development and Adoption of K-8 Instructional Materials

| Calendar Year | | 99 | 00 | 01 | 02 | 03 | 04 | 05 | 06 | 07 | 08 | 09 | 10 | 11 | 12 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Have academic content standards and SBE adopted instructional materials | **History-Social Science** | A | | F | | c | | A | | | F | | | A | |
| | **Science** | c | A | | F | | c | | A | | | F | | | A |
| | **Mathematics** | c (A) | | A | | | F c | | | A | | | F | | |
| | Reading/Language Arts/ELD | c (A) | | | A | | | F c | | | A | | | F | |
| Has content standards and SBE adopted instructional materials | **Visual & Performing Arts** | | | | | F c | | | A | | | | | F | |
| Have no standards but have SBE adopted instructional materials | **Foreign Language** | | | F c | | A | | | | | | S F c | | | A |
| | **Health** | | | | F c | | A | | | | | | F | | |
| Have neither standards nor SBE adopted instructional materials | **Physical Education** | | | | | | S | | F | | | | | | F |

(A) = AB2519 Additional Adoptions Process*
A = Primary Adoption
a = follow-up adoption**
F = Framework
f = Framework update

c = Evaluation Criteria
SBE = State Board of Education
ELD = English Language Development
S= Standards to be adopted by SBE

***The AB2519 Adoptions were added to existing adoption lists; the list to which 2519 Mathematics materials were added expired June 30, 2003, while the list to which 2519 Reading/Language Arts materials were added expires June 30, 2005.**

****The follow-up adoption schedule will be implemented once regulations for SB 1058 are operative.**

**ITEM # 2**

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

| | |
|---|---|
| **SUBJECT**<br>PUBLIC COMMENT.<br>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**<br>☒ **Information**<br>☐ **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**

None

**ITEM #3**

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

| SUBJECT: | |
|---|---|
| Seminar: Educating English Learners in California | ☐ Action<br>☒ Information<br>☐ Public Hearing |

### RECOMMENDATION

Hear a presentation providing an overview of educational issues regarding English learners in California.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education is responsible for adopting policies regarding the education of English learners in California.

### SUMMARY OF KEY ISSUES

Presenters will include the following California Department of Education (CDE) staff:

1. Thomas Adams, Director, Curriculum Frameworks and Instructional Resources Division
2. Lauri Burnham, Manager, English Learner Accountability Unit
3. Jan Mayer, Manager, Language Policy and Leadership Office
4. Deb Sigman, Director, Standards and Assessment Division

The presentation will provide an overview of key topics relevant to policy discussions regarding English learner educational issues. The topics to be covered include: demographics, educational goals, historical context of programs, legal foundations, program implementation, inclusion of English learners in assessment and accountability systems, and CDE compliance and technical assistance efforts.

### FISCAL ANALYSIS (AS APPROPRIATE)

None; this is purely an informational item.

### ATTACHMENT (S)

Attachment 1: Educating English Learners in California (Power Point Presentation) (69 pages)
Attachment 2: List of Acronyms from Seminar (1 page)

**JACK O'CONNELL**
State Superintendent
of Public Instruction

California State Board of Education Seminar

# Educating English Learners in California

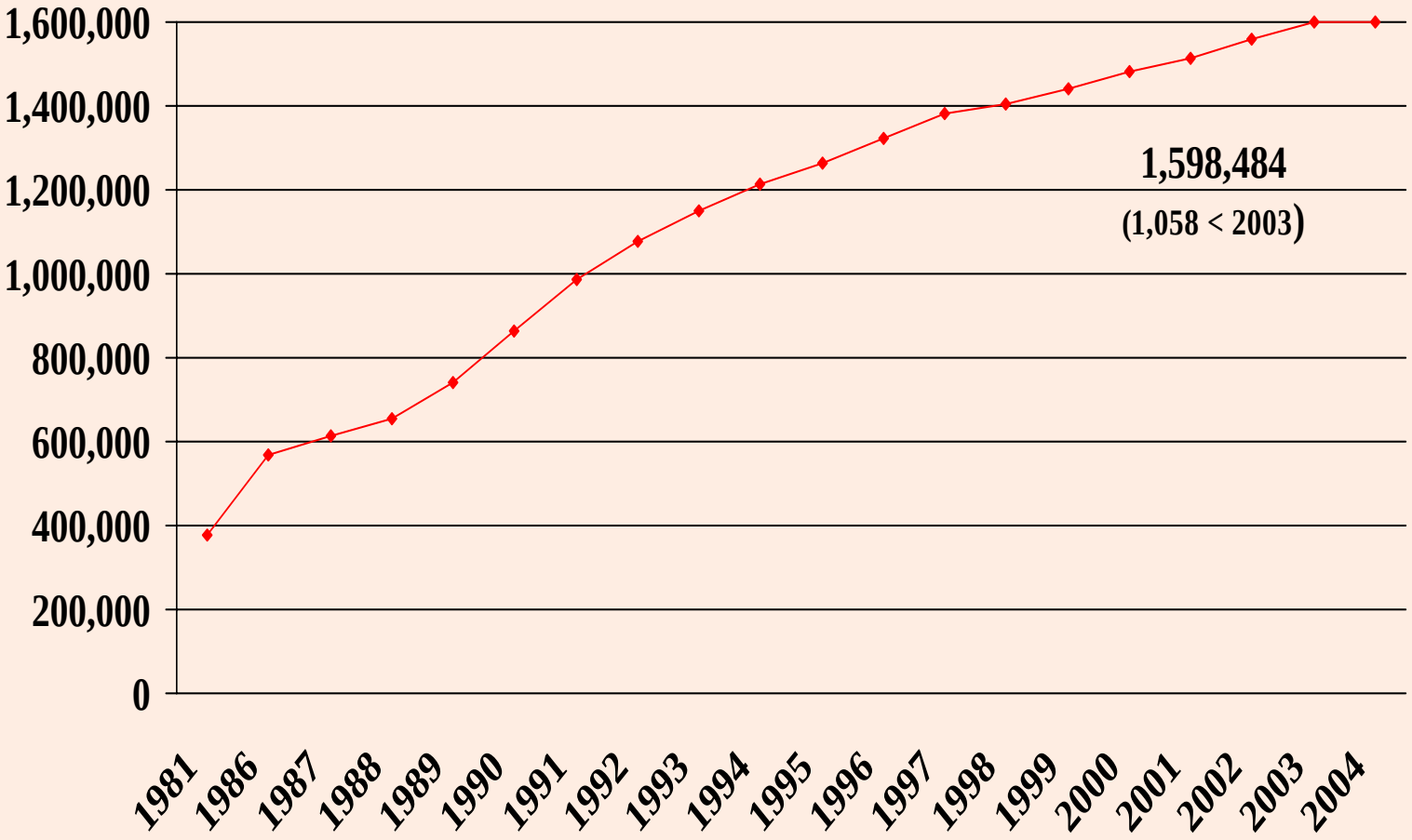
- The English Learner Landscape
- Historical Perspective: State and Federal
- Dual Educational Goals
- Program Implementation
- Assessment
- Accountability
- State Compliance Monitoring and Technical Assistance

**JACK O'CONNELL**
State Superintendent
of Public Instruction

# The English Learner Landscape

**JACK O'CONNELL**
State Superintendent
of Public Instruction

# English Learners in California




**One out of every four students in California are English learners.**

Source: 2004 Language Census

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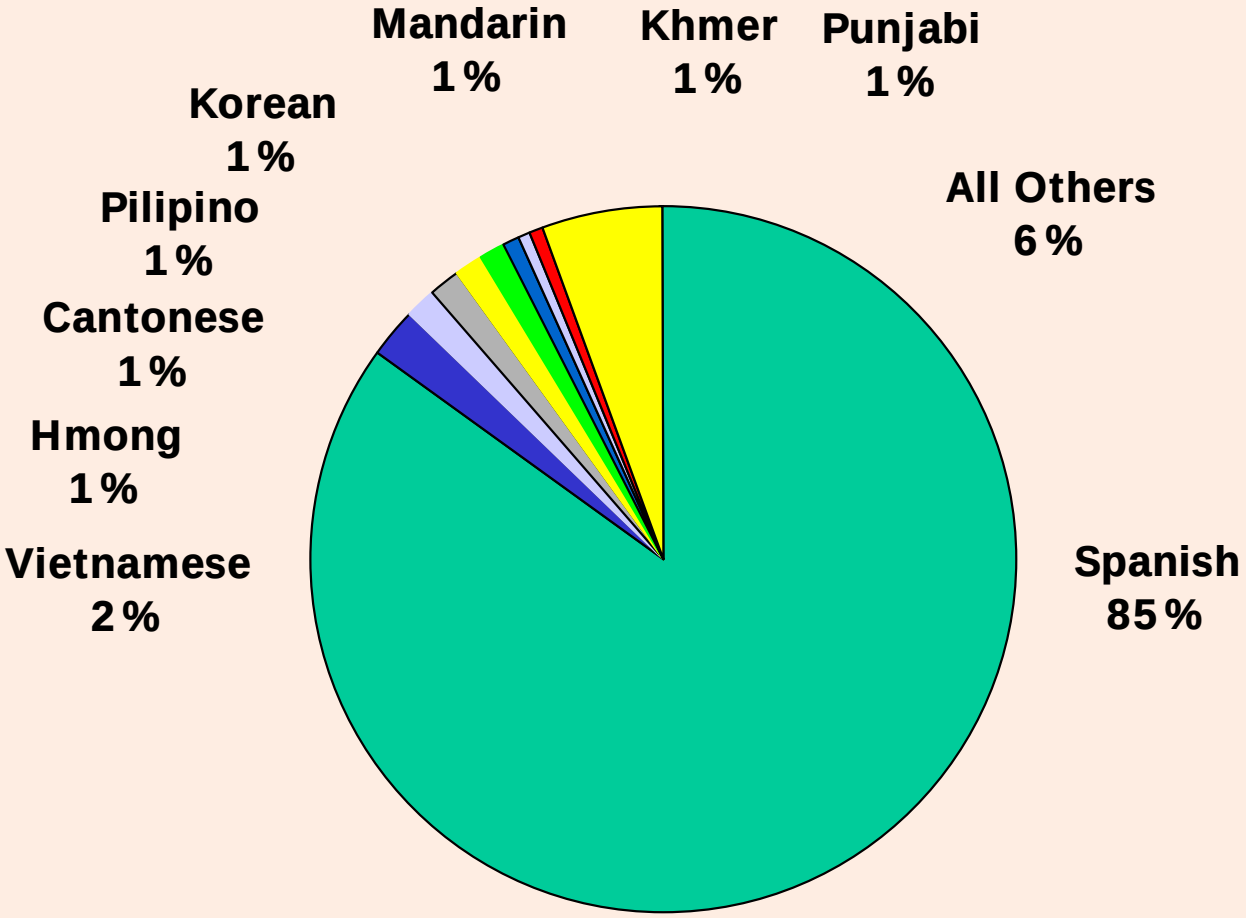
# Languages Spoken by English Learners in California




**Most English learners speak Spanish as a primary language.**

Source: 2004 Language Census

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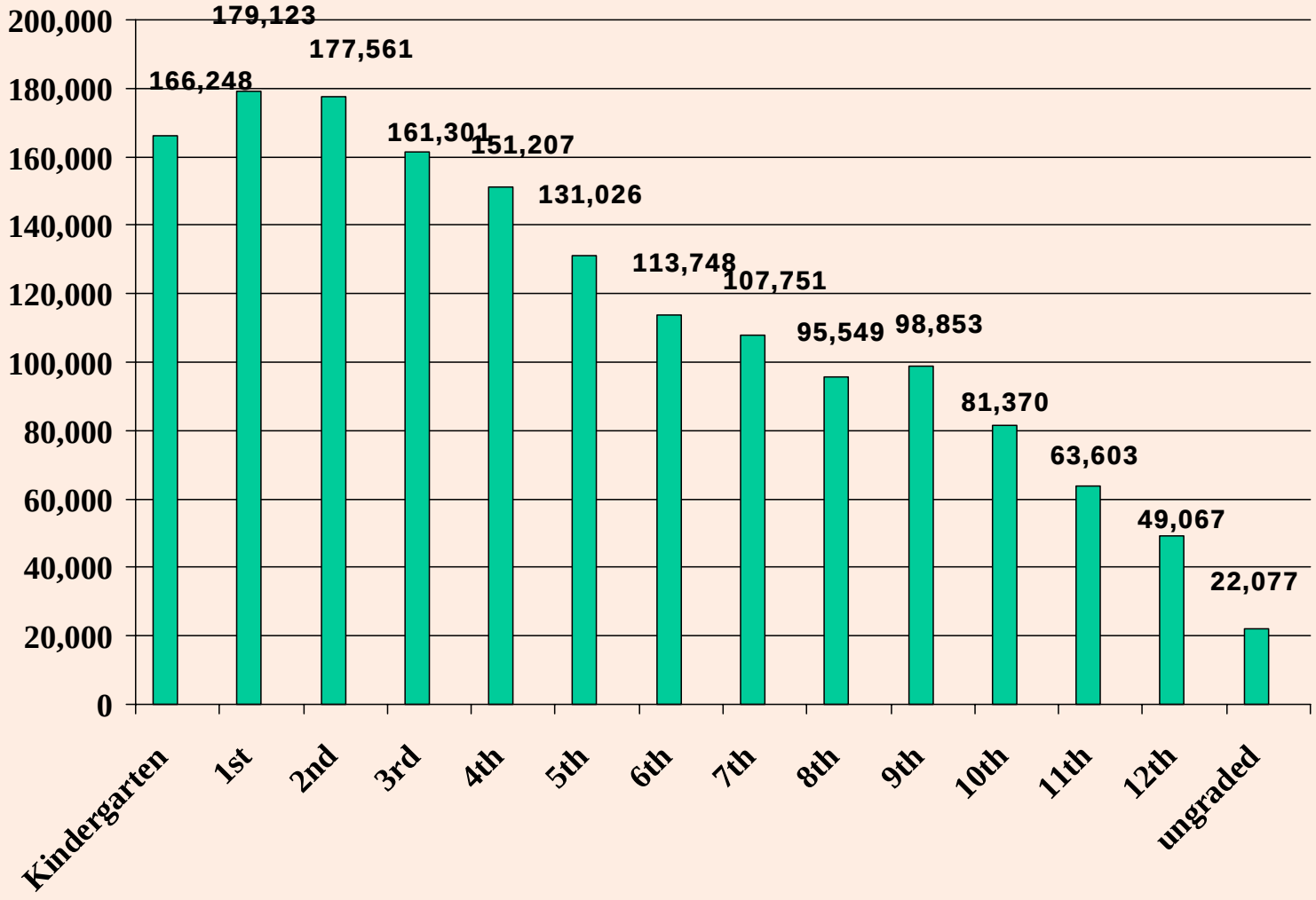
# English Learners by Grade Level




**Nearly 70% of the English learners are enrolled in grades K-6.**

Source: 2004 Language Census

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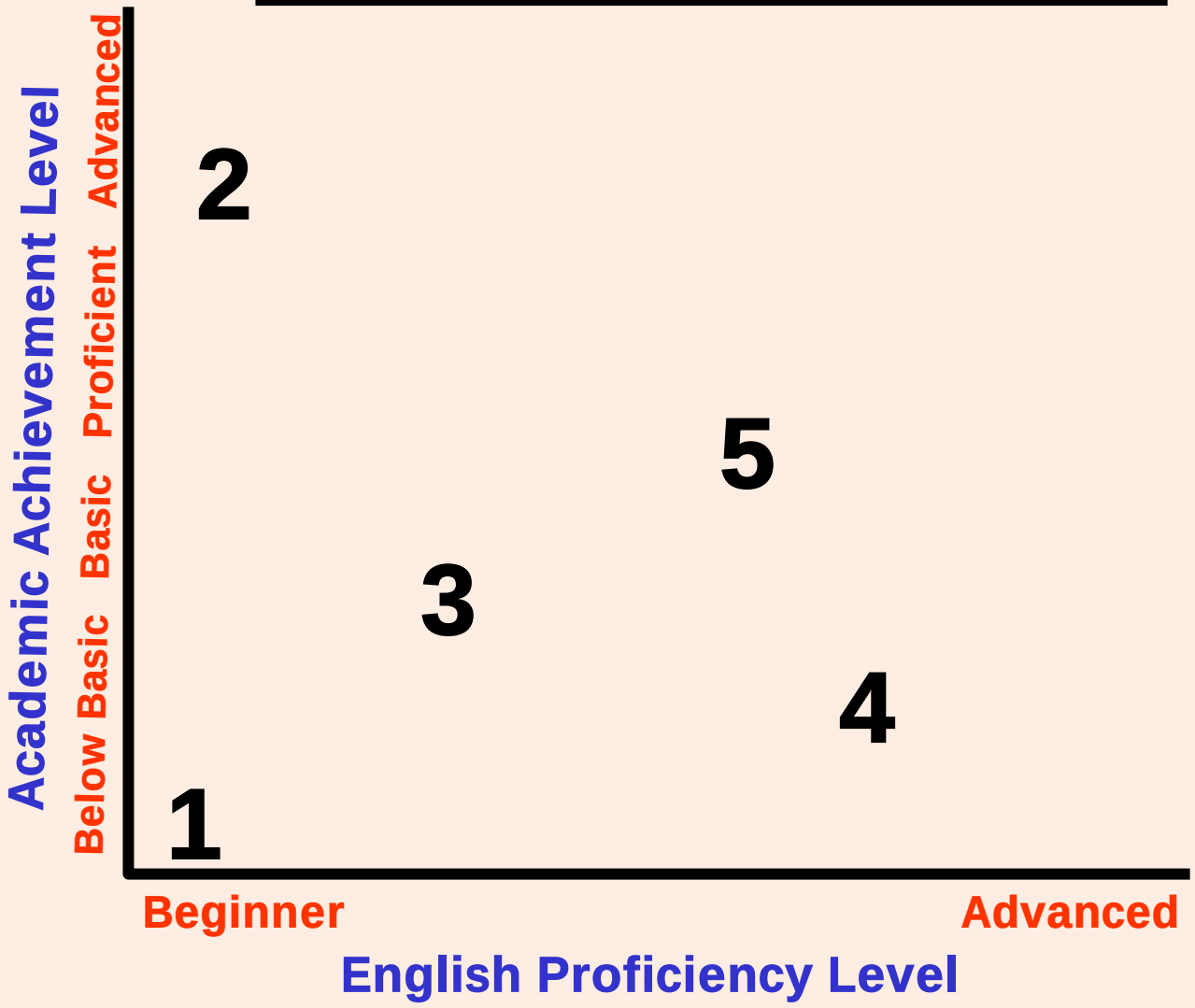
# Sample Profiles of English Learners



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# Historical Perspective

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# Historical Overview

## Programs for English learners in California

- **1967** Experimental Bilingual Education Programs
- **1972** AB 2284 Discretionary Bilingual Education Act
- **1976** AB 1329 Chacon-Moscone Bilingual Bicultural Education Act
- **1980** AB 507 Chacon-Moscone Bilingual Reform and Improvement Act
- **1987** Sunset Guidelines
- **1998** Proposition 227

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# Historical Overview

## Federal Programs for English learners

***Elementary and Secondary Education Act***

- **1968- 2000** **The Bilingual Education Act, Title VII**
- **2001** ***No Child Left Behind***
  **Language Instruction for LEP and Immigrant Students, Title III**

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# Legal Foundations

- **Title VI of the Civil Rights Act of 1964**
- **Office for Civil Rights May 25th, 1970 Memorandum**
- **Lau v. Nichols (1974)**
- **Equal Educational Opportunities Act of 1974**
- ***Castañeda v. Pickard* (1981)**
- ***Gómez v. Illinois State Board of Ed.* (1987)**
- **State Constitution: Equal Protection Clause**
- **State Education Code**
- **CA Code of Regulations, Title 5**
- ***McLaughlin v. State Board of Education* (75 Cal. App. 4th 1999)**

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# Dual Educational Goals for English Learners

- **Become English Proficient**
- **Meet State Academic Standards**

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# Implementation of Programs for English Learners

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# Proposition 227 Program Options for English Learners

- **Structured English Immersion**
- **English Language Mainstream**
- **Alternative Program (alternative course of study)**

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Prop. 227

# Structured English Immersion

- English language acquisition process
- ELs with "less than reasonable fluency"
- To be provided "nearly all in English"
- At a minimum, includes ELD instruction
- May include core content delivered through SDAIE and/or some primary language SEI may be provided within the same classroom
- Parents can request out of SEI at any time
- ELs with less than reasonable fluency may be re-enrolled in SEI for more than one year

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# English Language Mainstream

- **Must include ELD and other core content**
- **Must include core content delivered through SDAIE, primary language support or some primary language instruction**
- **Must be provided "overwhelmingly" in English**

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# Alternative Instructional Program

- **Includes ELD**
- **Includes primary language content area instruction**
- **May include content area instruction through SDAIE**
- **Must be provided at the site when 20 or more pupils at a given grade level receive a waiver**

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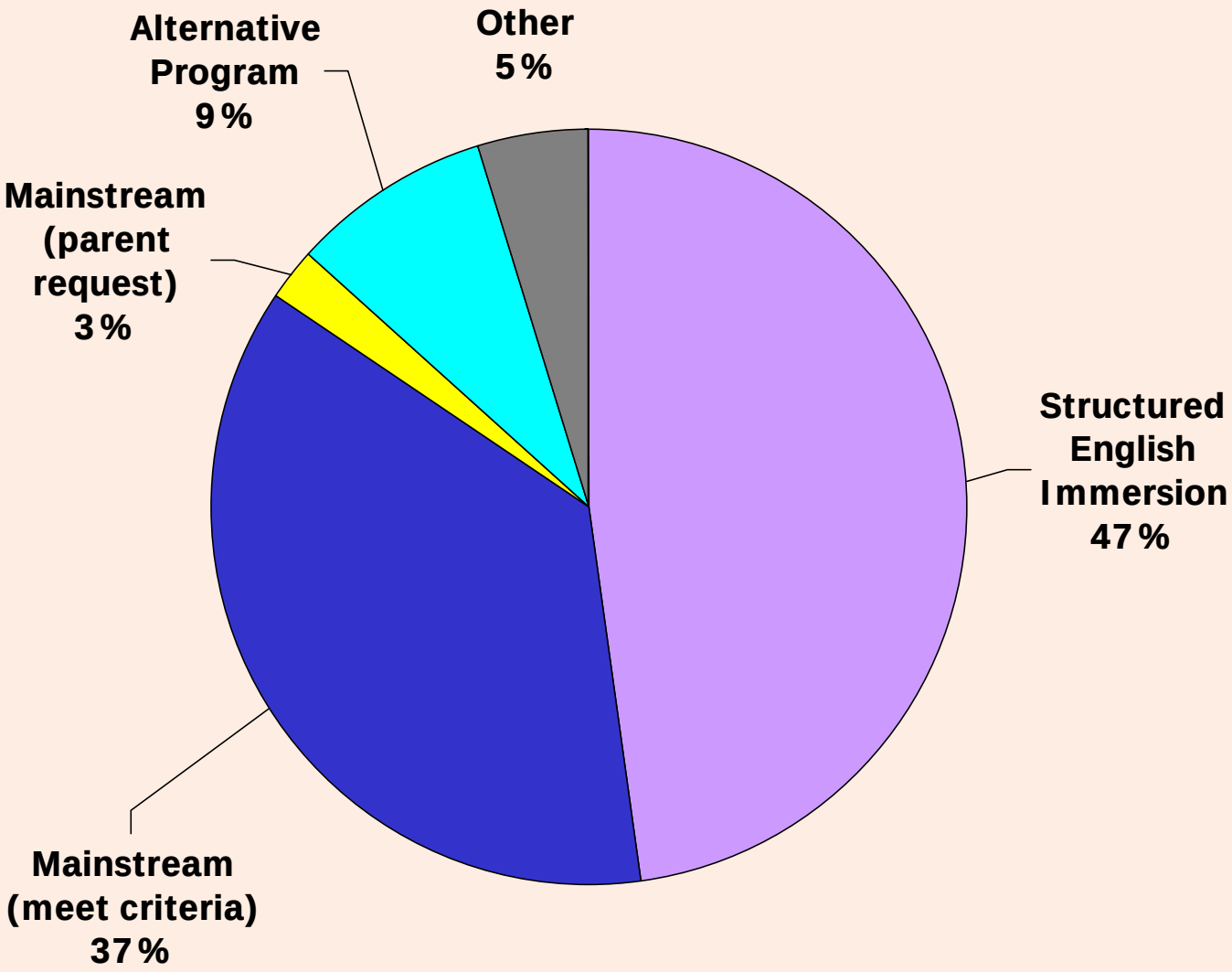
# 2004 Enrollment of English Learners in Proposition 227 Settings




Source: 2004 Language Census

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# Evaluating the Effects of the Implementation of Proposition 227

## 5 year study commissioned by the Legislature:

- **A number of complex factors influence the implementation and impact of Prop. 227 (Class Size Reduction, new testing and accountability system, reading improvement initiatives, new ELD standards)**

- **Programs are generally not well articulated or implemented in schools and districts**

- **Proposition 227 had no influence on redesignation**

- **Poverty levels and the percentage of English learners are much higher in bilingual schools than other model types**

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# Evaluating the Effects of the Implementation of Proposition 227

## Findings from Achievement Analyses:

- **Almost all language groups (EO, LEP, RFEP) in all grades made gains in reading and math.**

- **Performance gaps persist between EO and EL/RFEP.**

- **Gains were made by students in all instructional models with no clear pattern favoring one model.**

# Evaluating the Effects of the Implementation of Proposition 227

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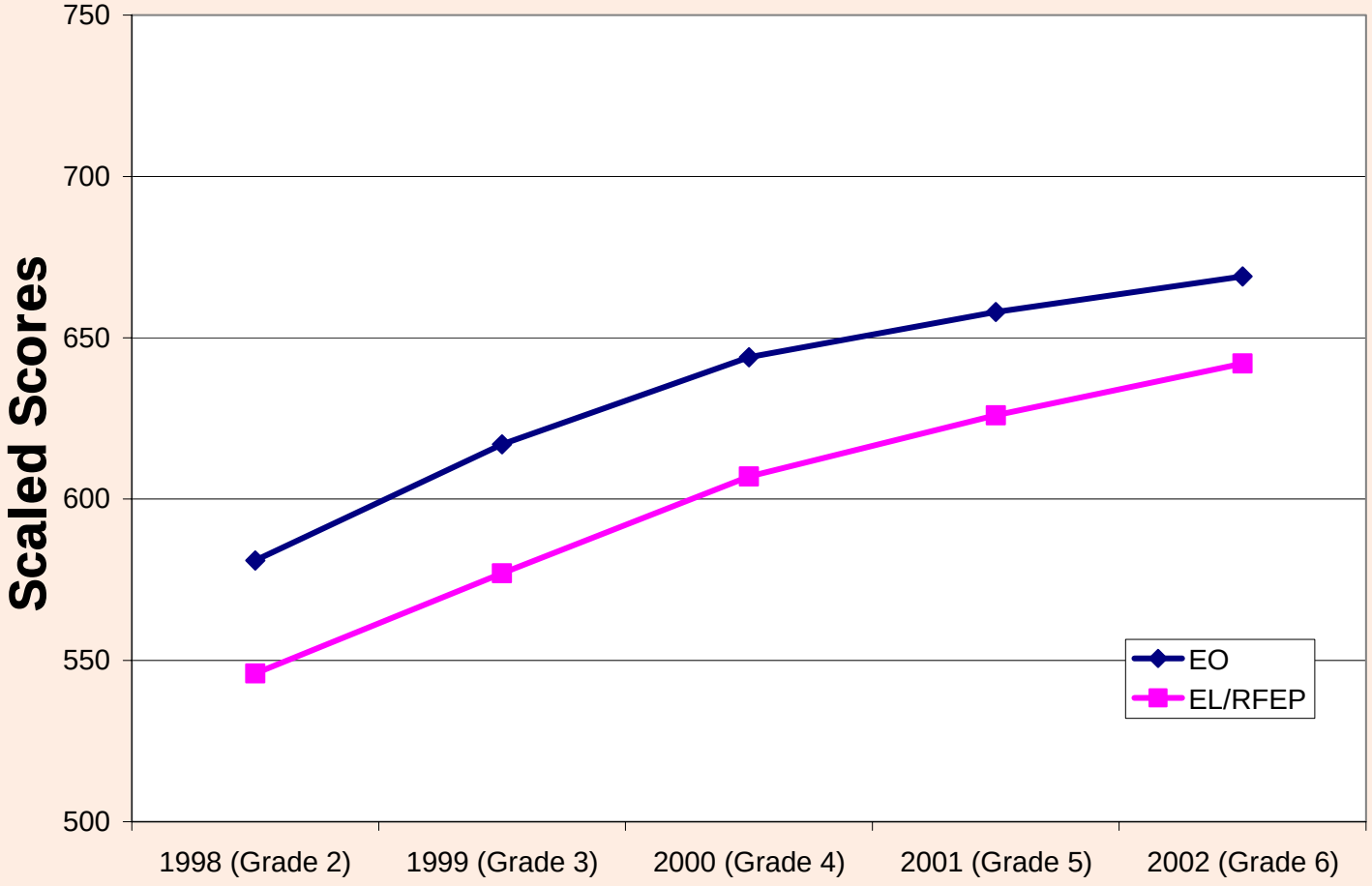


Cohort Analyses (grades 2-6): SAT-9 Reading

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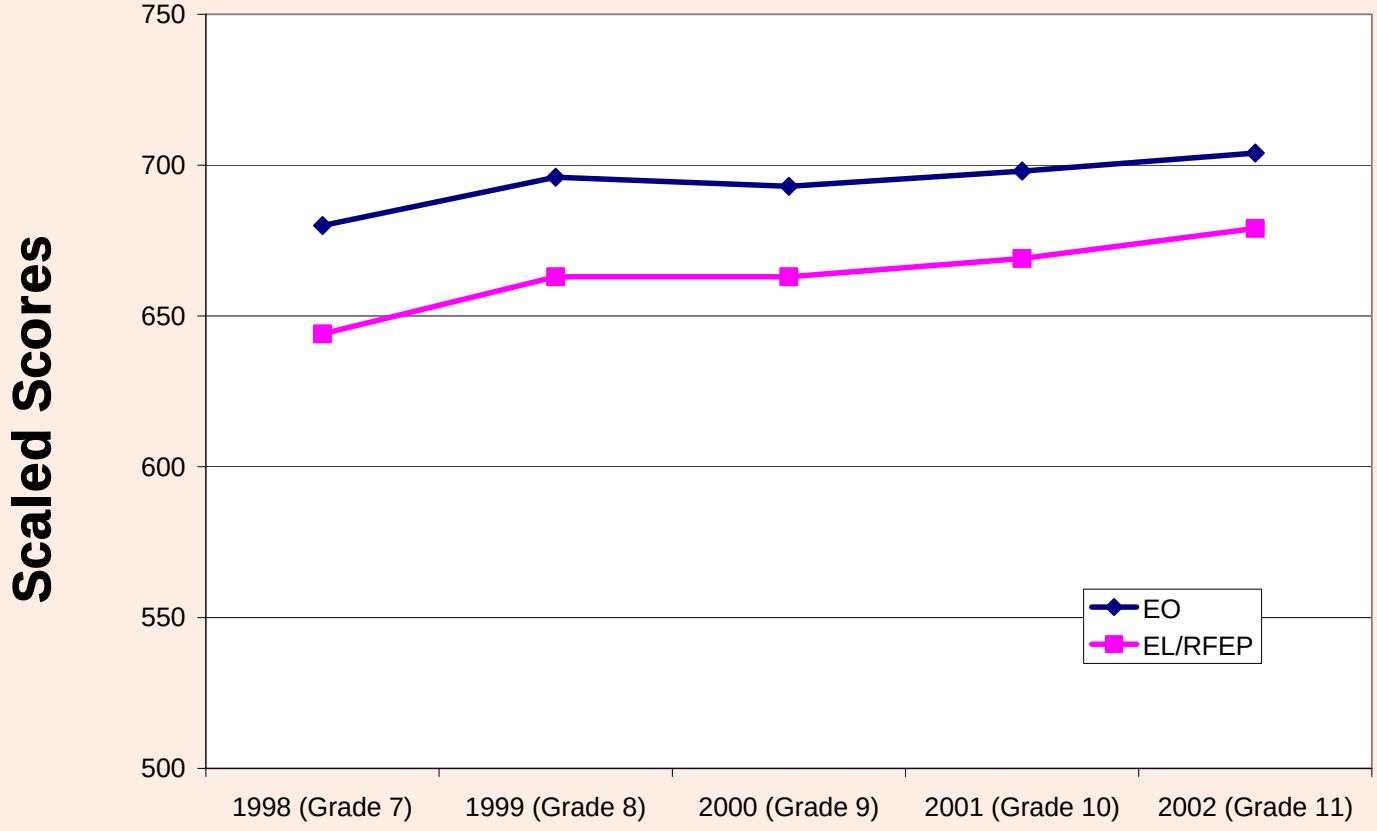
# Evaluating the Effects of the Implementation of Proposition 227




Cohort Analyses (grades 7-11): SAT-9 Reading

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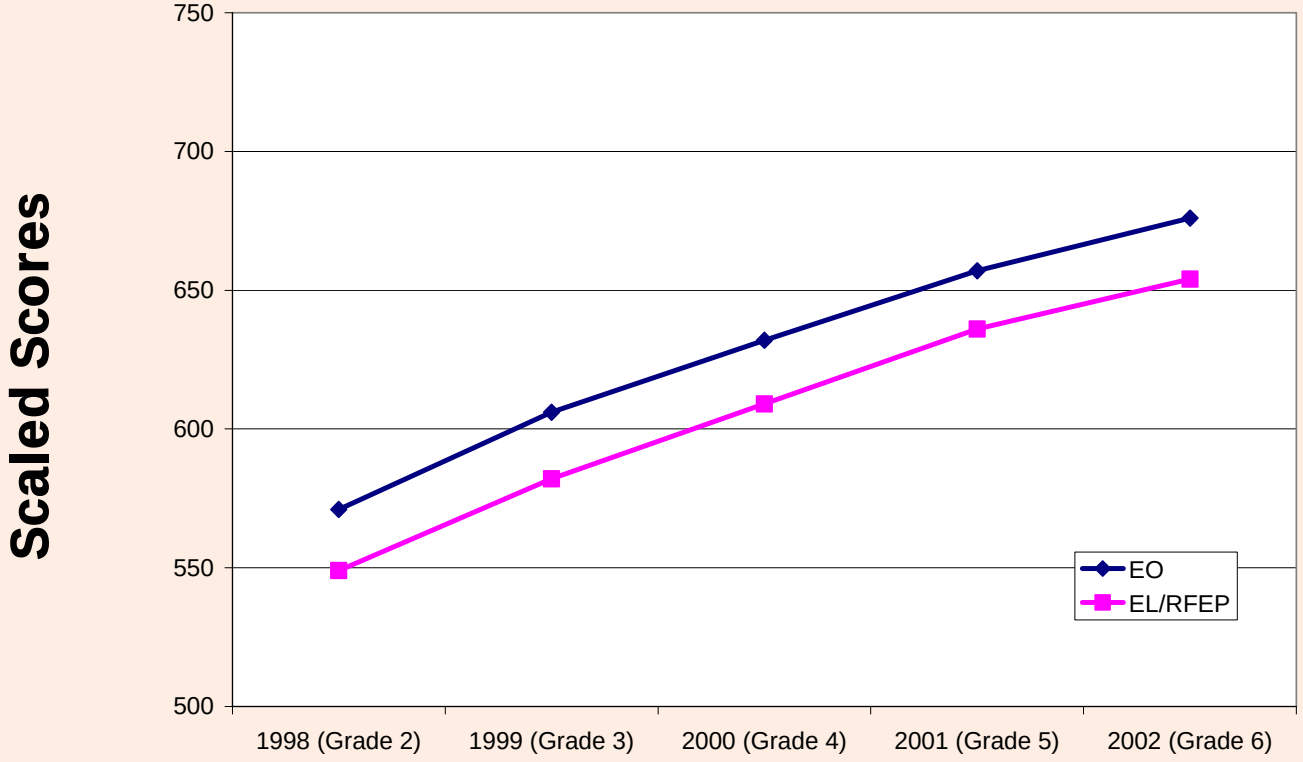
# Evaluating the Effects of the Implementation of Proposition 227




Cohort Analyses (grades 2-6): SAT-9 Math

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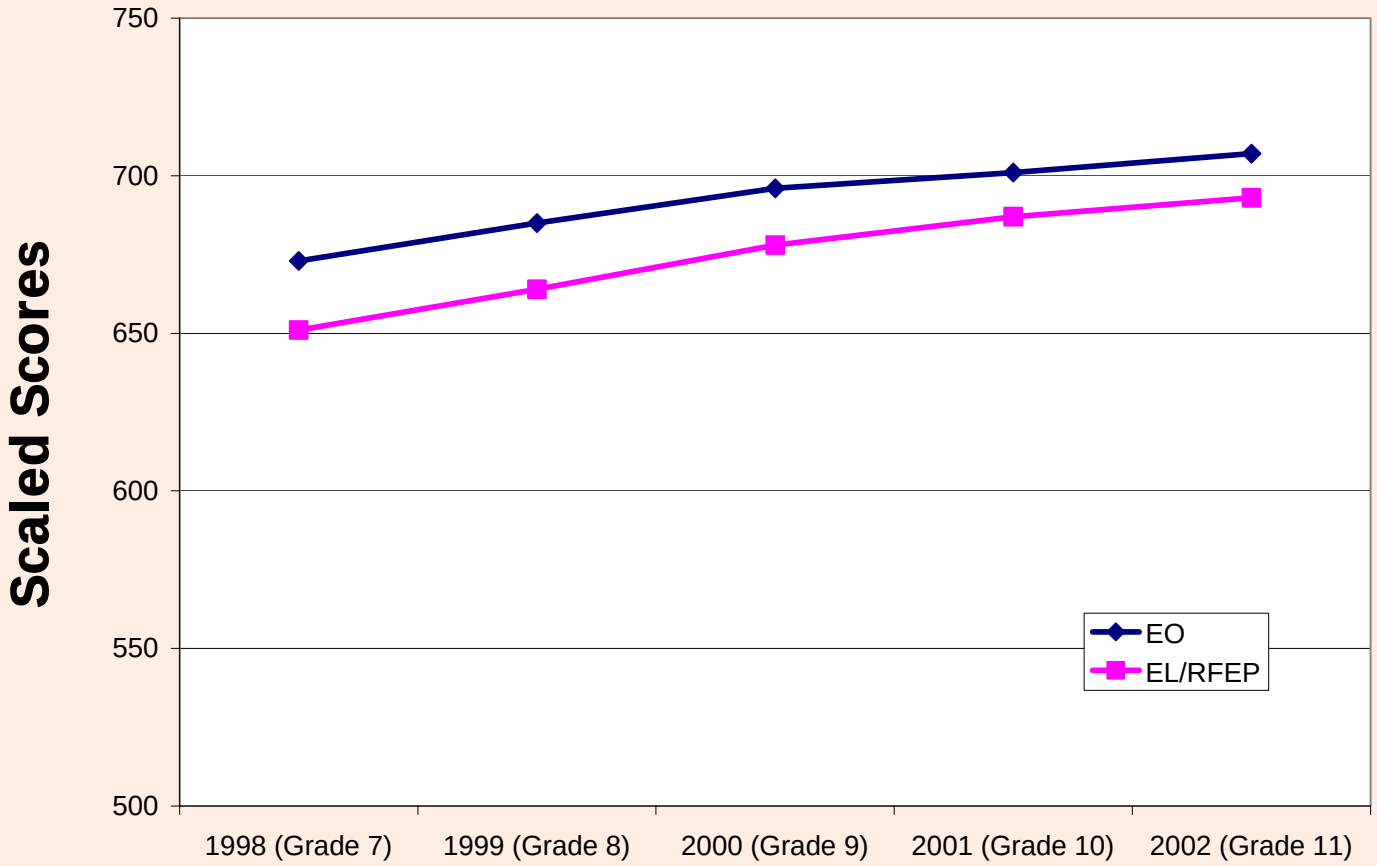
# Evaluating the Effects of the Implementation of Proposition 227




Cohort Analyses (grades 7–11): SAT-9 Math

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# Resources for English Learners

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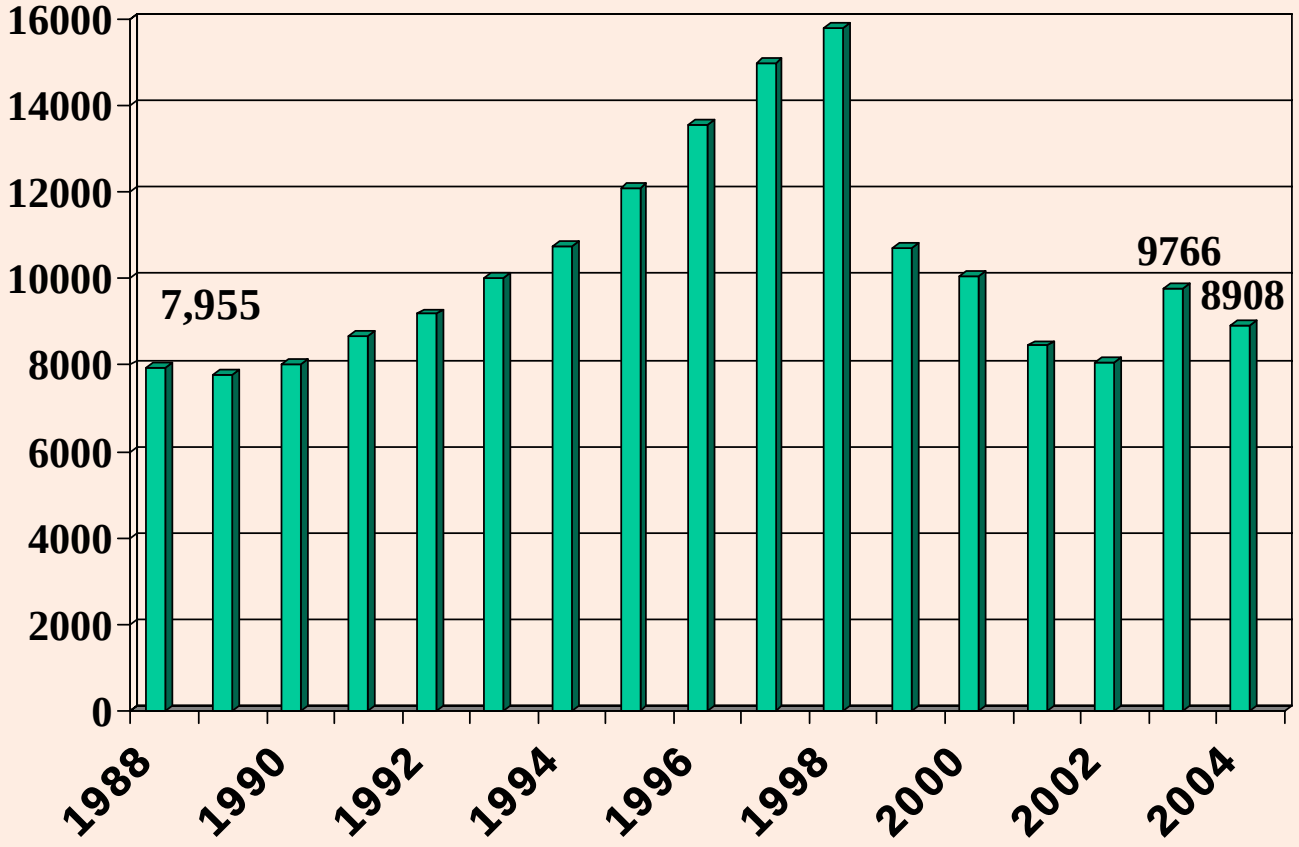
# Authorized Teachers Providing Primary Language Instruction




Source: 2004 Language Census

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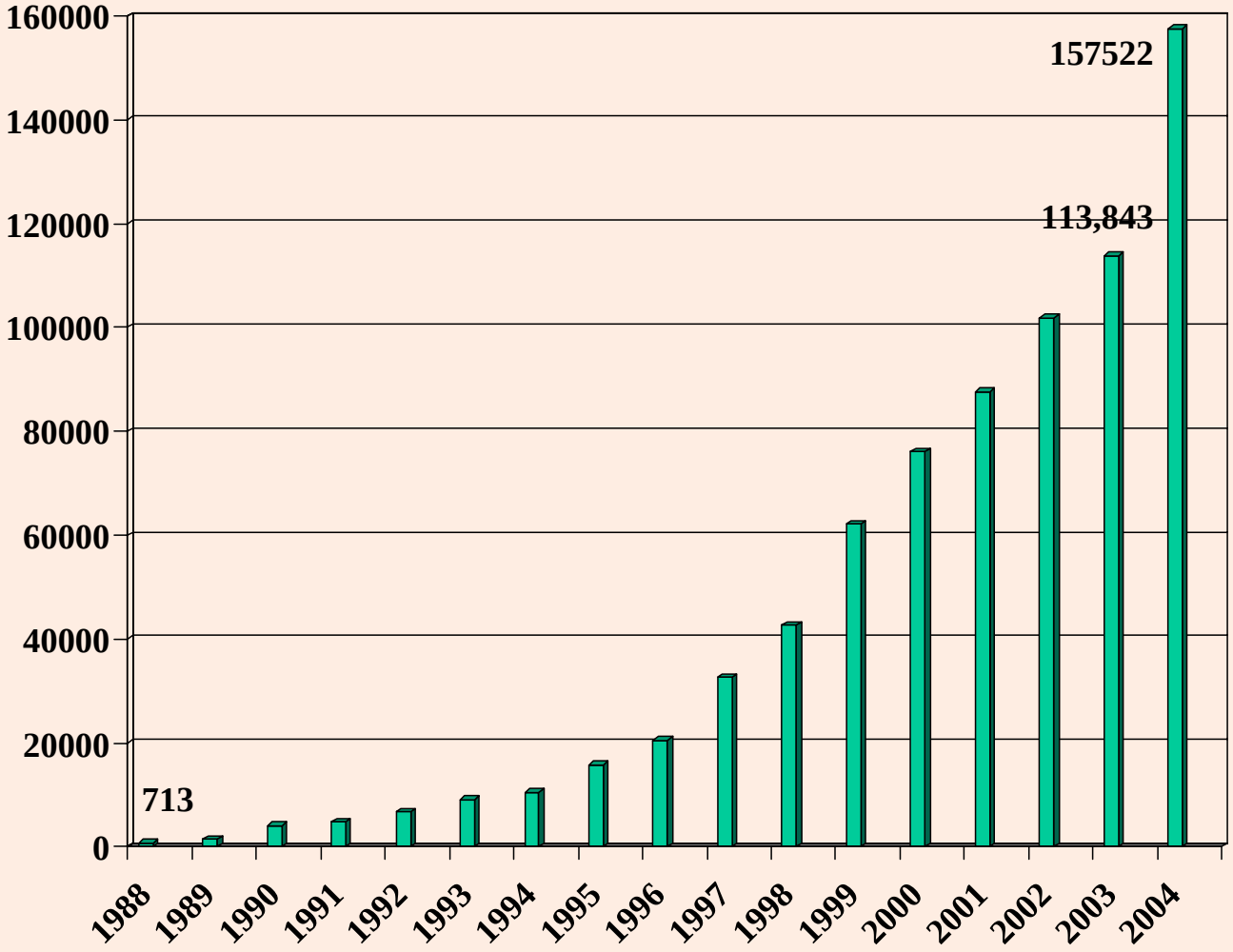
# Authorized Teachers Providing SDAIE and ELD Instruction




Source: 2004 Language Census

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# Instructional Materials Adoptions and English Learners

- The State Board of Education conducts adoptions of instructional materials for kindergarten through grade eight (*Education Code* Section 60200).

- English Language Development is provided primarily through the Reading/Language Arts instructional materials.

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# Instructional Materials Adoptions and English Learners

- ***Universal Access*** **is one of the five criteria categories in every instructional materials adoption.**

- **This criteria category contains specific reference to meeting the needs of English Learners.**

- **The criteria for each individual adoption contains additional specific language related to the particular characteristics of that subject matter area.**

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# 2002 Reading/Language Arts/English Language Development Adoption

- **For the first time, the 2002 adoption incorporated English Language Development directly into the Reading/Language Arts adoption.**

- **English Language Development was included in three ways:**
  - **Additional ELD content in <u>all</u> basic programs**
  - **Requested submissions for English Learner Intervention programs for grades 4-8**
  - **Requested submissions for Primary Language Programs for grades K-8**

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# 2002 RLA/ELD Adoption: Additional Required ELD Content

- **All materials submitted for this adoption were required to include an ELD component. The *2002 K-8 Reading/Language Arts/English Language Development Adoption Criteria* states that these materials shall consist of,**

  ***"...a minimum of 30-45 additional minutes of English language development instruction daily that is systematically connected to the basic reading/language arts program. The materials are designed to enable students to be successful in the basic reading/language arts program."***

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# 2002 RLA/ELD Adoption: Intervention Programs

- **In addition, publishers could elect to submit an Intervention Program targeted at English Learners. The *2002 K-8 Reading/Language Arts/English Language Development Adoption Criteria* states that such a program would be,**

  ***"...a comprehensive language arts program designed specifically for English learners in grades four through eight whose proficiency in English is at the beginning through intermediate levels. These programs would be designed to accelerate the learning of English and would address all of the English-language arts content standards by grade level."***

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# 2002 RLA/ELD Adoption: Primary Language Programs

- Finally, publishers could submit a program in a language other than English, "provided those programs are comprehensive, systematic, and are designed to transition students successfully to English."
- No primary language programs met the evaluation criteria for this adoption.

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# Upcoming Adoptions: 2005 History-Social Science

- **Universal Access (*continued*):**
  - **Materials provide suggestions to help teach English learners the *History – Social Science Content Standards* while reinforcing instruction based on the *English –Language Arts Content Standards* —notably to read, write, comprehend, and speak at academically proficient levels.**

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# Upcoming Adoptions: 2006 Science

- **Similarly, the *Criteria for Evaluating Instructional Materials in Science, Kindergarten Through Grade Eight* instructs publishers to make their materials accessible to <u>all</u> students, and specifically mentions English Learners (Universal Access criteria category):**
  - **Suggestions to help teachers pre-teach and reinforce science vocabulary and concepts with English learners.**

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# English Learners and the Assessment and Accountability Systems

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# Assessment and Accountability

- **AB 265 (1995) Statewide Assessment System**
- **SB 376 (1997) Standardized Testing and Reporting Program (STAR)**
- **AB 748 (1997) ELD Standards & Assessment**
- **SB 1x (1999) Public Schools Accountability Act**

- **ESEA (1994) Improving America's Schools Act**
- **ESEA (2001) No Child Left Behind Title I, Title III**

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# California Assessments

- Standardized Testing and Reporting (STAR) Program
  - California Standards Tests (CSTs)
  - California Achievement Test, 6th Edition Survey (CAT/6 Survey)
  - Spanish Assessment of Basic Education, 2nd Edition
  - California Alternate Performance Assessment (CAPA)

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# California Assessments

- California High School Exit Exam (CAHSEE)
- California English Language Development Test (CELDT)
- Physical Fitness Test (PFT)

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# California Assessments

## English Learner Participation

- All English learners participate in California's Assessment System
- Two assessments specific for English learners
    - CELDT
    - SABE/2
- English learners may participate with variations

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# Variations

- A test 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.

Test variations are available to English learners who regularly use them in the classroom.

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# Access to Assessments

## Matrix of Test Variations for Administration of California Statewide Assessments to English Learners
## July 2004

| | STAR | | | |
|---|---|---|---|---|
| **Test Variation** | **CAT/6** | **CST** | **CAHSEE** | **Physical Fitness** |
| Hear any test directions the test examiner is to read aloud 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 <u>or</u> following each section 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 a test examiner and the student has been provided such a flexible setting as part of their 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<br>Not allowed ELA | Variation Allowed | Not applicable |

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

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# California High School Exit Exam

- All students, beginning with the Class of 2006, must pass the CAHSEE to be eligible for a public high school diploma.

  (There are no student exemptions or opt-outs for the CAHSEE.)

- English learners are required to take the CAHSEE in grade ten with all other tenth grade students

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# Standardized Testing and Reporting Program

- **Current law requires a primary language test, designated by the State Board of Education, to be given to English learners in addition to the CSTs and CAT/6 Survey**
  - **Spanish-speaking English learners enrolled in grades two through eleven in California public schools less than 12 months**
  - **Is a school district option for English learners enrolled 12 months or more**

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# STAR
# Primary Language

- Spanish Assessment of Basic Education, Second Edition (SABE/2)
  - SBE extended SABE/2 for use during the spring 2005 testing
- Norm-referenced with a national sample of native Spanish-speaking students
- Given in Spanish to English learners in grades two through eleven to measure achievement in basic academic skills

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# STAR
# Primary Language

## Pending legislation

- Development of standards-aligned primary language assessment
- Replace designated achievement test as developed
- Will assess students who are either receiving instruction in their primary language or have been enrolled in a U.S. school less than 12 months

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# California English Language Development Test (CELDT)

- **Instituted by Assembly Bill 748 Escutia (Chapter 936/1997)**
- **Expanded and refined by Senate Bill 638 Alpert (Chapter 678/1999)**
- **Contained in *Education Code* sections 313, 60810, and 60812**
- **Complies with federal law, No Child Left Behind, Title III, requiring an annual English proficiency assessment**

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# California English Language Development Test (CELDT)

- Initial Assessments
  - July 1 through June 30
  - Within 30 days of enrollment

- Annual Assessment
  - July 1 through October 31
  - All English learners

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# California English Language Development Test (CELDT)

- Initial assessment results
  - primary source for identifying English learners
- Annual assessment results
  - monitor English learners' progress in acquiring English language skills
  - one criterion in reclassifying students to fluent English proficient (FEP)

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# California English Language Development Test (CELDT)

## Reclassification

- **Assessment of proficiency in English, using the CELDT**
- **Teacher evaluation**
- **Parental opinion and consent**
- **Comparison of performance in basic skills**

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# Results for English Learners

1. **How well are the English learners achieving academically?**
   - **Mathematics**
   - **English Language Arts**
   - **AYP subgroup report**

2. **How well are English learners progressing in English?**
   - **making annual progress**
   - **attaining proficiency over time**

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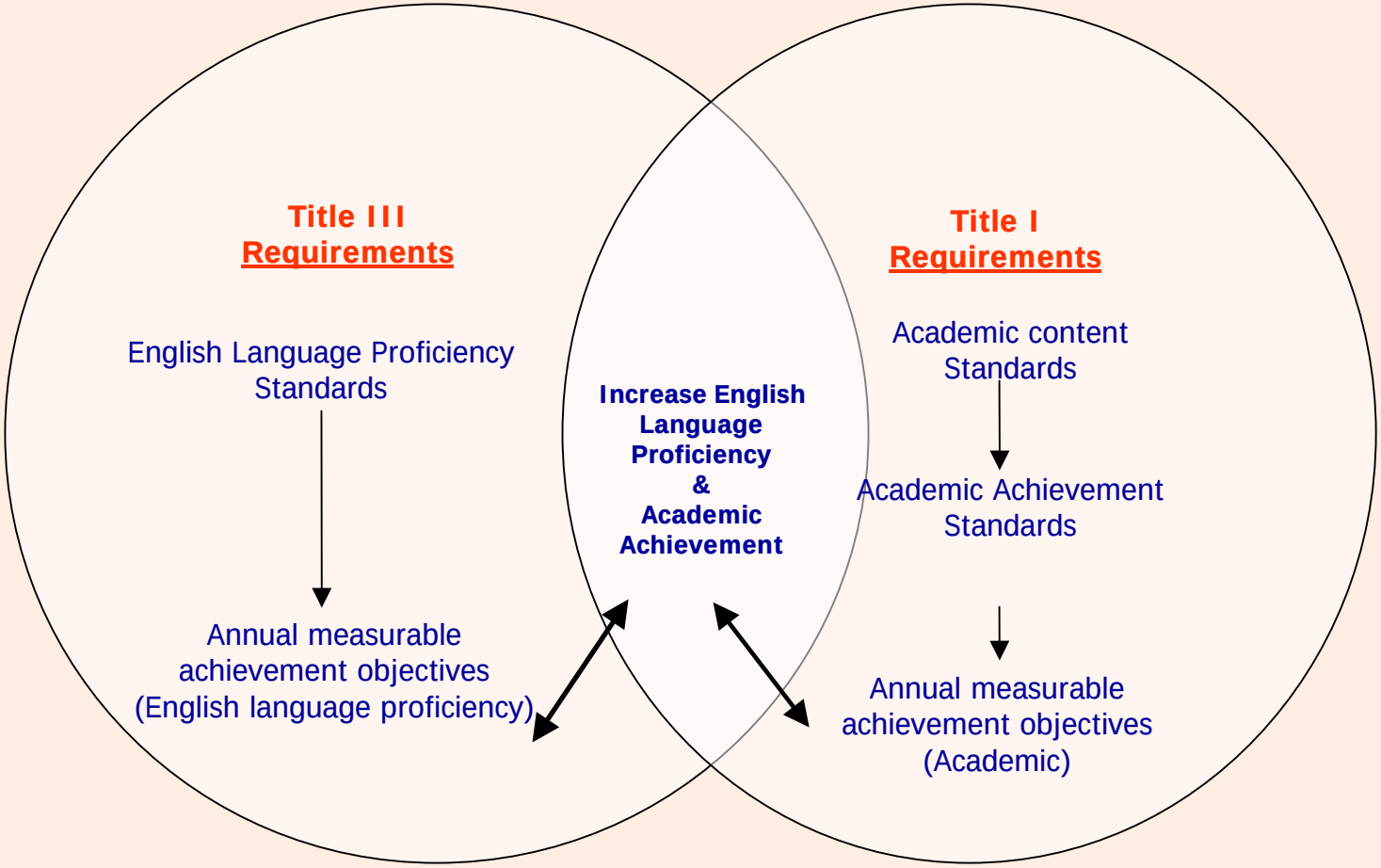
# No Child Left Behind



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# Title I Accountability for English Learners

## Title I

- All subgroups, including ELs, responsible for meeting academic standards (AYP)
- New Definition of EL Subgroup

## EL Subgroup

- Includes all EL and RFEP students based on STAR Student Answer Sheet. RFEP students continue in EL subgroup until they have attained proficient level score on CST in English-LA for 3 times.

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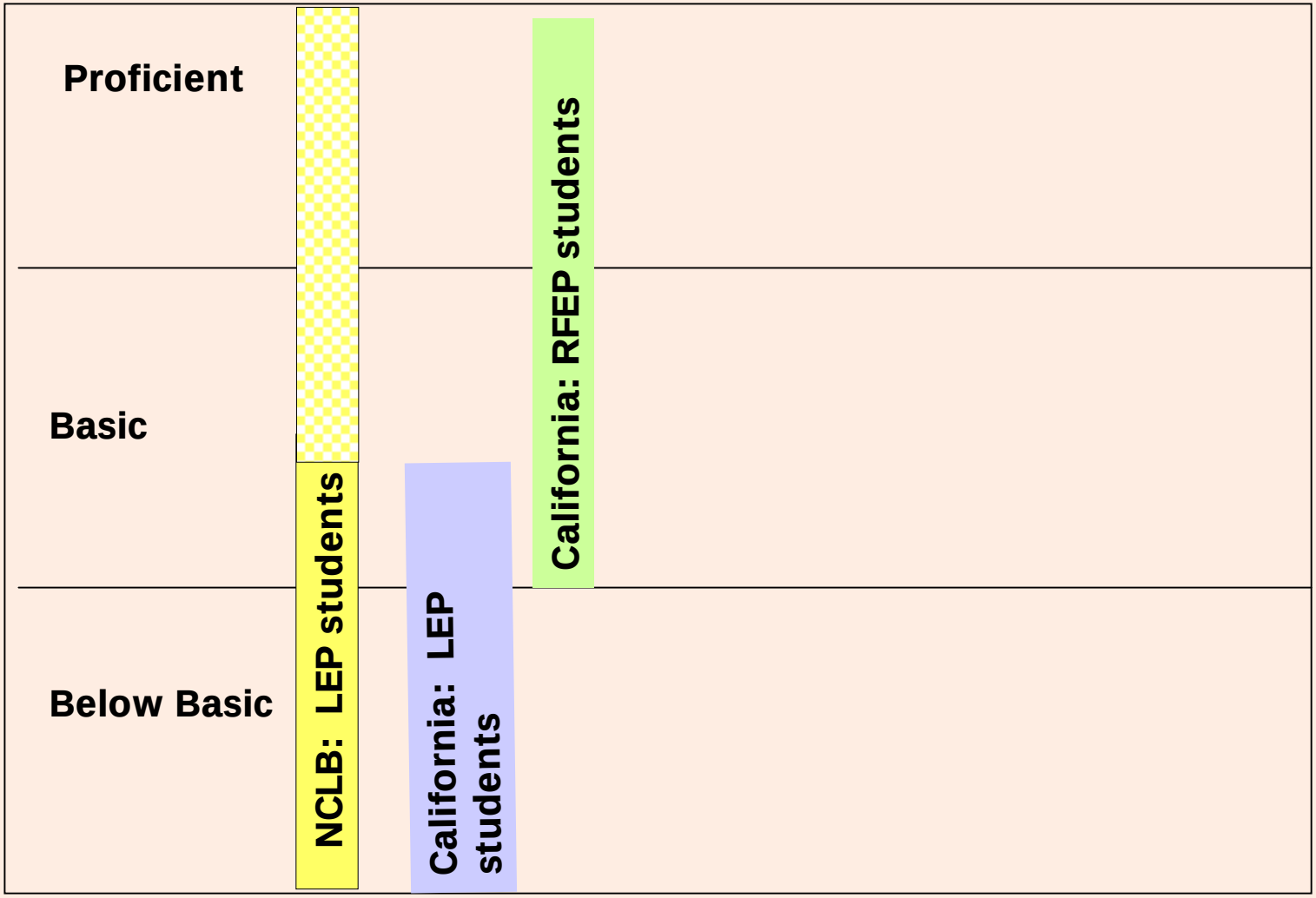
# The NCLB LEP subgroup for purposes of computing AYP is inclusive of California's LEP and RFEP students

## Title IX, Part A, Sec. 1901.25(A)(a,b,c,d).



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# Title III Requires States to:

- Establish English language proficiency standards
- Conduct an annual assessment of English language proficiency
- Define annual measurable achievement objectives (AMAOs) for increasing the level of EL's development and attainment of English proficiency
- Hold LEAs accountable for meeting the AMAOs

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# English Language Proficiency AMAOs

## AMAO 1

**Annual increases in the percentage of children making progress in learning English**

## AMAO 2

**Annual increases in the percentage of children attaining English proficiency**

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# AMAO #1
# Annual Growth Target

**Students are expected to gain one proficiency level annually until they reach proficient level and then maintain that level until redesignated.**

1. **Students at Beginning, Early Intermediate, Intermediate level are expected to gain 1 level**

2. **Students at Early Advanced level are expected to bring all subskills up to Intermediate level**

3. **Students at the level required for redesignation are expected to maintain that level.**

# AMAO 1 Targets for LEAs

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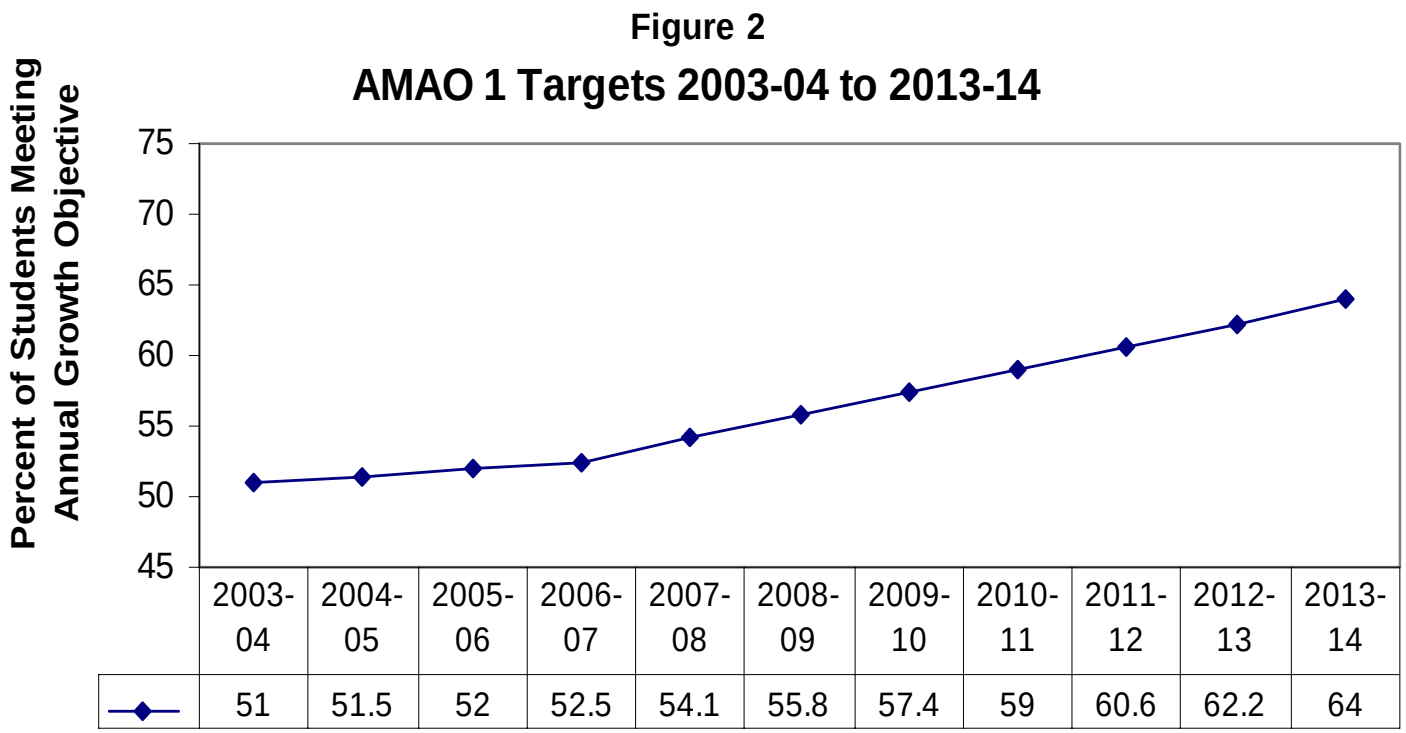


| | 2003-04 | 2004-05 | 2005-06 | 2006-07 | 2007-08 | 2008-09 | 2009-10 | 2010-11 | 2011-12 | 2012-13 | 2013-14 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 51 | 51.5 | 52 | 52.5 | 54.1 | 55.8 | 57.4 | 59 | 60.6 | 62.2 | 64 |

- **The starting target for 2003-04 is 51% of the students in the LEA meeting the annual growth objective.**

- **The ending target is 64% of the students in the LEA meeting the annual growth objective.**

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# AMAO #2
# Attainment of English Proficiency

**Students who reach English Proficiency**

---

**Which students can reasonably be expected to reach English Proficiency**

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# AMAO #2
# Attainment of English Proficiency

**Includes students:**

- ✓ **With 2 years of CELDT scores who have been in US schools for 4 or more years; and**
- ✓ **at the Intermediate level or above who did not reach English proficiency the prior year; and**
- ✓ **below the Intermediate level the prior year who met the English proficient level the current year.**

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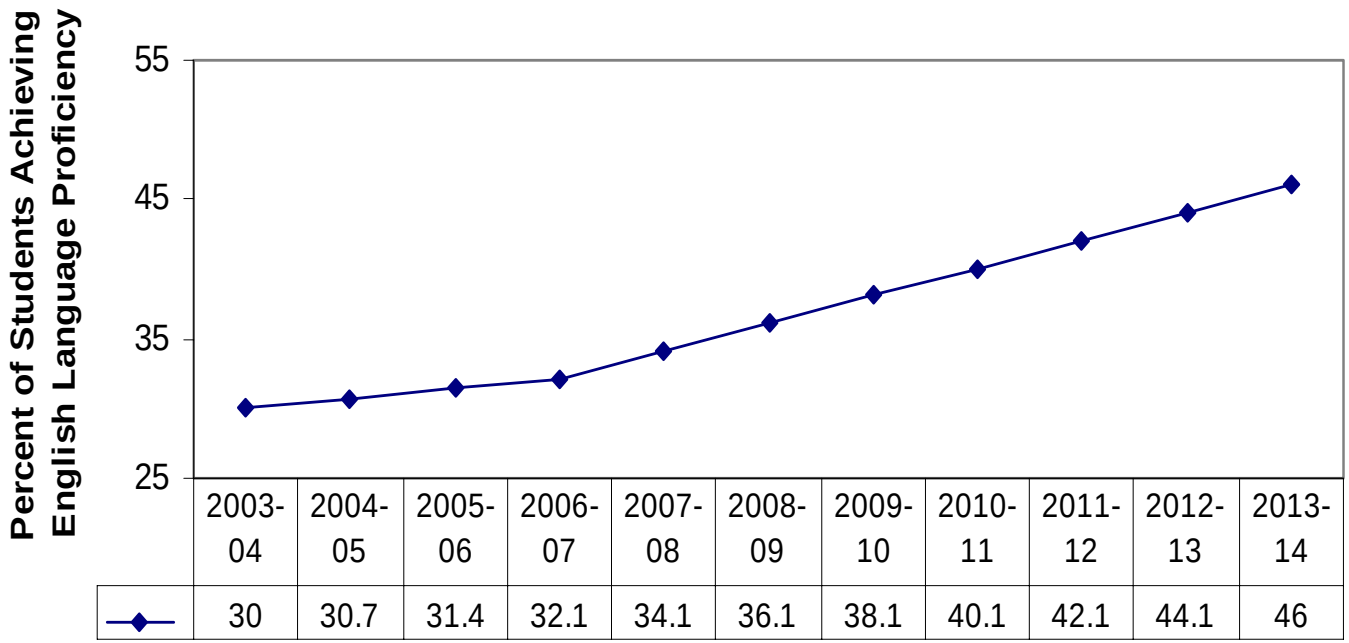
# AMAO 2 Targets for LEAs




| | 2003-04 | 2004-05 | 2005-06 | 2006-07 | 2007-08 | 2008-09 | 2009-10 | 2010-11 | 2011-12 | 2012-13 | 2013-14 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 30 | 30.7 | 31.4 | 32.1 | 34.1 | 36.1 | 38.1 | 40.1 | 42.1 | 44.1 | 46 |

- **The starting target for 2003-04 is 30% of the students in an LEA meeting English proficiency.**

- **The ending target in 2013-14 is 46% students in an LEA meeting English proficiency.**

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# State Compliance Monitoring for English Learners

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# Approach to State Monitoring

## *Shared Obligation to English Learners*

### Student Achievement

- **Acquisition of English**
- **Grade-level academic standards**

### Meaningful Access for Parents

- **Informed choice**
- **Complete information**
- **Active involvement in decisions that affect their children's education**

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# Compliance Monitoring: Process and Student Outcomes

## Two Essential Questions

1. **How well are English learners acquiring English and learning grade-level academic content?**

2. **What evidence supports that conclusion?**

**One goal of CDE's monitoring is to help districts answer these questions in ways that are meaningful for English learners.**

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# State Program for English Learners

| | |
|---|---|
| EL 1 | Reclassification |
| EL 2 | Program Evaluation |
| EL 3 | Instructional Services |
| EL 4 | Identification & Parent Notification |
| EL 5 | Placement in Instructional Programs |
| EL 6 | Teaching Personnel |
| EL 7 | Professional Development |
| EL 8 | Parental Exception Waivers |
| EL 9 | Advisory Committees |
| EL 10 | Funding |

**The compliance items operationalize the law and guide reviews.**

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# Keys to Successful Monitoring

- **Professional development for reviewers**
- **On-site review / Technical assistance**
- **Collaborative approach**
- **Focus on results for students**
- **Active involvement of parents**

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# English Learner Compliance Reviews

- School districts and county offices of education that enroll English learners reviewed every 4 years
- A representative number of school sites visited
- All English learner compliance items thoroughly reviewed
- Compliance Resolution

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# Ongoing Follow-up with Selected Districts

- **Professional development for local leadership**
- **On-site reviews**
- **Reports of findings**
- **Compliance agreements**
- **Technical assistance**
- **Additional actions as needed**

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# CDE Compliance Monitoring The Voices of District Superintendents

***While being straightforward with expectations and requirements, the consultants made it clear that their role was to support us toward improvement, rather than punish us for current shortcomings. The result: an energized, appreciative and focused district ready to refine our programs for EL students in the shortest possible timeline.***

**Louise Taylor, Superintendent,**
**Monrovia Unified School District (10/01)**

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# CDE Compliance Monitoring The Voices of District Superintendents

***We have made substantial progress since we began this process. We appreciate the assistance given us by the [CDE] consultant… and feel confident that we can resolve the final six items within the next year. We have worked slowly but surely through this process to make sure the changes are real and permanent.***

**Laura McGaughey, Superintendent,**
**Culver City Unified School District (5/03)**

# LIST OF ACRONYMS FROM SEMINAR

| | |
|---|---|
| **AB** | **Assembly Bill** |
| **AMAO** | **Annual Measurable Achievement Objective** |
| **AYP** | **Adequate Yearly Progress** |
| **CAHSEE** | **California High School Exit Examination** |
| **CELDT** | **California English Language Development Test** |
| **CAPA** | **California Alternate Performance Assessment** |
| **CAT-6** | **California Achievement Test, 6th Edition** |
| **CDE** | **California Department of Education** |
| **CST** | **California Standards Test** |
| **EL** | **English Learner** |
| **ELD** | **English Language Development** |
| **EO** | **English Only** |
| **ESEA** | **Elementary and Secondary Education Act** |
| **LEP** | **Limited English Proficient** |
| **NCLB** | **No Child Left Behind Act of 2001** |
| **PFT** | **Physical Fitness Test** |
| **RFEP** | **Reclassified Fluent English Proficient** |
| **SABE/2** | **Spanish Assessment of Basic Skills, Second Edition** |
| **SB** | **Senate Bill** |
| **SBE** | **State Board of Education** |
| **SDAIE** | **Specially Designed Academic Instruction in English** |
| **SEI** | **Structured English Immersion** |
| **STAR** | **Standardized Testing and Reporting Program** |

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

| **SUBJECT** | |
|---|---|
| Standardized Testing and Reporting (STAR) Program: including, but not limited to, STAR Program Update | ☒ **Action**<br>☒ **Information**<br>☐ **Public Hearing** |

### RECOMMENDATION

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

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In July 2004, SBE received an update on the STAR Program. This is a placeholder item placed on the agenda in the event that an update or action is warranted. The item will be withdrawn from the SBE agenda if there is no update to provide the SBE, nor SBE action needed.

### SUMMARY OF KEY ISSUES

Since this is a placeholder item, there are no key issues at this time.

### FISCAL ANALYSIS (AS APPROPRIATE)

Since this is a placeholder item, no fiscal analysis is appropriate at this time.

### ATTACHMENT(S)

None

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

| **SUBJECT** | |
|---|---|
| Standardized Testing and Reporting (STAR) Program: Release of the 2004 Test Results | ☒ **Action**<br>☒ **Information**<br>☐ **Public Hearing** |

## RECOMMENDATION

Receive report of 2004 STAR results and take action as deemed necessary and appropriate.

## SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

- State Board of Education (SBE) designated the norm referenced California Achievement Tests, Sixth Edition Survey (CAT/6 Survey) for use in the STAR Program, beginning with the 2003 administration.
- In 2003 all CSTs were administered as “stand alone” tests.
- In 2003 CST in history-social science changed from a 9$^{th}$ grade to an 8$^{th}$ grade administration. The 2004 test administration will have results for these tests in grades 8, 10, and 11.
- First administration of the 5$^{th}$ grade science test in 2004 and development begins for the comprehensive science test for grades 8 and 10 to meet No Child Left Behind requirements.

## SUMMARY OF KEY ISSUES

STAR 2004 Test Administration

STAR is made up of the following tests:

- California Standards Tests (CSTs)
- California Alternate Performance Assessment (CAPA)
- California Achievement Tests, Sixth Edition Survey (CAT/6 Survey)
- Spanish Assessment of Basic Education, Second Edition (SABE/2)

## SUMMARY OF KEY ISSUES

The annual CST-CAT/6 Survey testing, which began in the third week of February, is 99 percent complete. There are five districts that have late test schools that were scheduled to have completed testing after June 25, 2004. To ensure consistency with the release of Adequate Yearly Progress (AYP) and the Academic Performance Index (API), which occurred on August 31, 2004, all STAR test results were posted on August 16, 2004, regardless of the completeness of the data for a particular district. The student results for districts with incomplete data will be included in a second Internet posting in mid-September.

Districts began receiving the 2004 results the week of July 19, 2004. The delivery of the new STAR Student Reports to districts began July 28, 2004. Parents/guardians should receive the Student Reports in August and September 2004.

More than 4.8 million students were tested as part of the 2004 STAR Program. New features include Grade 5 California Science Standards Test which was added to the Program this year, and reports have been combined so that districts will receive summary reports that include both the California Standards Tests (CSTs) and the California Alternate Performance Assessment (CAPA) results.

Attached is the STAR Reporting 2004 Summary Results that is developed for county offices of education, school districts, and schools. Additionally, the California Department of Education (CDE) has made available a number of tables providing information on the 2004 results.

## FISCAL ANALYSIS (AS APPROPRIATE)

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

## ATTACHMENT(S)

Attachment 1: STAR Reporting 2004 Summary Results (43 Pages)
Attachment 2: 2004 STAR Summary of Results (14 Pages)

# STAR Standardized Testing and Reporting Program

## Reporting 2004 Summary Results

## Information Guide for Counties, School Districts, and Schools

August 2004

Prepared by
California Department of Education

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# Introduction

Results of the 2004 Standardized Testing and Reporting (STAR) Program are scheduled to be posted on the Internet on August 16, 2004. Reports include summary results for the California Standards Tests (CSTs); the California Alternate Performance Assessment (CAPA); the California Achievement Tests, Sixth Edition Survey (CAT/6 Survey); and the Spanish Assessment of Basic Education, Second Edition (SABE/2). The annual release of these results continues to generate a great deal of public interest.

The increasing emphasis on the CSTs, the second year of reporting results for the CAPA, and the use of CST and CAPA results in calculating school district and school Adequate Yearly Progress (AYP), as required by federal No Child Left Behind (NCLB) legislation, are generating many questions from public education's stakeholders. This packet provides information and materials needed by county offices of education, school districts, and schools to (1) access summary results on the Internet and (2) respond to questions from the public as they arise.

# Key School District Testing and Reporting Dates for 2004 STAR Program

| | |
|---|---|
| **May 14, 2004** | Last day for SABE/2 administration |
| | Last day for CAPA administration |
| **10 working days after 85 percent of instructional year for any school or track** | Last day for regular and makeup testing for the CSTs and the CAT/6 Survey administration |
| **Within 5 working days after school district testing completed** | School districts submit Certification of Compliance to California Department of Education (CDE) |
| **Beginning July 20, depending on school district testing window** | School districts receive 2004 reports |
| **Within 20 working days after school district receives STAR Student Reports** | School districts distribute STAR Student Reports (CSTs–CAT/6 Survey or CAPA) to parents/guardians |
| **Within 5 working days after school district receives report of results** | School districts submit notification of receipt of complete and accurate reports to CDE |
| **August 2004** | Reporting 2004 STAR Program Results to Parents/Guardians Assistance Packet posted on the Internet |
| **August 12, 2004** | Press briefing on 2004 STAR Program and California High School Exit Examination (CAHSEE) results |
| | Press Briefing Packet posted on the Internet |
| **August 13, 2004** | STAR and CAHSEE results sites open to press |

| | |
|---|---|
| **August 16, 2004** | State Superintendent of Public Instruction holds press conference and teleconference |
| | Press release on 2004 STAR Program and CAHSEE results distributed to media, school districts, and county offices |
| | Preliminary STAR Program results for schools, school districts, counties, and the state posted on the Internet (will include only schools and school districts that completed testing and submitted tests for scoring by July 1, 2004) |
| **September 2004** | Second Internet posting of STAR Program results to include schools and school districts that completed testing by July 30 |
| **December 2004** | Final Internet posting of STAR Program results that will include demographic data corrections school districts made after the August and September 2004 Internet postings |

# Key Facts about the 2004 Standardized Testing and Reporting (STAR) Program

- The Standardized Testing and Reporting (STAR) Program was authorized through Senate Bill 376 in 1997.

- The STAR Program requires that all California public school students in grades two through eleven take a national norm-referenced achievement test in English each spring to measure achievement in basic academic knowledge and skills.

- The law requires that students in grades two through eight be tested in reading, language (writing), spelling, and mathematics. Students in grades nine through eleven are to be tested in reading, language, mathematics, and science; students in grades eight, ten, and eleven are to be tested in history-social science. Students in grade five also are to be tested in science. (A complete listing of the STAR Program tests given in 2004 in all grade levels is provided on page 6.)

- All test questions are reviewed by the Statewide Pupil Assessment Review Panel to ensure that questions do not ask students to reveal personal or family beliefs. Panel members are appointed by the Governor, the Legislature, and the State Superintendent of Public Instruction. A majority of the panel consists of parents whose children attend California public schools.

- In spring 2004, the STAR Program included four components, designated by the State Board of Education (SBE):
  - California Standards Tests (CSTs), produced for California public schools
  - California Alternate Performance Assessment (CAPA), produced for California public school students with significant cognitive disabilities
  - California Achievement Tests, Sixth Edition Survey (CAT/6 Survey), published by CTB/McGraw-Hill
  - Spanish Assessment of Basic Education, Second Edition (SABE/2), published by CTB/McGraw-Hill

- The CSTs are aligned with state academic standards and include tests in English-language arts and mathematics in grades two through eleven; history-social science tests in grades eight, ten, and eleven; and science tests in grades five and nine through eleven. All CSTs use multiple-choice questions, except for grades four and seven that include a writing component in addition to multiple-choice questions.

- The CAPA was added in spring 2003 for students with significant cognitive disabilities who are unable to take the CSTs or the CAT/6 Survey.

- In addition to the tests given in English, Spanish-speaking English learners who had been enrolled in California public schools for fewer than 12 months took the SABE/2. Primary language testing is a school district option for students enrolled more than 12 months prior to testing.

# STAR Program Tests Students Took in 2004

| Test | Grade Levels Tested |
|---|---|
| **CSTs** | |
| English-Language Arts | All students in grades two through eleven |
| English-Language Arts Writing Component | All students taking grades four and seven tests, including students taking these tests out-of-level |
| Mathematics | All students in grades two through seven |
| General Mathematics | All students in grades eight and nine not enrolled in a standards-based mathematics course or enrolled in the first year of a two-year Algebra I course |
| Algebra I, Geometry, or Integrated Mathematics 1 or 2 | Grade eight through eleven students enrolled in the course or who completed the course during this school year |
| Algebra II or Integrated Mathematics 3 | Grade eight through eleven students enrolled in the course |
| Summative High School Mathematics | Grades nine and ten students who completed Algebra II or Integrated Mathematics 3 prior to the 2003–04 school year and grade eleven students who completed Algebra II or Integrated Mathematics 3 before testing began* |
| Science | All students in grade five |
| Earth Science, Biology, Chemistry, Physics or Integrated/Coordinated Science 1, 2, 3, or 4 | Grade nine through eleven students who were enrolled in or had just completed a standards-based science course this school year |
| History-Social Science | All students in grades eight, ten, and eleven |
| **CAT/6 Survey** | |
| Reading, Language, and Mathematics | All students in grades two through eleven |
| Spelling | All students in grades two through eight |
| Science | All students in grades nine through eleven |
| **CAPA** | |
| English-Language Arts | Students enrolled in grades two through eleven, eligible for alternate assessment as documented in the student's Individualized Education Program (IEP) |
| Mathematics | Students enrolled in grades two through eleven, eligible for alternate assessment as documented in the student's IEP |
| **SABE/2** | All Spanish-speaking English learners in grades two through eleven enrolled in California public schools less than 12 months** |
| Reading, Language, Mathematics, and Spelling | Designated students in grades two through eleven |
| Word Analysis | Designated students in grades two and three |

* *This included students taking higher mathematics courses or no mathematics course.*
** *Students must also take the CSTs and the CAT/6 Survey in English.*

# Facts about the 2004 California Standards Tests (CSTs) and California Alternate Performance Assessment (CAPA)

The California Standards Tests (CSTs) are given to public school students in grades two through eleven as part of the state's Standardized Testing and Reporting (STAR) Program. Enacted into law in 1997, the STAR Program currently has three components in addition to the California Standards Tests (CSTs): the California Alternate Performance Assessment (CAPA); the California Achievement Tests, Sixth Edition Survey (CAT/6 Survey); and the Spanish Assessment of Basic Education, Second Edition (SABE/2).

## A Test for California Schools

- The CSTs and the CAPA, developed specifically for California public schools, are aligned with state-adopted academic standards that describe what students should know and be able to do in each grade and subject tested.

- The CSTs in English-language arts and mathematics for grades two through eleven became part of the STAR Program in 1999. The CSTs in history-social science and science for selected grades were added in 2001. A writing component was added to the grades four and seven English-language arts CSTs in 2001. The CAPA was added in 2003. Grade five science was added in 2004.

## Test Content and Format

- The CSTs are tied to specific grade levels in English-language arts, grades two through eleven; in mathematics, grades two through seven; in science, grade five; and in history-social science, grades eight, ten, and eleven.

- All students in grades eight and nine, who are not enrolled in a standards-based mathematics course, take the General Mathematics Standards Test that is based on the academic standards for grades six and seven. The CSTs in mathematics in grades eight through eleven are tied to specific mathematics courses. Students in grades nine and ten who had completed Algebra II or Integrated Mathematics 3 during a previous school year and grade eleven students who completed one of these two courses anytime prior to the beginning of testing were required to take the Summative High School Mathematics CST. This included students who were taking higher mathematics courses or no mathematics course.

- Students in grades nine, ten, and eleven take science standards tests that also are tied to specific courses rather than grade levels. Only students completing a standards-based science course take a CST.

- Questions for all CSTs, except for the writing component in grades four and seven, are in a multiple-choice format.

- Student responses to the writing tasks are scored using four-point scoring guides that are aligned with state-adopted standards for writing strategies, applications, and conventions.

- The grade four and seven English-language arts CST scores include the student responses to the multiple-choice questions and the writing task. There are no scale(d)* scores or performance levels for the writing component.

** Some STAR Program reports for the CSTs refer to scale(d) scores.*

# Facts about the 2004 California Standards Tests (CSTs) and California Alternate Performance Assessment (CAPA)

- Students with significant cognitive disabilities in grades two through eleven take the CAPA. This assessment includes tasks aligned to a subset of the California academic standards in English-language arts and mathematics that reflect important life skills. The CAPA is administered individually by certificated or licensed school staff members who are the students' teachers in most cases.

## Performance Level Reporting

- The CSTs and the CAPA are criterion-referenced tests. Results are based on how well students achieve identified state-adopted content standards, not how student results compare with results of other students taking the same tests.

- The State Board of Education (SBE) approved five performance levels for reporting results of the CSTs and the CAPA. The performance levels designated are advanced, proficient, basic, below basic, and far below basic.

- Initial recommendations came from Performance Level Setting Panels for each content area. The SBE also scheduled regional hearings to receive public input before final performance levels were adopted.

## Reporting CST and CAPA Results

- Individual student and group results for the CSTs and the CAPA are reported using the five performance levels adopted by the SBE.

- Performance levels establish the points at which students have demonstrated sufficient knowledge and skills to be regarded as performing at a particular achievement level.

- The scale score range for each performance level (by grade and subject area) does not change from year to year.

- The number or percent of questions that students must answer to score at each performance level may change slightly from year to year due to differences in the difficulty levels of the tests. Scale scores are used to adjust for these changes and to equate the tests between years.

- The SBE set the minimum scale score target of 350 as proficient for all California students for the CSTs.

- Scale scores of 35 or higher on the CAPA scale are at or above proficient.

- Scale score ranges for performance levels for the CSTs and the CAPA for all subject areas and grade levels are on pages 28 through 31 in the appendices.

# Using 2004 STAR Program Results to Increase Academic Achievement

State law (Senate Bill 376) authorized the Standardized Testing and Reporting (STAR) Program in 1997 to provide an assessment system that could monitor the academic achievement of all students, including students with disabilities and English learners. Results from the annual administration of the STAR Program, along with other achievement data, are to be used by classroom teachers to help modify instruction to improve student learning. Central to the annual review process is a thorough examination of test results and other achievement data to: (1) measure the achievement of students on state academic standards for the core curriculum, (2) determine what instructional areas must be addressed more fully, and (3) specify classroom strategies to address identified learning needs.

**Developing a Complete Picture of Academic Achievement**

In addition to annual STAR Program results, school staffs should use as many information sources as possible to develop a complete picture of their students' academic knowledge and skills. These sources could include but are not limited to:

- Classroom assessments
- Report cards
- Samples of student work
- Teacher evaluations
- Assessment data from other standards-based tests

## Organizing for Success

The annual review of STAR Program results by a school staff requires sufficient time to prepare a comprehensive picture of the current level of academic achievement at the school level, to review the alignment of curriculum and instruction with state academic standards, to identify curricular areas that need a stronger focus (based on the standards), and to develop a schoolwide plan with instructional strategies to address those curricular areas. In addition to time, developing a cohesive plan that meets the identified learning needs of students (individually and as a group) requires the collaborative effort of teachers, site administrators, and other staff members involved in increasing the academic achievement of all students.

Each school needs to develop a process and timeline that reflects the unique characteristics of its school organization and the grade levels covered. For example, elementary school staffs may organize their review process differently than school staffs on middle or high school campuses. Although many information gathering and/or review activities may need to be accomplished by individual teachers and/or departments or grade-level teams, staff members should work together as much as possible to complete the review process.

# Purpose of Annual Review

A suggested five-step process for reviewing STAR Program data and developing strategies for addressing identified instructional needs of individual students and the school as a whole is outlined below. The purpose of this process is:

- To develop and implement an ongoing process for using STAR Program results, along with other standards-based evidence of student achievement, to review and improve classroom instruction and school programs.

- To include all school staff in the review process and to identify what staff, parents and guardians, and students can do to improve academic achievement.

# Review Process

**Step One: Determine a plan with a timeline for the schoolwide review process, using 2004 STAR Program results, and convene initial information session(s).**

- Construct a schoolwide process for collecting, compiling, and examining achievement data and for completing the review process. It is suggested that a staff workgroup be convened for this purpose. (The workgroup would include representatives of grade levels and/or departments and special programs on campus; site administrators responsible for curriculum, instruction, and assessment; and program coordinators.)

- Have all staff (grade-level groups and/or departments or total school) review information about the 2004 STAR Program, its test components, any changes that have occurred, and the reporting process. During this information session, staff members should look at sample individual and school STAR Reports for the CSTs, CAPA, and CAT/6 Survey to become familiar with what and how test results are reported.

**Step Two: Review the content of the CSTs by grade level and subject area to determine the degree to which the school curriculum addresses what is being assessed.***

- Review the state academic standards addressed in the CST blueprints for each grade level and subject area tested to identify the knowledge and skills needed to achieve these standards. Released CST items from the 2003 STAR administration and the state frameworks also can aid in this review. These documents are posted at *http://www.cde.ca.gov/ta/tg/sr/resources.asp* on the Internet.

* *The primary focus of the annual review of CST and CAPA results is to determine the extent of student achievement on state academic standards. Test results of the CSTs and the CAPA provide a vehicle for examining how well the current school curriculum addresses what all students should know and be able to do according to state-adopted academic standards. A staff review of the CAPA results would follow a similar process.*

- Look at the school curriculum to determine the degree of schoolwide emphasis being placed on the academic standards addressed. For every grade level and subject tested, determine the degree of emphasis given to each standard, strand, and content area (i.e., 1 – heavy emphasis, 2 – some emphasis, 3 – little emphasis, 4 – no emphasis).

- Determine how and when students are addressing identified academic standards in their classes (within and across grade levels).

- Analyze each standard addressed on the CSTs (by content area and grade level) to identify the essential elements. Use released CST items to further clarify what and how elements are being assessed.

- Have teachers (individually and as a group) determine how and when students are addressing the essential elements of the identified academic standards in their classes. Teachers also should examine how elements are being assessed in the classroom.

**Step Three: Review CST results for each grade level and/or subject in relation to other results of standards-based assessments and available academic achievement data.**

**Review of 2002 and 2003 STAR Writing Tasks, Scoring Rubrics, and Sample Student Work with Commentary for Grades Four and Seven**

- What did the task require students to do?
- What writing application skills did students need to use to successfully accomplish the task?
- What changes would need to occur in the sample student work (at score points 1 through 3) to improve the writing sufficiently to qualify it for at least one score point higher than it received?

- Review the CST results by grade level and content area and identify the percentage of students at each performance level according to their achievement of the standards. (There are five performance levels—advanced, proficient, basic, below basic, far below basic.)

- At grades four and seven, also review the writing test results with the scoring rubrics, student work, and teacher commentaries posted on the Internet at *www.cde.ca.gov/ta/tg/sr/resources.asp.*

- Compare CST results with other STAR Program test results, results of other standards-based assessments (e.g., CAHSEE – high school), and available academic achievement data to identify similarities and differences in student performance.

**Essential Questions for Reviewing CST Results**

- Is all of the content in the state standards included in our curriculum, instructional, and assessment programs?
- Do our curriculum, instructional, and assessment programs allow students to achieve mastery of the state standards, grade level by grade level?
- What changes are necessary to increase the achievement of all students?
- What instructional materials and professional development will be necessary to allow us to help all students meet the standards?
- What timelines and other planning are needed to increase standards-based achievement in our school?

**Step Four: Analyze review of similarities and differences in student performance between CST results and other standards-based achievement data (identified in Step Three).**

- Discuss identified similarities and differences between CST results and other achievement data as identified in Step Three.
- Where CST data appear similar to the other achievement data, look at (1) related content standards and the current degree of curriculum emphasis and (2) current strategies for aligning classroom instruction with academic standards and for addressing student needs identified from combined achievement data.
- Where CST results appear different from other achievement data, analyze possible reasons for the differences and identify issues that require further study and/or action.

**Step Five: Develop strategies for addressing the issues identified in steps two through four to modify curriculum, instruction, and assessment to improve the academic achievement of all students.**

- Review staff findings and issues identified in steps two through four for appropriate curriculum, instruction, and assessment modifications and standards alignment and/or other actions. (The staff workgroup would reconvene for this purpose.)
- Develop and prioritize specific strategies to address the identified issues. Strategies should provide direction to school staff for modifying curriculum, instruction, and assessment and for identifying what staff, students, and parents can do to improve student achievement.
- Incorporate those strategies into school curriculum, instruction, and assessment plans.

# Internet Posting of 2004 STAR Program Results

## The Internet report will:

- Be accessed through the CDE Web site at *http://www.cde.ca.gov*. Select the STAR link or go directly to the STAR Test Results page at *http://star.cde.ca.gov*.
- Allow users to search for results for all of the tests by county, school district, school name, or zip code.
- Display the CSTs and the CAT/6 Survey results by grade level and content area for the state, counties, school districts, and schools for all students tested.
- Include results for CSTs and CAT/6 Survey for the following eight reporting categories, with subgroups under each category except for all students:
  - All students
  - Gender
  - Ethnicity
  - Participation in special programs
  - English-language fluency
  - Economic status
  - Parent education
  - Disability
- Include the CST results for:
  - English-language arts and mathematics for grades two through eleven
  - science for grades five and nine through eleven
  - History-social science for grades eight, ten, and eleven
  - Mean scale scores and percentage of students scoring at each performance level (advanced, proficient, basic, below basic, and far below basic)
- Include CAT/6 Survey results for:
  - Reading, language, spelling, and mathematics for grades two through eight
  - Reading, language, mathematics, and science for grades nine through eleven
- Include CAPA results for:
  - English-language arts
  - Mathematics
- Include SABE/2 results for:
  - Reading, language, and mathematics for grades two through eleven
  - Spelling for grades two through eight

# Questions and Answers About Internet Reporting

***When and how will 2004 Standardized Testing and Reporting (STAR) Program test results be released to the public?***

The public release of the 2004 STAR Program test results for schools, school districts, counties, and the state for all students is scheduled to be posted on the California Department of Education (CDE) Web site at *http://star.cde.ca.gov* on August 16, 2004. STAR Program test results include:

- California Standards Tests (CSTs)
- California Alternate Performance Assessment (CAPA)
- California Achievement Tests, Sixth Edition Survey (CAT/6 Survey)
- Spanish Assessment of Basic Education, Second Edition (SABE/2)

Internet reports will include 2004 results for schools, school districts, counties, and the state. Reports will be available for:

- All students
- Gender
- Ethnicity
- Program participation
- English classification
- Economic status
- Parent education
- Disability

Data for over 50 demographic subgroups will be available.

***What scores will be reported on the Internet?***

The CST results will be reported for:

- English-language arts (grades two through eleven)
- Mathematics (grades two through eleven)
- History-social science (grades eight, ten, and eleven)
- Science (grades five and nine through eleven)

Grades eight through eleven, mathematics scores for the CSTs will be reported for:

- General mathematics (grades eight & nine)
- Integrated 1
- Integrated 2
- Integrated 3
- Summative High School Mathematics
- Algebra I
- Geometry
- Algebra II

Grades eight, ten, and eleven, history-social science scores for the CSTs will be reported for:

- History-social science (grade eight)
- World history (grade ten)
- U.S. history (grade eleven)

Grades nine through eleven, science scores for the CSTs will be reported for:

- Biology/life sciences
- Earth science
- Chemistry
- Physics
- Integrated/Coordinated Science 1, 2, 3, and 4

CAPA results will be reported for:

- English-language arts
- Mathematics

CAT/6 Survey scores will be reported for:

- Reading, language, spelling, and mathematics (grades two through eight)
- Reading, language, mathematics, and science (grades nine through eleven)

SABE/2 results will be reported by grade level for:

- Total reading
- Spelling
- Total language
- Total mathematics

***What types of scores will be reported?***

Internet reporting will include the following types of scores by grade level for each content area listed in the previous question:

**CSTs/CAPA**

- Number of students tested for each exam and grade
- Percentage of enrolled students who were tested
- Mean scale score
- Percentage of students scoring at each performance level

Note: CAPA results are reported by the five CAPA levels. Most of the students took the CAPA level (Levels II through V) corresponding to their grade placement, but students with complex, profound disabilities took Level I.

# Questions and Answers About Internet Reporting

***Type of scores (continued)***

**CAT/6 Survey**

- Number of students tested
- National percentile rank (NPR) of the "average" student
- Percentage of students scoring in the top quarter (above 75th NPR)
- Percentage of students scoring in the top half (at or above 50th NPR)
- Percentage of students scoring in top three-quarters (above 25th NPR)
- Mean scale score

**SABE/2**

- Number of students tested
- Reference percentile rank of the "average" student
- Percentage of students scoring in the top quarter (above 75th percentile)
- Percentage of students scoring in the top half (at or above 50th percentile)
- Percentage of students scoring in top three-quarters (above 25th percentile)

***Can the test results be compared from year to year?***

General comparisons may be made from one grade to the next for the CSTs. For example, if a student scored at the proficient level in one grade, you generally would expect the student to score at the same or a higher level in the following grade. However, the tests are designed to assess the student's attainment of the academic standards specified for the grade level. Since the academic standards change from grade to grade, it is important to remember that the difficulty level and the content of the tests also change from grade to grade.

The most appropriate comparison for the CSTs is the percentage of students scoring at proficient and advanced performance levels.

The most appropriate comparison for CAT/6 Survey results is the percentage of students scoring at or above the 50th national percentile rank (NPR).

***Why do the CST and CAT/6 Survey results appear different?***

The CSTs and the CAT/6 Survey were developed for different purposes. The CSTs are designed to assess the achievement of California students on the California academic standards. These standards are very rigorous and are generally more difficult than standards nationwide. The CAT/6 Survey assesses the achievement of general knowledge and academic skills in key subject areas that are commonly taught in public schools throughout the United States. This test allows us to compare the performance of California students to the performance of students throughout the nation.

***How will the results for the grades four and seven California Writing Standards Tests be reported?***

The scores for the writing section of the grades four and seven California English-Language Arts Standards Tests are added to the multiple-choice scores for each student to calculate the California English-Language Arts Standards Test scale scores and to assign each score to a performance level. There is no separate Internet reporting for the writing section of the test.

***What is the mean scale score for CSTs?***

This is the arithmetic mean or average of the scale scores for all students who took grade level CSTs without modifications and for whom no adult testing irregularities were reported. The scale scores for each grade and subject area range between 150 (low) and 600 (high). Scale scores are used to equate the CSTs from year to year and to determine the performance levels. Half of the CST questions are changed from year to year, and scale scores are used to adjust for any differences in the difficulty levels of the tests that result from this question replacement. While the average number of questions answered correctly should not be compared from year to year, scale scores and the percentage of students scoring at each performance level may be compared within each grade and subject area.

# Questions and Answers About Internet Reporting

***What is the mean scale score for CAPA?***
This is the arithmetic or average of the scale scores for all students who took the CAPA at this grade (state results) or at this CAPA level (school, school district, and county results). The scale scores for each grade, subject area, and CAPA level range between 15 (low) to 60 (high). Like the CSTs, scale scores are used to equate the CAPA from year to year and to determine the performance levels. Half of the CAPA tasks are changed from year to year, and scale scores are used to adjust for any differences in the difficulty levels of the assessments that result from this task replacement. While the average number of questions answered correctly should not be compared from year to year, scale scores and performance levels may be compared within each CAPA level and subject area.

***What is the mean scale score for the CAT/6 Survey?***
A table provided by the test publisher is used to convert the number of questions each student answered correctly to a scale score. The CAT/6 Survey uses a scale from 0 to 999 that begins in kindergarten and goes through grade twelve. Scale scores are useful for reporting changes over time. The CAT/6 Survey provides results in terms of scale scores for individual students and mean or average scale scores for groups of students. CAT/6 Survey scale scores cannot be compared with the scale scores for the CSTs and should not be used to compare two different subject areas, such as reading and mathematics, within the CAT/6 Survey.

Scale scores for individual students or groups of students within each subject area should increase each year on the CAT/6 Survey because the tests use a continuous scale from the lowest to the highest grade levels of the tests. The CST scale scores may not increase from year to year because each grade for each subject area is scaled independently rather than using a continuous scale from the lowest to the highest grade.

***What is a National Percentile Rank (NPR)?***
A percentile rank is the percentage of scale scores for students in a national sample of students, in the same grade, tested at a comparable time of the school year, that fall below the scale score for the student. This national sample is referred to as the norm group or norming sample. For example, if a student's scale score converts to the 60th NPR on the CAT/6 Survey reading test, this means that the student scored as well as or better than 60 percent of the students in the national sample (norm group). The students in the CAT/6 Survey norming sample were tested during spring 2000.

***What is the NPR for "average" student score?***
There is no provision for producing CAT/6 Survey school, school district, or state percentile ranks, and the percentile ranks of individual students cannot be averaged to produce a group NPR. Since NPRs cannot be averaged, the normal curve equivalent (NCE) scores for the individual students are averaged. This NCE score for the "average" student is then used to look up the corresponding NPR. The NPR is attributed to a hypothetical average student because the NCE score may not equal a score actually received by any student in the group.

***What are "the percent scoring above the 75th NPR, percent scoring at or above the 50th NPR," and "the percent scoring above the 25th NPR"?***
These scores correspond to the percentage of students in the school, school district, county, or state with scores corresponding to those students in the top quarter of the 2000 national sample (above 75th NRP), in the top half of the 2000 national sample (at or above the 50th NPR), and in the top three-quarters of the 2000 national sample (above the 25th NPR). The percentage of students scoring above each level is calculated by counting the number of students with scores above a particular NPR (75th NPR and higher) and dividing by the total number of students tested.

Note that the percentage of students scoring at or above the 50th NPR is a subset of students scoring above the 25th NPR, and the percentage of students scoring above the 75th NPR is a subset of the group scoring at or above the 50th NPR. The percentage of students scoring at or above the 50th NPR is sometimes referred to as the percentage of students

## Questions and Answers About Internet Reporting

scoring at or above grade level. To obtain the percentage of students in the school, school district, county, or state that had scores in the lowest quarter of the national sample, subtract the percentage scoring above the 25th NPR from 100.

***Will individual student results be posted on the Internet?***
No. Results for individual students are confidential and can be reviewed only by the teacher, the parent or guardian, and the student. Results for individual students are available only at the schools and school districts where the students were tested.

***How can media representatives get the STAR Program results?***
The only direct source for the 2004 STAR Program results is the Internet report. Research files can be downloaded; instructions for downloading are included in this packet. Data disk files will not be available.

***Can the media/public see the tests that were administered?***
No. The test questions can be seen only by students when they take the tests and by legislators and school board members under special circumstances. These security precautions ensure that the tests are fair for all students and that test questions can be used for more than one year.

The California Department of Education (CDE) has released 25 percent of the spring 2003 CST items for review. These are items that no longer will be used. These released items may be viewed on the CDE Web site at *http://www.cde.ca.gov/ta/tg/sr/resourses.asp.*

***How similar are the norming groups for CAT/6 Survey and SABE/2 to California's students?***
The CAT/6 Survey is a national norm-referenced test, which means that the norming sample was representative of the nation, but not necessarily of the state. English learners represented about 2 percent of the national population used for the CAT/6 Survey norming samples; California's student population is about 25 percent English learners. The reference norming group for the SABE/2 was composed of Spanish-speaking students in bilingual programs from 142 schools in 12 states with large Spanish-speaking populations, including California.

***How final are the Internet results?***
The statewide results posted on the Internet on August 16 are preliminary and do not include results for approximately 25,000 students. School districts have not yet verified all school and school district results, so they also are preliminary. Reporting errors typically are not found until school districts start reviewing the data. Most school districts will not have had time to complete their review process. Revisions in these results are expected to be made throughout the summer and fall with the final 2004 results posted in December.

# Sample Internet Reports

## CSTs, CAPA, and CAT/6 Survey Research Data File

### California Standardized Testing and Reporting (STAR)

**State of California**

**All Students**

| | | | |
|---|---|---|---|
| **Total Enrollment on First Day of Testing:** | **x,xxx,xxx** | County Name: | xxxxxxxxxxx |
| **Total Number Tested:** | **x,xxx,xxx** | District Name: | xxxxxxxxxxxxxxxxxxxxxxxxxxx |
| **Total Number Tested in Selected Subgroup:** | **x,xxx,xxx** | School Name: | ---- |
| | | CDS Code: | 00-00000-0000000 |

### California Standards Test Scores - 2004

| | Grades | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | EOC |
| **Reported Enrollment** | xxxx | xxxx | xxxx | xxxx | xxxx | xxxx | xxxx | xxxx | xxxx | xxxx | |
| **English Language Arts** | | | | | | | | | | | |
| Students Tested | xxxx | xxxx | xxxx | xxxx | xxxx | xxxx | xxxx | xxxx | xxxx | xxxx | |
| % of Enrollment | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % | |
| Mean Scaled Score | xxx.x | xxx.x | xxx.x | xxx.x | xxx.x | xxx.x | xxx.x | xxx.x | xxx.x | xxx.x | |
| % Advanced | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % | |
| % Proficient | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % | |
| % Basic | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % | |
| % Below Basic | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % | |
| % Far Below Basic | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % | |
| **Mathematics** | | | | | | | | | | | |
| Students Tested | xxxx | xxxx | xxxx | xxxx | xxxx | xxxx | | | | | |
| % of Enrollment | xx % | xx % | xx % | xx % | xx % | xx % | | | | | |
| Mean Scaled Score | xxx.x | xxx.x | xxx.x | xxx.x | xxx.x | xxx.x | | | | | |
| % Advanced | xx % | xx % | xx % | xx % | xx % | xx % | | | | | |
| % Proficient | xx % | xx % | xx % | xx % | xx % | xx % | | | | | |
| % Basic | xx % | xx % | xx % | xx % | xx % | xx % | | | | | |
| % Below Basic | xx % | xx % | xx % | xx % | xx % | xx % | | | | | |
| % Far Below Basic | xx % | xx % | xx % | xx % | xx % | xx % | | | | | |
| **General Mathematics (Grades 6 & 7 Standards)** | | | | | | | | | | | |
| Students Tested | | | | | | | xxxx | xxxx | | | xxx |
| % of Enrollment | | | | | | | xx % | xx % | | | |
| Mean Scaled Score | | | | | | | xxx.x | xxx.x | | | xxx.x |
| % Advanced | | | | | | | xx % | xx % | | | xx % |
| % Proficient | | | | | | | xx % | xx % | | | xx % |
| % Basic | | | | | | | xx % | xx % | | | xx % |
| % Below Basic | | | | | | | xx % | xx % | | | xx % |
| % Far Below Basic | | | | | | | xx % | xx % | | | xx % |
| **Algebra I** | | | | | | | | | | | |
| Students Tested | | | | | | | xxxx | xxxx | xxxx | xxxx | xxxx |
| % of Enrollment | | | | | | | xx % | xx % | xx % | xx % | |
| Mean Scaled Score | | | | | | | xxx.x | xxx.x | xxx.x | xxx.x | xxx.x |
| % Advanced | | | | | | | xx % | xx % | xx % | xx % | xx % |
| % Proficient | | | | | | | xx % | xx % | xx % | xx % | xx % |
| % Basic | | | | | | | xx % | xx % | xx % | xx % | xx % |
| % Below Basic | | | | | | | xx % | xx % | xx % | xx % | xx % |
| % Far Below Basic | | | | | | | xx % | xx % | xx % | xx % | xx % |
| **Integrated Mathematics I** | | | | | | | | | | | |
| Students Tested | | | | | | | xxxx | xxxx | xxxx | xxxx | xxxx |
| % of Enrollment | | | | | | | xx % | xx % | xx % | xx % | |
| Mean Scaled Score | | | | | | | xxx.x | xxx.x | xxx.x | xxx.x | xxx.x |
| % Advanced | | | | | | | xx % | xx % | xx % | xx % | xx % |
| % Proficient | | | | | | | xx % | xx % | xx % | xx % | xx % |

| | | | | | |
|---|---|---|---|---|---|
| % Basic | xx % | xx % | xx % | xx % | xx % |
| % Below Basic | xx % | xx % | xx % | xx % | xx % |
| % Far Below Basic | xx % | xx % | xx % | xx % | xx % |
| **Geometry** | | | | | |
| Students Tested | xxxx | xxxx | xxxx | xxxx | xxxx |
| % of Enrollment | xx % | xx % | xx % | xx % | |
| Mean Scaled Score | | xxx.x | xxx.x | xxx.x | xxx.x |
| % Advanced | | xx % | xx % | xx % | xx % |
| % Proficient | | xx % | xx % | xx % | xx % |
| % Basic | | xx % | xx % | xx % | xx % |
| % Below Basic | | xx % | xx % | xx % | xx % |
| % Far Below Basic | | xx % | xx % | xx % | xx % |
| **Integrated Mathematics II** | | | | | |
| Students Tested | | xxxx | xxxx | xxxx | xxxx |
| % of Enrollment | | xx % | xx % | xx % | xx % |
| Mean Scaled Score | | xx % | xx % | xx % | xx % |
| % Advanced | | xx % | xx % | xx % | xx % |
| % Proficient | | xx % | xx % | xx % | xx % |
| % Basic | | xx % | xx % | xx % | xx % |
| % Below Basic | | xx % | xx % | xx % | xx % |
| % Far Below Basic | | xx % | xx % | xx % | xx % |
| **Algebra II** | | | | | |
| Students Tested | | xxx | xxx | xxx | xxx |
| % of Enrollment | | xx % | xx % | xx % | xx % |
| Mean Scaled Score | | xxx.x | xxx.x | xxx.x | xxx.x |
| % Advanced | | xx % | xx % | xx % | xx % |
| % Proficient | | xx % | xx % | xx % | xx % |
| % Basic | | xx % | xx % | xx % | xx % |
| % Below Basic | | xx % | xx % | xx % | xx % |
| % Far Below Basic | | xx % | xx % | xx % | xx % |
| **Integrated Mathematics III** | | | | | |
| Students Tested | | xxxx | xxxx | xxxx | xxxx |
| % of Enrollment | | xx % | xx % | xx % | |
| Mean Scaled Score | | xxx.x | xxx.x | xxx.x | xxx.x |
| % Advanced | | xx % | xx % | xx % | xx % |
| % Proficient | | xx % | xx % | xx % | xx % |
| % Basic | | xx % | xx % | xx % | xx % |
| % Below Basic | | xx % | xx % | xx % | xx % |
| % Far Below Basic | | xx % | xx % | xx % | xx % |
| **High School (Summative) Mathematics (Grades 9-11)** | | | | | |
| Students Tested | | xxxx | xxxx | xxxx | xxxx |
| % of Enrollment | | xx % | xx % | xx % | |
| Mean Scaled Score | | xxx.x | xxx.x | xxx.x | xxx.x |
| % Advanced | | xx % | xx % | xx % | xx % |
| % Proficient | | xx % | xx % | xx % | xx % |
| % Basic | | xx % | xx % | xx % | xx % |
| % Below Basic | | xx % | xx % | xx % | xx % |
| % Far Below Basic | | xx % | xx % | xx % | xx % |
| **History Social Science 8 (Cumulative)** | | | | | |
| Students Tested | xxxx | | | | |
| % of Enrollment | xx % | | | | |
| Mean Scaled Score | xxx.x | | | | |
| % Advanced | xx % | | | | |
| % Proficient | xx % | | | | |
| % Basic | xx % | | | | |
| % Below Basic | xx % | | | | |
| % Far Below Basic | xx % | | | | |
| **History World History** | | | | | |
| Students Tested | | | xxxx | | |
| % of Enrollment | | | xx % | | |
| Mean Scaled Score | | | xxx.x | | |
| % Advanced | | | xx % | | |
| % Proficient | | | xx % | | |

| | | | | | |
|---|---|---|---|---|---|
| % Basic | | | xx % | | |
| % Below Basic | | | xx % | | |
| % Far Below Basic | | | xx % | | |
| **History U.S. History** | | | | | |
| Students Tested | | | | xxxx | |
| % of Enrollment | | | | xx % | |
| Mean Scaled Score | | | | xxx.x | |
| % Advanced | | | | xx % | |
| % Proficient | | | | xx % | |
| % Basic | | | | xx % | |
| % Below Basic | | | | xx % | |
| % Far Below Basic | | | | xx % | |
| **Science** | | | | | |
| Students Tested | xxxx | | | | |
| % of Enrollment | xx % | | | | |
| Mean Scaled Score | xxx.x | | | | |
| % Advanced | xx % | | | | |
| % Proficient | xx % | | | | |
| % Basic | xx % | | | | |
| % Below Basic | xx % | | | | |
| % Far Below Basic | xx % | | | | |
| **Biology/Life Sciences** | | | | | |
| Students Tested | | xxxx | xxxx | xxxx | xxxx |
| % of Enrollment | | xx % | xx % | xx % | |
| Mean Scaled Score | | xxx.x | xxx.x | xxx.x | xxx.x |
| % Advanced | | xx % | xx % | xx % | xx % |
| % Proficient | | xx % | xx % | xx % | xxx % |
| % Basic | | xx % | xx % | xx % | xx % |
| % Below Basic | | xx % | xx % | xx % | xx % |
| % Far Below Basic | | xx % | xx % | xx % | xx % |
| **Chemistry** | | | | | |
| Students Tested | | xxxx | xxxx | xxxx | xxxx |
| % of Enrollment | | xx % | xx % | xx % | |
| Mean Scaled Score | | xxx.x | xxx.x | xxx.x | xxx.x |
| % Advanced | | xx % | xx % | xx % | xx % |
| % Proficient | | xx % | xx % | xx % | xx % |
| % Basic | | xx % | xx % | xx % | xx % |
| % Below Basic | | xx % | xx % | xx % | xx % |
| % Far Below Basic | | xx % | xx % | xx % | xx % |
| **Earth Science** | | | | | |
| Students Tested | | xxxx | xxxx | xxxx | xxxx |
| % of Enrollment | | xx % | xx % | xx % | xx % |
| Mean Scaled Score | | xxx.x | xxx.x | xxx.x | xxx.x |
| % Advanced | | xx % | xx % | xx % | xx % |
| % Proficient | | xx % | xx % | xx % | xx % |
| % Basic | | xx % | xx % | xx % | xx % |
| % Below Basic | | xx % | xx % | xx % | xx % |
| % Far Below Basic | | xx % | xx % | xx % | xx % |
| **Physics** | | | | | |
| Students Tested | | xxxx | xxxx | xxxx | xxxx |
| % of Enrollment | | xx % | xx % | xx % | |
| Mean Scaled Score | | xxx.x | xxx.x | xxx.x | xxx.x |
| % Advanced | | xx % | xx % | xx % | xx % |
| % Proficient | | xx % | xx % | xx % | xx % |
| % Basic | | xx % | xx % | xx % | xx % |
| % Below Basic | | xx % | xx % | xx % | xx % |
| % Far Below Basic | | xx % | xx % | xx % | xx % |
| **Integrated/Coordinated Science I** | | | | | |
| Students Tested | | xxxx | xxxx | xxxx | xxxx |
| % of Enrollment | | xx % | xx % | xx % | |
| Mean Scaled Score | | xxx.x | xxx.x | xxx.x | xxx.x/TD> |
| % Advanced | | xx % | xx % | xx % | xx % |
| % Proficient | | xx % | xx % | xx % | xx % |

| | | | | |
|---|---|---|---|---|
| % Basic | xx % | xx % | xx % | xx % |
| % Below Basic | xx % | xx % | xx % | xx % |
| % Far Below Basic | xx % | xx % | xx % | xx % |
| **Integrated/Coordinated Science II** | | | | |
| Students Tested | xxxx | xxxx | xxxx | xxxx |
| % of Enrollment | xx % | xx % | xx % | |
| Mean Scaled Score | xxx.x | xxx.x | xxx.x | xxx.x |
| % Advanced | xx % | xx % | xx % | xx % |
| % Proficient | xx % | xx % | xx % | xx % |
| % Basic | xx % | xx % | xx % | xx % |
| % Below Basic | xx % | xx % | xx % | xx % |
| % Far Below Basic | xx % | xx % | xx % | xx % |
| **Integrated/Coordinated Science IV** | | | | |
| Students Tested | xxxx | xxxx | xxx | xxx |
| % of Enrollment | xx % | xx % | xx % | |
| Mean Scaled Score | xxx.x | xxx.x | xxx.x | xxx.x |
| % Advanced | xx % | xx % | xx % | xx % |
| % Proficient | xx % | xx % | xx % | xx % |
| % Basic | xx % | xx % | xx % | xx % |
| % Below Basic | xx % | xx % | xx % | xx % |
| % Far Below Basic | xx % | xx % | xx % | xx % |

PRINT REPORT

PRINT REPORT

# California Standardized Testing and Reporting (STAR)

## State of California

## All Students

| | | | |
|---|---|---|---|
| **Total Enrollment on First Day of Testing:** | x,xxx | County Name: | ---- |
| **Total Number Tested:** | x,xxx | District Name: | ---- |
| **Total Number Tested in Selected Subgroup:** | x,xxx | School Name: | ---- |
| | | CDS Code: | 00-00000-0000000 |

## California Alternate Performance Assessment Scores - 2004

| | Level I Grades | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| **Reported Enrollment** | xxxx | xxxx | xxxx | xxxx | xxxx | xxxx | xxxx | xxxx | xxxx | xxxx |
| **English Language Arts** | | | | | | | | | | |
| Students Tested | xxxx | xxxx | xxxx | xxxx | xxxx | xxxx | xxxx | xxxx | xxxx | xxxx |
| % of Enrollment | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % |
| Mean Scaled Score | | | | | | | | | | |
| % Advanced | | | | | | | | | | |
| % Proficient | | | | | | | | | | |
| % Basic | | | | | | | | | | |
| % Below Basic | | | | | | | | | | |
| % Far Below Basic | | | | | | | | | | |
| **Mathematics** | | | | | | | | | | |
| Students Tested | xxxx | xxxx | xxxx | xxxx | xxxx | xxxx | xxxx | xxxx | xxxx | xxxx |
| % of Enrollment | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % |
| Mean Scaled Score | | | | | | | | | | |
| % Advanced | | | | | | | | | | |
| % Proficient | | | | | | | | | | |
| % Basic | | | | | | | | | | |
| % Below Basic | | | | | | | | | | |
| % Far Below Basic | | | | | | | | | | |

| | Level II | | Level III | | Level IV | | | Level V | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Grades | | Grades | | Grades | | | Grades | | |
| | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| **Reported Enrollment** | xxxx | xxxx | xxxx | xxxx | xxx | xxx | xxxx | xxxx | xxxx | xxxx |
| **English Language Arts** | | | | | | | | | | |
| Students Tested | xxxx | xxxx | xxxx | xxxx | xxxx | xxxx | xxxx | xxxx | xxxx | xxxx |
| % of Enrollment | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % |
| Mean Scaled Score | | | | | | | | | | |
| % Advanced | | | | | | | | | | |
| % Proficient | | | | | | | | | | |
| % Basic | | | | | | | | | | |
| % Below Basic | | | | | | | | | | |
| % Far Below Basic | | | | | | | | | | |
| **Mathematics** | | | | | | | | | | |
| Students Tested | xxxx | xxx | xxxx | xxxx | xxxx | xxxx | xxxx | xxxx | xxxx | xxxx |
| % of Enrollment | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % |
| Mean Scaled Score | | | | | | | | | | |
| % Advanced | | | | | | | | | | |
| % Proficient | | | | | | | | | | |
| % Basic | | | | | | | | | | |
| % Below Basic | | | | | | | | | | |
| % Far Below Basic | | | | | | | | | | |

PRINT REPORT

# California Standardized Testing and Reporting (STAR)

## State of California

## All Students

**Total Enrollment on First Day of Testing:** x,xxx,xxx
**Total Number Tested:** x,xxx,xxx
**Total Number Tested in Selected Subgroup:** x,xxx,xxx

County Name: xxxxxxxxxxx
District Name: xxxxxxxxxxxxxxxxxxxxxxxxxxx
School Name: ----
CDS Code: 00-00000-0000000

## CAT/6 Survey Test Scores - 2004

| | Grades | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| **Reported Enrollment** | xxxx | xxxx | xxxx | xxxx | xxxx | xxxx | xxxx | xxxx | xxxx | xxxx |
| **Reading** | | | | | | | | | | |
| Students Tested | xxxx | xxxx | xxxx | xxxx | xxxx | xxxx | xxxx | xxxx | xxxx | xxxx |
| NPR for "Avg." Student Score | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % |
| % Scoring Above 75th NPR | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % |
| % Scoring At Or Above 50th NPR | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % |
| % Scoring Above 25th NPR | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % |
| Mean Scale Score | xxx.x | xxx.x | xxx.x | xxx.x | xxx.x | xxx.x | xxx.x | xxx.x | xxx.x | xxx.x |
| **Language** | | | | | | | | | | |
| Students Tested | xxxx | xxxx | xxxx | xxxx | xxxx | xxxx | xxxx | xxxx | xxxx | xxxx |
| NPR for "Avg." Student Score | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % |
| % Scoring Above 75th NPR | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % |
| % Scoring At Or Above 50th NPR | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % |
| % Scoring Above 25th NPR | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % |
| Mean Scale Score | xxx.x | xxx.x | xxx.x | xxx.x | xxx.x | xxx.x | xxx.x | xxx.x | xxx.x | xxx.x |
| **Mathematics** | | | | | | | | | | |
| Students Tested | xxxx | xxxx | xxxx | xxxx | xxxx | xxxx | xxxx | xxxx | xxxx | xxxx |
| NPR for "Avg." Student Score | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % |
| % Scoring Above 75th NPR | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % |
| % Scoring At Or Above 50th NPR | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % |
| % Scoring Above 25th NPR | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % | xx % |
| Mean Scale Score | xxx.x | xxx.x | xxx.x | xxx.x | xxx.x | xxx.x | xxx.x | xxx.x | xxx.x | xxx.x |
| **Spelling** | | | | | | | | | | |
| Students Tested | xxxx | xxxx | xxxx | xxxx | xxxx | xxxx | xxxx | | | |
| NPR for "Avg." Student Score | xx % | xx % | xx % | xx % | xx % | xx % | xx % | | | |
| % Scoring Above 75th NPR | xx % | xx % | xx % | xx % | xx % | xx % | xx % | | | |
| % Scoring At Or Above 50th NPR | xx % | xx % | xx % | xx % | xx % | xx % | xx % | | | |
| % Scoring Above 25th NPR | xx % | xx % | xx % | xx % | xx % | xx % | xx % | | | |
| Mean Scale Score | xxx.x | xxx.x | xxx.x | xxx.x | xxx.x | xxx.x | xxx.x | | | |
| **Science** | | | | | | | | | | |
| Students Tested | | | | | | | | xxxx | xxxx | xxxx |
| NPR for "Avg." Student Score | | | | | | | | xx % | xx % | xx % |
| % Scoring Above 75th NPR | | | | | | | | xx % | xx % | xx % |
| % Scoring At Or Above 50th NPR | | | | | | | | xx % | xx % | xx % |
| % Scoring Above 25th NPR | | | | | | | | xx % | xx % | xx % |
| Mean Scale Score | | | | | | | | xxx.x | xxx.x | xxx.x |

PRINT REPORT

# SABE/2 STAR Program

## The California State Summary Report

**Spring 2004**

**SABE/2 STAR State Summary Report for All Student (Note: All data exclude Special Accommodations students.)**

Total Number Tested: nnn,nnn
Data uploaded on August 15, 2003

| | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
|---|---|---|---|---|---|---|---|---|---|---|
| **Total Reading** | N=nnnnnn | N=nnnnnn | N=nnnnnn | N=nnnnnn | N=nnnnnn | N=nnnnnn | N=nnnnnn | N=nnnnnn | N=nnnnnn | N=nnnnnn |
| RPR for "Avg." Student Score | | | | | | | | | | |
| % Scoring Above 75th RP | | | | | | | | | | |
| % Scoring Above 50th RP | | | | | | | | | | |
| % Scoring Above 25th RP | | | | | | | | | | |
| **Total Mathematics** | N=nnnnnn | N=nnnnnn | N=nnnnnn | N=nnnnnn | N=nnnnnn | N=nnnnnn | N=nnnnnn | N=nnnnnn | N=nnnnnn | N=nnnnnn |
| RPR for "Avg." Student Score | | | | | | | | | | |
| % Scoring Above 75th RP | | | | | | | | | | |
| % Scoring Above 50th RP | | | | | | | | | | |
| % Scoring Above 25th RP | | | | | | | | | | |
| **Total Language** | N=nnnnnn | N=nnnnnn | N=nnnnnn | N=nnnnnn | N=nnnnnn | N=nnnnnn | N=nnnnnn | N=nnnnnn | N=nnnnnn | N=nnnnnn |
| RPR for "Avg." Student Score | | | | | | | | | | |
| % Scoring Above 75th RP | | | | | | | | | | |
| % Scoring Above 50th RP | | | | | | | | | | |
| % Scoring Above 25th RP | | | | | | | | | | |
| **Total Spelling** | N=nnnnnn | N=nnnnnn | N=nnnnnn | N=nnnnnn | N=nnnnnn | N=nnnnnn | N=nnnnnn | N=nnnnnn | N=nnnnnn | N=nnnnnn |
| RPR for "Avg." Student Score | | | | | | | | | | |
| % Scoring Above 75th RP | | | | | | | | | | |
| % Scoring Above 50th RP | | | | | | | | | | |
| % Scoring Above 25th RP | | | | | | | | | | |

1. RPR stands for Reference Percentile Rank.
2. The RPR is based on the Mean Reference Normal Curve Equivalent (MRNCE) score for each group.

# Appendices

**Chronology of State Testing in California**

**Scale Score Ranges for CST Performance Levels (by subject area and grade)**

**Scale Score Ranges for CAPA Performance Levels (by subject area and CAPA level)**

**Instructions for Downloading the 2004 Research Files**
Downloading the CST, CAPA, and CAT/6 Survey Research Data File
Downloading SABE/2 Research Data File

# Chronology of State Testing in California

**1997**

- Senate Bill 376 authorized the Standardized Testing and Reporting (STAR) Program; required testing of all students in English with a State Board of Education-approved, nationally normed test in reading, spelling, written expression, and mathematics in grades two through eight; and in reading, writing, mathematics, history-social science, and science in grades nine through eleven; provided funding for testing to districts; required individual student, school, district, county, and state results
- State Board designated Standard Achievement Test, Ninth Edition (Stanford 9) for use in STAR Program
- Test in government/civics added to the Golden State Examination (GSE)
- 1,418 graduates received the Golden State Seal Merit Diplomas
- Assembly Bill 748 authorized development of a test of English language development in listening, reading, speaking, and writing skills

**1998**

- Tests in reading/literature and high school mathematics added to the GSE
- State Board-adopted Stanford 9 administered
- 2,739 graduates received Golden State Diplomas

**1999**

- California Standards Tests (CSTs) in English-language arts and mathematics added to STAR Program to address state content standards; designated test in Spanish added for limited English proficient (LEP) students
- Second-year Spanish language and physics tests added to GSE
- Development of California High School Exit Examination (CAHSEE) authorized by Senate Bill 2X
- 5,136 graduates received Golden State Diplomas

**2000**

- California Reading List Number added to STAR Performance Report
- 6,008 graduates received Golden State Diplomas

**2001**

- CSTs in history-social science and science for grades nine through eleven and writing tests for grades four and seven added to STAR Program
- Performance levels designated for CST in English-language arts
- CAHSEE administered to volunteer ninth graders
- First administration of the California English Language Development Test (CELDT) completed
- 7,259 graduates received Golden State Diplomas

**2002**

- CAHSEE administered to all tenth graders
- Performance levels used to report all CST results
- STAR Program reports redesigned to focus on CST results; performance levels designated for mathematics, history-social science, and science
- STAR Program reauthorized for 2003–05
- Second annual administration of CELDT completed
- 7,355 graduates received Golden State Diplomas

**2003**

- CST in history-social science at grade nine moved to grade eight
- Norm-referenced test for STAR Program changed from Stanford 9 to California Achievement Tests, Sixth Edition Survey (CAT/6 Survey)
- California Alternate Performance Assessment (CAPA) added to STAR Program to assess students with significant cognitive disabilities
- CAHSEE administered to all tenth and eleventh graders who had not yet passed the examination
- CAHSEE graduation requirement postponed to 2006
- Only three GSEs (reading, writing, and high school mathematics) administered in the spring as augmentations to the CSTs
- Assembly Bill 1266 repealed the GSE Program (September)
- Third annual administration of CELDT completed
- 8,500 graduates received Golden State Diplomas

**2004**

- Grade five science CST added to STAR Program
- California State University System augmented grade eleven ELA, Algebra II, and Summative High School Mathematics CSTs to produce information about students' readiness for college
- State Board authorized development of science tests in grades eight and ten for No Child Left Behind (NCLB) requirements
- Senate Bill 1448 to authorize STAR Program is now in progress
- CAHSEE blueprints redesigned, decreasing testing time
- CAHSEE test as tenth grade census administration given to students in class of 2006
- Fourth annual administration of CELDT to be completed
- SBE adopted regulations allowing the use of specified CST scores to qualify for the Golden State Diploma insignias on high school diplomas
- 14,455 graduates received Golden State Diploma insignias on their high school diplomas

# Scale Score Ranges for CST Performance Levels (by subject area and grade)

## English-Language Arts

| Grade | Far Below Basic | Below Basic | Basic | Proficient | Advanced |
|---|---|---|---|---|---|
| 2 | 150–261 | 262–299 | 300–349 | 350–401 | 402–600 |
| 3 | 150–258 | 259–299 | 300–349 | 350–401 | 402–600 |
| 4 | 150–268 | 269–299 | 300–349 | 350–392 | 393–600 |
| 5 | 150–270 | 271–299 | 300–349 | 350–394 | 395–600 |
| 6 | 150–267 | 268–299 | 300–349 | 350–393 | 394–600 |
| 7 | 150–262 | 263–299 | 300–349 | 350–400 | 401–600 |
| 8 | 150–265 | 266–299 | 300–349 | 350–394 | 395–600 |
| 9 | 150–264 | 265–299 | 300–349 | 350–396 | 397–600 |
| 10 | 150–262 | 263–299 | 300–349 | 350–391 | 392–600 |
| 11 | 150–258 | 259–299 | 300–349 | 350–395 | 396–600 |

## Mathematics

| Grade | Far Below Basic | Below Basic | Basic | Proficient | Advanced |
|---|---|---|---|---|---|
| 2 | 150–235 | 236–299 | 300–349 | 350–413 | 414–600 |
| 3 | 150–235 | 236–299 | 300–349 | 350–413 | 414–600 |
| 4 | 150–244 | 245–299 | 300–349 | 350–400 | 401–600 |
| 5 | 150–247 | 248–299 | 300–349 | 350–429 | 430–600 |
| 6 | 150–252 | 253–299 | 300–349 | 350–414 | 415–600 |
| 7 | 150–256 | 257–299 | 300–349 | 350–413 | 414–600 |
| General Mathematics* | 150–256 | 257–299 | 300–349 | 350–413 | 414–600 |
| Algebra I | 150–252 | 253–299 | 300–349 | 350–427 | 428–600 |
| Geometry | 150–246 | 247–299 | 300–349 | 350–417 | 418–600 |
| Algebra II | 150–256 | 257–299 | 300–349 | 350–415 | 416–600 |
| Summative High School Mathematics | 150–234 | 235–299 | 300–349 | 350–419 | 420–600 |
| Integrated Mathematics 1 | 150–248 | 249–299 | 300–349 | 350–424 | 425–600 |
| Integrated Mathematics 2 | 150–257 | 258–299 | 300–349 | 350–417 | 418–600 |
| Integrated Mathematics 3 | 150–251 | 252–299 | 300–349 | 350–427 | 428–600 |

* The General Mathematics CST assesses grade eight and nine students' knowledge of California's grade six and seven mathematics academic standards. Students who are not yet in Algebra I or who are taking the first year of a two-year Algebra I course take this test.

## History-Social Science

| Grade | Far Below Basic | Below Basic | Basic | Proficient | Advanced |
|---|---|---|---|---|---|
| 8<br>Grade 6–8 Standards | 150–270 | 271–299 | 300–349 | 350–395 | 396–600 |
| 10<br>World History | 150–274 | 275–299 | 300–349 | 350–399 | 400–600 |
| 11<br>United States History | 150–269 | 270–299 | 300–349 | 350–400 | 401–600 |

## Science

| Course | Far Below Basic | Below Basic | Basic | Proficient | Advanced |
|---|---|---|---|---|---|
| 5<br>Grade 4–5 Standards | 150–267 | 268–299 | 300–349 | 350–409 | 410–600 |
| Earth Science | 150–276 | 277–299 | 300–349 | 350–392 | 393–600 |
| Biology | 150–275 | 276–299 | 300–349 | 350–393 | 394–600 |
| Chemistry | 150–275 | 276–299 | 300–349 | 350–393 | 394–600 |
| Physics | 150–275 | 276–299 | 300–349 | 350–392 | 393–600 |
| Integrated/ Coordinated Science 1 | 150–276 | 277–299 | 300–349 | 350–389 | 390–600 |
| Integrated/ Coordinated Science 2 | 150–277 | 278–299 | 300–349 | 350–390 | 391–600 |
| Integrated/ Coordinated Science 3 | 150–275 | 276–299 | 300–349 | 350–390 | 391–600 |
| Integrated/ Coordinated Science 4 | 150–275 | 276–299 | 300–349 | 350–396 | 397–600 |

# Scale Score Ranges for CAPA Performance Levels (by subject area and CAPA level)

## English-Language Arts

| CAPA Level | Performance Level | | | | |
|---|---|---|---|---|---|
| | Far Below Basic | Below Basic | Basic | Proficient | Advanced |
| I | 15-25 | 26-29 | 30-34 | 35-45 | 46-60 |
| II | 15-23 | 24-29 | 30-34 | 35-40 | 41-60 |
| III | 15-22 | 23-29 | 30-34 | 35-40 | 41-60 |
| IV | 15-24 | 25-29 | 30-34 | 35-40 | 41-60 |
| V | 15-24 | 25-29 | 30-34 | 35-41 | 42-60 |

## Mathematics

| CAPA Level | Performance Level | | | | |
|---|---|---|---|---|---|
| | Far Below Basic | Below Basic | Basic | Proficient | Advanced |
| I | 15-20 | 21-29 | 30-34 | 35-42 | 43-60 |
| II | 15-25 | 26-29 | 30-34 | 35-40 | 41-60 |
| III | 15-24 | 25-29 | 30-34 | 35-42 | 43-60 |
| IV | 15-25 | 26-29 | 30-34 | 35-40 | 41-60 |
| V | 15-26 | 27-29 | 30-34 | 35-40 | 41-60 |

# Instructions for Downloading the 2004 Research Files

## Downloading the CST, CAPA, and CAT/6 Survey Research Data File

Please note that using the research files provided at this site requires expertise in the management of large data files. These files can range from 1MB to 90MB and more and take many hours to download if using a 56kb modem.

Working with these research files requires advanced data management skills. Many of the school district and county research files are too large for spreadsheet applications such as MS Excel and Lotus. Database applications like MS Access, SAS, or SPSS will be required to fully manage these research files.

For each entity (school, school district, county, or state), there are on average 900 records. Each record represents a different combination of demographic subgroups, grade levels, and test types. With so many records per entity, it is critical that the desired combination of characteristics is accurately selected.

Copying individual report pages into a spreadsheet application is possible if the target computer is using the most current operating systems and spreadsheet application versions.

### Selecting a Research File

The research files contain the aggregate score data for the CSTs, the CAPA, and the CAT/6 Survey. The research files are available in two formats: fixed width and comma delimited. A statewide research file containing the state, county, school district, and school data for “All Students” (no demographic subgroup data) will be available in both formats. In addition, a similar statewide research file containing the data for “All Subgroups” is available in both formats.

Files also can be downloaded for any single county or school district. These files contain all data (all subgroups and tests) for all entities comprising the selected entity. For example, if a school district file is selected, the data for all schools in that school district will be included in the file. The research files are comma delimited and zipped to allow easier download and file import management. “School only” files are not available.

The 2004 Entities File contains all school, school district, and county names. This file must be merged with the research file to join these entity names with the appropriate score data. A database program such as MS Access is most appropriate for this purpose.

## Research File Formats, Layouts, and Lookup Tables

Research file layouts and value lookup tables are available at *http://star.cde.ca.gov/star2004/research.fixfileformat.asp*.

The Research File Layout link provides the following information:

- Type Legend – data format of individual data fields
- Entities File – layout of entity file data fields
- Test Data File – layout of test data file data fields
- Table A – demographic subgroup listing
- Table B – grade listing
- Table C – test name listing
- Table D – CAPA levels and corresponding grade spans

Users of comma delimited research files will find these layouts useful in confirming the sequence of elements as well as value lookup. Users may view and/or download any of the layouts and tables.

Also available from the Research File Layout page are two additional comma delimited lookup files:

- Tests ID/Name Lookup Table – This table identifies subject test names and IDs for each CAT/6 Survey, CST, and CAPA test.

- Subgroup ID/Name Lookup Table – This table identifies each of the demographic subgroups and IDs reported in the STAR Program results.

Both of these lookup tables are useful when associating test and subgroup IDs and names with codes in the comma-delimited or fixed-width files.

A database “shell” is another alternative provided at this site. Once downloaded to the target computer, this application provides a powerful school, school district, CDS, and ZIP code search capability as well as a formatted report containing all the data for the selected entity. This MS Access 2000 shell contains all entity data and is designed to import any of the selected state, county, or school district comma delimited files. MS Access 2000 must already be installed on your computer.

## Compression Software Requirements

Research files downloaded from this site are compressed. If uncompression software is not already installed on the target computers, it is available at the following locations:

- For PC Users – Use uncompression software such as WinZip (An evaluation copy of WinZip is available at no cost at *www.winzip.com*.)

- For Mac Users – Use uncompression software such as StuffIt Expander (StuffIt Expander is available at no cost from Aladdin Systems at *http://www.aladdinsys.com/expander/*.)

## Instructions for Downloading Data Files

1. Check your application software manuals to verify which record format best suits your needs.

2. From the STAR Program Test Results home page (http://star.cde.ca.gov), select the STAR Program Test Results for the desired year.

3. On the left sidebar, select **Research Files**. For SABE/2 research files, go to http://www2.ctb.com/SABE2STAR/.

4. Downloading a statewide file:
   a. Double click on one of the four statewide files listed.
   b. Save the compressed file to your computer.
   c. Uncompress the zipped file. There will be two files saved to your computer: a results data file and an entity file.
   d. These files are now ready to be imported into an appropriate application.

5. Downloading a county/school district file:
   a. In the Search Panel, select a county or school district.
   b. Select **Download Research Files**. A county and school district downloadable file will now be listed under the County/District level files heading. If only a county is selected in the Search Panel, a school district level file will not be listed.
   c. Double click on the desired county or school district files.
   d. Save the compressed file to your computer.
   e. Double click on the appropriate entity file.
   f. Save the compressed file to your computer.
   g. Uncompress the zipped files.
   h. These files are now ready to be imported into an appropriate application.

6. Downloading the 2004 Access Database Shell (Note: MS Access 2000 or later must already be installed on the target computer)
   a. Under the Access Database – Main Component heading, select **2004 Access Database – Main Component**.
   b. Save the compressed file to your computer.

c. Uncompress the zipped file.
d. Identify and download a statewide, county, or school district CSV (comma separated) file containing the data you wish to evaluate according to the directions above. Be sure to place the uncompressed data file in the same directory as the 2004 Access Database – Main Component.
e. Open the Access Database. The program will give you the option to import any score data file in the same directory.
f. Select the file(s) to import. (Note: the Access Database – Main Component already contains all entity data.)

## Alternative Search Methods

In both the Search Panel and on the Research Files page, three search lists are identified:

- View County List
- View District List
- View Charter School List

Select the list corresponding to the data you wish to download. The resulting list will be alphabetical and give you the option of viewing the report or downloading the research data. Double click on your selection and use the directions above to complete downloading data.

The Search link to the left of the Search Panel also provides a powerful search tool. Selecting the Search link returns a search form. You can enter any combination of elements into the form and return all schools that meet that criteria. These elements include:

- County
- District
- School
- Zip Code
- CDS Code

## Getting Accurate Results from the Research Files

Whether working with the fixed-width, comma-delimited, or MS Access 2000 research files, achieving accurate results requires an understanding of the structure and content of the two primary tables: the entities and the test data tables. The research files have many rows for each entity. There are records for each combination of 11 grades (includes end-of-course as a grade), 29 tests, and 51 subgroups. This means that there are hundreds to thousands of records for each

entity, with an average of approximately 900 records. In order to work correctly with the data, you must use constraints to limit the data you are reporting. These constraints are discussed below.

2004 Entities Table – This table is comprised of the state, all counties, school districts, and schools in California. Because there are both school level and school district summary records, as well as county and state summary records, it is critical that in any analysis, a "Type ID" record type be selected. This will help avoid double or triple counting that will occur when a school count is also counted in the associated school district record.

Test Data Table – This table is comprised of the school, school district, county, and state aggregate STAR counts and scores.

To accurately analyze and report from these research files, the appropriate constraints must be applied to the following elements:

- CDS code – The research files contain summary school district and county records. A school district summary record will have a "school" code of "0000000." When working with the file, be sure to include the county, school district, and school codes. Failure to include all three will result in double counting in any summary calculations.

- Test Type – Identifying the desired test (CST, CAPA, or CAT/6 Survey) will help to provide clear query results.

- Subgroup ID – Each student will be included in both the "All Students" subgroup aggregation and each of the appropriate subgroup aggregations. Consequently, an individual subgroup must be selected to avoid duplicate counts.

- Test ID – In general, each student will take a number of tests (e.g., a grade five student would take the CAT/6 Survey grade five in reading, mathematics, language, and spelling, and CSTs in English-language arts, mathematics, and science). Consequently, a specific test should be selected to avoid confusion.

Providing accurate and meaningful reports from the research files generally requires the "linking" of the 2004 Entities and Test Data tables. Additional efforts might include linking to the "lookup" tables discussed above. Working with these tables requires an understanding of "relational" data tables and their manipulation.

# STAR 2004 Fixed-Length ASCII Files Record Definitions

| Type Legend | |
|---|---|
| T | Alphabetic text (letters only) |
| A | Alphanumeric text (letters and numbers allowed) |
| N | Number (numbers only) |
| SA | Alphanumeric with left-filled spaces |
| AS | Alphanumeric with right-filled spaces |
| ZA | Alphanumeric with left-filled zeroes |
| AZ | Alphanumeric with right-filled zeroes |
| ZN | Numeric with left-filled zeroes |
| NZ | Numeric with right-filled zeroes |
| SN | Numeric with left-filled spaces |
| 4Y | 4-digit year |

**Entities File**
The file created is comprised of the state, and all tested counties, school districts, and schools in California

| Data | Type | Length | Start Position | End Position |
|---|---|---|---|---|
| County Code | ZN | 2 | 1 | 2 |
| District Code | ZN | 5 | 3 | 7 |
| School Code | ZN | 7 | 8 | 14 |
| Charter Number | ZN | 4 | 15 | 18 |
| Test Year | ZN | 4 | 19 | 22 |
| Type ID<br>‘04’ = State<br>‘05’ = County<br>‘06’ = District<br>‘07’ = School<br>‘09’ = Independent Charter School<br>‘10’ = Dependent Charter School | ZN | 2 | 23 | 24 |
| County Name | SA | 50 | 25 | 74 |
| District Name | SA | 50 | 75 | 124 |
| School Name | SA | 50 | 125 | 174 |
| Zip Code | ZN | 5 | 175 | 179 |

| Test Data File | | | | |
|---|---|---|---|---|
| **Data/Column Heading** | **Type** | **Length** | **Start Position** | **End Position** |
| County Code | ZA | 2 | 1 | 2 |
| District Code | ZA | 5 | 3 | 7 |
| School Code | ZA | 7 | 8 | 14 |
| Charter Number | ZA | 4 | 15 | 18 |
| Test Year - '2004' | 4Y | 4 | 19 | 22 |
| Subgroup ID (Detailed listing provided Below – Table A) | ZN | 3 | 23 | 25 |
| Test Type<br>*CST = 'C'<br>*CAPA = 'P'<br>*CAT/6 = 'N' | A | 1 | 26 | 26 |
| CAPA Assessment Level (Table D) | N | 1 | 27 | 27 |
| Total STAR Enrollment | SN | 7 | 28 | 34 |
| Total Tested at Entity Level | SN | 7 | 35 | 41 |
| Total Tested at Subgroup Level | SN | 7 | 42 | 48 |
| Grade (values 02 – 13) - Table B | ZN | 2 | 49 | 50 |
| Test ID (Detailed listing provided below – Table C) | ZN | 2 | 51 | 52 |
| STAR Reported Enrollment/CAPA Eligible | SN | 7 | 53 | 57 |
| Student Tested | SN | 7 | 60 | 66 |
| Percent Tested | SN | 3 | 67 | 69 |
| Mean Scaled Score | SN | 5(999.9) | 70 | 74 |
| CST/CAPA Percentage Advanced | SN | 3 | 75 | 77 |
| CST/CAPA Percentage Proficient | SN | 3 | 78 | 80 |
| CST/CAPA Percentage At or Above Proficient | SN | 3 | 81 | 83 |
| CST/CAPA Percentage Basic | SN | 3 | 84 | 86 |
| CST/CAPA Percentage Below Basic | SN | 3 | 87 | 89 |
| CST/CAPA Percentage Far Below Basic | SN | 3 | 90 | 92 |
| Mean PR (NPR for Average Student Score) | SN | 3 | 93 | 95 |
| PAC75 (Percent Scoring above 75th NPR) | SN | 3 | 96 | 98 |
| PAC50 (Percent Scoring at or above 50th NPR) | SN | 3 | 99 | 101 |
| PAC25 (Percent Scoring above 25th NPR) | SN | 3 | 102 | 104 |

* Note: Data will be blank if it is not applicable to that test.

| Table A – Subgroup ID | |
|---|---|
| **Subgroups** | **SubGroup ID** |
| All Students | 1 |
| **Gender** | |
| Males | 3 |
| Females | 4 |
| **English-Language Fluency** | |
| Fluent-English Proficient and English Only | 6 |
| Initially Fluent-English Proficient (I-FEP) | 7 |
| Redesignated Fluent-English Proficient (R-FEP) | 8 |
| English Only | 180 |
| English Learner | 160 |
| English Learners Enrolled in CA Public Schools Less than 12 Months | 120 |
| English Learners Enrolled in CA Public Schools 12 Months or More | 142 |
| **Economic Status** | |
| Economically Disadvantaged | 31 |
| Non-Economically Disadvantaged | 111 |
| **Students with Disabilities** | |
| Students with Disability | 128 |
| Students with No Reported Disability | 99 |
| **Ethnicity** | |
| African American | 74 |
| American Indian or Alaska Native | 75 |
| Filipino | 77 |
| Hispanic or Latino | 78 |
| White (not Hispanic) | 80 |
| Asian | 76 |
| Chinese | 129 |
| Japanese | 130 |
| Korean | 131 |
| Vietnamese | 132 |
| Asian Indian | 133 |
| Laotian | 134 |
| Cambodian | 135 |
| Other Asian | 136 |
| Pacific Islander | 79 |
| Native Hawaiian | 137 |
| Guamanian | 138 |
| Samoan | 139 |
| Tahitian | 140 |
| Other Pacific Islander | 141 |
| **Parent Education** | |
| Not a High School Graduate | 90 |
| High School Graduate | 91 |
| Some College (Includes AA Degree) | 92 |
| College Graduate | 93 |
| Graduate School/Post Graduate | 94 |
| Parent Education -- Declined to State | 121 |
| **Special Program Participation** | |
| Class Size Reduction Option 1 | 24 |
| Class Size Reduction Option 2 | 25 |
| Migrant Education | 28 |
| Indian Education | 29 |
| Gifted and Talented | 30 |
| ESEA Title 1 School wide | 146 |
| ESEA Title 1 Targeted | 147 |
| English Learner in ELD | 108 |
| English Learner in ELD and SDAIE | 165 |
| English Learner in ELD and SDAIE with Primary Language Support | 166 |
| English Learner in ELD and Academic Subjects with Primary Language Support | 167 |

| Table B - Grade | |
|---|---|
| **Grade** | **Description** |
| 02 | 2nd Grade |
| 03 | 3rd Grade |
| 04 | 4th Grade |
| 05 | 5th Grade |
| 06 | 6th Grade |
| 07 | 7th Grade |
| 08 | 8th Grade |
| 09 | 9th Grade |
| 10 | 10th Grade |
| 11 | 11th Grade |
| 12 | 12th Grade |
| 13 | End of Course |

| Table C -Tests | |
|---|---|
| **Test ID** | **Test Name** |
| 01 | CAT/6 Reading |
| 02 | CAT/6 Mathematics |
| 03 | CAT/6 Language |
| 04 | CAT/6 Spelling |
| 05 | CAT/6 Science |
| 07 | CST English-Language Arts Standards |
| 08 | CST Mathematics |
| 09 | CST Algebra I |
| 10 | CST Integrated Math 1 |
| 11 | CST Geometry |
| 12 | CST Integrated Math 2 |
| 13 | CST Algebra II |
| 14 | CST Integrated Math 3 |
| 15 | CST High School (Summative) Mathematics (Grade 9-11) |
| 18 | CST World History |
| 19 | CST U.S. History |
| 20 | CST Biology/Life Sciences |
| 21 | CST Chemistry |
| 22 | CST Earth Science |
| 23 | CST Physics |
| 24 | CST Integrated/Coordinated Science I |
| 25 | CST Integrated/Coordinated Science II |
| 26 | CST Integrated/Coordinated Science III |
| 27 | CST Integrated/Coordinated Science IV |
| 28 | CST General Mathematics (Grades 6 & 7 Standards) |
| 29 | CST History - Social Science Grade 8 Cumulative |
| 30 | CAPA English-Language Arts |
| 31 | CAPA Mathematics |
| 32 | CST Grade 5 Science |

| Table D – CAPA Levels | |
|---|---|
| **CAPA Level** | **Corresponding Grade Spans** |
| 1 (Level 1) | Students in grades 2 – 11 (those with the most complex/profound disabilities) |
| 2 (Level II) | Students in grades 2 and 3 |
| 3 (Level III) | Students in grades 4 and 5 |
| 4 (Level IV) | Students in grades 6 – 8 |
| 5 (Level V) | Students in grades 9 – 11 |

# Downloading SABE/2 Research Data File

Research files for the SABE/2 are available in a variety of formats, depending on the type of system that you use (Windows or Macintosh) and record formats (fixed-length or tab-delimited ASCII).

1. Check your application software manuals to verify which record format best suits your needs.

2. From the STAR Test Results page (*http://star.cde.ca.gov*), select **Spanish Assessment of Basic Education, Second Edition (SABE/2)**.

3. On the left sidebar, select **Resources**.

4. Click the link for the file that corresponds to your system and preferred records format.

5. Click on the Summary level (state, county, district, school) and subgroup (all student, gender, etc.) that meet your needs.

6. Follow the directions to save the selected file to your computer.

   Windows formatted files have been compressed using the ZIP format commonly used on DOS and Windows based computers, denoted by the “zip” extension to the file name. These are self-extracting zip files.

   Macintosh formatted files are encoded using the Binhex format for transmission over the Internet. These files have also been compressed using the StuffIt format, denoted by the “sit” extension to the file name. Once you have downloaded the file in this format, it must be decoded. StuffIt Expander is included with many Web browsers and will decode files once they are downloaded.

7. Follow the directions in your application software manuals to open the file in your database, spreadsheet, or other program.

8. A description of the format of the fixed-length or tab-delimited ASCII SABE/2 research files follows.

# SABE/2 File Layout

| Starting Column | Length | Type | Data – NOTE: All data exclude Special Accommodations students. |
|---|---|---|---|
| 1 | 2 | ZN | County Code |
| 3 | 5 | ZN | District Code |
| 8 | 7 | ZN | School Code |
| 15 | 20 | T | County Name |
| 35 | 20 | T | District Name |
| 55 | 20 | T | School Name |
| 75 | 4 | 4Y | Administration Cycle "2004" |
| 79 | 1 | N | Record Type |
| | | | 4 = State |
| | | | 5 = County |
| | | | 6 = District |
| | | | 7 = School |
| 80 | 1 | N | Summary Type |
| | | | 1 = All Students |
| 81 | 2 | ZN | Grade Level |
| 83 | 5 | ZN | Filler |
| 88 | 2 | ZN | Filler |
| 90 | 6 | ZN | Total Number Tested |
| | | | **Reading Test** |
| 96 | 6 | N | Total Number Tested |
| 102 | 5 | T | Filler |
| 107 | 2 | T | RP of Mean RNCE (RP Rank for "average" student score) |
| 109 | 3 | T | Percent Scoring Above the 75th RP |
| 112 | 3 | T | Percent Scoring Above the 50th RP |
| 115 | 3 | T | Percent Above the 25th RP |
| | | | **Math Test** |
| 118 | 6 | N | Total Number Tested |
| 124 | 5 | T | Filler |
| 129 | 2 | T | RP of Mean RNCE (RP Rank for "average" student score) |
| 131 | 3 | T | Percent Scoring Above the 75th RP |
| 134 | 3 | T | Percent Scoring Above the 50th RP |
| 137 | 3 | T | Percent Scoring Above the 25th RP |
| | | | **Language Test** |
| 140 | 6 | N | Total Number Tested |
| 146 | 5 | T | Filler |
| 151 | 2 | T | RP of Mean RNCE (RP Rank for "average" student score) |
| 153 | 3 | T | Percent Scoring Above the 75th RP |
| 156 | 3 | T | Percent Scoring Above the 50th RP |
| 159 | 3 | T | Percent Scoring Above the 25th RP |
| | | | **Spelling Test (Grades 2–8 only)** |
| 162 | 6 | N | Total Number Tested |
| 168 | 5 | T | Filler |
| 173 | 2 | T | RP of Mean RNCE (RP Rank for "average" student score) |
| 175 | 3 | T | Percent Scoring Above the 75th RP |
| 178 | 3 | T | Percent Scoring Above the 50th RP |
| 181 | 3 | T | Percent Scoring Above the 25th RP |

**JACK O'CONNELL**
State
Superintendent of
Public Instruction

***CALIFORNIA DEPARTMENT OF EDUCATION***

# 2004 Standardized Testing and Reporting (STAR) Program

# Summary of Results

# Standardized Testing and Reporting (STAR) Program

# 2004 California Standards Test Results

## Background

- The California Standards Tests (CSTs) are designed to assess the achievement of students in California public schools on the state's academic content standards that specify what California students are to learn in each grade level and subject area.
- The CSTs in English-language arts and mathematics were first administered in spring 1999. Senior high school history-social science and science tests were added to the Program in 2001.
- In spring 2003, the history-social science test that had been administered at grade 9 was moved to grade 8. This test assesses the history-social science content standards for grades six through eight.
- A grade 5 science test that assesses the science content standards for grades four and five was administered for the first time during spring 2004.

## Reporting Results

- The CST results are reported using five performance levels: advanced, proficient, basic, below basic, and far below basic.
- The percentage of students scoring at each performance level is reported by grade and subject area.
- The state target is to have all students score at proficient or advanced.

## Summary of 2004 Results

### English-Language Arts

- Performance levels were first reported for the California English-Language Arts Standards Tests in 2001.
- The percentage of students scoring at proficient and advanced between 2001 and 2004 has increased for all grades except grade three where the percentages are the same.
- The greatest growth is at grade five where there is a twelve-percentage point increase over the four-year period. At grade nine, there has been a nine-point increase in the percentage of students scoring proficient and advanced.
- Across the four years, there have been increases each year for grades four, five, nine, and ten. The percentages were unchanged from 2003 to 2004 for grades two,

six, seven, and eleven.

- The percentage of students scoring far below basic decreased at grades two, four, and six through ten over the four-year period.

**Mathematics**

- The percentage of students scoring at proficient and advanced in mathematics increased between 2001 and 2004 for all grades, two through seven, as well as for Integrated Mathematics 3 and Summative High School Mathematics.
- During the four-year period, there were significant increases in the number of students in grades eight through eleven taking the Algebra I, Geometry, and Algebra II CSTs. While the number of students tested has increased, the percentage of students scoring proficient or advanced on these tests has decreased.
- The greatest gains were made in grades two through four.

**History-Social Science**

- Between 2001 and 2004, there were slight increases in the percentages of students scoring proficient or advanced on the grade ten and eleven history-social science tests.

**Science**

- There were significant increases in the number of students in grades nine through eleven taking science standards tests between 2001 and 2004 with the greatest increase being between 2003 and 2004.
- Approximately 75,000 more students took the CST Biology test in 2004 than in 2003. This was approximately a 23% increase.
- The significant increase in the number of students tested in biology was accompanied by a significant decrease in the percentage of students scoring proficient and advanced.
- A higher percentage of students scored proficient and advanced (30 percent) on the biology test than on any of the other science end-of-course tests.
- Twenty-four percent of the grade five students scored proficient or advanced on the new grade five science test.

**Table 1**
**Standardized Testing and Reporting (STAR) Program**
**California Standards Test**
**2001–04 State-Level Results**
**Percentage of All Students Scoring At or Above Proficient**

## ENGLISH-LANGUAGE ARTS

| Grade | Annual Performance | | | | Change | |
|---|---|---|---|---|---|---|
| | 2001 | 2002 | 2003 | 2004 | 3-Year Change | 1-Year Change |
| **2** | 32 | 32 | 36 | 36 | 4 | 0 |
| **3** | 30 | 34 | 33 | 30 | 0 | -3 |
| **4** | 31 | 36 | 39 | 40 | 9 | 1 |
| **5** | 28 | 31 | 36 | 40 | 12 | 4 |
| **6** | 31 | 31 | 36 | 36 | 5 | 0 |
| **7** | 34 | 33 | 36 | 36 | 2 | 0 |
| **8** | 32 | 32 | 31 | 33 | 1 | 2 |
| **9** | 28 | 33 | 38 | 37 | 9 | -1 |
| **10** | 31 | 33 | 33 | 35 | 4 | 2 |
| **11** | 29 | 31 | 32 | 32 | 3 | 0 |

**Table 2**
**Standardized Testing and Reporting (STAR) Program**
**California Standards Test**
**2001–04 State-Level Results**
**Percentage of All Students Scoring Far Below Basic**

**ENGLISH-LANGUAGE ARTS**

| Grade | Annual Performance | | | | Change* | |
|---|---|---|---|---|---|---|
| | 2001 | 2002 | 2003 | 2004 | 3-Year Change | 1-Year Change |
| **2** | 15 | 15 | 13 | 12 | -3 | -1 |
| **3** | 16 | 16 | 16 | 16 | 0 | 0 |
| **4** | 13 | 11 | 8 | 9 | -4 | 1 |
| **5** | 12 | 9 | 11 | 13 | 1 | 2 |
| **6** | 13 | 15 | 13 | 10 | -3 | -3 |
| **7** | 15 | 15 | 14 | 12 | -3 | -2 |
| **8** | 14 | 14 | 15 | 12 | -2 | -3 |
| **9** | 18 | 18 | 12 | 14 | -4 | 2 |
| **10** | 15 | 16 | 14 | 14 | -1 | 0 |
| **11** | 16 | 18 | 20 | 19 | 3 | -1 |

* A negative change indicates students are moving out of Far Below Basic and progressing toward proficiency.

**Table 3**
**Standardized Testing and Reporting (STAR) Program**
**California Standards Test**
**2001–04 State-Level Results**
**Percentage of All Students Scoring At or Above Proficient**

**MATHEMATICS**

| Grade / Test | Annual Performance | | | | Change | |
|---|---|---|---|---|---|---|
| | 2001 | 2002 | 2003 | 2004 | 3-Year Change | 1-Year Change |
| **Grade 2** | 40 | 43 | 53 | 51 | 11 | -2 |
| **Grade 3** | 38 | 38 | 46 | 48 | 10 | 2 |
| **Grade 4** | 33 | 38 | 45 | 45 | 12 | 0 |
| **Grade 5** | 30 | 29 | 35 | 38 | 8 | 3 |
| **Grade 6** | 31 | 32 | 34 | 35 | 4 | 1 |
| **Grade 7** | 29 | 30 | 30 | 33 | 4 | 3 |
| **Algebra I** | 21 | 22 | 21 | 18 | -3 | -3 |
| **Geometry** | 30 | 29 | 26 | 24 | -6 | -2 |
| **Algebra II** | 28 | 26 | 29 | 24 | -4 | -5 |
| **1st Year Integrated** | 10 | 7 | 7 | 7 | -3 | 0 |
| **2nd Year Integrated** | 18 | 25 | 28 | 21 | 3 | -7 |
| **3rd Year Integrated** | 20 | 21 | 21 | 27 | 7 | 6 |
| **General Mathematics** | NA | 16 | 20 | 20 | 4* | 0 |
| **Summative High School Math** | 37 | 40 | 43 | 41 | 4 | -2 |

* 2-Year Change

**Table 4**
**Standardized Testing and Reporting (STAR) Program**
**California Standards Test**
**2002–04 State-Level Results**
**Percentage of All Students Scoring Far Below Basic**

**MATHEMATICS**

| Grade / Test | Annual Performance | | | Change* | |
|---|---|---|---|---|---|
| | 2002 | 2003 | 2004 | 2-Year Change | 1-Year Change |
| **Grade 2** | 8 | 5 | 5 | -3 | 0 |
| **Grade 3** | 9 | 7 | 4 | -5 | -3 |
| **Grade 4** | 7 | 7 | 3 | -4 | -4 |
| **Grade 5** | 9 | 13 | 10 | 1 | -3 |
| **Grade 6** | 8 | 8 | 7 | -1 | -1 |
| **Grade 7** | 11 | 12 | 11 | 0 | -1 |
| **Algebra I** | 14 | 16 | 14 | 0 | -2 |
| **Geometry** | 10 | 7 | 8 | -2 | 1 |
| **Algebra II** | 12 | 17 | 16 | 4 | -1 |
| **1st Year Integrated** | 26 | 25 | 29 | 3 | 4 |
| **2nd Year Integrated** | 9 | 8 | 11 | 2 | 3 |
| **3rd Year Integrated** | 15 | 21 | 10 | -5 | -11 |
| **General Mathematics** | 15 | 19 | 19 | 4 | 0 |
| **Summative High School Math** | 15 | 15 | 6 | -9 | -9 |

* A negative change indicates students are moving out of Far Below Basic and progressing toward proficiency.

**REVISED**
**Table 5**
**Standardized Testing and Reporting (STAR) Program**
**California Standards Test**
**2001–04 Test-Taking Patterns**
**Number of Students Tested**

## MATHEMATICS TESTS

| Test | Number of Students Tested | | | | Change | | | |
|---|---|---|---|---|---|---|---|---|
| | 2001 | 2002 | 2003 | 2004 | 3-Year Change | Percent Change | 1-Year Change | Percent Change |
| **Algebra I** | 366,633 | 422,241 | 505,883 | 613,017 | 246,384 | 67.2% | 107,134 | 21.2% |
| **Geometry** | 213,795 | 240,512 | 270,560 | 300,905 | 87,110 | 40.7% | 30,345 | 11.2% |
| **Algebra II** | 126,997 | 148,333 | 162,672 | 181,878 | 54,881 | 43.2% | 19,206 | 11.8% |
| **1st Year Integrated** | 42,732 | 24,097 | 14,359 | 9,612 | -33,120 | -77.5% | -4,747 | -33.1% |
| **2nd Year Integrated** | 28,446 | 24,761 | 9,733 | 7,928 | -20,518 | -72.1% | -1,805 | -22.8% |
| **3rd Year Integrated** | 17,909 | 15,395 | 10,043 | 4,430 | -13,479 | -75.3% | -5,613 | -55.9% |
| **General Mathematics** | NA | 448,912 | 451,126 | 415,461 | -33,451* | -7.5% | -35,665 | -7.9% |
| **High School Summative Math** | 51,792 | 70,594 | 76,560 | 80,504 | 28,712 | 55.4% | 3,944 | 5.2% |
| **Total** | 848,304 | 1,394,845 | 1,500,936 | 1,613,735 | NA | NA | NA | NA |

* 2-Year Change

**Table 6**
**Standardized Testing and Reporting (STAR) Program**
**California Standards Test**
**2001–04 State-Level Results**
**Percentage of All Students Scoring At or Above Proficient**

**SCIENCE**

| Test | Annual Performance | | | | Change | |
|---|---|---|---|---|---|---|
| | 2001 | 2002 | 2003 | 2004 | 3-Year Change | 1-Year Change |
| **Grade 5** | NA | NA | NA | 24 | -- | -- |
| **Earth Science** | 20 | 21 | 22 | 22 | 2 | 0 |
| **Biology** | 34 | 37 | 37 | 30 | -4 | -7 |
| **Chemistry** | 28 | 29 | 31 | 28 | 0 | -3 |
| **Physics** | 30 | 28 | 29 | 29 | -1 | 0 |
| **Integrated 1** | NA | NA | 7 | 5 | -- | -2 |
| **Integrated 2** | NA | NA | 8 | 8 | -- | 0 |
| **Integrated 3** | NA | NA | 7 | 8 | -- | 1 |
| **Integrated 4** | NA | NA | 12 | 8 | -- | -4 |

**Table 7**
**Standardized Testing and Reporting (STAR) Program**
**California Standards Test**
**2002–04 State-Level Results**
**Percentage of All Students Scoring Far Below Basic**

**SCIENCE**

| Test | Annual Performance | | | Change* | |
|---|---|---|---|---|---|
| | 2002 | 2003 | 2004 | 2-Year Change | 1-Year Change |
| **Grade 5** | NA | NA | 10 | -- | -- |
| **Earth Science** | 19 | 17 | 19 | 0 | 2 |
| **Biology** | 9 | 12 | 11 | 2 | -1 |
| **Chemistry** | 10 | 11 | 12 | 2 | 1 |
| **Physics** | 19 | 18 | 18 | -1 | 0 |
| **Integrated 1** | NA | 25 | 28 | -- | 3 |
| **Integrated 2** | NA | 30 | 26 | -- | -4 |
| **Integrated 3** | NA | 19 | 14 | -- | -5 |
| **Integrated 4** | NA | 30 | 23 | -- | -7 |

* A negative change indicates students are moving out of Far Below Basic and progressing toward proficiency.

**REVISED**
**Table 8**
**Standardized Testing and Reporting (STAR) Program**
**California Standards Test**
**2001–04 Test-Taking Patterns**
**Number of Students Tested**

**SCIENCE**

| Test | Number of Students Tested | | | | Change | | | |
|---|---|---|---|---|---|---|---|---|
| | 2001 | 2002 | 2003 | 2004 | 3-Year Change | Percent Change | 1-Year Change | Percent Change |
| **Earth Science** | 69,255 | 80,096 | 89,676 | 134,870 | 65,615 | 94.7% | 45,194 | 50.4% |
| **Biology** | 269,602 | 298,475 | 334,005 | 397,701 | 128,099 | 47.5% | 63,696 | 19.1% |
| **Chemistry** | 132,908 | 144,933 | 153,491 | 181,298 | 48,390 | 36.4% | 27,807 | 18.1% |
| **Physics** | 33,123 | 41,762 | 44,878 | 52,401 | 19,278 | 58.2% | 7,523 | 16.8% |
| **Integrated 1** | 25,142 | 16,459 | 62,008 | 101,783 | 76,641 | 304.8% | 39,775 | 64.1% |
| **Integrated 2** | 49,455 | 38,988 | 25,983 | 24,686 | -24,769 | -50.1% | -1,297 | -5.0% |
| **Integrated 3** | 39,714 | 57,086 | 10,621 | 5,870 | -33,844 | -85.2% | -4,751 | -44.7% |
| **Integrated 4** | 24,808 | 25,468 | 1,515 | 1,602 | -23,206 | -93.5% | 87 | 5.7% |
| **Total: (Grades 9–11)** | 644,007 | 703,267 | 722,177 | 900,211 | NA | NA | NA | NA |
| | | | | | | | | |
| **Grade 5 Science** | -- | -- | -- | 479,845 | NA | NA | NA | NA |

**Table 9**
**Standardized Testing and Reporting (STAR) Program**
**California Standards Test**
**2001–04 State-Level Results**
**Percentage of All Students Scoring At or Above Proficient**

## HISTORY-SOCIAL SCIENCE

| Grade | Annual Performance | | | | Change | |
|---|---|---|---|---|---|---|
| | 2001 | 2002 | 2003 | 2004 | 3-Year Change | 1-Year Change |
| **8** | NA | NA | 28 | 28 | NA | 0 |
| **10** | 24 | 24 | 27 | 27 | 3 | 0 |
| **11** | 31 | 31 | 34 | 32 | 1 | -2 |

**Table 10**
**Standardized Testing and Reporting (STAR) Program**
**California Standards Test**
**2002–04 State-Level Results**
**Percentage of All Students Scoring Far Below Basic**

**HISTORY-SOCIAL SCIENCE**

| Grade | Annual Performance | | | Change* | |
|---|---|---|---|---|---|
| | 2002 | 2003 | 2004 | 2-Year Change | 1-Year Change |
| **8** | NA | 15 | 18 | NA | 3 |
| **10** | 25 | 28 | 25 | 0 | -3 |
| **11** | 15 | 13 | 15 | 0 | 2 |

* A negative change indicates students are moving out of Far Below Basic and progressing toward proficiency.

**Table 11**
**Standardized Testing and Reporting (STAR) Program**
**California Achievement Tests, Sixth Edition Survey (CAT/6)**
**2003–04 State-Level Results**
**Percentage of All Students Scoring At or Above the 50th National Percentile Rank**

| Grade | Reading | | | Language | | | Mathematics | | | Spelling | | | Science | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 2003 | 2004 | Chg | 2003 | 2004 | Chg | 2003 | 2004 | Chg | 2003 | 2004 | Chg | 2003 | 2004 | Chg |
| **2** | 46 | 47 | 1 | 41 | 43 | 2 | 57 | 59 | 2 | 53 | 53 | 0 | NA | NA | NA |
| **3** | 34 | 35 | 1 | 42 | 43 | 1 | 52 | 54 | 2 | 53 | 54 | 1 | NA | NA | NA |
| **4** | 35 | 36 | 1 | 43 | 45 | 2 | 48 | 49 | 1 | 56 | 58 | 2 | NA | NA | NA |
| **5** | 40 | 41 | 1 | 44 | 46 | 2 | 49 | 50 | 1 | 50 | 51 | 1 | NA | NA | NA |
| **6** | 45 | 46 | 1 | 40 | 42 | 2 | 51 | 53 | 2 | 49 | 52 | 3 | NA | NA | NA |
| **7** | 45 | 45 | 0 | 41 | 43 | 2 | 46 | 48 | 2 | 53 | 55 | 2 | NA | NA | NA |
| **8** | 41 | 41 | 0 | 43 | 45 | 2 | 48 | 49 | 1 | 49 | 51 | 2 | NA | NA | NA |
| **9** | 50 | 48 | -2 | 49 | 48 | -1 | 46 | 46 | 0 | NA | NA | NA | 47 | 46 | -1 |
| **10** | 49 | 49 | 0 | 49 | 50 | 1 | 51 | 52 | 1 | NA | NA | NA | 47 | 47 | 0 |
| **11** | 47 | 47 | 0 | 47 | 47 | 0 | 46 | 46 | 0 | NA | NA | NA | 49 | 49 | 0 |

**ITEM #6**

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

| SUBJECT | |
|---|---|
| Standardized Testing and Reporting (STAR) Program: Adopt Amendments to Title 5 Regulations | ☒ **Action**<br>☒ **Information**<br>☐ **Public Hearing** |

### RECOMMENDATION

Consider comments received during the public comment period and at the public hearing and take action to adopt the regulations.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In July 2004, the State Board of Education (SBE) approved the Initial Statement of Reasons, Notice of Proposed Rulemaking, and the commencement of the regulatory process for the proposed amendments to the Title 5 regulations for the Standardized Testing and Reporting (STAR) Program and directed staff to begin the 45-day written comment period.

### SUMMARY OF KEY ISSUES

The proposed amendments to the regulations:

- Update and clarify definitions used in the Program.
- Extend the use of below-grade-level testing for students with Individualized Education Programs (IEPs) for an additional year and expand the availability of below-grade-level testing to grades three and four.
- Make technical corrections to the testing variations, accommodations, and modifications to align the regulatory language with a matrix of allowable accommodations and modifications and to provide language that is consistent with the CAHSEE and CELDT regulatory language.
- Add the requirement that test examiners certify that they have received training to administer the tests. This addition was made due to an increasing number of test administration errors districts are reporting. The errors that are being made are generally linked to examiners not receiving training to administer the tests and not understanding the requirements.

## SUMMARY OF KEY ISSUES

- Modify the process for district STAR apportionments. Based on current technology, the Department is now able to produce Apportionment Information Reports for district superintendents to certify. This process results in more accurate reports and a workload reduction for districts.

- Modify the dates associated with testing materials being delivered to districts and schools and being returned to the contractor after testing. The modification involves changing all days to working days. Previously a combination of working days and calendar days was used, resulting in confusion about when materials would be received.

## FISCAL ANALYSIS (AS APPROPRIATE)

The Economic and Fiscal Impact Analysis concluded that while there are some costs related to the amendments, most of the costs are attributable to either state or federal statutes. Some of the regulations generate a cost savings. Costs not attributable to statute are reimbursable by the apportionment. The analysis was included in the Last Minute Memorandum submitted to SBE for the agenda item on the proposed regulations at the July 2004 SBE meeting.

## ATTACHMENT

The proposed regulations that were approved by SBE to be sent out for the 45-day written comment period are attached.

Attachment 1: STAR Regulations, Title 5. Education, Division 1. State Department of Education, Chapter 2. Pupils, Subchapter 3.75. Standardized Testing and Reporting. Article 1. General (30 Pages)

A Last Minute Memorandum will be provided that will include a summary of the comments received during the public comment period and at the public hearing.

# Title 5. EDUCATION

# DIVISION 1. STATE DEPARTMENT OF EDUCATION

## Chapter 2. Pupils

## Subchapter 3.75. Standardized Testing and Reporting

## ARTICLE 1. GENERAL

*Add subsection (h) to Section 850 to read:*

**§ 850. Definitions.**

For the purposes of the Standardized Testing and Reporting (STAR) program, the following terms shall have the following meanings unless the context indicates otherwise:

(a) "Designated achievement test" is the achievement test required by Education Code ~~s~~Section 60640(b). The designated achievement test includes test booklets, test answer documents, administration manuals, and administrative materials. ~~The designated achievement test is to be administered in the areas of reading, spelling, written expression and mathematics for pupils in grades 2 to 8, inclusive; and in the core curriculum areas of reading, writing, mathematics, history-social science and science for pupils in grades 9 to 11, inclusive.~~

(b) "Primary language test" includes any test administered pursuant to Education Code ~~s~~Section 60640(f) or a test administered pursuant to the requirement of Education Code ~~s~~Section 60640(g), as applicable, and includes the test booklets, test answer documents, administration manuals, administrative materials and practice tests.

(c) "School districts" includes elementary, high school, and unified school districts~~,~~; county offices of education; and 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.

(d) "Eligible pupil" is any pupil in grades 2 to 11, inclusive, who is not otherwise exempted.

(1) For the designated achievement test and the standards-based achievement tests, an eligible pupil is any pupil in grades 2 through 11, inclusive, including those pupils placed in a non-public school through the Individualized Education Program (IEP) process pursuant to Education Code Section 56365 who is not exempted by parent/guardian request or eligible to take the California Alternate Performance Assessment (CAPA).

(2) For the CAPA, an eligible pupil is any pupil with a significant cognitive disability in grades 2 through 11, and ages 7 through 16 in ungraded programs, whose IEP states that the pupil is to take the CAPA.

(3) For the primary language test, an eligible pupil is an English learner with a primary language for which a test is required or optional.

(e) “Department” means the California Department of Education.

(f)(1) “Standards-based achievement tests” are those tests that measure the degree to which pupils are achieving the content standards and performance standards adopted by the State Board of Education as provided in Education Code ~~s~~Section 60642.5. The standards-based achievement tests include test booklets, test answer documents, administration manuals, administrative materials, practice tests and other materials developed and provided by the ~~publisher~~ contractor of the tests.

(2) The term “standards-based achievement test” may refer to one or more of the individual achievement tests in the subject or core curriculum areas required by Education Code ~~s~~Section 60642.5, or all of the standards-based achievement tests collectively.

(g) “Administration Period” means one of multiple test administration periods by school districts with schools or programs on non-traditional calendars that begin and complete the school year at various times and have staggered vacation periods, in order to ensure that all pupils are tested at approximately the same point in the instructional year.

(h) ~~“The California Alternate Performance Assessment” (CAPA)~~ “CAPA” is an individually administered performance assessment developed to assess ~~students’~~ pupils’ achievement on a subset of California’s Academic Content Standards. ~~It is~~

~~administered to students receiving special education services who are significantly cognitively disabled.~~ The CAPA includes administration manuals, administrative materials, and documents on which the examiner records the ~~students'~~ pupils' responses.

(i) "Untimed administration" means that pupils may receive as much time as needed within a single sitting to complete a test or test part.

(j)~~(i)~~ ~~"Out-of-level testing"~~ "Below-grade-level testing" means administering a test that is below the grade level of the pupil being tested.

(k) "Test examiner" is an employee of a school district or an employee of a non-public school who has been trained to administer the tests and has signed a STAR Test Security Affidavit. For the CAPA, the test examiner must be a certificated or licensed school staff member.

(l) "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 designed to prepare him or her to assist the test examiner in the administration of tests within the STAR Program.

(m)~~(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 a pupil's ~~or adult student's~~ responses to the format required by the ~~examination~~ test. A ~~family member~~ student's parent or guardian is not eligible to be a scribe.

(n)~~(k)~~ "Accommodations" means any variation in the assessment environment or process that does not fundamentally alter what the test measures or affect the comparability of scores. Accommodations may include variations in scheduling, setting, aids, equipment, and presentation format.

(o)~~(l)~~ "Modification" means any variation in the assessment environment or process that fundamentally alters what the test measures or affects the comparability of scores.

(p)~~(m)~~ "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~~.

(g) “Grade” means the grade assigned to the pupil by the school district at the time of testing.

NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference: Sections 60615, 60640, 60642 and 60642.5, Education Code.

**Article 2. Designated Achievement Test, ~~and~~ Standards-Based Achievement Tests, and California Alternate Performance Assessment**

*Amend Section 851 to read:*

**§ 851. Pupil Testing.**

(a) School districts shall administer the designated achievement test and standards- based achievement tests to each eligible pupil enrolled in any of grades 2 to 11, inclusive, in a school district on the date testing begins in the pupil’s school.

(b) School districts shall administer the CAPA, as set forth in the pupil’s IEP, to each eligible pupil in any of grades 2 to 11, inclusive, in a school district during the period specified by the test contractor. Pupils in ungraded special education classes shall be tested, if they are 7 to 16 years of age.

(c)~~(b)~~ School districts shall make whatever arrangements are necessary to test all eligible pupils in alternative education programs or programs conducted off campus, including, but not limited to, continuation schools, independent study, community day schools, or county community schools.

(d)~~(c)~~ School districts may administer the designated achievement test to pupils enrolled in kindergarten or grade 1 or 12, but those pupils shall not be counted for the apportionment pursuant to Education Code ~~s~~Section 60640(h).

(e)~~(d)~~ No test may be administered in a ~~private~~ home or ~~location~~ hospital ~~unless the test is administered by either a certificated employee of the school district or an employee of a nonpublic school pursuant to Education Code section 56365 who holds a credential and the employee signs a security affidavit~~ except by a test examiner. No test shall be administered to a pupil by the parent or guardian of that pupil. This subdivision does not prevent classroom aides from

assisting in the administration of the test under the supervision of a credentialed school district employee provided that the classroom aide does not assist his or her own child and that the classroom aide signs a security affidavit.

NOTE: Authority cited: Sections 33031 and 60605~~(g) and (h)~~, Education Code. Reference: Sections 60640 and 60642.5, Education Code.

*Amend Section 852 to read:*

**§ 852. Pupil Exemptions.**

~~(a)~~ A parent or guardian may submit to the school a written request to excuse his or her child from any or all parts of any test provided pursuant to Education Code ~~s~~Section 60640. A school district and its employees may discuss the Standardized Testing and Reporting program with parents and may inform parents of the availability of exemptions under Education Code ~~s~~Section 60615. However, the school district and its employees shall not solicit or encourage any written exemption request on behalf of any child or group of children.

~~(b) Pupils in special education programs shall be tested with the designated achievement test and the standards-based achievement tests unless the individualized educational program for the pupil specifically states that the pupil will be assessed with the California Alternate Performance Assessment or (CAPA).~~

NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference: Sections 60615 and 60640, Education Code.

*Amend Section 853 to read:*

**§ 853. Administration.**

(a) The designated achievement test shall be administered and returned by school districts in accordance with the manuals or other instructions provided by the contractor for administering and returning the tests unless specifically provided otherwise in this subchapter including instructions for administering the test with variations, accommodations, and modifications. The procedures shall include, but are not limited to, those designed to insure the uniform and standard

administration of the tests to pupils, the security and integrity of the test content and test items, and the timely provision of all required student and school level information.

(b) The standards-based achievement tests and the ~~California Alternate Performance Assessment (~~CAPA~~)~~ shall be administered and returned by school districts in accordance with the manuals and other instructions provided by the contractor, and in accordance with testing variations, accommodations, and modifications specified in Section 853.5. The procedures shall include, but are not limited to, those designed to insure the uniform and standard administration of the tests to pupils, the security and integrity of the test content and test items, and the timely provision of all required student and school level information. The procedures shall not include criteria for who should be assessed by the CAPA.

(c) For the ~~2003-04~~ 2004-05 school year ~~only~~, pupils with IEPs specifying below- grade-level testing in grades ~~5~~ 4 though 11 may be tested one or two grades below their enrollment grade. Pupils with IEPs specifying below-grade-level testing in grade three may be tested one grade level below their enrollment grade. The test level must be specified in the ~~student's~~ pupil's IEP. ~~Out-of-level~~ Below-grade-level testing shall be used only if the ~~student~~ pupil is not receiving grade-level ~~instruction~~ curriculum as specified by the California academic content standards, and is so indicated on the IEP. ~~Students~~ Pupils tested ~~out-of-level~~ below-grade-level must complete all tests required for the grade at which they are tested and shall be administered ~~only one level of the tests~~ the tests for only one grade level. ~~Out-of-level testing is not allowed for pupils in grades 2, 3, and 4. No out-of-level testing shall be allowed at any grade beginning with the 2004-05 school year.~~

NOTE: Authority cited: Sections 12001, 33031 and 60605, Education Code. Reference: Section 60640, Education Code; and 20 USC Section 6311.

*Amend Section 853.5 to read:*

**§ 853.5 Use of Variations, Accommodations, and Modifications ~~for the Standards-Based Achievement Test and the California Alternate~~**

**~~Performance Assessment~~.**

(a) School districts may provide all pupils the following variations:

(1) have test directions simplified or clarified.

(2) write in test booklets for grades 4-11 on the Standards-Based Achievement Test.

(3) have as much time as needed within a single sitting to complete a test or test part on the Standards-Based Achievement Test.

(b)~~(a)~~ School districts may provide all pupils the following testing variations if regularly used in the classroom:

~~(1) test directions that are simplified or clarified.~~

(1)~~(2)~~ special or adaptive furniture.

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

(3)~~(4)~~ an individual carrel or study enclosure.

(4)~~(5)~~ test individually in a separate room provided that an employee of the school, school district, or non-public school, who has signed the STAR Test Security Affidavit, directly supervises the pupil.

(5)~~(6)~~ ~~markers,~~ colored overlay, mask~~s~~, or other means to maintain visual attention to the ~~examination~~ test or test ~~items~~ questions.

(6) grade two or three standards-based achievement tests underlining or marking information or working math problems in the test booklet and having a school, school district, or non-public school employee who has signed the Test Security Affidavit transfer the answers to a new test booklet.

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

(c)~~(b)~~ Eligible pupils with disabilities who have IEPs and ~~students~~ pupils with Section 504 plans shall be permitted ~~to take the standards-based achievement tests with~~ the following presentation, response or setting accommodations if specified in the IEP or Section 504 plan:

(1) large print versions.

(2) test items enlarged ~~through electronic means (e.g., photocopier)~~ if font larger

than that used on large print versions is required.

(3) Braille transcriptions provided by the test contractor.

~~(4) Use of manually coded or American sign language to present directions for administration.~~

(4) for grade two or three designated achievement test underlining or marking information or working math problems in addition to marking question answers in test booklets and having a school, school district, or non-public school employee who has signed the Test Security Affidavit transfer the answers to a new test booklet.

(5) audio or oral presentation of the mathematics, science, or history-social science tests.

(6) use of ~~m~~Manually ~~c~~Coded English or American ~~s~~Sign ~~l~~Language to present test questions on the mathematics, science, or history-social science tests.

(7) responses marked in test booklet and transferred to the answer document by a school, ~~or~~ school district, or non-public employee who has signed the Test Security Affidavit.

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

(9) responses dictated to a scribe, audio recorder or speech to text converter on the ~~grade 4 or grade 7~~ writing ~~application standards section~~ portion of the ~~California~~ English-~~L~~language ~~A~~arts ~~Standards T~~tests, and the pupil indicates all spelling and language conventions.

(10) use of word processing software with spell and grammar check tools turned off on the writing portion of the ~~grade 4 or 7 test~~ English-language arts tests.

(11) use of an assistive device that does not interfere with the independent work of the student on the multiple-choice or writing portion of the test.

(12) supervised breaks within a section of the test.

(13) administration of the test at the most beneficial time of day to the pupil.

(14) administration of any test or test part to be given in a single sitting over more than one day.

(15)~~(14)~~ test administered by ~~certificated teacher~~ a test examiner to a pupil ~~or adult student~~ at home or in the hospital.

(16) write in test booklet for grades 4-11 on the designated achievement test.

(17) extra time within the testing day on the designated achievement test.

(d)~~(c)~~ Eligible pupils with disabilities shall be permitted ~~to take the standards-based tests with~~ the following modifications if specified in the eligible pupil's IEP or Section 504 Plan:

(1) calculators, arithmetic tables, or mathematics manipulatives on the mathematics or science tests.

(2) audio or oral presentation of the English-language arts tests.

(3) ~~use of m~~Manually ~~c~~Coded English or American ~~s~~Sign ~~l~~Language to present test questions on the English-language arts tests.

(4) spellcheckers, grammar checkers, or word processing software programs that check or correct spelling and/or grammar on the writing portion of the ~~grade 4 and 7~~ English-language arts tests.

(5) mechanical or electronic devices or other assistive devices that are not used solely to record the pupil's responses, including but not limited to transcribers, scribes, voice recognition or voice to text software, and that identify a potential error in the pupil's response or that correct spelling, grammar or conventions on the writing portion of the ~~grade 4 and 7~~ English-language arts tests.

(6) ~~use of American sign language to provide a response to the written portion of the grade 4 and 7 English-language arts tests~~ responses dictated orally, in Manually Coded English or American Sign Language to provide an essay response to a scribe and the scribe provides spelling, grammar, and language conventions.

(7) ~~English~~ dictionary ~~on the English-language arts test~~.

~~(8) mathematics dictionary on the mathematics section of the examination.~~

(e) If the school district, pupil's IEP team or Section 504 plan proposes a variation for use on the designated achievement test, the standards-based achievement test, or the CAPA, that has not been listed in this section, the school

district may submit, to the California Department of Education, for review of the proposed variation in administering the designated achievement test, standards-based achievement test, or the CAPA.

(f)~~(d)~~ School districts shall provide identified English learner pupils the following ~~additional~~ testing variations if regularly used in the classroom or for assessment:

(1) Flexible setting. Tested in a separate room with other English learners provided that an employee of the school, school district, or non-public school, who has signed the Test Security Affidavit, directly supervises the pupil ~~and the pupil has been provided such a flexible setting~~.

(2) Flexible schedule. Additional supervised breaks following each section 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.

(3) Translated directions. Hear ~~any~~ the test directions ~~the test examiner is to read aloud~~ printed in the test administration manual translated into their primary language. English learners shall have the opportunity to ask clarifying questions about any test directions presented orally in their primary language.

(4) Glossaries. Access to translation glossaries/word lists for the standards-based achievement tests in mathematics, science, and history-social science ~~if used regularly in the classroom~~ (English to primary language). The translation glossaries/word lists are to include only the English word or phrase with the corresponding primary language word or phrase. The glossaries/word lists shall include no definitions or formulas.

NOTE: Authority cited: Sections 12001, 33031 and 60605, Education Code. Reference: Section 60640, Education Code; and 20 USC Section 6311.

*Amend Section 854 to read:*

**§ 854. Advance Preparation for the Test.**

(a) Except for materials specifically ~~included within the designated achievement or standards-based test~~ provided by the California Department of Education or its agents, no program or materials shall be used by any school district or employee of a school district that are specifically formulated or intended

to prepare pupils for the designated achievement tests or standards-based achievement tests. No administration or use of an alternate or parallel form of the designated achievement test ~~for any stated purpose~~ shall be ~~permitted~~ used as practice for any pupils in grades 2 through 11, inclusive.

(b) Practice tests provided by the ~~publisher~~ contractor as part of the ~~designated achievement test~~ standards-based achievement tests for the limited purpose of familiarizing pupils with the use of scannable test booklets or answer sheets and the format of test items are not subject to the prohibition of Subdivision (a).

NOTE: Authority cited: Sections 33031 and 60605~~(g) and (h)~~, Education Code. Reference: Sections 60611 and 60640, Education Code.

*Amend Section 855 to read:*

**§ 855. Testing Period.**

(a) The designated achievement test and the standards-based achievement tests, except for the STAR writing assessment as specified in subdivision (c), shall be administered to each pupil during a testing window of twenty-one (21) instructional days that includes ten (10) instructional days before and after completion of 85% of the school's, track's, or program's instructional days. Testing for all pupils, including makeup testing, is to be completed within this twenty-one (21) instructional day window unless all or part of the twenty-one (21) instructional day period falls after any statutorily specified deadline.

(b) Each school district shall provide for at least two (2) makeup days of testing for pupils who were absent during the period in which any school administered the designated achievement test and the standards-based achievement tests. All makeup testing shall occur within five (5) instructional days of the last date that the school district administered the tests but not later than the end of the twenty-one (21) instructional day period established in subdivision (a).

(c) The STAR writing assessment shall be administered to each eligible pupil only on the day(s) specified annually by the State Superintendent of Public Instruction. An eligible pupil for purposes of the writing assessment is a pupil

taking the standards-based achievement tests for ~~enrolled in~~ a grade at which the writing test will be administered.

NOTE: Authority cited: Sections 33031 and 60605~~(g) and (h)~~, Education Code. Reference: Sections 60640 and 60642.5, Education Code.

*Amend Section 857 to read:*

**§ 857. ~~STAR Program~~ District STAR Coordinator.**

(a) On or before ~~November 15, 1999 and~~ ~~October 15~~ September 30 of each ~~subsequent~~ school year, the superintendent of each school district shall designate from among the employees of the school district a ~~STAR program~~ district STAR coordinator. The ~~STAR program~~ district STAR coordinator, or the school district superintendent or his or her designee, shall be available through August 15 of the following year to complete school district testing. The school district shall notify the ~~publisher~~ contractor of the identity and contact information, including electronic mail address, if available in the school district, for the ~~STAR program~~ district STAR coordinator and for the superintendent and his or her designee, if any. The ~~STAR program~~ district STAR coordinator shall serve as the school district representative and the liaison between the school district and the ~~test publisher~~ contractor and the school district and the Department for all matters related to the STAR program.

(b) The ~~STAR program~~ district STAR coordinator's responsibilities shall include, but not be limited to, all of the following duties:

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

(2) Determining school district and individual school test and test material needs in conjunction with schools within the district and the ~~test publisher~~ contractor, using ~~California Basic Education Data System (CBEDS) and~~ current enrollment data and communicating school district test ~~and test~~ material needs to the ~~publisher~~ contractor on or before December 1.

(3) ~~Overseeing the acquisition and distribution of tests and test materials to individual schools and test sites.~~ Ensuring delivery of tests and test materials to the test sites no more than ten (10) or fewer than five (5) working days before the first day of testing designated by the district.

(4) Coordinating the testing and makeup testing days for the school district and for those pupils of the district who are enrolled in nonpublic schools within any required time periods with the school test site coordinators. Overseeing the collection of all pupil data as required to comply with Section 861.

(5) Maintaining security over the designated achievement test, ~~and~~ the standards-based achievement tests, the CAPA and test data using the procedure set forth in Section 859. The ~~STAR program~~ district STAR coordinator shall sign the security agreement set forth in Section 859 and submit it to the contractor prior to receipt of the test materials from the contractor.

(6) Overseeing the administration of the designated achievement test, ~~and~~ the standards-based achievement tests, and the CAPA to eligible pupils.

(7) Overseeing the collection and return of all test materials and test data to the ~~publisher~~ contractor within any required time periods.

(8) Assisting the ~~test publisher~~ contractor and the Department in the resolution of any discrepancies in the test information and materials, including but not limited to, pre-identification files and all pupil level data required to comply with Sections 861 and 862.

(9) Immediately notifying the Department of any security breaches or testing irregularities in the district before, during, or after the test administration.

(10) Ensuring that an answer document is submitted for scoring for each eligible pupil enrolled in the district on the first day of testing.

~~(c) Within five (5) working days of completed school district testing, the school district superintendent and the STAR program district coordinator shall certify the following information with respect to the designated achievement test and the standards-based achievement tests to the Department: that the school district has maintained the security and integrity of the designated achievement test and the standards-based achievement tests; collected all data and information as required~~

~~by Sections 861 and 862; returned to the test publisher all test materials, answer documents, and other materials included as part of the designated achievement test and the standards-based achievement tests in the manner and as otherwise required by the test publisher; and assisted the test publisher in the resolution of any discrepancies in the test or test materials as required by Section 868~~.

~~(d)~~(11) ~~Within five (5) working days of~~ After receiving summary reports and files from the ~~publisher~~ contractor, the ~~school~~ district STAR coordinator shall review the files and reports for completeness and accuracy, and shall notify the ~~publisher~~ contractor and the Department of ~~its findings. The school district shall notify the Department in writing whether~~ any errors, discrepancies, or incomplete information ~~have been resolved~~.

(12) Training test site coordinators to oversee the test administration at each school.

NOTE: Authority cited: Sections 33031 and 60605~~(g) and (h)~~, Education Code. Reference: Sections 52052, 60630, and 60640, Education Code; and 20 USC Section 6311.

*Amend Section 858 to read:*

**§ 858. STAR Test Site Coordinator.**

(a) At each test site, including but not limited to, each elementary, middle, and high school or other grade-span designated school, each charter school, each court-school, each school or program operated by a school district, and all other public programs serving pupils in any of the grades 2 to 11, inclusive, the superintendent of the school district or the district STAR coordinator shall designate a STAR test site coordinator from among the employees of the school district. The STAR test site coordinator, or the site principal or his or her designee, shall be available to the ~~STAR program~~ district STAR coordinator by telephone through August 15 for purposes of resolving discrepancies or inconsistencies in materials or errors in reports.

(b) The STAR test site coordinator's responsibilities shall include, but are not limited to, all of the following duties:

(1) Determining site test and test material needs and communicating the site needs to the ~~STAR program~~ district STAR coordinator.

(2) Overseeing the acquisition and distribution of tests and test materials at the test site, including but not limited to, distributing test materials to test examiners on each day of testing in accordance with the contractor's directions.

(3) Cooperating with the ~~STAR program~~ district STAR coordinator to provide the testing and makeup testing days for the site within any required time periods.

(4) Maintaining security over the designated achievement test, ~~and~~ the standards-based achievement tests, the CAPA and test data. The STAR test site coordinator shall sign the security agreement set forth in Section 859 and submit it to the district STAR coordinator prior to the receipt of the test materials.

(5) Arranging for and ~~O~~overseeing the administration of the designated achievement test, ~~and~~ the standards-based achievement tests, and the CAPA to eligible pupils at the test site.

(6) Overseeing the collection and return of all testing materials to the ~~STAR program~~ district STAR coordinator.

(7) Assisting the ~~STAR program~~ district STAR coordinator, the ~~test publisher~~ contractor, and the Department in the resolution of any discrepancies in the test information and materials.

(8) Overseeing the collection of all pupil level and other data required to comply with Sections 861 and 862.

(9) Ensuring that an answer document is submitted for scoring for each eligible pupil enrolled in the school on the first day of testing.

(10)~~(9)~~ Ensuring that for each pupil tested only one scannable answer document is submitted for scoring, except that for each pupil tested at grades ~~4 or grade 7,~~ for which the contractor has designated the use of more than one answer document. ~~a~~An answer document for the STAR writing assessment administered pursuant to Section 855(c) shall be submitted in addition to the answer document for the multiple choice items.

(11) Immediately notifying the district STAR coordinator of any security breaches or testing irregularities that occur in the administration of the designated

achievement test, the standards-based achievement tests, or the CAPA that violate the terms of the STAR Security Affidavit in Section 859.

(12) Training all test examiners, proctors, and scribes for administering the tests.

~~(c) Within three (3) working days of complete site testing, the principal and the STAR test site coordinator shall certify to the STAR program district coordinator that the test site has maintained the security and integrity of the designated achievement test and the standards-based achievement tests, collected all data and information as required, and returned all test materials, answer documents, and other materials included as part of the designated achievement test in the manner and as otherwise required by the STAR program district coordinator.~~

NOTE: Authority cited: Sections 33031 and 60605~~(g) and (h)~~, Education Code. Reference: Sections 60630 and 60640, Education Code; and 20 USC Section 6311.

*Amend Section 859 to read:*

**§ 859. STAR Test Security Agreement and Test Security Affidavit.**

(a) All STAR ~~program~~ district and test site coordinators (coordinators) shall sign the STAR Test Security Agreement set forth in Subdivision (b) before receiving any STAR Program tests or test materials.

(b) The STAR Test Security Agreement shall be as follows:

STAR TEST SECURITY AGREEMENT

~~The coordinator~~ I acknowledge~~s~~ by ~~his or her~~ my signature on this form that the designated achievement test, ~~and~~ the standards-based achievement tests, and the CAPA are secure tests and agree~~s~~ to each of the following conditions to ensure test security:

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

(2) ~~The coordinator~~ I will keep on file the names of all persons having access to tests and test materials. All persons having access to the materials shall be

required by the coordinator to sign the STAR Test Security Affidavit that will be kept on file in the school district office.

(3) ~~The coordinator~~ I will keep the designated achievement test and the standards-based achievement tests and test materials in a secure, locked location ~~limiting access to~~ and will deliver tests and test materials only to those persons ~~responsible for test security~~ who have executed STAR Test Security Affidavits, ~~except~~ on actual testing dates as provided in California Code of Regulations, Title 5, Division 1, Chapter 2, Subchapter 3.75.

(4) I will keep the CAPA materials in a secure locked location when not being used by examiners to prepare for and to administer the assessment. I will adhere to the contractor's directions for the distribution of the assessment materials to examiners.

(5)~~(4)The coordinator~~ I will not copy any part of the tests or test materials without written permission from the Department to do so.

(6) I will not disclose, or allow to be disclosed, the contents of, or the test instrument. I will not review any test questions, passages, or other test items with any other person before, during, or after the test administration.

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

By signing my name to this document, I am assuring that I ~~and anyone having access to the test materials~~ will abide by the above conditions.

By: _____

Title: _____

School District: _____

Date: _____

~~(c) Each STAR test site coordinator shall deliver the tests and test materials only to those persons actually administering the designated achievement test and the standards-based achievement tests on the date of testing to persons trained to administer the test who have executed the STAR Test Security Affidavit set forth in Subdivision (e).~~

(c)~~(d)~~ All test examiners, proctors, scribes, and any other persons having access to the designated achievement test and test materials, ~~and to~~ the standards-based achievement tests and test materials, and the CAPA materials shall acknowledge the limited purpose of their access to the tests by signing the STAR Test Security Affidavit set forth in Subdivision (d)~~(f)~~.

(d)~~(e)~~The STAR Test Security Affidavit shall be as follows:

STAR TEST SECURITY AFFIDAVIT

I acknowledge that I will have access to the designated achievement test and to the standards-based achievement tests and the CAPA for the purpose of administering the test(s). 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 tests to any other person through verbal, written, or any other means of communication.

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

(3) I will keep the test(s) secure until the test(s) are actually distributed to pupils.

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

(5) I will collect and account for all materials following each period of testing and will not permit pupils to remove test materials from the room where testing takes place.

(6) ~~I will not disclose, or allow to be disclosed, the contents of, or the test instrument.~~ I will not review any test questions, passages, or other test items with pupils or any other person before, during, or following testing.

(7) I will not develop scoring keys or review or score any pupil responses except as required by the ~~publisher's~~ contractor's administration manual(s) to prepare answer documents for machine or other scoring.

(8) I will return all test materials to the designated STAR test site coordinator daily upon completion of testing.

(9) I will administer the test(s) in accordance with the directions for test administration set forth in the ~~publisher's~~ contractor's manual for test administration.

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

Signed: _____

Print Name: _____

Position: _____

School: _____

School District: _____

Date: _____

(e)~~(f)~~ To maintain the security of the Program, all ~~STAR program~~ district STAR coordinators and test site coordinators are responsible for inventory control and shall use appropriate inventory control forms to monitor and track test inventory.

NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference: Section 60640, Education Code.

*Amend Section 861 to read:*

**§ 861. School-By-School Analysis**

(a) Each school district shall provide the ~~publisher~~ contractor ~~of~~ for the designated achievement test and standards-based achievement tests or CAPA, the following information for each pupil ~~tested~~ enrolled on the first day the tests are administered for purposes of the reporting required by the Academic Performance Index of the Public Schools Accountability Act (Chapter 6.1, commencing with Section 52050), Section 60630, and Chapter 5 (commencing with Section 60640) of the Education Code:

(1) Pupil's full name.

(2)~~(1)~~ Date of birth.

(3)~~(2)~~ Grade level.

(4)~~(3)~~ Gender.

(5)~~(4) Language fluency~~ English proficiency and ~~home~~ primary language.

(6) Date of English proficiency reclassification.

(7) If R-FEP pupil scored proficient or above on the California English-language arts test three (3) times since reclassification.

(8)~~(5) Special p~~Program participation.

(9)~~(6)~~ Use of ~~Testing adaptations or~~ accommodations or modifications.

(10) California School Information Services (CSIS) Student Number once assigned.

(11)~~(7)~~ Parent education level.

(12)~~(8)~~ Amount of time in the school and school district.

(13) For English learners, length of time in California public schools and in school in the United States.

(14) Participation in the National School Lunch Program.

(15)~~(9)~~ Ethnicity.

(16)~~(10) Handicapping condition or~~ Primary disability.

(17) County and District of residence for pupils with IEPs.

(18) Special testing conditions and/or reasons for not being tested.

(b) The information is for the purposes of aggregate analyses only and shall be provided and collected as part of the testing materials for the designated achievement test, the standards-based achievement tests, and the CAPA.

(c) 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 in grades 2 to 11, inclusive.

(d) If the information required by Section 861(a) is incorrect, the school district may enter into a separate agreement with the contractor to have the district's student data file corrected. The district STAR coordinator shall provide the correct information to the contractor within the contractor's timeline. Any costs for correcting the student data shall be the district's responsibility.

NOTE: Authority cited: Sections 33031 and 60605~~(g) and (h)~~, Education Code. Reference: Section 60630, Education Code.

*Amend Section 862 to read:*

**§ 862. Apportionment Information Report.**

(a) ~~Each school district shall report to the Department all of the following information relevant to~~ Annually, each school district shall receive an apportionment information report with the following information for the designated achievement test, ~~and~~ the standards-based achievement tests, and the CAPA by grade level for each of grades 2 to 11, inclusive:

(1) The number of pupils enrolled in each school and in the school district on the first day of testing ~~in the school district~~ as indicated by the number of answer documents submitted to the test contractor for scoring.

(2) The number of pupils with significant cognitive disabilities in each school and in the school district ~~exempted from testing pursuant to Education Code section 60640(e)~~ tested with the California Alternate Performance Assessment (CAPA).

(3) The number of pupils in each school and in the school district exempted from testing at the request of their parents or guardians pursuant to Education Code ~~s~~Section 60615.

(4) The number of pupils ~~to whom~~ who were administered any portion of the designated achievement test ~~was administered~~ and standards-based achievement tests.

(5) The number of pupils with demographic information only who were not tested for any reason other than a parent/guardian exemption.

(b) The department shall distribute the reports to districts no later than November 15 following each testing cycle.

~~(b)(1) The superintendent of each school district shall certify the accuracy of all information submitted. The report required by Subdivision (a) shall be filed with the State Superintendent of Public Instruction within ten (10) working days of the last day of makeup testing in the school district.~~

~~(2) School districts with an average daily attendance greater than 100,000 may certify the accuracy and submit the information required by Subdivision (a) within fifteen (15) working days of the last day of makeup testing in the school district. The school district may submit a request to the Department to obtain approval of the State Board of Education for an extension of ten (10) additional~~

~~working days if the fifteen (15) working day requirement presents an undue hardship.~~

(c) 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 each school district has certified the accuracy of the apportionment information report for examinations administered during the calendar year (January 1 through December 31), which 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 testing window began.

NOTE: Authority cited: Sections 33031 and 60605~~(g) and (h)~~, Education Code. Reference: Sections 60615 and 60640, Education Code.

*Amend Section 863 to read:*

**§ 863. STAR Student ~~Parent~~ Reports and Cumulative Record Labels.**

(a) The school district shall forward the STAR Student R~~r~~eport provided by the contractor~~, in writing, the results of~~ to each ~~pupil's test to the~~ pupil's parent or guardian, within no~~t~~ more than twenty (20) working days from receipt of the report ~~test results~~ from the ~~publisher~~ contractor.

(b) If the school district receives the~~se~~ reports for the designated achievement test and standards-based tests or CAPA from the ~~test publisher~~ contractor after the last day of instruction for the school year, the school district shall send the pupil results to the parent or guardian by U.S. mail at the parent's or guardian's last known address. If the report is non-deliverable, the school district shall make the report available to the parent or guardian during the next school year.

(c) Schools are responsible for affixing cumulative record labels reporting each pupil's scores to the pupil's permanent school records or for entering the scores

into electronic pupil records, and for forwarding the results to schools to which pupils matriculate or transfer. Schools may annotate the scores when the scores may not accurately reflect pupils' achievement due to illness or testing irregularities.

NOTE: Authority cited: Sections 33031 and 60605~~(g) and (h)~~, Education Code. Reference: Sections 49068, 60641, and 60607, Education Code.

*Amend Section 864 to read:*

**§ 864. Reporting Test Scores.**

No aggregate or group scores or reports that are compiled pursuant to Education Code ~~s~~Section 60641 or 60643 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, if the aggregate or group scores or reports ~~is~~ 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 pupil.

NOTE: Authority cited: Sections 33031 and 60605~~(g) and (h)~~, Education Code. Reference: Section 60640 and 60643, Education Code.

*Amend Section 864.5. to read:*

**§ 864.5. Test Order Information.**

(a) The school district shall provide to the ~~publisher~~ contractor, no later than December 1 of the year immediately prior to the year of test administration, the following data for each test site of the school district, by grade level:

~~(1) CBEDS enrollment~~

~~(2) Current enrollment~~

(1) Number of pupils to be tested

(2)~~(3)~~ Valid county district school (CDS) codes

(3)~~(4)~~ Number of tests without adaptation

(4)~~(5)~~ Numbers of special version tests with adaptations by type of adaptation including, but not limited to, Braille and large print.

(5)~~(6)~~ Number of directions for administration needed, by grade level.

(6)~~(7)~~ First date of testing in the school district, including the dates for each ~~testing wave~~ test administration period, if applicable.

~~(8) Date or dates on which delivery of materials to the school district is requested.~~

(b) Each school district that elects pre-identification of answer documents shall ~~provide to the publisher no fewer than 45 days prior to the first date of testing in the school district,~~ submit an electronic file that includes all of the information required in Section 861. The file must be submitted in accordance with the timeline, format, and instructions provided by the contractor.

(c) If the testing materials are lost or destroyed while in the possession of the school district, and the ~~publisher~~ contractor provides the school district with replacement materials, the school district is responsible for the cost of all replacement materials.

(d) If the school district places an order for tests for any school that is excessive, the school district is responsible for the cost of materials for the difference between the sum of the number of pupil tests ~~scored, the number of parent requests pursuant to Education Code section 60615, and the number of individualized education program exemptions pursuant to Education Code section 60640(e)~~ submitted for scoring including tests for non-tested pupils and 90 percent of the tests ordered. In no event shall the cost to the school district for replacement or excessive materials exceed the amount per test booklet and accompanying material that is paid to the ~~publisher~~ contractor by the Department as part of the contract ~~with the publisher~~ for the current year.

NOTE: Authority cited: Sections 33031 and 60605~~(g) and (h)~~, Education Code. Reference: Sections 60640 and 60643, Education Code.

*Amend Section 865 to read:*

**§ 865. Transportation.**

(a) Upon arrival of the test materials at a single location designated by each school district, the school district's ~~STAR program~~ district STAR coordinator shall provide the ~~publisher~~ contractor with a signed receipt certifying that all cartons were received.

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

(c) Secure transportation within a school district is the responsibility of the school district once materials have been duly delivered to the school district. The school district is responsible for secure delivery of test materials to non-public schools to which district pupils with disabilities are assigned.

NOTE: Authority cited: Sections 33031 and 60605~~(g) and (h)~~, Education Code. Reference: Section 60640, Education Code.

*Amend Section 866 to read:*

**§ 866. School District Delivery.**

(a) No school district shall receive its multiple-choice test materials more than ~~twenty-five (25)~~ twenty (20) or fewer than ten (10) ~~calendar~~ working days prior to the first day of testing in the school district. A school district that has not received multiple-choice test materials from the ~~test publisher~~ contractor at least ten (10) ~~calendar~~ working days before the first date of testing in the school district shall notify the ~~publisher~~ contractor and the Department on the tenth working day before testing is scheduled to begin that the school district has not received its materials. Deliveries of multiple-choice test materials to single school districts shall use the schedule in Section 867.

~~(b) School districts shall return all designated achievement tests and standards-based achievement rests and test materials to the publisher within five (5) working days of the last test date in the school district, including makeup testing days or six (6) days after any statutory deadline, whichever date is earlier.~~

(b)~~(c)~~ A school district and the ~~publisher~~ contractor ~~may~~ shall establish a periodic delivery ~~and retrieval~~ schedule to accommodate ~~wave test administration~~

~~dates~~ test administration periods within the school district. Any schedule established must conform to Sections 866(a) and (b) for each test administration period.

(c) No school district shall receive its writing test materials more than ten (10) or fewer than five (5) working days before the day on which the writing tests are to be administered.

NOTE: Authority cited: Sections 33031 and 60605~~(g) and (h)~~, Education Code. Reference: Sections 60640, 60642.5, and 60643, Education Code.

*Amend Section 867 to read:*

**§ 867. Test Site Delivery and Return.**

(a) No school or other test site shall receive any multiple-choice test or related test materials more than ten (10) ~~working days n~~or fewer than five (5) working days prior to the first day of testing scheduled at the school or test site.

~~(b) Upon completion of a testing wave at a site, including makeup testing, all tests and test materials shall be returned to the school district location designated by the STAR program district coordinator.~~

(b) All multiple-choice testing materials shall be returned to the school district location designated by the district STAR coordinator no more than two (2) working days after testing is completed for each test administration period.

(c) ~~Designated achievement tests and standards-based achievement tests and test materials shall not be retained at the test site for more than two (2) working days after the last day of test administration including makeup testing days or after any statutory deadline, whichever is earlier.~~ No school or other test site shall receive any writing test materials more than six (6) or fewer than two (2) working days before the test administration date.

(d) Writing test materials shall be returned to the district STAR coordinator no more than one day after the day scheduled for makeup testing.

NOTE: Authority cited: Sections 33031 and 60605~~(g) and (j)~~, Education Code. Reference: Section 60640 and 60642.5, Education Code.

*Amend Section 867.5 to read:*

**§ 867.5. Retrieval of Materials by ~~Publisher~~ Contractor.**

(a) The school district shall ensure that multiple-choice testing materials are inventoried, packaged, and labeled in accordance with instructions from the ~~publisher~~ contractor, and returned to a single school district location for pickup by the ~~publisher~~ contractor within five (5) working days following completion of testing in the school district and in no event later than five (5) working days after ~~any applicable statutory deadline~~ each test administration period. All school districts must have their multiple-choice testing materials returned to the ~~publisher~~ contractor no later than ~~six (6)~~ five (5) working days after any statutory deadline.

(b) School districts shall return all writing tests and test materials to the contractor no more than two (2) working days after the makeup day specified for the writing test.

NOTE: Authority cited: Sections 33031 and 60605~~(g) and (h)~~, Education Code. Reference: Sections 60640, 60642.5, and 60643, Education Code.

*Amend Section 868 to read:*

**§ 868. Discrepancy Resolution for Designated Achievement Test, Standards-Based Achievement Tests, and CAPA.**

(a) School districts shall process discrepancies determined by the ~~designated publisher~~ contractor upon receipt of returned tests and test materials pursuant to this subdivision:

(1) Receipt of a discrepancy notice in writing, via telephone, or via electronic mail by the ~~STAR program~~ district STAR coordinator for one or more of the following shall require a response from the ~~STAR program~~ district STAR coordinator to the ~~publisher~~ contractor within 24 hours.

(A) A discrepancy between the quantity of tests and test materials shipped to the school district and the number of tests and test materials returned to the ~~publisher~~ contractor from the school district.

(B) Information on scannable documents or test support materials that is inconsistent, incomplete, or missing, according to criteria established with the

Department.

(2) The ~~STAR program~~ district STAR coordinator shall acknowledge the discrepancy notice via electronic mail, if available in the school district, to the ~~publisher~~ contractor and to the Department within twenty-four (24) hours of its receipt via electronic mail.

(b) The ~~STAR program~~ district STAR coordinator shall report any discrepancy in the total amount of the shipment from the ~~designated test publisher~~ contractor within two (2) working days of the receipt of the shipment. If the ~~designated test publisher~~ contractor does not remedy the discrepancy within two (2) working days of the school district report, the school district shall notify the Department within 24 hours.

(c) Any discrepancy in a shipment of designated achievement tests or test materials, ~~or~~ standards-based achievement tests or test materials, or CAPA materials received by a test site from the ~~STAR program~~ district STAR coordinator shall be reported to the ~~STAR program~~ district STAR coordinator immediately but no later than two (2) working days of the receipt of the shipment at the testing site. The ~~STAR program~~ district STAR coordinator shall remedy the discrepancy within two (2) working days.

(d) The ~~STAR program~~ district STAR coordinator shall report to the ~~publisher~~ contractor any discrepancy reported by a STAR test site coordinator within three (3) working days of receipt of materials at the test site. If the ~~STAR program~~ district STAR coordinator does not have a sufficient supply of tests or test materials to remedy any shortage, the ~~test publisher~~ contractor shall remedy the shortage by providing sufficient materials directly to the test site within two (2) working days of the notification by the ~~STAR program~~ district STAR coordinator.

(e) The notices required by this section shall be made by telephone with simultaneous confirmation in writing and by electronic mail.

NOTE: Authority cited: Sections 33031 and 60605~~(g) and (h)~~, Education Code. Reference: Sections 60640 and 60643, Education Code.

*Amend Section 870 to read:*

**§ 870. Apportionment to School Districts.**

(a) The amount of funding to be apportioned to the school district for the costs of administering the designated achievement test, ~~and~~ the standards-based achievement tests, and the CAPA shall be the amount established by the State Board of Education to enable school districts to meet the requirements of administering the designated achievement test, ~~and~~ the standards-based achievement tests, and the CAPA per the number of tests administered to eligible pupils in grades 2 to 11, inclusive, and the number of answer documents returned with only demographic information for pupils enrolled on the first day of testing who were not tested in the school district. The number of tests administered and the number of demographic answer documents shall be determined by the certification of the school district superintendent pursuant to Section 862. For purposes of this portion of the apportionment, administration of the designated achievement test, ~~and~~ the standards-based achievement tests, and the CAPA includes the following items:

(1) All staffing costs, including the ~~STAR program~~ district STAR coordinator and the STAR test site coordinators, staff training and other staff expenses related to testing.

(2) All expenses incurred at the school district and test site level related to testing.

(3) All transportation costs of delivering and retrieving tests and test materials within the school district.

(4) All costs associated with mailing the ~~parent reports of test results~~ STAR Student Reports to parents/guardians.

(5) All costs associated with pre-identification of answer sheets and consumable test booklets, and other activities intended to provide the complete and accurate data required in Section 861 of these regulations.

(b) This amount does not include any funding for the purposes of reimbursing the costs incurred by any school district pursuant to Section 864.5(d) placing an order that is excessive, or for replacement costs for test materials lost or destroyed while in possession of the school district as ~~allocated~~ stated in Section

~~865~~ 864.5(c). These costs are outside the scope of the mandates of the STAR program.

(c) If at the time a school district's scannable documents are processed by the ~~publisher~~ contractor a student data record is missing any of the data elements required in Section 861 of these regulations, the school district shall provide the missing data elements within the time required by the ~~publisher~~ contractor to process the documents and meet the ~~publisher's~~ contractor's schedule of deliverables under its contract with the Department. The additional costs incurred by the school district to have the ~~publisher~~ contractor reprocess the student information to acquire the data required by Section 861 of these regulations shall be withheld from the school district's apportionment.

NOTE: Authority cited: Sections 33031 and 60605~~(g) and (h)~~, Education Code. Reference: Sections 60640 and 60643, Education Code.

7-14-04

**State of California** **Department of Education**

# LAST MINUTE MEMORANDUM

**DATE:** September 8, 2004

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

**FROM:** Geno Flores, Deputy Superintendent
Assessment and Accountability Branch

**RE:** Item No. 6

**SUBJECT:** Standardized Testing and Reporting (STAR) Program: Adopt Amendments to Title 5 Regulations

## Background

In July 2004, the State Board of Education (SBE) approved the Initial Statement of Reasons, Notice of Proposed Rulemaking, and the proposed amendments to the Title 5 regulations for the Standardized Testing and Reporting (STAR) Program and the beginning of the 45-day written comment period.

## Additional Proposed Amendments to Regulations

The grade two through eight California Standards Tests (CSTs) within the STAR Program are used for federal accountability purposes under the No Child Left Behind (NCLB) Act. Beginning in the 2004-05 school year federal guidelines state that "States do not have to include a student with a significant medical emergency in the participation rate calculation." The proposed additional amendments would add the definition for significant medical emergency as Section 850 (r) and would include significant medical emergency under Section 861(b) as data that may be provided by each school district to the test contractor for each pupil in grades two through eight who is not tested due to a significant medical emergency.

## Report on Public Hearing

A public hearing was held on September 7, 2004, as required by the Administrative Procedures Act. The public hearing was called to order at 9:00 a.m. With no one present, the public hearing was recessed at 9:02 a.m., and then was reconvened at 9:33 a.m. No one was present to submit verbal comments, so the public hearing was adjourned at 9:34 a.m.

Three written comments were submitted to the Regulations Coordinator during the 45-day public comment period. The Final Statement of Reasons is attached summarizing the additional proposed amendments to the Regulations and the written comments submitted.

SBE has illustrated changes to the original text in the following manner: regulation language originally proposed is underlined, language originally deleted is in ~~strikeout~~. The 15-Day Notice illustrates deletions from the language originally proposed using a "**~~bold strikeout~~**"; and additions to the language originally proposed using a "double-underline. "

**Recommendation**

The California Department of Education recommends that the SBE:

1) Approve the proposed amendments to the draft regulations;
2) Direct that the proposed amendments be circulated for a 15-day public comment period in accordance with the Administrative Procedures Act;
3) If no public comments are received during the 15-day period, complete the rulemaking package and submit the amended regulations to the Office of Administrative Law for approval;
4) If public comments are received during the 15-day period, place the amended regulations on the SBE's November 2004 agenda for action following consideration of the comments received.

Attachment 2: Final Statement of Reasons (3 Pages)

Attachment 3: Amended Standardized Testing and Reporting Regulations (28 Pages)

# FINAL STATEMENT OF REASONS
## Standardized Testing and Reporting (STAR) Program

## UPDATE OF INITIAL STATEMENT OF REASONS

The proposed regulations were further amended to add a definition for significant medical emergency in Section 850 and to allow school districts to report students not tested due to a significant medical emergency. The relevant federal authority also was cited.

## SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE INITIAL NOTICE PERIOD OF JULY 23, 2004 THROUGH SEPTEMBER 7, 2004.

**Comment:** A letter was received from Wayne K. Miyamoto, Director of Public and Governmental Affairs for the California Association of Private Special Education Schools (CAPSES) in support of the following:

- Changing the definition of a "test examiner" to include "an employee of a nonpublic school who has been trained to administer the tests."
- Changing the definition of a "test proctor" to include a "person assigned by a nonpublic school to implement a pupil's IEP, who has received training designed to prepare him or her to assist the test examiner in the administration of the tests within the STAR Program."

Mr. Miyamoto also stated that CAPSES recommends that the regulations allow nonpublic schools to receive all test materials directly from the contractor and that the nonpublic schools return the completed materials directly to the contractor.

**Response:** *Education Code* Section 60640(b) requires each school district, charter school, and county office of education to administer to each of its pupils the tests within the STAR Program. *Education Code* Section 56366 states that the role of the nonpublic, nonsectarian school or agency shall be maintained and continued as an alternative special education service available to districts, special education local plan areas, county offices, and parents. The nonpublic, nonsectarian school or agency is required to provide all services specified in students' Individualized Education Programs (IEPs). School districts, charter schools, and county offices of education retain responsibility for ensuring that students enrolled in them are tested as part of the STAR Program. Additionally, California County/District/School (CDS) Codes are used for all aspects of the STAR Program including ordering materials and reporting results. Since nonpublic, nonsectarian schools or agencies are not assigned CDS codes; the Program contractor cannot work directly with the nonpublic, nonsectarian schools and agencies.

**Comment:** E-mail was received from Marci Jenkins, Administrator Nonpublic School Program, Sonoma County Office of Education that included the following:

"The proposed Title 5 Regulations do not specify a CAPA delivery date to the LEA, making it hard to plan teacher trainings/preparation.

The proposed Title 5 Regulations do not specify the materials list for the CAPA or a date of release of the material list for testing kit preparation.

The proposed Title 5 Regulations should reflect ONE deadline submission date for the pre-ID file to the vendor.

Note: Educators and Parents would like to see the following occur:
1) Out of level testing for STAR beyond 2 grade levels below actual grade level.
2) STAR test materials NOT be identified with the grade level, just color coded for each grade level.
3) Development of a test between the STAR [California Standards Tests] and the CAPA for those high school academic students who are working at the beginning to upper elementary levels.

Note: Educators would like to see the CAPA materials available as completed test kits from CDE."

**Response:** The first three items are not included in the Title 5 Regulations, because these do not address requirements with which schools and districts are to comply. The three areas are addressed through the Scope of Work that is part of the contract between the California Department of Education and the Contractor.

Out of level testing is currently allowed under a State Board of Education policy and the proposed regulations. Testing more than two grades below a student's enrollment grade is considered inappropriate by test publishers.

Currently the California Standards Test materials are identified by grade level. These tests assess the state's content standards only for the identified grade or course. The grade level and/or course designations assist all test examiners in determining if they have received the correct materials for the students they are testing.

The federal No Child Left Behind Act of 2001 allows states to develop an alternate assessment for students with significant cognitive disabilities. The CAPA was developed to assess the performance of these students on subsets of the state's content standards that special educators identified as appropriate. Developing a higher level alternate assessment appears to not be allowed under the federal legislation and is not provided for in the state's current budget.

The materials used for the CAPA are common materials that special educators designing the assessments indicated would be readily available in special education classrooms. The funds available for the assessment are insufficient to provide these materials as part of the state contract. School districts and county offices of education receive an apportionment for administering the CAPA that may be used to purchase any materials that are not available in the special education classrooms.

**Comment:** An E-mailed letter was received from Stephen A. Rosenbaum, Associate Managing Attorney for Protection & Advocacy, Inc.

Section 853(c). PAI is concerned that the notice for the 2004-05 school year test administration is not adequate. Given the restrictions on below-grade-level testing, there is not enough time to allow appropriate students to incorporate the requirement in their IEP.

Section 853.5. We are pleased to see the added variations, accommodations and modifications similar to those offered students taking the CAHSEE. We are also pleased to see subparagraph (e) which authorizes school districts to propose variations on any of the tests that are not listed in the regulations—as is the case for the CAHSEE.

**Response:** The change is Section 853(c) is not a restriction. For the last two years below-grade-level testing was allowed only for students in grades five through eleven and beginning with the 2004-05 school year no below-grade-level testing was to be allowed. The proposed amendment to the regulations expands the option of below-grade-level testing to grades three and four and allows its use during the 2004-05 school year.

## ALTERNATIVES DETERMINATION

The State Board has determined that no alternative would be more effective in carrying out the propose 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 legislature has appropriated funds to cover the costs generated by the mandated activities included in the regulations and these amendments.

## REGULATIONS TO BECOME EFFECTIVE UPON FILING

It is important that this regulation becomes effective as soon as possible to meet the administration timeline.

# Title 5. EDUCATION

## Division 1. State Department of Education

## Chapter 2. Pupils

Subchapter 3.75. Standardized Testing and Reporting Program

Article 1. General

*Add subsection (h) to Section 850 to read:*

**§ 850. Definitions.**

For the purposes of the Standardized Testing and Reporting (STAR) program, the following terms shall have the following meanings unless the context indicates otherwise:

(a) "Designated achievement test" is the achievement test required by Education Code ~~s~~Section 60640(b). The designated achievement test includes test booklets, test answer documents, administration manuals, and administrative materials. ~~The designated achievement test is to be administered in the areas of reading, spelling, written expression and mathematics for pupils in grades 2 to 8, inclusive; and in the core curriculum areas of reading, writing, mathematics, history-social science and science for pupils in grades 9 to 11, inclusive.~~

(b) "Primary language test" includes any test administered pursuant to Education Code ~~s~~Section 60640(f) or a test administered pursuant to the requirement of Education Code ~~s~~Section 60640(g), as applicable, and includes the test booklets, test answer documents, administration manuals, administrative materials and practice tests.

(c) "School districts" includes elementary, high school, and unified school districts~~,~~; county offices of education; and 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.

(d) "Eligible pupil" is any pupil in grades 2 to 11, inclusive, who is not otherwise exempted.

(1) For the designated achievement test and the standards-based achievement tests, an eligible pupil is any pupil in grades 2 through 11, inclusive, including those pupils placed in a non-public school through the Individualized Education Program (IEP) process pursuant to Education Code Section 56365 who is not exempted by

parent/guardian request or eligible to take the California Alternate Performance Assessment (CAPA).

(2) For the CAPA, an eligible pupil is any pupil with a significant cognitive disability in grades 2 through 11, and ages 7 through 16 in ungraded programs, whose IEP states that the pupil is to take the CAPA.

(3) For the primary language test, an eligible pupil is an English learner with a primary language for which a test is required or optional.

(4) For purposes of the writing assessment, an eligible pupil is an eligible pupil for the purpose of taking the standards-based achievement tests for a grade at which the writing test will be administered.

(e) “Department” means the California Department of Education.

(f)(1) “Standards-based achievement tests” are those tests that measure the degree to which pupils are achieving the content standards and performance standards adopted by the State Board of Education as provided in Education Code ~~s~~Section 60642.5. The standards-based achievement tests include test booklets, test answer documents, administration manuals, administrative materials, practice tests and other materials developed and provided by the ~~publisher~~ contractor of the tests.

(2) The term “standards-based achievement test” may refer to one or more of the individual achievement tests in the subject or core curriculum areas required by Education Code ~~s~~Section 60642.5, or all of the standards-based achievement tests collectively.

(g) “Administration Period” means one of multiple test administration periods by school districts with schools or programs on non-traditional calendars that begin and complete the school year at various times and have staggered vacation periods, in order to ensure that all pupils are tested at approximately the same point in the instructional year.

(h) ~~“The California Alternate Performance Assessment” (CAPA)~~ “CAPA” is an individually administered performance assessment developed to assess ~~students'~~ pupils' achievement on a subset of California’s Academic Content Standards. ~~It is administered to students receiving special education services who are significantly cognitively disabled.~~ The CAPA includes administration manuals, administrative

materials, and documents on which the examiner records the ~~students'~~ pupils' responses.

(i) "Untimed administration" means that pupils may receive as much time as needed within a single sitting to complete a test or test part.

(j)~~(i)~~ ~~"Out-of-level testing"~~ "Below-grade-level testing" means administering a test that is below the grade level of the pupil being tested.

(k) "Test examiner" is an employee of a school district or an employee of a non-public school who has been trained to administer the tests and has signed a STAR Test Security Affidavit. For the CAPA, the test examiner must be a certificated or licensed school staff member.

(l) "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 designed to prepare him or her to assist the test examiner in the administration of tests within the STAR Program.

(m)~~(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 a pupil's ~~or adult student's~~ responses to the format required by the ~~examination~~ test. A ~~family member~~ student's parent or guardian is not eligible to be a scribe.

(n)~~(k)~~ "Accommodations" means any variation in the assessment environment or process that does not fundamentally alter what the test measures or affect the comparability of scores. Accommodations may include variations in scheduling, setting, aids, equipment, and presentation format.

(o)~~(l)~~ "Modification" means any variation in the assessment environment or process that fundamentally alters what the test measures or affects the comparability of scores.

(p)~~(m)~~ "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~~.

(q) "Grade" means the grade assigned to the pupil by the school district at the time of testing.

(r) A "significant medical emergency" is a significant accident, trauma, or illness (mental or physical) that precludes a pupil in grades two through eleven from taking the

California Standards Tests (CSTs), the California Alternate Performance Assessment (CAPA), and/or the California Achievement Tests, Sixth Edition Survey (CAT/6 Survey). An accident, trauma or illness is significant if the pupil has been determined by a licensed physician to be unable to participate in the tests.

NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference: Sections 60615, 60640, 60642 and 60642.5, Education Code.

**Article 2. Designated Achievement Test, ~~and~~ Standards-Based Achievement Tests, and California Alternate Performance Assessment**

*Amend Section 851 to read:*

**§ 851. Pupil Testing.**

(a) School districts shall administer the designated achievement test and standards-based achievement tests to each eligible pupil enrolled in any of grades 2 to 11, inclusive, in a school district on the date testing begins in the pupil's school.

(b) School districts shall administer the CAPA, as set forth in the pupil's IEP, to each eligible pupil in any of grades 2 to 11, inclusive, in a school district during the period specified by the test contractor. Pupils in ungraded special education classes shall be tested, if they are 7 to 16 years of age.

(c)~~(b)~~ School districts shall make whatever arrangements are necessary to test all eligible pupils in alternative education programs or programs conducted off campus, including, but not limited to, continuation schools, independent study, community day schools, or county community schools.

(d)~~(c)~~ School districts may administer the designated achievement test to pupils enrolled in kindergarten or grade 1 or 12, but those pupils shall not be counted for the apportionment pursuant to Education Code ~~s~~Section 60640(h).

(e)~~(d)~~ No test may be administered in a ~~private~~ home or ~~location~~ hospital ~~unless the test is administered by either a certificated employee of the school district or an employee of a nonpublic school pursuant to Education Code section 56365 who holds a credential and the employee signs a security affidavit~~ except by a test examiner. No test shall be administered to a pupil by the parent or guardian of that pupil. This subdivision does not prevent classroom aides from assisting in the administration of the test under

the supervision of a credentialed school district employee provided that the classroom aide does not assist his or her own child and that the classroom aide signs a security affidavit.

NOTE: Authority cited: Sections 33031 and 60605~~(g) and (h)~~, Education Code. Reference: Sections 60640 and 60642.5, Education Code.

*Amend Section 852 to read:*

**§ 852. Pupil Exemptions.**

~~(a)~~ A parent or guardian may submit to the school a written request to excuse his or her child from any or all parts of any test provided pursuant to Education Code ~~s~~Section 60640. A school district and its employees may discuss the Standardized Testing and Reporting program with parents and may inform parents of the availability of exemptions under Education Code ~~s~~Section 60615. However, the school district and its employees shall not solicit or encourage any written exemption request on behalf of any child or group of children.

~~(b) Pupils in special education programs shall be tested with the designated achievement test and the standards-based achievement tests unless the individualized educational program for the pupil specifically states that the pupil will be assessed with the California Alternate Performance Assessment or (CAPA).~~

NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference: Sections 60615 and 60640, Education Code.

*Amend Section 853 to read:*

**§ 853. Administration.**

(a) The designated achievement test shall be administered and returned by school districts in accordance with the manuals or other instructions provided by the contractor for administering and returning the tests unless specifically provided otherwise in this subchapter including instructions for administering the test with variations, accommodations, and modifications. The procedures shall include, but are not limited to, those designed to insure the uniform and standard administration of the tests to pupils, the security and integrity of the test content and test items, and the timely provision of all required student and school level information.

(b) The standards-based achievement tests and the ~~California Alternate Performance Assessment (~~CAPA~~)~~ shall be administered and returned by school districts in accordance with the manuals and other instructions provided by the contractor, and in accordance with testing variations, accommodations, and modifications specified in Section 853.5. The procedures shall include, but are not limited to, those designed to insure the uniform and standard administration of the tests to pupils, the security and integrity of the test content and test items, and the timely provision of all required student and school level information. The procedures shall not include criteria for who should be assessed by the CAPA.

(c) For the ~~2003-04~~ 2004-05 school year ~~only~~, pupils with IEPs specifying below-grade-level testing in grades ~~5~~ 4 through 11 may be tested one or two grades below their enrollment grade. Pupils with IEPs specifying below-grade-level testing in grade three may be tested one grade level below their enrollment grade. The test level must be specified in the ~~student's~~ pupil's IEP. ~~Out-of-level~~ Below-grade-level testing shall be used only if the ~~student~~ pupil is not receiving grade-level ~~instruction~~ curriculum as specified by the California academic content standards, and is so indicated on the IEP. ~~Students~~ Pupils tested ~~out-of-level~~ below-grade-level must complete all tests required for the grade at which they are tested and shall be administered ~~only one level of the tests~~ the tests for only one grade level. ~~Out-of-level testing is not allowed for pupils in grades 2, 3, and 4. No out-of-level testing shall be allowed at any grade beginning with the 2004-05 school year.~~

NOTE: Authority cited: Sections 12001, 33031 and 60605, Education Code. Reference: Section 60640, Education Code; and 20 USC Section 6311.

*Amend Section 853.5 to read:*

**§ 853.5 Use of Variations, Accommodations, and Modifications ~~for the Standards-Based Achievement Test and the California Alternate Performance Assessment~~.**

(a) School districts may provide all pupils the following variations:

(1) have test directions simplified or clarified.

(2) write in test booklets for grades 4-11 on the Standards-Based Achievement Test.

(3) have as much time as needed within a single sitting to complete a test or test part on the Standards-Based Achievement Test.

(b)~~(a)~~ School districts may provide all pupils the following testing variations if regularly used in the classroom:

~~(1) test directions that are simplified or clarified.~~

(1)~~(2)~~ special or adaptive furniture.

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

(3)~~(4)~~ an individual carrel or study enclosure.

(4)~~(5)~~ test individually in a separate room provided that an employee of the school, school district, or non-public school, who has signed the STAR Test Security Affidavit, directly supervises the pupil.

(5)~~(6)~~ ~~markers,~~ colored overlay, mask~~s~~, or other means to maintain visual attention to the ~~examination~~ test or test ~~items~~ questions.

(6) grade two or three standards-based achievement tests underlining or marking information or working math problems in the test booklet and having a school, school district, or non-public school employee who has signed the Test Security Affidavit transfer the answers to a new test booklet.

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

(c)~~(b)~~ Eligible pupils with disabilities who have IEPs and ~~students~~ pupils with Section 504 plans shall be permitted ~~to take the standards-based achievement tests with~~ the following presentation, response or setting accommodations if specified in the IEP or Section 504 plan:

(1) large print versions.

(2) test items enlarged ~~through electronic means (e.g., photocopier)~~ if font larger than that used on large print versions is required.

(3) Braille transcriptions provided by the test contractor.

~~(4) Use of manually coded or American sign language to present directions for administration.~~

(4) for grade two or three designated achievement test underlining or marking information or working math problems in addition to marking question answers in test booklets and having a school, school district, or non-public school employee who has signed the Test Security Affidavit transfer the answers to a new test booklet.

(5) audio or oral presentation of the mathematics, science, or history-social science tests.

(6) use of ~~m~~Manually ~~c~~Coded English or American ~~s~~Sign ~~l~~Language to present test questions on the mathematics, science, or history-social science tests.

(7) responses marked in test booklet and transferred to the answer document by a school, ~~or~~ school district, or non-public employee who has signed the Test Security Affidavit.

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

(9) responses dictated to a scribe, audio recorder or speech to text converter on the ~~grade 4 or grade 7~~ writing ~~application standards section~~ portion of the ~~California~~ English-~~L~~language ~~A~~arts ~~Standards T~~tests, and the pupil indicates all spelling and language conventions.

(10) use of word processing software with spell and grammar check tools turned off on the writing portion of the ~~grade 4 or 7 test~~ English-language arts tests.

(11) use of an assistive device that does not interfere with the independent work of the student on the multiple-choice or writing portion of the test.

(12) supervised breaks within a section of the test.

(13) administration of the test at the most beneficial time of day to the pupil.

(14) administration of any test or test part to be given in a single sitting over more than one day.

(15)~~(14)~~ test administered by ~~certificated teacher~~ a test examiner to a pupil ~~or adult student~~ at home or in the hospital.

(16) write in test booklet for grades 4-11 on the designated achievement test.

(17) extra time within the testing day on the designated achievement test.

(d)~~(c)~~ Eligible pupils with disabilities shall be permitted ~~to take the standards-based tests with~~ the following modifications if specified in the eligible pupil's IEP or Section 504 Plan:

(1) calculators, arithmetic tables, or mathematics manipulatives on the mathematics or science tests.

(2) audio or oral presentation of the English-language arts tests.

(3) ~~use of m~~Manually ~~c~~Coded English or American ~~s~~Sign ~~l~~Language to present test

questions on the English-language arts tests.

(4) spellcheckers, grammar checkers, or word processing software programs that check or correct spelling and/or grammar on the writing portion of the ~~grade 4 and 7~~ English-language arts tests.

(5) mechanical or electronic devices or other assistive devices that are not used solely to record the pupil's responses, including but not limited to transcribers, scribes, voice recognition or voice to text software, and that identify a potential error in the pupil's response or that correct spelling, grammar or conventions on the writing portion of the ~~grade 4 and 7~~ English-language arts tests.

(6) ~~use of American sign language to provide a response to the written portion of the grade 4 and 7 English-language arts tests~~ responses dictated orally, in Manually Coded English or American Sign Language to provide an essay response to a scribe and the scribe provides spelling, grammar, and language conventions.

(7) ~~English~~ dictionary ~~on the English-language arts test~~.

~~(8) mathematics dictionary on the mathematics section of the examination.~~

(e) If the school district, pupil's IEP team or Section 504 plan proposes a variation for use on the designated achievement test, the standards-based achievement test, or the CAPA, that has not been listed in this section, the school district may submit, to the California Department of Education, for review of the proposed variation in administering the designated achievement test, standards-based achievement test, or the CAPA.

(f)~~(d)~~ School districts shall provide identified English learner pupils the following ~~additional~~ testing variations if regularly used in the classroom or for assessment:

(1) Flexible setting. Tested in a separate room with other English learners provided that an employee of the school, school district, or non-public school, who has signed the Test Security Affidavit, directly supervises the pupil ~~and the pupil has been provided such a flexible setting~~.

(2) Flexible schedule. Additional supervised breaks following each section 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.

(3) Translated directions. Hear ~~any~~ the test directions ~~the test examiner is to read aloud~~ printed in the test administration manual translated into their primary language.

English learners shall have the opportunity to ask clarifying questions about any test directions presented orally in their primary language.

(4) Glossaries. Access to translation glossaries/word lists for the standards-based achievement tests in mathematics, science, and history-social science ~~if used regularly in the classroom~~ (English to primary language). The translation glossaries/word lists are to include only the English word or phrase with the corresponding primary language word or phrase. The glossaries/word lists shall include no definitions or formulas.

NOTE: Authority cited: Sections 12001, 33031 and 60605, Education Code. Reference: Section 60640, Education Code; and 20 USC Section 6311.

*Amend Section 854 to read:*

**§ 854. Advance Preparation for the Test.**

(a) Except for materials specifically ~~included within the designated achievement or standards-based test~~ provided by the California Department of Education or its agents, no program or materials shall be used by any school district or employee of a school district that are specifically formulated or intended to prepare pupils for the designated achievement tests or standards-based achievement tests. No administration or use of an alternate or parallel form of the designated achievement test ~~for any stated purpose~~ shall be ~~permitted~~ used as practice for any pupils in grades 2 through 11, inclusive.

(b) Practice tests provided by the ~~publisher~~ contractor as part of the ~~designated achievement test~~ standards-based achievement tests for the limited purpose of familiarizing pupils with the use of scannable test booklets or answer sheets and the format of test items are not subject to the prohibition of Subdivision (a).

NOTE: Authority cited: Sections 33031 and 60605~~(g) and (h)~~, Education Code. Reference: Sections 60611 and 60640, Education Code.

*Amend Section 855 to read:*

**§ 855. Testing Period.**

(a) The designated achievement test and the standards-based achievement tests, except for the STAR writing assessment as specified in subdivision (c), shall be administered to each pupil during a testing window of twenty-one (21) instructional days that includes ten (10) instructional days before and after completion of 85% of the

school's, track's, or program's instructional days. Testing for all pupils, including makeup testing, is to be completed within this twenty-one (21) instructional day window unless all or part of the twenty-one (21) instructional day period falls after any statutorily specified deadline.

(b) Each school district shall provide for at least two (2) makeup days of testing for pupils who were absent during the period in which any school administered the designated achievement test and the standards-based achievement tests. All makeup testing shall occur within five (5) instructional days of the last date that the school district administered the tests but not later than the end of the twenty-one (21) instructional day period established in subdivision (a).

(c) The STAR writing assessment shall be administered to each eligible pupil only on the day(s) specified annually by the State Superintendent of Public Instruction. ~~An eligible pupil for purposes of the writing assessment is a pupil taking the standards-based achievement tests for enrolled in a grade at which the writing test will be administered.~~

NOTE: Authority cited: Sections 33031 and 60605~~(g) and (h)~~, Education Code. Reference: Sections 60640 and 60642.5, Education Code.

*Amend Section 857 to read:*

**§ 857. ~~STAR Program~~ District STAR Coordinator.**

(a) On or before ~~November 15, 1999 and October 15~~ September 30 of each ~~subsequent~~ school year, the superintendent of each school district shall designate from among the employees of the school district a ~~STAR program~~ district STAR coordinator. The ~~STAR program~~ district STAR coordinator, or the school district superintendent or his or her designee, shall be available through August 15 of the following year to complete school district testing. The school district shall notify the ~~publisher~~ contractor of the identity and contact information, including electronic mail address, if available in the school district, for the ~~STAR program~~ district STAR coordinator and for the superintendent and his or her designee, if any. The ~~STAR program~~ district STAR coordinator shall serve as the school district representative and the liaison between the school district and the ~~test publisher~~ contractor and the school district and the Department for all matters related to the STAR program.

(b) The ~~STAR program~~ district STAR coordinator's responsibilities shall include, but not be limited to, all of the following duties:

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

(2) Determining school district and individual school test and test material needs in conjunction with schools within the district and the ~~test publisher~~ contractor, using ~~California Basic Education Data System (CBEDS) and~~ current enrollment data and communicating school district test ~~and test~~ material needs to the ~~publisher~~ contractor on or before December 1.

(3) ~~Overseeing the acquisition and distribution of tests and test materials to individual schools and test sites.~~ Ensuring delivery of tests and test materials to the test sites no more than ten (10) or fewer than five (5) working days before the first day of testing designated by the district.

(4) Coordinating the testing and makeup testing days for the school district and for those pupils of the district who are enrolled in nonpublic schools within any required time periods with the school test site coordinators. Overseeing the collection of all pupil data as required to comply with Section 861.

(5) Maintaining security over the designated achievement test, ~~and~~ the standards-based achievement tests, the CAPA and test data using the procedure set forth in Section 859. The ~~STAR program~~ district STAR coordinator shall sign the security agreement set forth in Section 859 and submit it to the contractor prior to receipt of the test materials from the contractor.

(6) Overseeing the administration of the designated achievement test, ~~and~~ the standards-based achievement tests, and the CAPA to eligible pupils.

(7) Overseeing the collection and return of all test materials and test data to the ~~publisher~~ contractor within any required time periods.

(8) Assisting the ~~test publisher~~ contractor and the Department in the resolution of any discrepancies in the test information and materials, including but not limited to, pre-identification files and all pupil level data required to comply with Sections 861 and 862.

(9) Immediately notifying the Department of any security breaches or testing irregularities in the district before, during, or after the test administration.

(10) Ensuring that an answer document is submitted for scoring for each eligible pupil enrolled in the district on the first day of testing.

~~(c) Within five (5) working days of completed school district testing, the school district superintendent and the STAR program district coordinator shall certify the following information with respect to the designated achievement test and the standards-based achievement tests to the Department: that the school district has maintained the security and integrity of the designated achievement test and the standards-based achievement tests; collected all data and information as required by Sections 861 and 862; returned to the test publisher all test materials, answer documents, and other materials included as part of the designated achievement test and the standards-based achievement tests in the manner and as otherwise required by the test publisher; and assisted the test publisher in the resolution of any discrepancies in the test or test materials as required by Section 868~~.

~~(d)~~(11) ~~Within five (5) working days of~~ After receiving summary reports and files from the ~~publisher~~ contractor, the ~~school~~ district STAR coordinator shall review the files and reports for completeness and accuracy, and shall notify the ~~publisher~~ contractor and the Department of ~~its findings. The school district shall notify the Department in writing whether~~ any errors, discrepancies, or incomplete information ~~have been resolved~~.

(12) Training test site coordinators to oversee the test administration at each school.

NOTE: Authority cited: Sections 33031 and 60605~~(g) and (h)~~, Education Code. Reference: Sections 52052, 60630, and 60640, Education Code; and 20 USC Section 6311.

*Amend Section 858 to read:*

**§ 858. STAR Test Site Coordinator.**

(a) At each test site, including but not limited to, each elementary, middle, and high school or other grade-span designated school, each charter school, each court-school, each school or program operated by a school district, and all other public programs serving pupils in any of the grades 2 to 11, inclusive, the superintendent of the school district or the district STAR coordinator shall designate a STAR test site coordinator from among the employees of the school district. The STAR test site coordinator, or the site principal or his or her designee, shall be available to the ~~STAR program~~ district

STAR coordinator by telephone through August 15 for purposes of resolving discrepancies or inconsistencies in materials or errors in reports.

(b) The STAR test site coordinator's responsibilities shall include, but are not limited to, all of the following duties:

(1) Determining site test and test material needs and communicating the site needs to the ~~STAR program~~ district STAR coordinator.

(2) Overseeing the acquisition and distribution of tests and test materials at the test site, including but not limited to, distributing test materials to test examiners on each day of testing in accordance with the contractor's directions.

(3) Cooperating with the ~~STAR program~~ district STAR coordinator to provide the testing and makeup testing days for the site within any required time periods.

(4) Maintaining security over the designated achievement test, ~~and~~ the standards-based achievement tests, the CAPA and test data. The STAR test site coordinator shall sign the security agreement set forth in Section 859 and submit it to the district STAR coordinator prior to the receipt of the test materials.

(5) Arranging for and ~~O~~overseeing the administration of the designated achievement test, ~~and~~ the standards-based achievement tests, and the CAPA to eligible pupils at the test site.

(6) Overseeing the collection and return of all testing materials to the ~~STAR program~~ district STAR coordinator.

(7) Assisting the ~~STAR program~~ district STAR coordinator, the ~~test publisher~~ contractor, and the Department in the resolution of any discrepancies in the test information and materials.

(8) Overseeing the collection of all pupil level and other data required to comply with Sections 861 and 862.

(9) Ensuring that an answer document is submitted for scoring for each eligible pupil enrolled in the school on the first day of testing.

(10)~~(9)~~ Ensuring that for each pupil tested only one scannable answer document is submitted for scoring, except that for each pupil tested at grades ~~4 or grade 7,~~ for which the contractor has designated the use of more than one answer document. ~~a~~An answer document for the STAR writing assessment administered pursuant to Section 855(c) shall be submitted in addition to the answer document for the multiple choice items.

(11) Immediately notifying the district STAR coordinator of any security breaches or testing irregularities that occur in the administration of the designated achievement test, the standards-based achievement tests, or the CAPA that violate the terms of the STAR Security Affidavit in Section 859.

(12) Training all test examiners, proctors, and scribes for administering the tests.

~~(c) Within three (3) working days of complete site testing, the principal and the STAR test site coordinator shall certify to the STAR program district coordinator that the test site has maintained the security and integrity of the designated achievement test and the standards-based achievement tests, collected all data and information as required, and returned all test materials, answer documents, and other materials included as part of the designated achievement test in the manner and as otherwise required by the STAR program district coordinator.~~

NOTE: Authority cited: Sections 33031 and 60605~~(g) and (h)~~, Education Code. Reference: Sections 60630 and 60640, Education Code; and 20 USC Section 6311.

*Amend Section 859 to read:*

**§ 859. STAR Test Security Agreement and Test Security Affidavit.**

(a) All STAR ~~program~~ district and test site coordinators (coordinators) shall sign the STAR Test Security Agreement set forth in Subdivision (b) before receiving any STAR Program tests or test materials.

(b) The STAR Test Security Agreement shall be as follows:

STAR TEST SECURITY AGREEMENT

~~The coordinator~~ I acknowledge~~s~~ by ~~his or her~~ my signature on this form that the designated achievement test, ~~and~~ the standards-based achievement tests, and the CAPA are secure tests and agree~~s~~ to each of the following conditions to ensure test security:

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

(2) ~~The coordinator~~ I will keep on file the names of all persons having access to tests and test materials. All persons having access to the materials shall be required by the

coordinator to sign the STAR Test Security Affidavit that will be kept on file in the school district office.

(3) ~~The coordinator~~ I will keep the designated achievement test and the standards-based achievement tests and test materials in a secure, locked location ~~limiting access to~~ and will deliver tests and test materials only to those persons ~~responsible for test security~~ who have executed STAR Test Security Affidavits, ~~except~~ on actual testing dates as provided in California Code of Regulations, Title 5, Division 1, Chapter 2, Subchapter 3.75.

(4) I will keep the CAPA materials in a secure locked location when not being used by examiners to prepare for and to administer the assessment. I will adhere to the contractor's directions for the distribution of the assessment materials to examiners.

(5)~~(4)The coordinator~~ I will not copy any part of the tests or test materials without written permission from the Department to do so.

(6) I will not disclose, or allow to be disclosed, the contents of, or the test instrument. I will not review any test questions, passages, or other test items with any other person before, during, or after the test administration.

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

By signing my name to this document, I am assuring that I ~~and anyone having access to the test materials~~ will abide by the above conditions.

By: _____

Title: _____

School District: _____

Date: _____

~~(c) Each STAR test site coordinator shall deliver the tests and test materials only to those persons actually administering the designated achievement test and the standards-based achievement tests on the date of testing to persons trained to administer the test who have executed the STAR Test Security Affidavit set forth in Subdivision (e).~~

(c)~~(d)~~ All test examiners, proctors, scribes, and any other persons having access to the designated achievement test and test materials, ~~and to~~ the standards-based achievement tests and test materials, and the CAPA materials shall acknowledge the

limited purpose of their access to the tests by signing the STAR Test Security Affidavit set forth in Subdivision (d)~~(f)~~.

(d)~~(e)~~The STAR Test Security Affidavit shall be as follows:

STAR TEST SECURITY AFFIDAVIT

I acknowledge that I will have access to the designated achievement test and to the standards-based achievement tests and the CAPA for the purpose of administering the test(s). 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 tests to any other person through verbal, written, or any other means of communication.

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

(3) I will keep the test(s) secure until the test(s) are actually distributed to pupils.

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

(5) I will collect and account for all materials following each period of testing and will not permit pupils to remove test materials from the room where testing takes place.

(6) ~~I will not disclose, or allow to be disclosed, the contents of, or the test instrument.~~ I will not review any test questions, passages, or other test items with pupils or any other person before, during, or following testing.

(7) I will not develop scoring keys or review or score any pupil responses except as required by the ~~publisher's~~ contractor's administration manual(s) to prepare answer documents for machine or other scoring.

(8) I will return all test materials to the designated STAR test site coordinator daily upon completion of testing.

(9) I will administer the test(s) in accordance with the directions for test administration set forth in the ~~publisher's~~ contractor's manual for test administration.

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

Signed: _____

Print Name: _____

Position: _____

School: _____

School District: _____

Date: _____

(e)~~(f)~~ To maintain the security of the Program, all ~~STAR program~~ district STAR coordinators and test site coordinators are responsible for inventory control and shall use appropriate inventory control forms to monitor and track test inventory.

NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference: Section 60640, Education Code.

*Amend Section 861 to read:*

**§ 861. School-By-School Analysis**

(a) Each school district shall provide the ~~publisher~~ contractor ~~of~~ for the designated achievement test and standards-based achievement tests or CAPA, the following information for each pupil ~~tested~~ enrolled on the first day the tests are administered for purposes of the reporting required by the Academic Performance Index of the Public Schools Accountability Act (Chapter 6.1, commencing with Section 52050), Section 60630, and Chapter 5 (commencing with Section 60640) of the Education Code:

(1) Pupil's full name.

(2)~~(1)~~ Date of birth.

(3)~~(2)~~ Grade level.

(4)~~(3)~~ Gender.

(5)~~(4) Language fluency~~ English proficiency and ~~home~~ primary language.

(6) Date of English proficiency reclassification.

(7) If R-FEP pupil scored proficient or above on the California English-language arts test three (3) times since reclassification.

(8)~~(5) Special p~~Program participation.

(9)~~(6)~~ Use of ~~Testing adaptations~~ ~~or~~ accommodations or modifications.

(10) California School Information Services (CSIS) Student Number once assigned.

(11)~~(7)~~ Parent education level.

(12)~~(8)~~ Amount of time in the school and school district.

(13) For English learners, length of time in California public schools and in school in the United States.

(14) Participation in the National School Lunch Program.

(15)~~(9)~~ Ethnicity.

(16)~~(10) Handicapping condition or~~ Primary disability.

(17) County and District of residence for pupils with IEPs.

(18) Special testing conditions and/or reasons for not being tested.

(b) In addition to the demographic data required to be reported in Section 861(a), school districts may report if a pupil in grades 2 through 11 is not tested due to a significant medical emergency.

(c)~~(b)~~ The information is for the purposes of aggregate analyses only and shall be provided and collected as part of the testing materials for the designated achievement test, the standards-based achievement tests, and the CAPA.

(d)~~(c)~~ 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 in grades 2 to 11, inclusive.

(e)~~(d)~~ If the information required by Section 861(a) is incorrect, the school district may enter into a separate agreement with the contractor to have the district's student data file corrected. The district STAR coordinator shall provide the correct information to the contractor within the contractor's timeline. Any costs for correcting the student data shall be the district's responsibility.

NOTE: Authority cited: Sections 33031 and 60605~~(g) and (h)~~, Education Code. Reference: Section 60630, Education Code.

*Amend Section 862 to read:*

**§ 862. Apportionment Information Report.**

(a) ~~Each school district shall report to the Department all of the following information relevant to~~ Annually, each school district shall receive an apportionment information report with the following information for the designated achievement test, ~~and~~ the standards-based achievement tests, and the CAPA by grade level for each of grades 2 to 11, inclusive:

(1) The number of pupils enrolled in each school and in the school district on the first day of testing ~~in the school district~~ as indicated by the number of answer documents submitted to the test contractor for scoring.

(2) The number of pupils with significant cognitive disabilities in each school and in the school district ~~exempted from testing pursuant to Education Code section 60640(e)~~ tested with the California Alternate Performance Assessment (CAPA).

(3) The number of pupils in each school and in the school district exempted from testing at the request of their parents or guardians pursuant to Education Code ~~s~~Section 60615.

(4) The number of pupils ~~to whom~~ who were administered any portion of the designated achievement test ~~was administered~~ and standards-based achievement tests.

(5) The number of pupils with demographic information only who were not tested for any reason other than a parent/guardian exemption.

(b) The department shall distribute the reports to districts no later than November 15 following each testing cycle.

~~(b)(1) The superintendent of each school district shall certify the accuracy of all information submitted. The report required by Subdivision (a) shall be filed with the State Superintendent of Public Instruction within ten (10) working days of the last day of makeup testing in the school district.~~

~~(2) School districts with an average daily attendance greater than 100,000 may certify the accuracy and submit the information required by Subdivision (a) within fifteen (15) working days of the last day of makeup testing in the school district. The school district may submit a request to the Department to obtain approval of the State Board of Education for an extension of ten (10) additional working days if the fifteen (15) working day requirement presents an undue hardship.~~

(c) 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 each school district has certified the accuracy of the apportionment information report for examinations administered during the calendar year (January 1 through December 31), which 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 testing window began.

NOTE: Authority cited: Sections 33031 and 60605~~(g) and (h)~~, Education Code.
Reference: Sections 60615 and 60640, Education Code.

*Amend Section 863 to read:*

**§ 863. STAR Student ~~Parent~~ Reports and Cumulative Record Labels.**

(a) The school district shall forward the STAR Student R~~r~~eport provided by the contractor~~, in writing, the results of~~ to each ~~pupil's test to the~~ pupil's parent or guardian, within no~~t~~ more than twenty (20) working days from receipt of the report ~~test results~~ from the ~~publisher~~ contractor.

(b) If the school district receives the~~se~~ reports for the designated achievement test and standards-based tests or CAPA from the ~~test publisher~~ contractor after the last day of instruction for the school year, the school district shall send the pupil results to the parent or guardian by U.S. mail at the parent's or guardian's last known address. If the report is non-deliverable, the school district shall make the report available to the parent or guardian during the next school year.

(c) Schools are responsible for affixing cumulative record labels reporting each pupil's scores to the pupil's permanent school records or for entering the scores into electronic pupil records, and for forwarding the results to schools to which pupils matriculate or transfer. Schools may annotate the scores when the scores may not accurately reflect pupils' achievement due to illness or testing irregularities.

NOTE: Authority cited: Sections 33031 and 60605~~(g) and (h)~~, Education Code.
Reference: Sections 49068, 60641, and 60607, Education Code.

*Amend Section 864 to read:*

**§ 864. Reporting Test Scores.**

No aggregate or group scores or reports that are compiled pursuant to Education Code ~~s~~Section 60641 or 60643 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, if the aggregate or group scores or reports ~~is~~ 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 pupil.

NOTE: Authority cited: Sections 33031 and 60605~~(g) and (h)~~, Education Code. Reference: Section 60640 and 60643, Education Code.

*Amend Section 864.5. to read:*

**§ 864.5. Test Order Information.**

(a) The school district shall provide to the ~~publisher~~ contractor, no later than December 1 of the year immediately prior to the year of test administration, the following data for each test site of the school district, by grade level:

~~(1) CBEDS enrollment~~

~~(2) Current enrollment~~

(1) Number of pupils to be tested

(2)~~(3)~~ Valid county district school (CDS) codes

(3)~~(4)~~ Number of tests without adaptation

(4)~~(5)~~ Numbers of special version tests with adaptations by type of adaptation including, but not limited to, Braille and large print.

(5)~~(6)~~ Number of directions for administration needed, by grade level.

(6)~~(7)~~ First date of testing in the school district, including the dates for each ~~testing wave~~ test administration period, if applicable.

~~(8) Date or dates on which delivery of materials to the school district is requested.~~

(b) Each school district that elects pre-identification of answer documents shall ~~provide to the publisher no fewer than 45 days prior to the first date of testing in the school district,~~ submit an electronic file that includes all of the information required in Section 861. The file must be submitted in accordance with the timeline, format, and instructions provided by the contractor.

(c) If the testing materials are lost or destroyed while in the possession of the school district, and the ~~publisher~~ contractor provides the school district with replacement materials, the school district is responsible for the cost of all replacement materials.

(d) If the school district places an order for tests for any school that is excessive, the school district is responsible for the cost of materials for the difference between the sum of the number of pupil tests ~~scored, the number of parent requests pursuant to Education Code section 60615, and the number of individualized education program exemptions pursuant to Education Code section 60640(e)~~ submitted for scoring including tests for non-tested pupils and 90 percent of the tests ordered. In no event shall the cost to the school district for replacement or excessive materials exceed the amount per test booklet and accompanying material that is paid to the ~~publisher~~ contractor by the Department as part of the contract ~~with the publisher~~ for the current year.

NOTE: Authority cited: Sections 33031 and 60605~~(g) and (h)~~, Education Code.
Reference: Sections 60640 and 60643, Education Code.

*Amend Section 865 to read:*

**§ 865. Transportation.**

(a) Upon arrival of the test materials at a single location designated by each school district, the school district's ~~STAR program~~ district STAR coordinator shall provide the ~~publisher~~ contractor with a signed receipt certifying that all cartons were received.

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

(c) Secure transportation within a school district is the responsibility of the school district once materials have been duly delivered to the school district. The school district is responsible for secure delivery of test materials to non-public schools to which district pupils with disabilities are assigned.

NOTE: Authority cited: Sections 33031 and 60605~~(g) and (h)~~, Education Code.
Reference: Section 60640, Education Code.

*Amend Section 866 to read:*

**§ 866. School District Delivery.**

(a) No school district shall receive its multiple-choice test materials more than ~~twenty-five (25)~~ twenty (20) or fewer than ten (10) ~~calendar~~ working days prior to the

first day of testing in the school district. A school district that has not received multiple-choice test materials from the ~~test publisher~~ contractor at least ten (10) ~~calendar~~ working days before the first date of testing in the school district shall notify the ~~publisher~~ contractor and the Department on the tenth working day before testing is scheduled to begin that the school district has not received its materials. Deliveries of multiple-choice test materials to single school districts shall use the schedule in Section 867.

~~(b) School districts shall return all designated achievement tests and standards-based achievement rests and test materials to the publisher within five (5) working days of the last test date in the school district, including makeup testing days or six (6) days after any statutory deadline, whichever date is earlier.~~

(b)~~(c)~~ A school district and the ~~publisher~~ contractor ~~may~~ shall establish a periodic delivery ~~and retrieval~~ schedule to accommodate ~~wave test administration dates~~ test administration periods within the school district. Any schedule established must conform to Sections 866(a) and (b) for each test administration period.

(c) No school district shall receive its writing test materials more than ten (10) or fewer than five (5) working days before the day on which the writing tests are to be administered.

NOTE: Authority cited: Sections 33031 and 60605~~(g) and (h)~~, Education Code.
Reference: Sections 60640, 60642.5, and 60643, Education Code.

*Amend Section 867 to read:*

**§ 867. Test Site Delivery and Return.**

(a) No school or other test site shall receive any multiple-choice test or related test materials more than ten (10) ~~working days n~~or fewer than five (5) working days prior to the first day of testing scheduled at the school or test site.

~~(b) Upon completion of a testing wave at a site, including makeup testing, all tests and test materials shall be returned to the school district location designated by the STAR program district coordinator.~~

(b) All multiple-choice testing materials shall be returned to the school district location designated by the district STAR coordinator no more than two (2) working days after testing is completed for each test administration period.

(c) ~~Designated achievement tests and standards-based achievement tests and test materials shall not be retained at the test site for more than two (2) working days after the last day of test administration including makeup testing days or after any statutory deadline, whichever is earlier.~~ No school or other test site shall receive any writing test materials more than six (6) or fewer than two (2) working days before the test administration date.

(d) Writing test materials shall be returned to the district STAR coordinator no more than one day after the day scheduled for makeup testing.

NOTE: Authority cited: Sections 33031 and 60605~~(g) and (j)~~, Education Code.
Reference: Section 60640 and 60642.5, Education Code.

*Amend Section 867.5 to read:*

**§ 867.5. Retrieval of Materials by ~~Publisher~~ Contractor.**

(a) The school district shall ensure that multiple-choice testing materials are inventoried, packaged, and labeled in accordance with instructions from the ~~publisher~~ contractor, and returned to a single school district location for pickup by the ~~publisher~~ contractor within five (5) working days following completion of testing in the school district and in no event later than five (5) working days after ~~any applicable statutory deadline~~ each test administration period. All school districts must have their multiple-choice testing materials returned to the ~~publisher~~ contractor no later than ~~six (6)~~ five (5) working days after any statutory deadline.

(b) School districts shall return all writing tests and test materials to the contractor no more than two (2) working days after the makeup day specified for the writing test.

NOTE: Authority cited: Sections 33031 and 60605~~(g) and (h)~~, Education Code.
Reference: Sections 60640, 60642.5, and 60643, Education Code.

*Amend Section 868 to read:*

**§ 868. Discrepancy Resolution for Designated Achievement Test, Standards-Based Achievement Tests, and CAPA.**

(a) School districts shall process discrepancies determined by the ~~designated publisher~~ contractor upon receipt of returned tests and test materials pursuant to this subdivision:

(1) Receipt of a discrepancy notice in writing, via telephone, or via electronic mail by the ~~STAR program~~ district STAR coordinator for one or more of the following shall require a response from the ~~STAR program~~ district STAR coordinator to the ~~publisher~~ contractor within 24 hours.

(A) A discrepancy between the quantity of tests and test materials shipped to the school district and the number of tests and test materials returned to the ~~publisher~~ contractor from the school district.

(B) Information on scannable documents or test support materials that is inconsistent, incomplete, or missing, according to criteria established with the Department.

(2) The ~~STAR program~~ district STAR coordinator shall acknowledge the discrepancy notice via electronic mail, if available in the school district, to the ~~publisher~~ contractor and to the Department within twenty-four (24) hours of its receipt via electronic mail.

(b) The ~~STAR program~~ district STAR coordinator shall report any discrepancy in the total amount of the shipment from the ~~designated test publisher~~ contractor within two (2) working days of the receipt of the shipment. If the ~~designated test publisher~~ contractor does not remedy the discrepancy within two (2) working days of the school district report, the school district shall notify the Department within 24 hours.

(c) Any discrepancy in a shipment of designated achievement tests or test materials, ~~or~~ standards-based achievement tests or test materials, or CAPA materials received by a test site from the ~~STAR program~~ district STAR coordinator shall be reported to the ~~STAR program~~ district STAR coordinator immediately but no later than two (2) working days of the receipt of the shipment at the testing site. The ~~STAR program~~ district STAR coordinator shall remedy the discrepancy within two (2) working days.

(d) The ~~STAR program~~ district STAR coordinator shall report to the ~~publisher~~ contractor any discrepancy reported by a STAR test site coordinator within three (3) working days of receipt of materials at the test site. If the ~~STAR program~~ district STAR coordinator does not have a sufficient supply of tests or test materials to remedy any shortage, the ~~test publisher~~ contractor shall remedy the shortage by providing sufficient materials directly to the test site within two (2) working days of the notification by the ~~STAR program~~ district STAR coordinator.

(e) The notices required by this section shall be made by telephone with simultaneous confirmation in writing and by electronic mail.

NOTE: Authority cited: Sections 33031 and 60605~~(g) and (h)~~, Education Code. Reference: Sections 60640 and 60643, Education Code.

*Amend Section 870 to read:*

**§ 870. Apportionment to School Districts.**

(a) The amount of funding to be apportioned to the school district for the costs of administering the designated achievement test, ~~and~~ the standards-based achievement tests, and the CAPA shall be the amount established by the State Board of Education to enable school districts to meet the requirements of administering the designated achievement test, ~~and~~ the standards-based achievement tests, and the CAPA per the number of tests administered to eligible pupils in grades 2 to 11, inclusive, and the number of answer documents returned with only demographic information for pupils enrolled on the first day of testing who were not tested in the school district. The number of tests administered and the number of demographic answer documents shall be determined by the certification of the school district superintendent pursuant to Section 862. For purposes of this portion of the apportionment, administration of the designated achievement test, ~~and~~ the standards-based achievement tests, and the CAPA includes the following items:

(1) All staffing costs, including the ~~STAR program~~ district STAR coordinator and the STAR test site coordinators, staff training and other staff expenses related to testing.

(2) All expenses incurred at the school district and test site level related to testing.

(3) All transportation costs of delivering and retrieving tests and test materials within the school district.

(4) All costs associated with mailing the ~~parent reports of test results~~ STAR Student Reports to parents/guardians.

(5) All costs associated with pre-identification of answer sheets and consumable test booklets, and other activities intended to provide the complete and accurate data required in Section 861 of these regulations.

(b) This amount does not include any funding for the purposes of reimbursing the costs incurred by any school district pursuant to Section 864.5(d) placing an order that

is excessive, or for replacement costs for test materials lost or destroyed while in possession of the school district as ~~allocated~~ stated in Section ~~865~~ 864.5(c). These costs are outside the scope of the mandates of the STAR program.

(c) If at the time a school district's scannable documents are processed by the ~~publisher~~ contractor a student data record is missing any of the data elements required in Section 861 of these regulations, the school district shall provide the missing data elements within the time required by the ~~publisher~~ contractor to process the documents and meet the ~~publisher's~~ contractor's schedule of deliverables under its contract with the Department. The additional costs incurred by the school district to have the ~~publisher~~ contractor reprocess the student information to acquire the data required by Section 861 of these regulations shall be withheld from the school district's apportionment.

NOTE: Authority cited: Sections 33031 and 60605~~(g) and (h)~~, Education Code. Reference: Sections 60640 and 60643, Education Code.

9-03-04

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

| SUBJECT | |
|---|---|
| Standardized Testing and Reporting (STAR) Program: Approval of the 2004-05 Contract for the Spanish Assessment of Basic Education (SABE/2) with CTB/McGraw-Hill | ☒ **Action**<br>☒ **Information**<br>☐ **Public Hearing** |

## RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the 2004-05 Contract for SABE/2 with CTB/McGraw-Hill.

## SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At its May 2004 meeting, the SBE voted to extend use of the SABE/2 as the designated primary-language test for one more year, through the Spring 2005 testing session. The SABE/2, which has been the primary language test in the STAR Program since 1999, is published by CTB/McGraw-Hill. The SABE/2 contract is renewed annually.

## SUMMARY OF KEY ISSUES

Currently, English learners who have been enrolled less than twelve months at the time of testing are required to take the SABE/2, as well as the California Standards Tests (CSTs) and the California Achievement Tests, Sixth Edition Survey (CAT/6 Survey). Districts have the option of administering the SABE/2 to Spanish-speaking English learners who are enrolled twelve months or more.

Legislation authorizing primary language testing sunsets in 2005. Pending legislation, however, would authorize the development or adoption of new primary language assessments aligned to California's English-language arts and mathematics content standards for limited-English proficient students in grades 2 through 11. As the new tests are developed, the SABE/2 or its designated successor will be replaced.

## FISCAL ANALYSIS (AS APPROPRIATE)

SABE/2 costs of approximately $1.7 million (including the district apportionments for administering the test) are included in the STAR Program budget. No additional funding is required. The costs of the 2004-05 SABE/2 contract reflect a 4 percent cost of living increase from the 2003-04 contract.

## ATTACHMENT(S)

Attachment 1: Scope of Work: SABE/2 STAR 2004-05 (27 Pages)

# Scope of Work:
# SABE/2 STAR 2004-05

## Student Information SABE/2 STAR

All Spanish-speaking students in grades 2 through 11 who have been enrolled in California Public Schools less than 12 months at the time of testing must take the SABE/2 in addition to taking other tests within the STAR Program that are required for their grades. Districts may test Spanish-speaking English learners who have been enrolled in California public schools 12 months or more. This contract does not include any tests that districts may administer to students who are classified as I-FEP, R-FEP, or English only.

Based on previous years, it is estimated that no more than 120,000 students will be tested through this contract.

CTB is responsible for ensuring that districts place separate materials orders for students who are English only (immersion) and all students in grades 1 and 12. SABE/2STAR materials may not to be used for immersion programs or grades 1 and 12. Materials and scoring for students in immersion programs and grades 1 and 12 are not to be included in any STAR Program reports or costs.

## A. Test materials production and publication

CTB is responsible for ensuring that materials sent to districts use the same terminology and language as that used for other tests within the STAR Program, except where this would be inappropriate for a Spanish test series.

CTB will print documents in sufficient quantity to ensure that all districts receive a booklet, answer document, and practice test for each student to be tested. The test booklets and answer documents will include the SABE2/STAR logo. The practice tests will be standard SABE/2 materials.

**Materials to be provided in 2005**

| TITLE/CODE | Print Quantity for Spring 2005 |
|---|---|
| SABE/2 Level 2 Test book Code # 43172 | 40,000 |
| SABE/2 Level 2 Exam Manual Code #43176 | 13,200 |
| SABE/2 Level 3 Test book Code 43173 | 30,000 |
| SABE/2 Level 3 Exam Manual Code # 43177 | 14,000 |
| SABE/2 Level 4 Test book Code # 40990 | 20,000 |
| SABE/2 Level 5 Test book Code # 40991 | 25,000 |
| SABE/2 Level 6 Test book Code # 40992 | 30,000 |
| SABE/2 Levels 4,5,6 Exam Manual Code # 43178 | 41,000 |
| Custom Levels 4,5,6 Answer Sheet Code # 43174Cut | 75,000 |
| Custom Levels 4,5,6 Answer Sheet Code # 43175/CF | 100,000 |
| Custom Slip Sheet Code # 43180 | 70,000 |
| Custom Test Coordinator's Manual Code # 43179 | 13,000 |
| Large Print (test books only) per grade | 25 |
| Practice Tests, Levels 2 – 3 Code # 11253 | 70,000 |
| Practice Tests, Levels 4 – 6 Code # 11254 | 75,000 |

**CTB will ship a 15% (10% school & 5% district) overage to each district. Single school districts and charter schools will receive only the 10% school overage. Braille books are not included in this proposal.**

# B. Delivery of test materials to school districts

CTB will contact each district to submit orders for spring 2005 test materials. Ordering information will be sent to districts during October. Order Forms should be received by CTB no later than December 1, 2004.

The 2005 SABE/2 administration window for English learners in grades 2 – 11 is March 14 through May 13, with make-ups through May 20. CTB is not required to provide materials for districts to begin testing earlier than March 14; however, the contractor may approve testing to begin on February 22, 2005, for districts that request testing earlier than March 14. The earliest districts may begin testing is February 22, 2005.

Districts must administer all tests including Word Analysis. Study Skills is the only optional test. (Grades 4 - 12)

### District SABE/2 Orders

Each district ordering materials is required to specify the first and last regular testing dates, make-up testing dates, and the materials

pick-up date. The information submitted must be verified to ensure compliance with California law and regulations. Each district is to submit a single order that includes the materials needed for each school in the district.

CTB must have a signed STAR Security Agreement from the district STAR coordinator before shipping any SABE2/STAR materials to a district.

SABE/2 STAR 2005 test materials will be packed by school, and shipped to the district STAR coordinator for distribution within the district. Each shipment will include copies of packing lists for the district STAR coordinator. CTB will notify district STAR coordinators of a toll free number that may be used to notify CTB if a shipment is missing any school boxes (packages). CTB is to forward replacements for the missing materials within two working days of a district coordinator's notification of missing materials.

CTB will prepare a bill of lading for each shipment that includes the date of shipment, the number of skids and cartons in each shipment, and the carrier used.

CTB will use secure carriers that have electronic tracking systems for all shipments of test materials to districts.

**Excessive Material Charges**

If districts do not use 90% of the materials ordered, CTB is authorized to charge the district for the difference between the tests administered and the tests ordered. The charge per test may not exceed the Test Materials Variable Cost per Pupil amount in the Cost Section of this Scope of Work. The 5% district and 10% school overages may not be used in calculating excessive material orders.

**Delivery**

**CTB provides secure delivery and retrieval to and from California school districts.**

CTB will ensure that testing materials are delivered to each district no more than 20 nor fewer than 10 working days before each district's first scheduled test date. Single school districts and charter schools are to receive the test materials no more than 10 or fewer than 5 working days before the first day of testing.

CTB will do the following to ensure that all schools receive the materials needed to administer the tests within each district's designated testing period:

- Track and log incoming orders
- Contact district STAR coordinators who do not submit orders by December 1
- Provide procedures to accommodate late or additional orders and changes to orders
- Provide a toll-free help-desk number
- Track shipments
- Provide instructions for districts to inventory and return test materials

**Retrieval**

The SABE/2 STAR 2005 custom contract scoring team will schedule and arrange for the pickup of test materials no more than 5 days after the last make-up testing day in each district or for each track in districts testing multi-track year-round schools. District STAR coordinators will be provided a toll-free number to call (with fax backup) when answer documents are ready for pickup. The CTB coordinator will verify the pickup address, contact person, business hours, and total number of boxes. The CTB coordinator will arrange transportation and provide the district coordinator with the name of the carrier, pickup date, and confirmation number.

Upon arrival of the documents at CTB, the CTB Receiving Department will check the box count against the number recorded. The district coordinator will be contacted if discrepancies exist and tracking procedures will be initiated with the carrier.

CTB will contact district STAR coordinators on the fourth working day after the last scheduled make-up testing day for the district, if the district coordinator has not arranged for pick-up of the district's testing materials.

**Test Security**

CTB will provide security-handling instructions for STAR district and test site coordinators that detail the receipt, handling, storage, administration, retrieval, and return of materials. This information will be included in the SABE/2 STAR 2005 Test Coordinator's Manual. The manual will include:

**CTB has designed and instituted procedures to maintain the integrity and security of all assessment materials. This is a requirement of any high-stakes assessment program.**

- Security agreements and affidavits for district and school personnel, to be signed and kept by the district test coordinator for all personnel who will be handling the tests.
- Security document checklist for district coordinators with specific security instructions.
- Receipt procedures for the test materials to verify that all materials were received; including instructions to rectify material shortages before testing begins.
- Procedures for storing testing materials in secure facilities.
- Procedures for ensuring that test booklets are not accessed by unauthorized persons.
- Instructions for distributing the Test Coordinator's Manuals and test booklets.
- Inventory procedures for handling the testing materials at each point in the testing process to maintain accountability and integrity.
- Procedures for the collection and accounting of all test booklets and answer documents after regular and make-up testing periods.
- Instructions for returning the test materials to CTB for scoring and reporting.

Test booklets at Levels 2 and 3 are consumable. This increases the security, since students will write directly in the test booklet and the completed test booklets will be returned to CTB where they will be stored or destroyed as required. Districts will also return all booklets for Levels 4 through 6, as well as, each student's scan-able answer document. The implementation of a comprehensive security plan requires close attention by all members of the team who have access to secure materials, including CTB employees and state, district, and school personnel.

CTB understands that SABE/2 STAR 2005 materials are to be maintained in a secure manner during development, printing, administration, and scoring in order to preserve the integrity of the tests. When not in use, all test materials will be kept in secure, locked storage. Individuals involved in the development, printing, administration, or scoring of SABE/2 STAR 2005 who have access

to secure test items or materials will be provided with a copy of CTB's security requirements and procedures.

**Answer Documents and Pre-ID Files**

CDE will finalize the demographic requirements for the 2005 by late September and forward them to CTB. CTB will then format the demographic pages for SABE/2 test booklets (grades 2 and 3) and answer documents and forward them to CDE for approval.

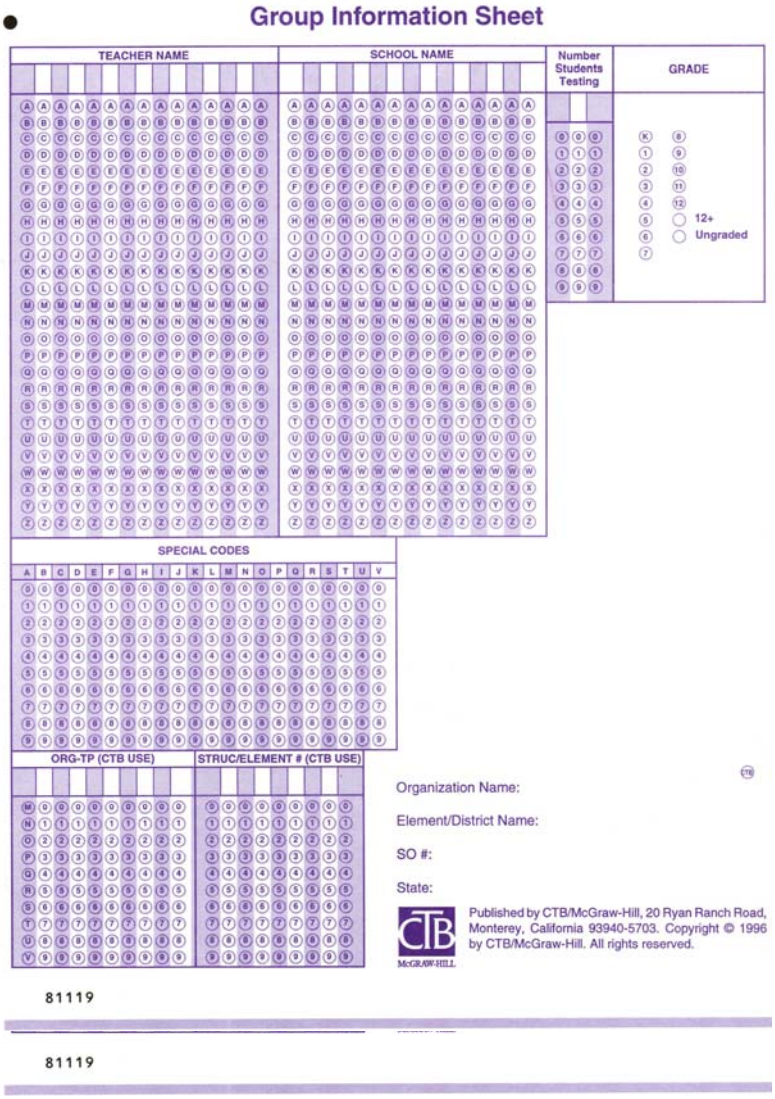
CTB will print both cut-sheet answer sheets to accommodate both in-school hand coding and pre-coding by CTB.

The pre-ID file will be changed to conform to California School Information System (CSIS) specifications that CDE will provide.

Student biographical data will be collected either by means of the optional pre-ID service or by completion of demographic grids on the SABE/2 STAR 2005 answer document.

Envelopes will be provided for the return of answer booklets. Booklets will be placed in the envelopes and will be accompanied by a Group Information Sheet (GIS). The GIS, shown below, identifies the teacher and the number of students in the class and the school.

**Figure 3: Group Information Sheet (GIS)**




## Pre-coding Services (Optional)

For SABE/2 STAR 2005, districts have the option of having student biographical information pre-coded directly onto slip-sheets that “slip” into each student’s test booklet for levels 2 and 3 or into student answer documents for levels 4 through 6. The information appears with the documents and can be scanned along with the students’ responses.

Pre-Ided data includes all required student demographic data plus optional information that districts choose to include. CTB will print

the data that is submitted in Pre-ID files on to machine-readable slip-sheets. All data will appear in human-readable format. The final Pre-ID specifications will be approved by CDE and will conform to the CSIS Pre-ID specifications developed for other components of the STAR Program.

CTB will accept district Pre-ID files from mainframe cartridges or tapes or PC diskettes of any format. Districts may submit Pre-ID test files up to three weeks before the final Pre-ID files are due at CTB. Formatting of the test data will be checked for compliance, and any necessary corrections or adjustments will be negotiated between CTB and the districts prior to printing the slip-sheets. The district is responsible for making the corrections or adjustments and providing a new set of data. These quality assurance precautions ensure rapid turnaround after receipt of the run data.

# C. Test processing, scoring and analysis

**1. Pre-Scoring (prework):**

- Establish contact with the school districts to obtain information regarding the test coordinator, test materials, test dates, and scoring services.
- Enter into the database all the scoring services requested for each school district.
- Provide pre-coded Group Information Sheets (GIS) and School Group Lists (SGL) to the districts in the Test Coordinator’s Kit.
- Provide pre-coded documents (slip sheets) if requested by the district.
- Assist districts in packaging and finalizing transportation arrangements.
- Distribute District Contact Information Form to obtain STAR Test Coordinator information, if this cannot be obtained from CDE.
- Distribute Custom Order Forms for SABE/2 STAR materials.
- Distribute Custom Test Coordinator’s Manual to address specific requirements for the STAR Program.

- Set up carriers to pickup of documents from districts including the specific requirements for tracking the pickup and transfer of materials.

**Quality Control Steps:**

- A front-end kit is provided to Operations prior to the arrival of documents for scoring. The front-end kit is used to verify that all the materials expected from each district are received.

**2. Receiving:**

- Carriers deliver answer documents to CTB.
- Boxes are unloaded, counted, and organized by district.
- Electronic tracking records are initiated for each district.
- All receipts are logged and organized for processing within 24 hours of receipt.
- Districts are notified of any missing boxes.

**Quality Control Steps:**

- Count every box received from a district and notify the districts and/or carriers of any discrepancies.
- Create electronic tracking records for every district to keep track of the customer's job in every workstation from the time it is received.

**3. Log-In:**

- Document type, student counts, and structure are verified against district materials to ensure that student data will be processed and organized accurately.
- Test materials are sorted and organized by district for scanning.
- Any case count discrepancies are resolved before moving the customer's job to the next workstation.
- Inventory all the test materials received from the districts.

**Quality Control Steps:**

- Verify that all the grades and schools have been received by checking against the prework data.

- CDS numbers on the GIS are verified against the CDS file provided by CDE. CDE will supply a data file of charter schools electing to test independently.
- Ensure that 100% of the test books and examiners manuals were received by verifying the information against the material fulfillment data

**4. Scanning:**

- Test documents are trimmed and scanned on 5000i scanners, operating at 6,000 sheets per hour.
- Student biographical data and responses are captured on tape and uploaded to the Mainframe using standard scanning rules.
- Custom scan drivers for the SABE/2 STAR documents
- Capture the additional biographical and demographic student data.

**Quality Control Steps:**

- Calibrate the scanners periodically to capture accurate data.

**5. Updates:**

- Verify scanned student counts against counts from the district.
- Edit student data, applying standard edits for student names, birth dates, and scores.

**Quality Control Steps:**

- Verify that all documents were scanned and that the hierarchical integrity was maintained.

**6. Reports Generation:**

- Scanned data is checked to ensure that CTB received all the schools and grades expected for a given school district.
- Discrepancies related to individual student data or questions related to special population categories are verified before submitting reports.
- All reports for a given school district are run once the data has been verified.
- Forward all billing related information to Billing.

- Assign and set up unique Scoring Organization to identify SABE/2 STAR customers.
- For multi-track districts, submit reports for all the schools within a track and submit reports for a district after scoring the last track for that district.
- Provide Custom GRT to include the additional SABE/2 STAR demographic information.
- Provide custom software in addition to downloads for TestMate Clarity customers.
- Print all reports with custom SABE/2 STAR Logo.

**Quality Control Steps:**

- Verify data from Updates against the School/Group List filled out by the districts.
- Verify the CDS numbers to ensure accurate reporting of the data for each school and district.
- Ensure that the correct scoring services were prepared for the customer by checking against pre-work.

**6. Reports provided**

CTB will provide a disaggregated summary report at each of the following levels: school, district, county and the state:

- Special Education*
- Male
- Female
- Less than 12 months
- 12 months or more
- Economically advantaged
- Not economically disadvantaged

*Note: Aggregations will not exclude students with special accommodations.

**If the EL column for “Less than 12 months” and “12 months or more” is left blank on the student documents, CTB will not report the students in the EL disaggregation summaries.**

**If the testing accommodation fields are left blank, 'the students will be counted as having had No Accommodations and the students' scores will be included in all summary data.**

**7. Reports include:**

- **Basic/CRS** — The Class Summary Report (CSR) provides a permanent record of test results for students in a class or another specified group.
- **Spanish Home Report —** provides parent/guardians with normative information about their child's academic achievement.
- **Student Profile Report** — identifies an individual student's strengths and weaknesses in both norm- and criterion-referenced terms, intended primarily for classroom teachers.
- **Evaluation Summary** — helps school and district administrators evaluate the overall effectiveness of their education programs.
- **Internet reports**— include data summarized at four levels: state, county, district, school; research files (data) posted online for public access.
- **GRT**— General Research Tape provides all student data
- **SGRT** — Summary General Research Tape provided by State, County and District

**Log-Out and Delivery:**

**Delivery**

Reports will be shrink-wrapped in class packages for return to districts. Districts will distribute to schools. All reports will be returned by secure carrier and require a signature upon delivery.

CTB will begin sending reports to districts no more than five to six weeks after answer documents are received for scoring.

Districts will have a toll-free telephone number to call if there are questions or concerns about the reports.

**Shelf:**

- Packing lists with appropriate addresses are generated for each district.

- All report packages are verified for completeness.
- Report packages are boxed and shipped to the districts via traceable carriers.
- Receipt signatures are recorded in the tracking system for proof of delivery.

**Quality Control Steps:**

- Ensure that all reports for a given district were printed and are complete.
- Ensure that reports are shipped to the correct address and are delivered on time and in good condition.

**Telephone Coverage and Staffing**

- CTB will provide customer service via a toll free number between the hours of 7:00 am and 5:00 p.m. Pacific time.
- The toll free number will be staffed with five customer service representatives and a manager.
- All employees on the Help Desk will work 100% on the California contracts including SABE/2 STAR and CELDT.
- Customer concerns will be logged for reporting and analysis purposes.
- An electronic version of the log will be made available to CDE with ten days prior notification.
- Scoring team members are also designated for the SABE/2 STAR Hotline.
- Customer will be routed to the designated team member based on the Area Code.
- If the scoring team member is not available to take the call, it will be routed to the next team member in the SABE/2 STAR team.
- If team members are not available, the customer may leave a Voice-mail message with a “0” option to go to the Scoring Help Desk.
- Calls will be returned to customers who leave messages within 24 hours.

**Contingency Plans:**

- An additional line will be activated and staffed during peak periods.
- Additional personnel will be hired, if needed.
- Customer Service may be used if additional coverage is required.

**Program Support**

California Evaluation Consultants representing CTB will conduct pre-test SABE/2 workshops to assist district STAR coordinators to prepare for the spring 2005 test administration. All workshops will be held in conjunction with CAT/6 Survey-CST and CAPA workshops. CDE must approve all dates, times and locations of the workshops. California Evaluation Consultants will also be available to provide district support with in-service training for school personnel in the use and understanding of reports.

Report interpretation information will be posted on the SABE/2 STAR 2005 Website.

# D. SABE/2 STAR scoring deliverables Spring 2005

**General Requirements**

CDE will review and approve all documents-- letters, forms or other materials that will be distributed to districts. CDE will have five working days to review and approve documents. If CDE does not approve or request changes within five working days, CTB may proceed without approval. CTB will resubmit documents for which CDE requested changes for CDE final review and approval after the changes are made.

In order to protect student confidentiality, all scores that are based on 10 or fewer students will not be reported and asterisks will appear on the reports.

All reports will report a common test date, determined by CDE and CTB, at the bottom of each report. All reports except the label and the Spanish Home Report will include the following footnote on all pages re: Special Accommodations:

- The Spanish Home Report will provide the Spanish translation of the above footnote.

The Label, due to space limitations, will report the following text at the beginning of each group of students' individual Labels: "Student was tested with accommodations."

Regular Population—Excludes Special Accommodations

STAR Reports are to include only English learners in grades 2 – 11.

| Report | Mode | Scores | # Of Copies (Each mode) | Type of Select |
|---|---|---|---|---|
| Student Label | Class | RP, RNCE, RS | 1 | Does not Exclude Accommodations |
| Spanish Home Report | Class | RP | 2 | Does not Exclude Accommodations |
| Student Profile Report | Class | RP, RNCE, RS | 2 | Does not Exclude Accommodations |
| Class Record Sheet | Class w/ class means | RP, RNCE, RS | 2 | Does not Exclude Accommodations |
| Class Record Sheet Summary (suppress detail) | School and District | MDRP, MRNCE, MRS | 2 | Exclude Accommodations |
| Evaluation Summary | School, District, County, and State | MRNCE and RP of the MNCE<br>----------<br>RP & RNCE @ 10th, 25th, 50th, 75th, 90th, # of % per quarter | 2 | Exclude Accommodations |

Students with Accommodations
(All Report Titles = "ACCOMMODATIONS ONLY"): The special accommodations population will receive the same aggregate reports and scores as the 'regular population' (defined above) for class, school, and district modes only. The exception is that reference scores are not available for below-level test takers. Therefore, since the reference percentile is the only score provided on the Spanish Home Report, this report will not be provided for below-level testing.

## Disaggregate Reports:

| Report | Mode | Scores | # Of Copies (Each mode) | Type of Select |
|---|---|---|---|---|
| Class Record Sheet Summary (suppress detail) (Title: “MALE”) | School and District | MDRP, MRNCE, MRS, | 2 | Male and No Accommodations, includes all students including below-level |
| Evaluation Summary (Title: “MALE”) | School, District, County, and State | MRNCE and RP of the MNCE ---------- RP & RNCE @ 10th, 25th, 50th, 75th, 90th, # of % per quarter | 2 | Male and No Accommodations |
| Class Record Sheet Summary (suppress detail) (Title: “FEMALE”) | School and District | MDRP, MRNCE, MRS | 2 | Female and No Accommodations |
| Evaluation Summary (Title: “FEMALE”) | School, District, County, and State | MRNCE and RP of the MNCE ---------- RP & RNCE @ 10th, 25th, 50th, 75th, 90th, # of % per quarter | 2 | Female and No Accommodations |
| Class Record Sheet Summary (suppress detail) (Title: NSLP/NSLPF) | School and District | MDRP, MRNCE, MRS | 2 | NSLP and No Accommodations |
| Evaluation Summary (Title: NSLP/NSLPN) | School, District, County, and State | MRNCE and RP of the MNCE ---------- RP & RNCE @ 10th, 25th, 50th, 75th, 90th, # of % per quarter | 2 | NSLP and No Accommodations |
| Evaluation Summary (Title”) NSLP/NSLPN) | School, District, County, and State | MRNCE and RP of the MNCE ---------- RP & RNCE @ 10th, 25th, 50th, 75th, 90th, # of % per quarter | 2 | NSLP and No Accommodations |
| Class Record Sheet Summary (suppress detail) (Title: “LESS THAN 12 MONTHS”) | School and District | MDRP, MRNCE, and MRS | 2 | Less than 12 months and No Accommodations |

| Report | Mode | Scores | # Of Copies (Each mode) | Type of Select |
|---|---|---|---|---|
| Evaluation Summary (Title: “LESS THAN 12 MONTHS”) | School, District, County, and State | MRNCE and RP of the MNCE<br>----------<br>RP & RNCE @ 10th, 25th, 50th, 75th, 90th, # of % per quarter | 2 | Less than 12 months and No Accommodations |
| Class Record Sheet Summary (suppress detail) (Title: 12 months or more | School and District | MDRP, MRNCE, and MRS | 2 | 12 months or more and No Accommodations |
| Evaluation Summary (Title: “12 months or more”) | School, District, County, and State | MRNCE and RP of the MNCE<br>----------<br>RP & RNCE @ 10th, 25th, 50th, 75th, 90th, # of % per quarter | 2 | 12 months or more and No Accommodations |
| Class Record Sheet Summary (suppress detail) (Title: “SPECIAL EDUCATION”) | School and District | MDRP, MRNCE, and MRS | 2 | Special Education |
| Evaluation Summary (Title: “SPECIAL EDUCATION”) | School, District, County, and State | MRNCE and RP of the MNCE<br>----------<br>RP & RNCE @ 10th, 25th, 50th, 75th, 90th, # of % per quarter | 2 | Special Education |

## General Research Tapes:

| Report | Mode | Scores | # Of Copies (Each mode) | Type of Select |
|---|---|---|---|---|
| GRT (Tape or Disk) with student names | District (Upon request) | All available scores | 1 | All test scores for all students in grades **2-11** |
| GRT (on CD ROM) with student names | State | All available scores | 1 | All test scores for all students in grades **2-11*** |

# Reporting to the State including electronic files

**State Summary Files (for CDE use):** The following State summary files will be provided

| Report | Mode | Scores | # Of Copies (Each mode) | Type of Select |
|---|---|---|---|---|
| Summary Data Files | State, County, District, School | Total N by Grade<br>NOTE: All n-counts = total number of students tested.<br>----------<br>By Total Reading, Total Mathematics, Total Language, & Spelling: RP of the MRNCE-TITLE: "RP for 'Avg.' Student Score" % of students above the 75th RP: Based on Cumulative N-Count* % of students above the 50th: Based on cumulative N count* % of students above the 25th: Based on cumulative N count* | 1 | Grades **2-11**<br>Eight subgroups in addition to All Student reports<br>*****<br>**1)** Mandatory only (coded as "less than 12 months<br>**2)** Non-mandatory only (coded as "12 months or more<br>**3)** All FEMALE (same as #1)<br>**4)** All MALE (same as #1)<br>**5)** Special Education<br>**6)** Not Special Education<br>**7)** Economically Disadvantaged<br>**8)** Not Economically Disadvantaged<br>- All data excludes students identified as Special Accommodations, except for #6 All SPECIAL EDUCATION.<br>- Suppress SPELLING for Grades 9-11 only<br>- Suppress WORD ANALYSIS<br>- Suppress STUDY SKILLS |

CTB will provide an electronic student data file with a record of the demographic data and scores for every English learner tested with the SABE/2 in grades 2 through 11.

The file will include no student names or ID numbers.

Student records will be within grade and school.

Schools will be within districts.

Districts will be within counties.

CTB will provide CDE the layout for this file.

The student data file must be delivered to the CDE no later than August 5, 2005. Internet Reporting

Reports will be provided online, after CDE approval, with data summarized at four levels (state, county, district, school), including one report for the State of California, and reports for all participating schools, every county, and every school district within the State. Research files for the same summary data will be posted online for public access. The Internet file and its associated research files must include results for all English learners in grades 2 through 11 tested with the SABE/2. The Internet reports and the associated research files must be synchronous with the student data file for the CDE.

The Internet file and its associated research files must be posted at a secure, password protected web site by Friday, August 5 and available for public access on Monday, August 15.

**Sample SABE/2 STAR Website page**

SABE/2 STAR State Summary Report - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Address http://www.ctb.com/SABE2STAR/reports/00-00000-0000000-a.html Go

# The California State Summary Report

## Spring 2001

### SABE/2 STAR Summary Report for All Students

(Note: All data excludes Special Accommodations students, except the data for the Special Education population.)

SABE/2 STAR homepage

Link to the comparable 2000 report

Link to the comparable 1999 report

Total Number Tested: 116215

Data uploaded on August 15, 2001

| Grade | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
|---|---|---|---|---|---|---|---|---|---|---|
| Total Reading | N=28500 | N=22336 | N=15619 | N=11603 | N=6902 | N=6764 | N=5554 | N=9297 | N=4959 | N=2415 |
| RPR for "Avg." Student Score | 59 | 64 | 60 | 58 | 55 | 56 | 55 | 50 | 53 | 48 |
| % Scoring Above 75th RP | 29 | 35 | 34 | 29 | 27 | 30 | 30 | 25 | 27 | 23 |
| % Scoring Above 50th RP | 61 | 67 | 59 | 60 | 51 | 55 | 53 | 50 | 53 | 49 |
| % Scoring Above 25th RP | 83 | 88 | 84 | 85 | 79 | 77 | 76 | 75 | 80 | 75 |
| Total Mathematics | N=28115 | N=22213 | N=15558 | N=11606 | N=6832 | N=6678 | N=5472 | N=9255 | N=4919 | N=2394 |
| RPR for "Avg." Student Score | 64 | 66 | 61 | 60 | 53 | 49 | 44 | 40 | 39 | 31 |
| % Scoring Above 75th RP | 39 | 42 | 37 | 31 | 30 | 23 | 22 | 16 | 15 | 12 |
| % Scoring Above 50th RP | 63 | 68 | 60 | 61 | 50 | 48 | 43 | 40 | 35 | 29 |
| % Scoring Above 25th RP | 82 | 85 | 82 | 81 | 75 | 71 | 68 | 67 | 65 | 54 |
| Total Language | N=28331 | N=22075 | N=15447 | N=11504 | N=6744 | N=6628 | N=5441 | N=9034 | N=4761 | N=2307 |
| RPR for "Avg." Student Score | 62 | 64 | 58 | 61 | 58 | 63 | 61 | 54 | 50 | 44 |
| % Scoring Above 75th RP | 39 | 37 | 35 | 34 | 34 | 40 | 35 | 29 | 21 | 14 |
| % Scoring Above 50th RP | 63 | 67 | 59 | 61 | 56 | 60 | 61 | 54 | 52 | 46 |
| % Scoring Above 25th RP | 83 | 85 | 81 | 83 | 83 | 83 | 83 | 79 | 77 | 75 |
| Total Spelling | N=28493 | N=22289 | N=15531 | N=11524 | N=6793 | N=6685 | N=5497 | N= | N= | N= |
| RPR for "Avg." Student Score | 57 | 60 | 55 | 57 | 47 | 58 | 54 | | | |
| % Scoring Above 75th RP | 35 | 30 | 28 | 30 | 17 | 26 | 19 | | | |
| % Scoring Above 50th RP | 63 | 61 | 60 | 58 | 49 | 62 | 61 | | | |
| % Scoring Above 25th RP | 84 | 83 | 78 | 86 | 72 | 82 | 83 | | | |

---

1. RP stands for Reference Percentile.
2. RPR stands for Reference Percentile Rank.
3. The RPR is based on the Mean Reference Normal Curve Equivalent (MRNCE) score for each group.
4. In order to protect student confidentiality, asterisks appear where scores are based on 10 or fewer students.

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CTB/McGraw-Hill
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Local intranet

**State Internet Reporting: CTB will provide Internet reporting as in the previous years of the Program. All Internet Reports and Research Files are to include only English learners in grades 2 – 11.**

| Report | Mode | Scores | # Of Copies (Each mode) | Type of Select |
|---|---|---|---|---|
| Internet Summary Reports (English text only) | School, District, County, and State | Total N by Grade<br>NOTE: All n-counts = total number of students tested.<br>----------<br>By Total Reading, Total Mathematics, Total Language, & Spelling:<br>RP of the MRNCE-TITLE: "RP for 'Avg.' Student Score" % of students above the 75th<br>RP: Based on Cumulative N-count % of students above the 50th: Based on Cumulative N-count % of students above the 25th: Based on Cumulative N-count | 1 | Grades **2-11**<br>**Eight subgroups in addition to all students:**<br>**1)** Mandatory only (coded as "Less than 12 months")<br>**2)** Non-mandatory only (coded as "12 months or more")<br>**3)** Males<br>**4)** Females<br>**5)** Special Education<br>**6)** Not Special Education<br>**7)** Economically Disadvantaged<br>**8)** Not economically disadvantaged<br><br>- All data excludes students identified as Special Accommodations<br>- Suppress SPELLING for Grades 9-11 only<br>- Suppress WORD ANALYSIS<br>- Suppress STUDY SKILLS |

**State Internet Reporting Data Files: The deliverable files are described in the table below.**

| Report | Mode | Scores | # Of Copies (Each mode) | Type of Select |
|---|---|---|---|---|
| Data Files on the website identified as "Research Documents" in two formats: Fixed-length ASCII Tab-delimited ASCII Both formats will be provided in both Mac and PC. | School, District, County, and State | Total N by Grade<br>NOTE: All n-counts = total number of students tested.<br>----------<br>By Total Reading,<br>Total Mathematics,<br>Total Language, &<br>Spelling:<br>RP of the MRNCE-TITLE: "RP for 'Avg.' Student Score" % of students above the 75th RP: Based on Cumulative N-count % of students above the 50th RP: Based on Cumulative N-count % of students above the 25th RP: Based on Cumulative N-count | 1 | Grades **2-11**<br><br>Three populations per mode:<br>**1)** All students (mandatory/" Less than 12 months," non-mandatory/"12 months or more," and blank coded EL)<br>**2)** Mandatory only (coded as "Less than 12 months")<br>**3)** Non-mandatory only (coded as "12 months or more")<br><br>- All data excludes students identified as Special Accommodations<br>- Suppress SPELLING for Grades 9-11 only<br>- Suppress WORD ANALYSIS<br>- Suppress STUDY SKILLS |

**State Internet Reporting Data Files: The deliverable files are described in the table below.**

| Report | Mode | Scores | # Of Copies (Each mode) | Type of Select |
|---|---|---|---|---|
| Data files on the website identified as "Research Documents" in two formats: Fixed-length ASCII Tab-delimited ASCII and Both formats will be provided for both Mac and PC. | School, District, County, and State | Total N by Grade<br>NOTE: All n-counts = total number of students tested.<br>----------<br>By Total Reading, Total Mathematics, Total Language, & Spelling:<br>RP of the MRNCE-<br>TITLE: "RP for 'Avg.' Student Score" % of students above the 75th RP: Based on Cumulative N-count % of students above the 50th RP: Based on Cumulative N-count % of students above the 25th RP: Based on Cumulative N-count | 1 | Grades **2-11**<br><br>Two populations per mode:<br>**1)** All students (mandatory/"Less than 12 months," non-mandatory/" 12 months or more" and blank coded EL)<br>**2)** Mandatory only (coded as "12 months less")<br>**3)** Non-mandatory only (coded as "12 months or more")<br><br>• All data excludes students identified as Special Accommodations<br>• Suppress Spelling for Grades 9-11 only<br>• Suppress Word Analysis<br>• Suppress Study Skills |

## Transition to 2006

CTB will prepare and transport to CDE all data for 1999-2005 and prepare web page construction for transition to CDE's web page. All data such as web page headers and footers, Logos that are CTB's property will be removed from said pages. Technical requirements such as format, look and feel are to be determined. CTB and CDE will need to review/confirm CDE server specs CTB is concerned primarily in determining if the CDE maintains UNIX servers with PERL support. If so, the migration of reports and data should be fairly direct. Need to confirm that the current display of data and information across the SABE/2 STAR support site will be maintained after the transition. (This includes site indices, general info pages "about the program", Spanish translations, copyright information in the report footers, etc.)

# Proposed Timeline

A proposed timeline follows. This timeline provides timing and task responsibility for each step in the SABE/2 STAR 2005 process. The major deliverable dates correspond to the invoice dates on the Cost Proposal that follows.

## Proposed SABE/2 STAR 2004 Timeline

| Date | Task |
|---|---|
| 9/29/04 | Meeting: CTB and CDE Planning Meeting in Sacramento |
| | |
| 1/10/05-3/11/05 | Programming front-end scan and raw score edit programs for the answer sheet, answer booklet, and slip sheet |
| 9/03/04 | Acquire Demographic updates from CDE |
| 10/11/04 | Confirm 800# up and working and staffed for calls from 7:00am-5: 00pm (Phone: 888-282-0525; FAX: 888-282-0224) |
| 1/10/04 | CTB receives CDE approvals to print all test materials (See Approval Timeline) |
| 12/01/04 | CTB receives all order forms/address forms with contact information and n-counts for Large Print |
| 12/01/04 | In-site delivery of SABE/2 STAR District Coordinator packets (Materials Quantity/Address Form, Optional Materials Order Form, Scoring Services Order Form, Pre-ID Order Form, and Pre-Test Workshop Information) |
| 11/05/04 | CDE final approval of CTB's Pre-ID layout (for districts precoding answer sheets/slip sheets). |
| 12/03/04 | In-site: Pre-ID layout to districts |
| 1/10/05-3/11/05 | Programming back end reporting programs |
| 01/14/05 | TCM Camera Copy complete |
| 01/14/05-02/11/05 | TCM Printing |
| 01/24/05 | Pick and pack of materials begins |
| | |
| 02/14/05 - 04/15/05 | CTB sends materials to districts, no more than 25 days or less than 10 days prior to districts test date. Single schools and Charter schools should receive test materials no more than 10 days prior to test date. |
| 02/22/05 | Early testing window begins (information needed from districts for precoding 3 weeks prior to testing) |
| 03/04/05 | Earliest receipt of test materials for scoring (from districts who participated in early testing) |
| 03/14/04-5/20/05 | Testing window (information needed from districts using Pre-ID service 3 weeks prior to testing) |
| 05/13/05-05/20/05 | Latest make-ups testing window |
| 06/03/05 | Last day for CTB to receive materials from sites for scoring. |
| 07/29/05 | All scoring deliverables (reports and GRTs/diskettes) complete in state and district sites |
| 08/05/05 | Web Site available for CDE review |
| 08/15/05 | State data available on CTB's website (with link to CDE website). |
| 08/31/05 | State evaluates CTB's performance |
| 09/16/05 | Web site Transition Requirements |

Invoice dates will be subject to completion of each of the component tasks.

**Proposed SABE/2 STAR 2005 Approval Timeline**

| Deliver Date | Due Date | Deliverable to be Approved |
|---|---|---|
| 10/08/04 | 10/15/04 | Order Form (Materials Quantity/Address Form, Optional Materials Order Form, Scoring Services Order Form, Pre-ID Order Form, & Pre-Test Workshop Information) |
| 11/15/04 | 11/22/04 | Test Coordinators Manual |
| 10/21/04 | 10/28/04 | Biographical, Pre-ID Layout, Slipsheet for release to production |
| 12/15/04 | 12/22/04 | Report Mock-ups |
| 10/29/04 | 11/05/04 | Exam Manuals Pages-for release to production |
| 08/12/05 | 08/19/05 | Excessive Materials Notice –cover letter |

# Cost Proposal

The costs shown in this section correspond to the information and specifications found this Scope of Work. Costs for each task are provided separately. If changes are made to one task, it may have an impact on all other tasks so that re-pricing of the entire proposal may be required after any negotiation process.

CTB submits the following proposed costs and invoice schedule. This schedule includes a detailed listing of the costs for each component task by fixed and variable costs.

**Costs provided by Task:**

| Case Count 100,000 – 126,999 | Fixed | Variable n=100,000 | Variable per pupil in range | Total n=100,000 | Total per pupil n=100,000 |
|---|---|---|---|---|---|
| A. Test Materials | $113,525 | $289,950 | $2.90 | $403,475 | |
| B. Delivery of tests | $171,425 | $155,331 | $1.55 | $326,756 | |
| C. Test processing | $183,969 | $83,993 | $0.84 | $267,962 | |
| D. Reporting | $108,708 | $97,802 | $0.98 | $206,510 | |
| E. Reporting to State | $108,708 | $ | $ | $108,708 | |
| Total | $686,335 | $627,076 | $6.27 | $1,313,411 | $13.13 |

| Case Count 127,000 – 149,999 | Fixed | Variable n=127,000 | Variable per pupil in range | Total n=127,000 | Total per pupil n=127,000 |
|---|---|---|---|---|---|
| A. Test Materials | $113,525 | $318,554 | $2.51 | $432,079 | |
| B. Delivery of tests | $171,425 | $172,428 | $1.36 | $343,853 | |
| C. Test processing | $183,969 | $90,597 | $0.71 | $274,566 | |
| D. Reporting | $108,708 | $108,133 | $0.85 | $216,841 | |
| E. Reporting to State | $108,708 | $ | $ | $108,708 | |
| Total | $686,335 | $689,712 | $5.43 | $1,376,047 | $10.84 |

| Case Count 150,000 – 199,999 | Fixed | Variable n=150,000 | Variable per pupil in range | Total n=150,000 | Total per pupil n=150,000 |
|---|---|---|---|---|---|
| A. Test Materials | $113,525 | $348,630 | $2.32 | $462,155 | |
| B. Delivery of tests | $171,425 | $186,396 | $1.24 | $357,821 | |
| C. Test processing | $183,969 | $100,102 | $0.67 | $284,071 | |
| D. Reporting | $108,708 | $119,086 | $0.79 | $227,794 | |
| E. Reporting to State | $108,708 | $ | $ | $108,708 | |
| Total | $686,335 | $754,214 | $5.03 | $1,440,549 | $9.60 |

## Invoice Dates

The dates that follow are the anticipated dates of invoicing.

| Task | Invoice Date |
|---|---|
| A. Test Materials production or publication | 01/14/05 |
| B. Delivery of test materials to school districts | 05/13/05 |
| C. Test processing, scoring and analysis | 07/15/05 |
| D. Reporting of test results to school districts | 07/29/05 |
| E. Reporting to State including electronic files | 08/15/05 |

## Optional Services

CTB also offers districts the option of using pre-identification services for answer documents. Also included is the cost of materials to be charged to those districts who over order materials and do not send them in for scoring.

## Optional Services

| Service | Levels 2 – 6 |
|---|---|
| Pre-coding Services | $.61 per slipsheet* |
| Excessive Materials | $5.52 per student |

*Includes cost of slip-sheet.

**ITEM #8**

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

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

### RECOMMENDATION

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

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In July 2004, SBE received an update on the CAHSEE Program. This is a placeholder item placed on the agenda in the event that an update or action is warranted. The item will be withdrawn from the SBE agenda if there is no update to provide the SBE, nor SBE action needed.

### SUMMARY OF KEY ISSUES

Since this is a placeholder item, there are no key issues at this time.

### FISCAL ANALYSIS (AS APPROPRIATE)

Since this is a placeholder item, no fiscal analysis is appropriate at this time.

### ATTACHMENT(S)

None

**ITEM #9**

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

| SUBJECT | |
|---|---|
| California High School Exit Examination (CAHSEE): Release of the 2004 test results | ☒ **Action**<br>☒ **Information**<br>☐ **Public Hearing** |

### RECOMMENDATION

Receive report of 2004 CAHSEE results and take action as deemed necessary and appropriate.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

- The State Board of Education (SBE) approved the revised form of the CAHSEE in July 2003.
- SBE approved postponing the consequences of the CAHSEE to students graduating in 2005-2006.
- The California Department of Education (CDE) tested all grade 10 students in February, March, and May 2004.

### SUMMARY OF KEY ISSUES

CAHSEE 2004 Administration

Grade 10 students took the CAHSEE in either February, March, or May 2004. These students will have to pass the CAHSEE as a condition of graduation. School districts have received the results for all of the student testing from February, March, and May. Approximately 450,000 students were tested. The CAHSEE results were posted for the public on August 16, 2004, and were part of the AYP/API release on August 31, 2004.

CDE has provided school districts with several documents to assist them in understanding the format of CAHSEE and to assist them in seeing the types of test questions that will be asked about a particular academic content standard. These documents include the 2003 Released Test Questions and the 2001 and 2002 Teacher Guides. Last fall, CAHSEE Study Guides were distributed to school districts for every grade 10 student and his or her parent/guardian.

Attached is the CAHSEE Reporting 2004 Summary Results that is developed for county offices of education, school districts, and schools. Additionally, CDE has made available a number of tables providing information on the 2004 results.

## FISCAL ANALYSIS (AS APPROPRIATE)

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

## ATTACHMENT(S)

Attachment 1: CAHSEE Reporting 2004 Summary Results (28 Pages)
Attachment 2: 2004 CAHSEE Summary of Results (7 Pages)

# CAHSEE California High School Exit Examination

## Reporting 2003–04 Summary Results

## Information Guide for Counties, School Districts, and Schools

**August 2004**

**Prepared by**
**California Department of Education**

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# Introduction

Beginning in the 2005–06 school year, all graduating seniors will be required to pass the California High School Exit Examination (CAHSEE) to receive a high school diploma. All students are required to take the CAHSEE for the first time in tenth grade. Students enrolled in grade ten during the 2003–04 school year will be the first class required to meet the CAHSEE requirement by the end of the 2005–06 school year. These students had their first opportunity to take the CAHSEE in spring of 2004.

On August 16, 2004, the California Department of Education (CDE) will release summary results from the CAHSEE administrations during the 2003–04 school year. Results will be provided at the school, school district, county, and state levels and will be posted on the CDE Web site at *http://data1.cde.ca.gov/dataquest/*. Individual student CAHSEE results are confidential and are not included in the Internet posting.

It is important that schools, school districts, and county administrators respond proactively to inquiries about local CAHSEE results for the 2003–04 administration. Local efforts to communicate with key stakeholders can develop a foundation of understanding about this exam and what is being done to prepare students to meet this requirement. This assistance packet provides county offices of education, school districts, and schools with the information they need to access summary results online and interpret those results.

# Facts about the California High School Exit Examination (CAHSEE)

State law authorized the development of the California High School Exit Examination (CAHSEE), which students in California public schools would have to pass to earn a high school diploma beginning in the 2005–06 school year.

## Purpose of the CAHSEE

The purpose of the CAHSEE is (1) to improve student achievement in high school; and (2) to help ensure that students who graduate from high school can demonstrate competency in reading, writing, and mathematics.

## Notification of the CAHSEE Requirement

All students and their parents and guardians must be provided with notice of the CAHSEE requirement beginning in grade nine and each year thereafter (*Education Code* Section 60850[f][1]). The notification must include, at a minimum, the date of the exam, the requirements for passing the exam, the consequences of not passing the exam, and the fact that passing the examination is a condition of graduation (*Education Code* Section 48980). Transfer students must be notified at the time they transfer.

## Test Content

The CAHSEE is divided into two parts: English-language arts and mathematics. Test questions address California academic standards that a High School Exit Examination Standards Panel, appointed by the State Superintendent of Public Instruction, determined students should master to graduate from high school.

### English-Language Arts

One part of the CAHSEE addresses state English-language arts academic standards. This part of the exam, which consists of multiple-choice questions and a writing task, has a reading and decoding section and a writing section. The reading and decoding section covers vocabulary, information reading, and literary reading. This section includes 50 percent literary texts and 50 percent informational texts.

The writing section covers writing strategies, applications, and conventions. In addition to the multiple-choice questions, students are asked to write one essay on a specific topic or in response to a literary or informational passage.

### Mathematics

The second part of the CAHSEE addresses state mathematics academic standards. The math part of the exam consists of all multiple-choice questions. It includes statistics, data analysis and probability, number sense, measurement and geometry, algebra and functions, mathematical reasoning, and Algebra I. Students must demonstrate strong computational skills and a foundation in arithmetic, including working with decimals, fractions, and percentages.

For more information on the CAHSEE, the test blueprints are posted on the CDE web site at: *http://www.cde.ca.gov/ta/tg/hs/admin.asp*

## Test Variations

A test 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. Test variations include, but are not limited to, accommodations and modifications. An accommodation is a change in the testing environment or process that does not alter what is intended to be tested by the CAHSEE, whereas a modification is a change that alters what is intended to be tested.

Any student whose Individualized Education Program (IEP) or Section 504 Plan specifies the need for accommodations or modifications for use on the CAHSEE, standardized testing, or for use during classroom instruction or assessment must be allowed to use them for the CAHSEE. Students who use an accommodation and earn a score of 350 or higher have passed that part of the CAHSEE. Students who use a modification and have earned the equivalent of a passing score may be eligible for a diploma if a waiver of the requirement to pass one or both parts of the CAHSEE is granted by the local board. Parents or guardians must ask the school to submit a waiver on behalf of their child. More information on accommodations and modifications can be found on the CDE Web site at *http:/www.cde.ca.gov/ta/tq/hs/accmod.asp.* Students with disabilities must meet the CAHSEE requirement to receive a California high school diploma.

Students who are English learners are required to take the CAHSEE in grade ten with all other tenth grade students. During their first twenty-four months in a California school, English learners are to receive six months of instruction in reading, writing, and comprehension in English (*Education Code* Section 60852). During this time, they are still required to take the CAHSEE in English to receive their high school diploma. Recently, test variations for English learners were added to the CAHSEE regulations.

## Testing Opportunities

All students are required to take the CAHSEE for the first time in grade ten. Students who do not pass one or both parts of the CAHSEE in grade ten will be given up to five additional opportunities to retake the test. Students retake only the part(s) of the exam not passed. The CAHSEE testing schedule through the 2005–06 school year is posted on the CDE Web site at *http://www.cde.ca.gov/ta/tg/hs/admin.asp.* School districts select their school's testing dates from this schedule.

## Reporting/Using Results

Within ten weeks of the administration, school districts are sent two copies of the Student and Parent Report for each student who took the exam. Summary results for each high school, school district, county and the state are posted annually on the Internet.

The passing score for the mathematics part of the exam is approximately 55 percent or a scale score of 350. The passing score for the English-language arts part of the exam is approximately 60 percent or a scale score of 350.

## Supplemental Instruction

School districts must provide supplemental instruction aligned to the state academic content standards to assist students who do not demonstrate sufficient progress toward passing the exam. (*Education Code* Section 37252 and 60851[f]) This supplemental instruction shall begin as early as grade seven.

## State and Federal Accountability Requirements

The CAHSEE results for grade ten students are being used as one indicator in calculating the Academic Performance Index (API) for each high school and school district for the state accountability program. The CAHSEE results are also used to calculate Adequate Yearly Progress (AYP), part of the federal No Child Left Behind (NCLB) requirement. The use of the CAHSEE as one of the indicators for API and AYP calculations is for state and federal accountability purposes only, and does not apply to passing the CAHSEE.

## More Information

Additional information about the CAHSEE is posted on the CDE Web site at: *http://www.cde.ca.gov/ta/tg/hs*, or by contacting your high school principal.

# Student Performance

Since 2001, students have had increased access to the academic standards through CDE's publication of standards-based resources for school districts, teachers, students, and parents/guardians, and through the adoption of kindergarten through grade eight instructional resources in mathematics and English-language arts.

### *Greater access to academic standards*

HumRRO, the independent evaluator of CAHSEE, reported in its biennial evaluation that schools were offering more classes in standards-based instruction and concluded that "The CAHSEE requirement has been a major factor leading to dramatically increased coverage of the California academic standards at both the high school and middle school levels and to development or improvement of courses providing help for students who have difficulty achieving these standards." (*Independent Evaluation of the California High School Exit Examination [CAHSEE]: Second Biennial Report*, February 1, 2004, Executive Summary, p. iii, General Finding 2)

### *CAHSEE and Standards-based Resources for School Districts, Teachers, Students, and Parents*

The CDE has provided the following CAHSEE and standards-based resources:

- *Preparing for the CAHSEE: A Mathematics Study Guide* and *Preparing for the CAHSEE: An English-Language Arts Study Guide* for students and their parents (2003)
- *California High School Exit Examination – Mathematics Teacher Guide* and *California High School Exit Examination – English-Language Arts Teacher Guide* (2002 and 2003)
- *Promoting Student Success: Remediation Planning Guide for Districts/ Schools* (2002)
- *Providing Accommodations for the Spring 2002 Administrations: Training Manual* (2001)
- The release of 130 mathematics CAHSEE test questions, and 129 English-language arts test questions and 4 essays (2001–03)
- *English-Language Arts Adoption of Instructional Materials* (January 2002)
- *Mathematics Adoption of Instructional Materials* (January 2001)

### *Revisions to the CAHSEE*

Additionally, changes have been made to the CAHSEE:

English-Language Arts (ELA)

- Reduced testing time from two days to one
- Reduced number of written essays from two essays to one
- Reduced number of multiple-choice questions in ELA from 94 to 79 (including a small sample of field-test questions)

Mathematics

- Replaced mathematics questions containing less frequently encountered data displays (i.e., stem-and-leaf and box-and-whisker plot) with more commonly encountered displays (e.g., bar charts and line graphs) and limited the number of test questions assessing more than one mathematical concept within a standard.

  See **Example one** on page 7.
  See **Example two** on page 8.

### Example One

The following mathematics problems illustrate the difference between questions that contain data displays not frequently encountered (Problem 1) with ones that contain commonly encountered displays (Problem 2). Note that both questions effectively assess seventh grade mathematics standard Statistics, Data Analysis, and Probability 1.1. Problem 1, which uses the box-and-whisker plot, is replaced with Problem 2, which uses the more frequently encountered bar graph.

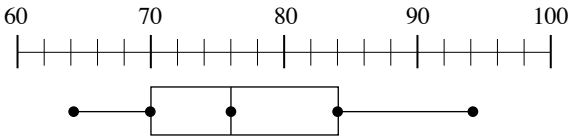
**Statistics, Data Analysis, and Probability**

**1.1** Know various forms of display for data sets, ~~including a stem-and-leaf plot or box-and-whisker plot;~~ use the forms to display a single set of data or to compare two sets of data.

*Note: The strikethrough on the standard above reflects that the CAHSEE no longer uses stem-and-leaf plots or box-and-whisker plots to assess this standard.*

### Problem 1

**Scores on an Algebra Test**

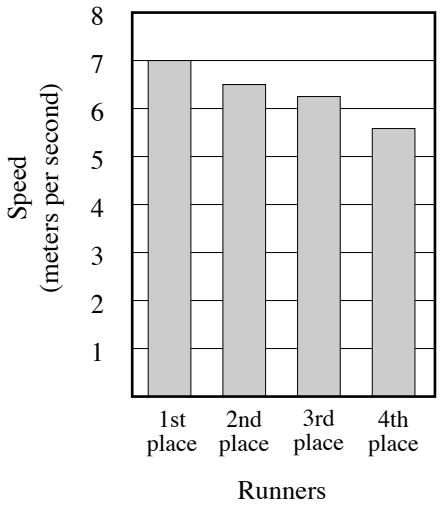



**1. According to the box-and-whisker plot, what was the highest score a student received on the algebra test?**

**A** 76
**B** 84
**C** 94
**D** 100

### Problem 2

**Speed of Four Runners in a 100-Meter Dash**




**2. Based on the bar graph shown above, which of the following conclusions is true?**

**A** Everyone ran faster than 6 meters per second.

**B** The best possible rate for the 100-meter dash is 5 meters per second.

**C** The first-place runner was four times as fast as the fourth-place runner.

**D** The second-place and third-place runners were closest in time to one another.

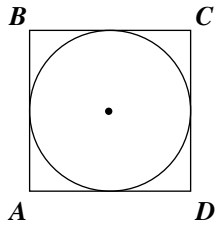
### Example Two

Problems 3 and 4, below, both assess Grade 7 Measurement and Geometry Standard 2.1. However, Problem 3 requires students to understand two concepts from the standard (i.e., radius of a circle and perimeter of a square) while Problem 4 only requires students to understand one concept from the standard (i.e., area of a triangle). Items such as Problem 3 still appear on the CAHSEE, but with less frequency.

**Measurement and Geometry**

**2.1** Use formulas routinely for finding the perimeter and area of basic two-dimensional figures and the surface area and volume of basic three-dimensional figures, including rectangles, parallelograms, trapezoids, squares, triangles, circles, prisms, and cylinders.

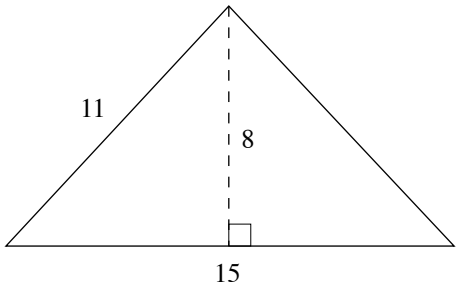
### Problem 3




**3. In the figure above, the radius of the inscribed circle is 6 inches (in.). What is the perimeter of square *ABCD*?**

**A** 12π in.
**B** 36π in.
**C** 24 in.
**D** 48 in.

### Problem 4




**4. What is the area of the triangle shown above?**

**A** 44 square units
**B** 60 square units
**C** 88 square units
**D** 120 square units

# Using 2004 Results to Promote Student Success

Counties, school districts, and schools are encouraged to use the 2004 summary results and other standards-based evidence of student achievement to develop and implement an ongoing process for refining classroom instruction and school programs. The goal is to work with school staff to identify patterns of student performance and identify program areas needing improvement. The steps outlined below can be used by school personnel to analyze student performance, evaluate classroom instruction, and develop a plan for improvement.

**Purpose**

- To develop and implement an ongoing process for refining classroom instruction and school programs, using CAHSEE results and other standards-based evidence of student achievement
- To involve all staff, with student and parent input, in the evaluation and refinement process and articulate identified refinements with other district schools
- To develop a plan to provide additional assistance for students who did not pass one or both part(s) of the CAHSEE

**Examples of data that could be used for evaluating student achievement might include but not be limited to:**

- Student feedback concerning student preparation and CAHSEE results
- Individual, school, and school district CAHSEE data from previous administrations
- STAR data and grade records for students participating in the CAHSEE
- Comparative data from feeder school program participation and current and past CAHSEE results
- Program participation data from any and all remedial programs offered by the school and by outside agencies, if any
- Any other relevant data collected by the school (attendance rates, disciplinary referrals, etc.)
- Assessments aligned with academic standards
- School district and school level formative or benchmark assessments
- Passage rates and program information from schools similar either in student population or in geography

**Step 1. Identify and collect data about the academic achievement of students (individual and group data).**

- Construct a process for identifying, collecting, and compiling the data to examine patterns across individual student and group scores. (It is suggested that a staff workgroup, consisting of those involved in remediation as well as a representative(s) of administration and content areas of English-language arts and mathematics be convened for this phase of the process.)
- Identify sources of information that are available to use in the review of the academic achievement of students.
- Gather data from all students who have completed the CAHSEE, whether or not they passed, to obtain feedback from students about the support they have been given and to identify effective and ineffective strategies offered through classroom instruction and other support activities.

- Collect and compile data from other sources about student achievement to help identify students needing some level of remediation and program areas (curriculum and/or instruction) needing modification.

**Step 2. Review collected data about the academic achievement of students to prepare information for possible program planning.**

- Once the student questionnaires have been completed and gathered, compile results for staff review.
- Develop a plan for how to combine student achievement data from multiple sources.
- Compile data about student achievement from other sources to identify possible program modifications and students in need of remediation and to design remediation efforts.

**Ten Essential Questions for Reviewing Student Data**

1. What percentage of first-time test takers passed the CAHSEE? Is this number an increase or decrease over past test administrations? What does this increase or decrease signify?
2. What percentage of eligible students have taken the CAHSEE more than once? How do the passage rates compare with past test administrations?
3. What does CAHSEE, or other test data, reveal about the achievement of subgroups?
4. Of those students who have taken the CAHSEE more than once, are their scores changing? If yes, by how many points? Do those students who are changing their scores fall into any type of pattern (i.e., gender, participation in certain programs)?
5. Do patterns identify any strengths or weaknesses in instructional programs for mathematics and English-language arts? How do the identified strengths and weaknesses relate to the content standards addressed in those core subjects?
6. Are the results of the CAHSEE predictable according to data from feeder schools? Is there a relationship between middle and high school grades and scores on the CAHSEE? How do CAHSEE results compare with STAR results, and what patterns may be seen in the differences that exist?
7. How do other school data help predict passage rates? Is there a relationship, for example, between attendance and passage? Do test results tend to correspond with data about program changes or transfer and/or dropout rates? What steps are being taken to address any existing correlations?
8. What programs are identified by staff and students and supported by data as the most effective for remediation?
9. Within each program that provides supplemental instruction, what materials and/or strategies do students identify as most helpful (effective)? Do test results support this perception?
10. What additional programs serving similar student populations might be used for remediation? What is the success rate of these programs?

- Organize staff workgroups by content area to review, analyze, and evaluate data about student achievement.
- With results of the data review, prepare a brief but comprehensive report by the workgroup for presentation to the entire staff. (The report should include suggestions regarding program improvement, based on the data presented.)
- Evaluate student feedback concerning CAHSEE results and student preparation.

**Step 3. Evaluate classroom instruction and/or programs implemented to ensure student success (based on data review).**

- Convene a staff meeting (all staff) for a presentation of the findings and recommendations of the data review workgroup. (Successes should be highlighted and celebrated first; then the conversation should focus on developing a list of priorities for refining the curriculum, instruction, assessment, and remediation.)
- Ask all staff members to examine their own role in student preparation and support and to identify at least one change they plan to make to improve the academic achievement for their students.
- Convene staff members by department to discuss results of the individual CAHSEE preparation analysis and to consider program and instructional recommendations.
- Record intended goals by department and each individual and determine a method for collecting data to evaluate results after program changes have been implemented.
- Submit to the administration a summary of proposed program refinements prepared by each department.
- Identify diagnostic tools teachers can use to evaluate their students' specific strengths and weaknesses.
- Determine methods for evaluating how students are placed in remediation programs and what programs are successful.

**Step 4. Incorporate proposed program changes, identified through the evaluation process, into the school plan and continue implementation and refinement.**

- Review proposed program changes/refinements with each department and finalize recommendations.
- Compile all finalized departmental reports and incorporate into a school action plan, with timeline, identifying roles and responsibilities, needed professional development activities, and methods for monitoring progress and evaluating outcomes.
- Plan and conduct training(s) for instituting changes and schedule staff time for evaluating progress and/or making additional modifications.
- Develop a school accountability system to ensure that changes are carried out.

**Step 5. Communicate program results and steps for refinement to key stakeholders.**

- Identify populations that must be informed and/or included in program refinement planning or implementation; these might include but not be limited to:
  - *District staff, including administrators and their support staff* – All staff should be updated about programmatic changes as they are made.
  - *Governing boards* – Board members need clear explanations of program changes to allow for informed decision-making if new policies, policy modifications, and/or funding are necessary.
  - *Student population* – Students should be informed about changes, and changes made in response to student requests should be acknowledged.
  - *Parents/guardians and families* – Parents/guardians and families should be kept informed of all changes, even if their students are not directly involved.
  - *General public* – The general public should be kept informed about the CAHSEE and what is being done to prepare students for the test.
  - *Feeder districts and alternative school sites* – Ongoing dialogue should be conducted between feeder schools and receiving high schools, as well as any alternative sites for students. (Feeder schools should receive information about their former students' achievement on standards addressed on the CAHSEE.)
- Make a particular effort to provide accurate and timely information to parents and students who are in danger of not passing the CAHSEE. Program changes that will impact students should be explained in a form of communication that has been recorded, and when possible, acknowledged in writing by both the student and the student's parents/guardians.
- Make information available in the parents/guardians' primary languages, when possible. (Every effort also should be made to deliver important information outside of traditional channels [i.e., through television and radio programs in parents' primary languages].)
- Include information to students and parents/guardians about all options for delivery of student services, including scheduling of available services, services provided, and methods for program effectiveness evaluation. Copies of all information should be preserved for documentation and reference.
- Communicate with the general public through news releases and other news source. (Information should include positive test results and program improvements and curricular and/or instructional programs that still need to be addressed. Schools should make every effort to demonstrate the goal that all students can and will be successful. Efforts to keep the public informed also should include information about the difficulty level of the CAHSEE [including sample test items], what is being done to prepare students for the test, and directions to access group test results posted on the Internet.)

# Internet Reports

The 2003–04 CAHSEE summary results will be accessible through the CDE Web site at *http://cahsee.cde.ca.gov.* This Web site has a link to the CDE DataQuest Web site, where the reports are generated. Instructions to assist you in accessing this Web site are included in this section.

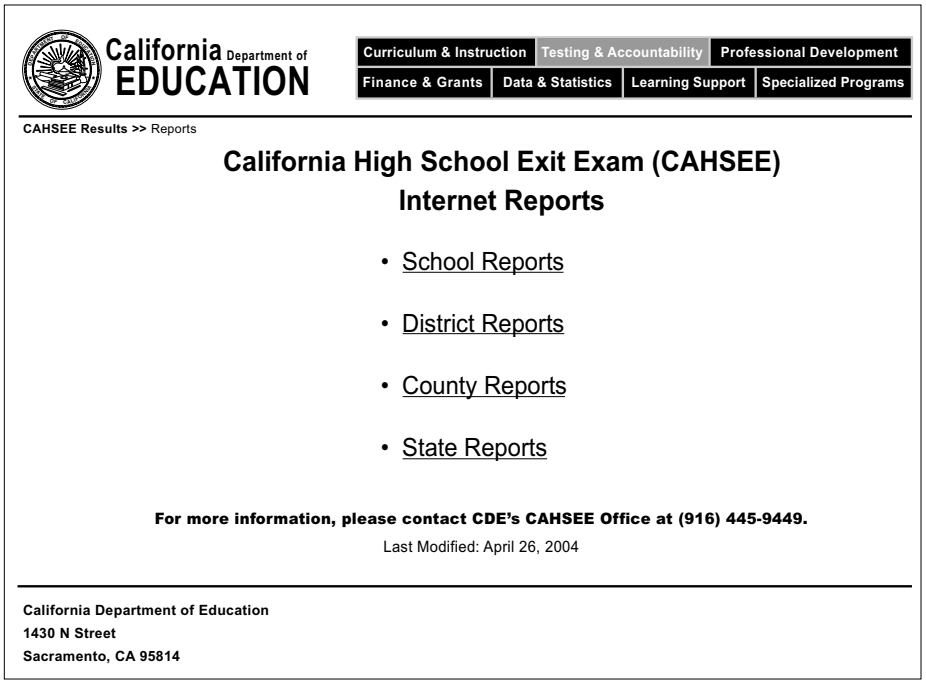
The DataQuest Web site will display:

- Summary results for the February, March, and May 2004 administrations.
- Summary results at the school, school district, county, and state levels.
- Combined results of the February, March, and May 2004 administrations.
- Summary results for students by grade, gender, ethnicity, language fluency, socioeconomic status, and special education program participation.
- Summary results for English-language arts, including number of students tested, number passed, percent passed, average (mean) scale score, average percent correct for reading (word analysis, reading comprehension, literary response and analysis) and writing (writing strategies, writing conventions), and the average of two independent scores for the writing application (i.e. essay).
- Summary results for mathematics, including number of students tested, number passed, percent passed, number not passed, mean scale score, and average percent correct for mathematics strands (probability and statistics, number sense, algebra and functions, measurement and geometry, and Algebra I).
- Summary roster reports at the school district, county, and state levels. For example, a school district roster report for any given administration would display the overall results for each school in the school district that participated in that administration.

When the 2003–04 CAHSEE summary results are released, research files also will be available in tab-delimited format to allow for more complex analyses and customized reporting of the data. These files will be available on the CDE Web site at: *http://cahsee.cde.ca.gov.*

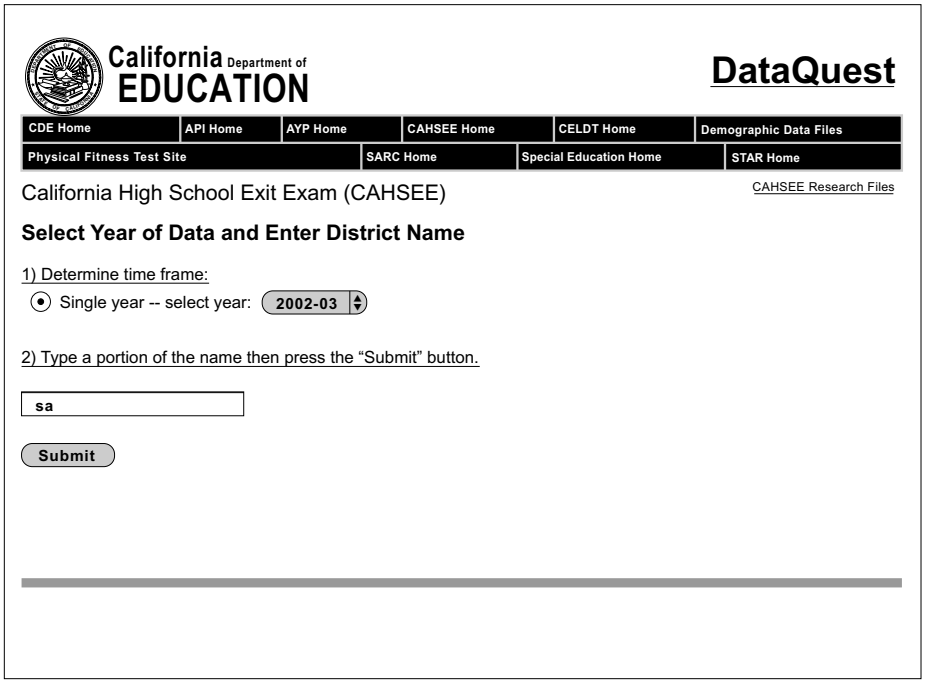
## Accessing Internet Reports

This section provides directions to access district-level results on the CDE Web site. Reports for schools, counties, and the state can be accessed using a similar approach.

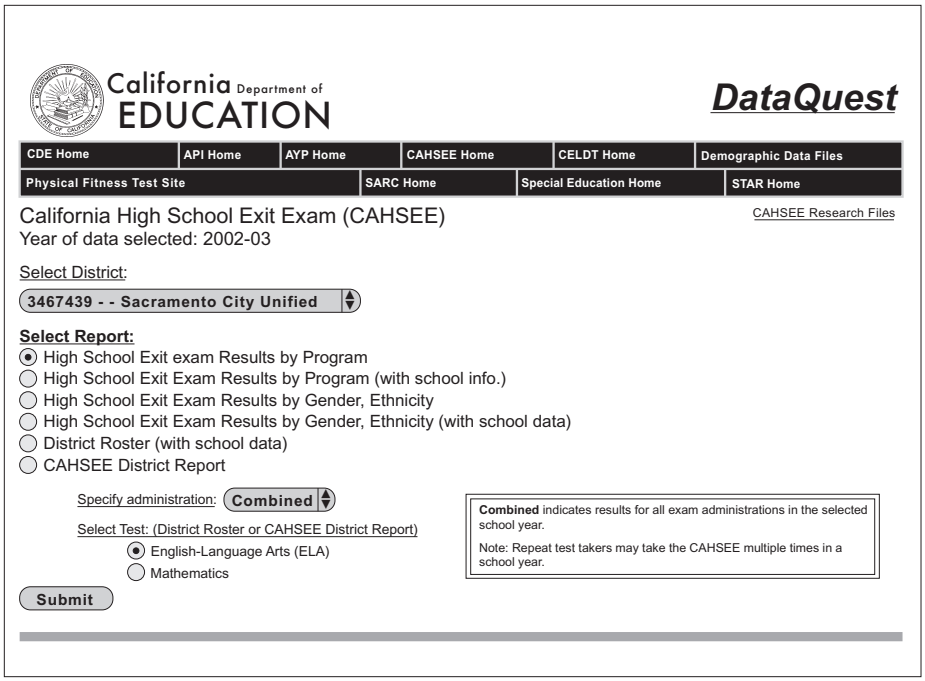



**To access the CAHSEE district-level results:**

1. Go to *http://cahsee.cde.ca.gov/reports.asp*
2. Click on "District Reports."
3. From the drop down menu, select a school year.




4. Type a portion of the district name.
5. Click the "submit" button.




6. From the drop down menu under “Select District,” select a school district.
7. Under “Select Report,” select one option.
8. From the drop down menu beside “Specify administration,” select one of the administrations. The “Combined” option will combine results from all administrations during the selected school year.
9. Under “Select Test,” select one option.

## CAHSEE Summary Reports

The CAHSEE summary reports are available through the CDE Web site at *http://cahsee.cde.ca.gov* and provide school, school district, county, and state results for either a single test administration or for combined administrations within a school year. Various report options are available through DataQuest, but two primary reports are the Demographic Summary Reports and Roster Reports. The Demographic Summary Reports display results for various demographic categories including grade, gender, ethnicity, language fluency, economic status, and special education program participation. The Roster Reports display overall results for (1) all schools within a school district, (2) all school districts within a county, and (3) all counties within the state. This section contains samples of the following reports:

- Sample School Report: English-Language Arts Demographic Summary for All Students Tested
- Sample School Report: Mathematics Demographic Summary for All Students Tested
- Sample School District Report: Mathematics Demographic Summary for All Students Tested
- Sample School District Report: Mathematics Roster for All Students Tested
- Sample County Report: English-Language Arts Demographic Summary for All Students Tested
- Sample County Report: English-Language Arts Roster for All Students Tested

### Demographic Summary Report Column Heading Definitions

The following are the definitions for each column heading used on Demographic Summary Reports and Roster Reports.

**Number Tested** – This represents the number of valid answer documents scored overall and by demographic category. Number tested does not include invalid answer documents that represent students who were tested and did not answer enough test questions to be scored, took the test with a modification, or cheated. The sum of the number tested by demographic category is equal to the number for “All Students Tested.”

**Number Passed** – This represents the number of students who received a passing score (i.e., a scale score of 350 or greater). The number passed by demographic category is a subset of the Number Tested.

**Percent Passed** – This represents the percentage of students who received a passing score (i.e., a scale score of 350 or greater). The percent passed is calculated by dividing the number of students who passed by the number of students for whom there were valid answer documents and multiplying by 100.

**Number Not Passed** – This represents the number of students who did not receive a passing score (i.e., a scale score of less than 350). The number not passed by demographic category is a subset of the Number Tested. The number passed plus the number not passed equals the number tested.

**Percent Not Passed** – This represents the percentage of students who did not pass. The percent not passed is calculated by dividing the number of students who did not pass by the number of students for whom there were valid answer documents and multiplying by 100.

**Mean Scale Score** – This is the average scale score of all students who took the English-language arts examination on the test date. The mean scale score is calculated by summing the actual scale scores for each student tested and dividing the sum by the number of students for whom there were valid answer documents.

## English-Language Arts

The English-language arts reports provide the following results:

**Reading** – The reading section includes the percent correct in each reading strand (Word Analysis, Reading Comprehension, Literary Response and Analysis) tested in English-language arts. Percent correct is calculated by taking the total number of questions tested per strand, dividing by the number of questions answered correctly in that strand, and multiplying by 100.

**Writing** – The writing section includes the percent correct in each writing strand (Writing Strategies, Writing Conventions) tested in English-language arts. Percent correct is calculated by taking the total number of questions tested per strand and dividing by the number of questions answered correctly in that strand and multiplying by 100.

**Writing Application** – The writing application includes the total number of points awarded to the student essay. The student essay receives two scores that range from 1.0 (lowest) to 4.0 (highest) or non-scorable (NS). The average of these two scores is listed. The writing application score counts for 20 percent of the total English-language arts score.

## Mathematics

The mathematics reports provide the following results:

**Strands for Mathematics** – The average percent correct for each mathematics strand (Probability & Statistics, Number Sense, Algebra & Functions, Measurement & Geometry, and Algebra I) is listed in the last five columns, overall and by demographic category. The average percent correct is calculated from the percent correct of all students who tested in mathematics on the test date.

Note: Dashes (--) indicate that for groups of 10 or fewer, data were suppressed to maintain the anonymity of the students tested.

# Sample School Report: English-Language Arts Demographic Summary for All Students Tested

California High School Exit Examination
Demographic Summary for All Students Tested
English-Language Arts (March 2004)
File Date: 8/4/2004

- To Research Files
- CAHSEE web site
- DataQuest Home Page

County: 00 – EXAMPLE COUNTY
District: 00000 – EXAMPLE SCHOOL DISTRICT
School: 0000000 – EXAMPLE HIGH SCHOOL

Number of Students Tested: 886

| | | | | | | | Reading *Avg. Percent Correct* | | | Writing *Avg. Percent Correct* | | Writing Application* *Average Score* |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Number Tested | Number Passed | Percent Passed | Number Not Passed | Percent Not Passed | Mean Scale Score | Word Analysis | Reading Comp. | Lit. Resp. Analysis | Writing Strat. | Writing Conv. | Essay |
| All Students Tested (Average) | 886 | 754 | 85% | 132 | 15% | 388 | 83% | 79% | 81% | 67% | 76% | 2.6 |
| **Grade** | | | | | | | | | | | | |
| Tenth | 886 | 754 | 85% | 132 | 15% | 388 | 83% | 79% | 81% | 67% | 76% | 2.6 |
| Eleventh | -- | -- | --% | -- | --% | -- | --% | --% | --% | --% | --% | -- |
| Twelfth | -- | -- | --% | -- | --% | -- | --% | --% | --% | --% | --% | -- |
| Adult ed. | -- | -- | --% | -- | --% | -- | --% | --% | --% | --% | --% | -- |
| Unknown | -- | -- | --% | -- | --% | -- | --% | --% | --% | --% | --% | -- |
| **Gender** | | | | | | | | | | | | |
| Male | 470 | 378 | 80% | 92 | 20% | 383 | 82% | 77% | 79% | 65% | 73% | 2.5 |
| Female | 416 | 376 | 90% | 40 | 10% | 393 | 84% | 80% | 84% | 70% | 79% | 2.7 |
| Unknown | -- | -- | --% | -- | --% | -- | --% | --% | --% | --% | --% | -- |
| **Ethnicity** | | | | | | | | | | | | |
| American Indian or Alaska Native | -- | -- | --% | -- | --% | -- | --% | --% | --% | --% | --% | -- |
| Asian | 52 | 48 | 92% | 4 | 8% | 397 | 88% | 83% | 84% | 74% | 82% | 2.7 |
| Pacific Islander | -- | -- | --% | -- | --% | -- | --% | --% | --% | --% | --% | -- |
| Filipino | 17 | 17 | 100% | 0 | --% | 401 | 90% | 82% | 91% | 74% | 86% | 2.7 |
| Hispanic or Latino | 288 | 220 | 76% | 68 | 24% | 376 | 77% | 73% | 75% | 61% | 71% | 2.4 |
| African American (not of Hispanic origin) | 79 | 64 | 81% | 15 | 19% | 379 | 81% | 74% | 79% | 66% | 71% | 2.4 |
| White (not of Hispanic origin) | 443 | 400 | 90% | 43 | 10% | 396 | 86% | 82% | 85% | 71% | 78% | 2.7 |
| Unknown | -- | -- | --% | -- | --% | -- | --% | --% | --% | --% | --% | -- |
| **Language Fluency** | | | | | | | | | | | | |
| English Only Students | 732 | 647 | 88% | 85 | 12% | 391 | 84% | 80% | 84% | 69% | 77% | 2.5 |
| Initially Fluent English Proficient (IFEP) | 51 | 43 | 84% | 8 | 16% | 388 | 81% | 79% | 79% | 70% | 75% | 2.6 |
| Redesignated Fluent English Proficient (RFEP) | 41 | 41 | 100% | 0 | 0% | 398 | 86% | 82% | 86% | 73% | 83% | 2.7 |
| English Learner Students | 62 | 23 | 37% | 39 | 63% | 341 | 63% | 56% | 55% | 42% | 55% | 1.6 |
| Unknown | -- | -- | --% | -- | --% | -- | --% | --% | --% | --% | --% | -- |
| **Economic Status** | | | | | | | | | | | | |
| Non-Economically Disadvantaged Students | 560 | 517 | 92% | 43 | 8% | 397 | 87% | 83% | 86% | 72% | 79% | 2.7 |
| Economically Disadvantaged Students | 205 | 138 | 67% | 67 | 33% | 367 | 73% | 69% | 72% | 57% | 67% | 2.2 |
| Unknown | 121 | 99 | 82% | 22 | 18% | 381 | 80% | 76% | 79% | 63% | 72% | 2.5 |
| **Special Education Program Participation** | | | | | | | | | | | | |
| Students Receiving Services | 68 | 16 | 24% | 52 | 76% | 330 | 51% | 52% | 50% | 34% | 42% | 1.8 |
| Students Not Receiving Services | 818 | 738 | 90% | 80 | 10% | 393 | 85% | 81% | 84% | 70% | 78% | 2.6 |

* The student essay receives two scores that range from 1 (lowest) to 4 (highest) or non-scorable (NS). The average of these two scores is listed above. The Writing Application score counts as 20% of the total English-Language Arts score

-- To protect privacy, no results for any group with 10 or fewer students will be released.

You may obtain copies of selected test questions at your school site or at the following Web site: http://www.cde.ca.gov/ta/tg/hs.

SAMPLE

# Sample School Report: Mathematics
# Demographic Summary for All Students Tested

California High School Exit Examination
Demographic Summary for All Students Tested
Mathematics (March 2004)
File Date: 8/4/2004

- To Research Files
- CAHSEE web site
- DataQuest Home Page

County: 00 – EXAMPLE COUNTY
District: 00000 – EXAMPLE SCHOOL DISTRICT
School: 0000000 – EXAMPLE HIGH SCHOOL

Number of Students Tested: 894

| | | | | | | | Strands for Mathematics (Average Percent Correct) | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Number Tested | Number Passed | Percent Passed | Number Not Passed | Percent Not Passed | Mean Scale Score | Probability & Stat. | Number Sense | Algebra & Func. | Meas. & Geometry | Algebra I |
| All Students Tested (Average) | 894 | 752 | 84% | 142 | 16% | 385 | 74% | 74% | 72% | 69% | 62% |
| **Grade** | | | | | | | | | | | |
| Tenth | 894 | 752 | 84% | 142 | 16% | 385 | 74% | 74% | 72% | 69% | 62% |
| Eleventh | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- |
| Twelfth | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- |
| Adult ed. | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- |
| Unknown | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- |
| **Gender** | | | | | | | | | | | |
| Male | 477 | 397 | 83% | 80 | 17% | 386 | 74% | 75% | 72% | 70% | 61% |
| Female | 417 | 355 | 85% | 62 | 15% | 385 | 74% | 74% | 73% | 68% | 63% |
| Unknown | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- |
| **Ethnicity** | | | | | | | | | | | |
| American Indian or Alaska Native | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- |
| Asian | 51 | 50 | 98% | 1 | 2% | 411 | 85% | 86% | 84% | 83% | 75% |
| Pacific Islander | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- |
| Filipino | 17 | 16 | 94% | 1 | 6% | 399 | 78% | 84% | 79% | 77% | 70% |
| Hispanic or Latino | 294 | 226 | 77% | 68 | 23% | 375 | 68% | 70% | 68% | 64% | 58% |
| African American (not of Hispanic origin) | 77 | 56 | 73% | 21 | 27% | 370 | 66% | 65% | 67% | 60% | 55% |
| White (not of Hispanic origin) | 448 | 399 | 89% | 49 | 11% | 390 | 78% | 77% | 75% | 72% | 64% |
| Unknown | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- |
| **Language Fluency** | | | | | | | | | | | |
| English Only Students | 738 | 633 | 86% | 105 | 14% | 386 | 75% | 75% | 73% | 70% | 63% |
| Initially Fluent English Proficient (IFEP) | 51 | 45 | 88% | 6 | 12% | 388 | 74% | 78% | 75% | 72% | 61% |
| Redesignated Fluent English Proficient (RFEP) | 41 | 41 | 100% | 0 | 0% | 400 | 79% | 83% | 80% | 79% | 72% |
| English Learner Students | 64 | 33 | 52% | 31 | 48% | 357 | 57% | 57% | 58% | 51% | 50% |
| Unknown | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- |
| **Economic Status** | | | | | | | | | | | |
| Non-Economically Disadvantaged Students | 564 | 512 | 91% | 52 | 9% | 391 | 78% | 78% | 76% | 76% | 65% |
| Economically Disadvantaged Students | 210 | 146 | 70% | 64 | 30% | 370 | 65% | 65% | 65% | 60% | 55% |
| Unknown | 120 | 94 | 78% | 26 | 22% | 381 | 73% | 72% | 71% | 87% | 60% |
| **Special Education Program Participation** | | | | | | | | | | | |
| Students Receiving Services | 73 | 12 | 12% | 61 | 84% | 334 | 43% | 47% | 43% | 39% | 33% |
| Students Not Receiving Services | 821 | 740 | 90% | 81 | 10% | 389 | 77% | 77% | 75% | 72% | 65% |

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SAMPLE

# Sample School District Report: Mathematics Demographic Summary for All Students Tested

California High School Exit Examination
Demographic Summary for All Students Tested
Mathematics (March 2004)
File Date: 8/4/2004

• To Research Files
• District Roster Report
• CAHSEE web site
• DataQuest Home Page

County: 00 – EXAMPLE COUNTY
District: 00000 – EXAMPLE SCHOOL DISTRICT

Number of Students Tested: 3,031

| | | | | | | | Strands for Mathematics (Average Percent Correct) | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Number Tested | Number Passed | Percent Passed | Number Not Passed | Percent Not Passed | Mean Scale Score | Probability & Stat. | Number Sense | Algebra & Func. | Meas. & Geometry | Algebra I |
| All Students Tested (Average) | 3,031 | 2,364 | 78% | 657 | 22% | 379 | 71% | 71% | 69% | 65% | 59% |
| **Grade** | | | | | | | | | | | |
| Tenth | 3,031 | 2,364 | 78% | 657 | 22% | 379 | 71% | 71% | 69% | 65% | 59% |
| Eleventh | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- |
| Twelfth | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- |
| Adult ed. | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- |
| Unknown | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- |
| **Gender** | | | | | | | | | | | |
| Male | 1,561 | 1,209 | 77% | 352 | 23% | 378 | 71% | 71% | 69% | 65% | 58% |
| Female | 1,469 | 1,154 | 79% | 315 | 21% | 379 | 71% | 71% | 70% | 64% | 60% |
| Unknown | 1 | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- |
| **Ethnicity** | | | | | | | | | | | |
| American Indian or Alaska Native | 20 | 11 | 55% | 9 | 45% | 355 | 60% | 68% | 61% | 55% | 52% |
| Asian | 157 | 144 | 92% | 13 | 8% | 404 | 80% | 82% | 81% | 79% | 74% |
| Pacific Islander | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- |
| Filipino | 58 | 55 | 95% | 3 | 5% | 398 | 78% | 81% | 76% | 77% | 71% |
| Hispanic or Latino | 1,286 | 880 | 68% | 406 | 32% | 368 | 65% | 66% | 64% | 58% | 54% |
| African American (not of Hispanic origin) | 181 | 132 | 73% | 49 | 27% | 369 | 67% | 66% | 56% | 59% | 55% |
| White (not of Hispanic origin) | 1,318 | 1,131 | 86% | 187 | 14% | 387 | 76% | 76% | 73% | 69% | 63% |
| Unknown | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- |
| **Language Fluency** | | | | | | | | | | | |
| English Only Students | 2,283 | 1,869 | 82% | 414 | 18% | 382 | 74% | 73% | 71% | 67% | 61% |
| Initially Fluent English Proficient (IFEP) | 171 | 134 | 78% | 37 | 22% | 379 | 69% | 73% | 71% | 65% | 59% |
| Redesignated Fluent English Proficient (RFEP) | 218 | 204 | 94% | 14 | 6% | 387 | 76% | 77% | 73% | 71% | 65% |
| English Learner Students | 356 | 156 | 44% | 200 | 56% | 349 | 51% | 53% | 54% | 48% | 45% |
| Unknown | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- |
| **Economic Status** | | | | | | | | | | | |
| Non-Economically Disadvantaged Students | 1,564 | 1,363 | 87% | 201 | 13% | 389 | 77% | 77% | 74% | 71% | 64% |
| Economically Disadvantaged Students | 1,036 | 688 | 66% | 348 | 34% | 366 | 64% | 65% | 63% | 57% | 53% |
| Unknown | 431 | 313 | 73% | 118 | 27% | 373 | 68% | 68% | 57% | 62% | 56% |
| **Special Education Program Participation** | | | | | | | | | | | |
| Students Receiving Services | 296 | 69 | 23% | 227 | 77% | 338 | 46% | 47% | 46% | 42% | 36% |
| Students Not Receiving Services | 2,735 | 2,295 | 84% | 440 | 16% | 383 | 74% | 74% | 72% | 67% | 62% |

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SAMPLE

# Sample School District Report: Mathematics
# Roster for All Students Tested

California High School Exit Examination
School Listing – EXAMPLE SCHOOL DISTRICT
Mathematics (March 2004)
File Date:8/4/2004

• To Research Files
• Back to District Report
• CAHSEE web site
• DataQuest Home Page

Number of Students Tested: 3,031

| District Code and Name | Number Tested | Number Passed | Percent Passed | Number Not Passed | Percent Not Passed | Mean Scale Score | Strands for Mathematics (Average Percent Correct): Probability & Stat. | Number Sense | Algebra & Func. | Meas. & Geometry | Algebra I |
|---|---|---|---|---|---|---|---|---|---|---|---|
| All Students Tested (Average) | 3,031 | 2,364 | 78% | 667 | 22% | 379 | 71% | 71% | 69% | 65% | 59% |
| 0000001 Example School #2 | 748 | 544 | 73% | 204 | 27% | 374 | 67% | 68% | 67% | 62% | 57% |
| 0000002 Example School #3 | 695 | 540 | 78% | 155 | 22% | 376 | 71% | 70% | 68% | 63% | 58% |
| 0000004 Example School #5 | 36 | 24 | 67% | 12 | 33% | 365 | 64% | 61% | 64% | 59% | 53% |
| 0000006 Example School #7 | 616 | 498 | 81% | 118 | 19% | 382 | 73% | 74% | 71% | 65% | 60% |
| 0000007 Example School #8 | 37 | 6 | 16% | 31 | 84% | 333 | 42% | 47% | 42% | 38% | 36% |
| 0000008 Example School #9 | 894 | 752 | 84% | 142 | 16% | 385 | 74% | 74% | 72% | 69% | 62% |

-- To protect privacy, no results for any group with 10 or fewer students will be released.

You may obtain copies of selected test questions at your school site or at the following Web site: http://www.cde.ca.gov/ta/tg/hs.

SAMPLE

# Sample County Report: English-Language Arts Demographic Summary for All Students Tested

California High School Exit Examination
Demographic Summary for All Students Tested
EXAMPLE COUNTY
English-Language Arts (March 2004)
File Date: 8/4/2004

• To Research Files
• CAHSEE web site
• DataQuest Home Page

County: 00 – EXAMPLE COUNTY
District: 00000 – EXAMPLE SCHOOL DISTRICT
School: 0000000 – EXAMPLE HIGH SCHOOL

Number of Students Tested: 18,125

| | | | | | | | Reading *Avg. Percent Correct* | | | Writing *Avg. Percent Correct* | | Writing Application * *Average Score* |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Number Tested | Number Passed | Percent Passed | Number Not Passed | Percent Not Passed | Mean Scale Score | Word Analysis | Reading Comp. | Lit. Resp. Analysis | Writing Strat. | Writing Conv. | Essay |
| All Students Tested (Average) | 18,125 | 13,383 | 74% | 4,742 | 26% | 374 | 76% | 74% | 75% | 60% | 69% | 2.3 |
| **Grade** | | | | | | | | | | | | |
| Tenth | 18,105 | 13,381 | 74% | 4,724 | 26% | 374 | 78% | 74% | 75% | 60% | 69% | 2.3 |
| Eleventh | -- | -- | --% | -- | --% | -- | --% | --% | --% | --% | --% | -- |
| Twelfth | -- | -- | --% | -- | --% | -- | --% | --% | --% | --% | --% | -- |
| Adult ed. | 2 | -- | --% | -- | --% | -- | --% | --% | --% | --% | --% | -- |
| Unknown | 18 | 2 | 11% | 16 | 89% | 321 | 57% | 45% | 43% | 31% | 46% | 1.3 |
| **Gender** | | | | | | | | | | | | |
| Male | 9,002 | 6,259 | 70% | 2,743 | 30% | 369 | 77% | 72% | 72% | 58% | 66% | 2.2 |
| Female | 9,107 | 7,115 | 78% | 1,992 | 22% | 380 | 78% | 75% | 77% | 62% | 72% | 2.4 |
| Unknown | 16 | 9 | 56% | 7 | 44% | 344 | 67% | 62% | 62% | 39% | 49% | 1.7 |
| **Ethnicity** | | | | | | | | | | | | |
| American Indian or Alaska Native | 140 | 95 | 68% | 45 | 32% | 367 | 77% | 70% | 74% | 55% | 63% | 2.2 |
| Asian | 591 | 502 | 85% | 89 | 15% | 390 | 83% | 78% | 80% | 68% | 77% | 2.8 |
| Pacific Islander | 81 | 61 | 75% | 20 | 25% | 374 | 78% | 72% | 75% | 58% | 70% | 2.4 |
| Filipino | 297 | 268 | 90% | 29 | 10% | 392 | 85% | 80% | 82% | 70% | 79% | 2.6 |
| Hispanic or Latino | 8,493 | 5,341 | 63% | 3,152 | 37% | 362 | 72% | 68% | 68% | 53% | 63% | 2.1 |
| African American (not of Hispanic origin) | 1,451 | 996 | 69% | 455 | 31% | 367 | 76% | 70% | 72% | 56% | 65% | 2.2 |
| White (not of Hispanic origin) | 6,919 | 6,013 | 87% | 906 | 13% | 390 | 85% | 81% | 82% | 68% | 75% | 2.5 |
| Unknown | 153 | 107 | 70% | 46 | 30% | 369 | 78% | 71% | 72% | 57% | 65% | 2.2 |
| **Language Fluency** | | | | | | | | | | | | |
| English Only Students | 12,395 | 10,023 | 81% | 2,372 | 19% | 362 | 82% | 77% | 78% | 64% | 72% | 2.4 |
| Initially Fluent English Proficient (IFEP) | 1,243 | 942 | 76% | 301 | 24% | 373 | 78% | 74% | 74% | 59% | 69% | 2.3 |
| Redesignated Fluent English Proficient (RFEP) | 1,449 | 1,296 | 89% | 153 | 11% | 383 | 83% | 79% | 80% | 65% | 75% | 2.5 |
| English Learner Students | 2,916 | 1,034 | 35% | 1,882 | 65% | 338 | 60% | 57% | 55% | 41% | 52% | 1.7 |
| Unknown | 122 | 88 | 72% | 34 | 28% | 373 | 77% | 74% | 75% | 60% | 67% | 2.2 |
| **Economic Status** | | | | | | | | | | | | |
| Non-Economically Disadvantaged Students | 8,612 | 7,429 | 86% | 1,183 | 14% | 389 | 84% | 80% | 81% | 68% | 76% | 2.6 |
| Economically Disadvantaged Students | 7,634 | 4,678 | 61% | 2,956 | 39% | 360 | 72% | 67% | 68% | 52% | 62% | 2.1 |
| Unknown | 1,879 | 1,276 | 68% | 603 | 32% | 367 | 76% | 71% | 71% | 56% | 65% | 2.1 |
| **Special Education Program Participation** | | | | | | | | | | | | |
| Students Receiving Services | 1,719 | 438 | 25% | 1,281 | 75% | 330 | 56% | 52% | 50% | 36% | 44% | 1.5 |
| Students Not Receiving Services | 16,406 | 12,945 | 79% | 3,461 | 21% | 379 | 80% | 76% | 77% | 63% | 71% | 2.4 |

* The student essay receives two scores that range from 1 (lowest) to 4 (highest) or non-scorable (NS). The average of these two scores is listed above. The Writing Application score counts as 20% of the total English-Language Arts score

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SAMPLE

# Sample County Report: English-Language Arts Roster for All Students Tested

California High School Exit Examination
District Listing – EXAMPLE COUNTY
English-Language Arts (March 2004)
File Date: 8/4/2004

• To Research Files
• Back to County Report
• CAHSEE web site
• DataQuest Home Page

Number of Students Tested: 18,125

| | | | | | | | Reading *Avg. Percent Correct* | | | Writing *Avg. Percent Correct* | | Writing Application* *Average Score* |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Number Tested | Number Passed | Percent Passed | Number Not Passed | Percent Not Passed | Mean Scale Score | Word Analysis | Reading Comp. | Lit. Resp. Analysis | Writing Strat. | Writing Conv. | Essay |
| All Students Tested (Average) | 18,125 | 13,383 | 74% | 4,742 | 26% | 374 | 78% | 74% | 75% | 60% | 69% | 2.3 |
| 00000 Example School District #1 | 67 | 36 | 54% | 31 | 46% | 348 | 65% | 63% | 60% | 45% | 53% | 1.9 |
| 00001 Example School District #2 | 303 | 174 | 57% | 129 | 57% | 356 | 74% | 63% | 65% | 48% | 63% | 2.1 |
| 00002 Example School District #3 | 282 | 206 | 73% | 76 | 27% | 374 | 80% | 73% | 75% | 61% | 69% | 2.2 |
| 00003 Example School District #4 | 45 | 4 | 9% | 41 | 91% | 306 | 40% | 37% | 34% | 30% | 35% | 0.9 |
| 00004 Example School District #5 | 834 | 420 | 50% | 414 | 50% | 351 | 66% | 63% | 63% | 48% | 55% | 2.0 |
| 00005 Example School District #6 | 3,054 | 2,425 | 79% | 629 | 21% | 381 | 80% | 76% | 78% | 63% | 72% | 2.4 |
| 00006 Example School District #7 | 1,915 | 1,418 | 74% | 497 | 26% | 374 | 80% | 74% | 74% | 59% | 69% | 2.3 |
| 00007 Example School District #8 | 1,502 | 1,134 | 75% | 368 | 25% | 375 | 79% | 75% | 76% | 62% | 89% | 2.3 |
| 00008 Example School District #9 | 1,476 | 941 | 64% | 535 | 36% | 361 | 74% | 69% | 68% | 53% | 64% | 2.0 |
| 00009 Example School District #10 | 94 | 59 | 63% | 35 | 37% | 358 | 72% | 68% | 67% | 49% | 61% | 2.0 |
| 00010 Example School District #11 | 2,547 | 1,783 | 70% | 764 | 30% | 369 | 75% | 72% | 72% | 58% | 66% | 2.2 |
| 00011 Example School District #12 | 1,347 | 1,230 | 91% | 117 | 9% | 394 | 84% | 81% | 83% | 71% | 79% | 2.7 |
| 00012 Example School District #13 | 51 | 38 | 75% | 13 | 25% | 369 | 78% | 75% | 73% | 60% | 67% | 2.1 |
| 00013 Example School District #14 | 1,464 | 966 | 66% | 498 | 34% | 366 | 75% | 71% | 71% | 55% | 65% | 2.1 |
| 00014 Example School District #15 | 208 | 159 | 76% | 49 | 24% | 372 | 79% | 75% | 75% | 64% | 69% | 2.0 |
| 00015 Example School District #16 | 2,480 | 2,077 | 84% | 403 | 16% | 389 | 83% | 79% | 81% | 67% | 74% | 2.6 |
| 00016 Example School District #17 | 440 | 298 | 68% | 142 | 32% | 366 | 75% | 70% | 72% | 56% | 65% | 2.2 |
| 00017 Example School District #18 | 16 | 15 | 94% | 1 | 6% | 403 | 92% | 88% | 90% | 70% | 81% | 2.7 |

* The student essay receives two scores that range from 1 (lowest) to 4 (highest) or non-scorable (NS). The average of these two scores is listed above. The Writing Application score counts as 20% of the total English-Language Arts score.

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SAMPLE

# Appendix

## 2003–04 CAHSEE Summary Results: Tab-Delimited Research File Layout

# 2003–04 CAHSEE Summary Results: Tab-Delimited Research File Layout

| **Field Description** | **Corresponding Database Field** | **Acceptable Values** |
|---|---|---|
| County Code | CountyCode | Alpha numeric |
| District Code | DistrictCode | Alpha numeric |
| Charter Number (only populated for independent charters) | CharterNumber | Alpha numeric |
| School Code | SchoolCode | Alpha numeric |
| County Name | CountyName | Alpha numeric |
| District Name | DistrictName | Alpha numeric |
| School Name | Schoolname | Alpha numeric |
| Record Type | RecordType | 04 = state<br>05 = county<br>06 = district<br>07 = school |
| Summary Type | SummaryType | 01 = All Students Tested<br>02 = Grade 10<br>03 = Grade 11<br>04 = Grade 12<br>05 = Grade AE<br>06 = Grade Unknown<br>07 = Male<br>08 = Female<br>09 = Gender Unknown<br>10 = American Indian or Alaskan Native<br>11 = Asian<br>12 = Pacific Islander<br>13 = Filipino<br>14 = Hispanic or Latino<br>15 = African American<br>16 = White<br>17 = Race/Ethnicity Unknown<br>18 = English Only<br>19 = Initially Fluent English Proficient (IFEP)<br>20 = Redesignated Fluent English Proficient (R-FEP)<br>21 = English Learner (EL)<br>22 = Language Fluency Unknown<br>23 = Not Economically Disadvantaged<br>24 = Economically Disadvantaged<br>25 = Economic Status Unknown<br>26 = Participating in Special Education Program<br>27 = Not Participating in Special Education Program |
| Administration | Administration | C = Combined Administration<br>S = Single Administration |
| Math Test Date | MathTestDate | MM/DD/YY or Blank |
| Math Number Tested | MathNumberTested | 0–99999999 |

| **Field Description** | **Corresponding Database Field** | **Acceptable Values** |
|---|---|---|
| Math Number Passed | MathNumberPassed | 0–99999999 |
| Math Percentage Passed | MathPercentPassed | 0–100 |
| Math Number Not Passed | MathNumberNotPassed | 0–99999999 |
| Math Percentage Not Passed | MathPercentageNotPassed | 0–100 |
| Math Mean Scale Score | MathMeanScaleScore | 250–450 |
| Math *Probability & Statistics* Percent Correct | MathPSPercentCorrect | 0–100 |
| Math *Number Sense* Percent Correct | MathNSPercentCorrect | 0–100 |
| Math *Algebra & Functions* Percent Correct | MathAFPercentCorrect | 0–100 |
| Math *Measurement & Geometry* Percent Correct | MathMGPercentCorrect | 0–100 |
| Math *Algebra I* Percent Correct | MathA1PercentCorrect | 0–100 |
| ELA Test date | ELATestDate | MM/DD/YY or Blank |
| ELA Number Tested | ELANumberTested | 0–99999999 |
| ELA Number Passed | ELANumberPassed | 0–99999999 |
| ELA Percentage Passed | ELAPercentPassed | 0–100 |
| ELA Number Not Passed | ELANumberNotPassed | 0–99999999 |
| ELA Percentage Not Passed | ELAPercentageNotPassed | 0–100 |
| ELA Mean Scale Score | ELAMeanScaleScore | 250–450 |
| ELA Reading - *Word Analysis* Percent Correct | ELAWAPercentCorrect | 0–100 |
| ELA Reading - *Reading Comprehension* Percent Correct | ELARCPercentCorrect | 0–100 |
| ELA Reading - *Literary Responses and Analysis* Percent Correct | ELALRAPercentCorrect | 0–100 |
| ELA Writing - *Writing Strategies* Percent Correct | ELAWSPercentCorrect | 0–100 |
| ELA Writing - *Writing Conventions* Percent Correct | ELAWCPercentCorrect | 0–100 |
| ELA Writing Applications - *Essay* Scale Score | ELAESAvgScore | 0.0–4.0 |
| Current System Date | SystemDate | MM/DD/YY |

**JACK O'CONNELL**
State
Superintendent of
Public Instruction

***CALIFORNIA DEPARTMENT OF EDUCATION***

# 2004 California High School Exit Examination (CAHSEE)

# Summary of Results

# California High School Exit Examination (CAHSEE)

## 2004 CAHSEE Results

### Background

- State law authorized the development of the California High School Exit Examination (CAHSEE), which students in California public schools would have to pass to earn a high school diploma beginning in the 2005–06 school year.
- The CAHSEE is designed to ensure that all high school graduates have achieved a solid foundation of knowledge and skills in English-language arts (ELA) and mathematics, based on state-adopted academic standards.
- In July 2003, the State Board of Education postponed the CAHSEE graduation requirements from the class of 2004 to the class of 2006. This decision, allowed by law, was based on recommendations of an independent evaluator.
- Students who did not pass will have up to five additional opportunities to take the part(s) not passed.
- CAHSEE results for 2004 are not to be compared to results from previous administrations due to changes in test content and score scales.

### Summary of 2003-04 Results

- Nearly one-half million grade ten students took the CAHSEE (English-language arts and mathematics)
- Seventy-five percent of grade ten students passed English-language arts and 74 percent passed mathematics.
- Males performed less well (9% lower) in English-language arts than females, but performance on mathematics is about the same (average for males is 1% lower than females).
- African American students performed better on English-language arts (ELA) than on mathematics (62% ELA/55% mathematics).
- Hispanic/Latino students performed about the same on English-language art and mathematics (62% ELA/61% Math).
- Students receiving special education services performed at the same rate on both English-language arts and mathematics (30% on both).
- Economically disadvantaged students performed about the same on English-language arts and mathematics (60% ELA/61% mathematics).

### English-Language Arts (ELA)

- Hispanics/Latinos, as well as African Americans students, performed 13% lower than the state passing rate on ELA.

- English learners performed 36% lower than the state passing rate on ELA.
- Students receiving special education services performed 45% lower than the state passing rate on ELA.
- Economically disadvantaged students performed 15% lower than the state passing rate on ELA.

**Mathematics**

- African Americans performed 19% lower than the state passing rate on mathematics.
- English learners performed 25% lower than the state passing rate on mathematics.
- Students receiving special education services performed 44% lower than the state passing rate on mathematics.
- Economically disadvantaged students performed 13% lower than the state passing rate on mathematics.

California Department of EDUCATION

# Table 1
# California High School Exit Examination (CAHSEE)
# 2003–04 State-Level Results
# Grade 10 Students Only*
# Number and Percent Passing

## ENGLISH-LANGUAGE ARTS

| | All Grade 10 Students | Race/Ethnicity | | | | | | | Gender | | English Learner Students | Students Receiving Special Education Services | Economically Disadvantaged Students |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | American Indian/ Alaska Native | Asian | Pacific Islander | Filipino | Hispanic/ Latino | African American | White | Male | Female | | | |
| **Number Tested** | 448,674 | 4,077 | 42,273 | 3,023 | 13,218 | 182,957 | 35,838 | 162,955 | 228,075 | 220,208 | 81,095 | 39,364 | 180,348 |
| **Number Passed** | 334,615 | 2,991 | 35,790 | 2,151 | 11,524 | 112,761 | 22,377 | 143,929 | 160,557 | 173,875 | 31,768 | 11,848 | 108,135 |
| **Percent Passed** | 75% | 73% | 85% | 71% | 87% | 62% | 62% | 88% | 70% | 79% | 39% | 30% | 60% |

* The numbers for the subgroups on the California Department of Education's DataQuest Web site (http://data1.cde.ca.gov/dataquest/) include a small number of adult education students or students in an unidentified grade level (approximately 1,100 or 0.24%). This table shows the results for the subgroups of grade 10 students only.

# Table 2
# California High School Exit Examination (CAHSEE)
# 2003–04 State-Level Results
# Grade 10 Students Only*
# Number and Percent Passing

## MATHEMATICS

| | All Grade 10 Students | Race/Ethnicity | | | | | | | Gender | | English Learner Students | Students Receiving Special Education Services | Economically Disadvantaged Students |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | American Indian/ Alaska Native | Asian | Pacific Islander | Filipino | Hispanic/ Latino | African American | White | Male | Female | | | |
| **Number Tested** | 445,923 | 4,003 | 42,169 | 3,016 | 13,205 | 182,240 | 35,377 | 161,557 | 225,983 | 219,543 | 80,685 | 35,060 | 179,218 |
| **Number Passed** | 328,719 | 2,776 | 38,484 | 2,151 | 11,484 | 111,380 | 19,288 | 140,214 | 164,987 | 163,547 | 39,742 | 10,433 | 108,831 |
| **Percent Passed** | 74% | 69% | 91% | 71% | 87% | 61% | 55% | 87% | 73% | 74% | 49% | 30% | 61% |

* The numbers for the subgroups on the California Department of Education's DataQuest Web site (http://data1.cde.ca.gov/dataquest/) include a small number of adult education students or students in an unidentified grade level (approximately 1,100 or 0.24%). This table shows the results for the subgroups of grade 10 students only.

California Department of EDUCATION

# Table 3
## California High School Exit Examination (CAHSEE)
## 2003–04 State-Level Results
## All Students*
## Number and Percent Passing

## ENGLISH-LANGUAGE ARTS

| | All Students | Race/Ethnicity | | | | | | | Gender | | English Learner Students | Students Receiving Special Education Services | Economically Disadvantaged Students |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | American Indian/ Alaska Native | Asian | Pacific Islander | Filipino | Hispanic/ Latino | African American | White | Male | Female | | | |
| **Number Tested** | 449,804 | 4,090 | 42,336 | 3,037 | 13,247 | 183,676 | 35,939 | 163,083 | 228,630 | 220,772 | 81,274 | 39,425 | 180,678 |
| **Number Passed** | 335,160 | 2,998 | 35,819 | 2,157 | 11,544 | 113,078 | 22,424 | 144,011 | 160,801 | 174,172 | 31,800 | 11,858 | 108,273 |
| **Percent Passed** | 75% | 73% | 85% | 71% | 87% | 62% | 62% | 88% | 70% | 79% | 39% | 30% | 60% |

*During the 2003-04 school year, only grade 10 students and adult education students were eligible to participate in the CAHSEE. Approximately 1,100 (0.24%) of all students who participated were adult education students or students in an unidentified grade level.

# Table 4
# California High School Exit Examination (CAHSEE)
# 2003–04 State-Level Results
# All Students*
# Number and Percent Passing

## MATHEMATICS

| | All Students | Race/Ethnicity | | | | | | | Gender | | English Learner Students | Students Receiving Special Education Services | Economically Disadvantaged Students |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | American Indian/ Alaska Native | Asian | Pacific Islander | Filipino | Hispanic/ Latino | African American | White | Male | Female | | | |
| **Number Tested** | 447,010 | 4,016 | 42,234 | 3,028 | 13,234 | 182,944 | 35,472 | 161,670 | 226,511 | 220,095 | 80,853 | 35,109 | 179,542 |
| **Number Passed** | 329,190 | 2,778 | 38,528 | 2,155 | 11,502 | 111,675 | 19,309 | 140,272 | 165,220 | 163,782 | 39,789 | 10,437 | 108,953 |
| **Percent Passed** | 74% | 69% | 91% | 71% | 87% | 61% | 54% | 87% | 73% | 74% | 49% | 30% | 61% |

*During the 2003-04 school year, only grade 10 students and adult education students were eligible to participate in the CAHSEE. Approximately 1,100 (0.24%) of all students who participated were adult education students or students in an unidentified grade level.

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

| **SUBJECT** | |
|---|---|
| California High School Exit Examination (CAHSEE): Approve School District Apportionments for 2004-05 | ☒ **Action**<br>☒ **Information**<br>☐ **Public Hearing** |

## RECOMMENDATION

Approve the CAHSEE apportionment as:

- $3.00 for each student administered the English-language arts and/or mathematics part(s) of the CAHSEE; and
- For grade 10 students only who are **not** tested: $0.32 for each student answer document submitted with completed demographic information during the census administration (either February or March).

## SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In November 2003, the State Board of Education (SBE) was asked to approve dividing the CAHSEE apportionment of $3 per student tested to the following:

- $2.68 for each student administered the English-language arts and/or mathematics part(s) of the CAHSEE; and
- $0.32 for each student answer document submitted with completed demographic information for students <u>both</u> tested and not tested.

This action was requested to offset the costs for districts of having to complete a student answer document with demographic information for all grade 10 students whether tested or not tested. School districts will receive this apportionment for the 2003-04 CAHSEE administrations.

## SUMMARY OF KEY ISSUES

School districts do not return test materials for scoring for students who were not tested and do not submit claims for apportionment for these students. In writing the recommendation in November 2003, staff did not specify that the divided apportionment only applied to the grade 10 census administration of all grade 10 students. The apportionment is given to school districts to offset the costs of testing students.

## SUMMARY OF KEY ISSUES

Staff is recommending a change for the 2004-05 apportionment: $3 for each student administered the English-language arts and/or mathematics exam; and **for students who are not tested, grade 10 only;** $0.32 for each student answer document submitted with completed demographic information during the census administration (either February or March).

This change is being requested because the California Department of Education (CDE) requires school districts to submit student answer documents with completed demographic information for all students, including those not tested for grade 10 census administrations only (February or March). Because the CAHSEE is being used for the *No Child Left Behind (NCLB) Act of 2001* for high school, CDE requires an accurate enrollment count of all grade 10 students at the time of testing in order to calculate Adequate Yearly Progress (AYP). School districts must test 95 percent of their grade 10 students on the CAHSEE each year to meet AYP requirements. The apportionment of $0.32 is to offset the costs of completing this demographic information for grade 10 students who are not tested during the census administration. School districts will not receive the apportionment of $0.32 for any other students. The apportionment of $3 for students tested will still apply.

## FISCAL ANALYSIS (AS APPROPRIATE)

The number of students who are anticipated to test, multiplied by $3, determines the budget for the CAHSEE apportionment. The amount set aside for 2003-2004 was $1.6 million and was based on 534,000 tenth graders for three administrations. CDE has received requests for apportionment for both students tested and not tested during the February, March, and May administrations.

For 2004-05, the CAHSEE apportionment has been set at approximately $3 million based on approximately one million students being tested, including repeat test takers, grade 10 students, and adult education students for a total of five administrations.

## ATTACHMENT(S)

None

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

| **SUBJECT** | |
|---|---|
| California High School Exit Examination (CAHSEE): Adopt Amendments to Title 5 Regulations | ☒ **Action**<br>☒ **Information**<br>☐ **Public Hearing** |

### RECOMMENDATION

Consider comments received during the public comment period and at the public hearing and take action to adopt the regulations.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In July 2004, the State Board of Education (SBE) approved the Initial Statement of Reasons, Notice of Proposed Rulemaking, and the commencement of the regulatory process for the proposed amendments to the Title 5 regulations for the California High School Exit Examination (CAHSEE) and directed staff to begin the 45-day written comment period.

### SUMMARY OF KEY ISSUES

The proposed amendments to the regulations: 1) ensure that these regulations conform with the regulations for other California testing programs; 2) make technical corrections; 3) add data fields that are now required because CAHSEE is being used for State Academic Performance Index (API) and Federal *No Child Left Behind Act of 2001* (NCLB) accountability purposes; and 4) specify that districts will be held responsible for data correction costs that are not completed by the deadlines specified by the test contractor, so that mandated reporting timelines can be met (California *Education Code* Section 60851(e)).

### FISCAL ANALYSIS (AS APPROPRIATE)

The Economic and Fiscal Impact Analysis concluded that while there are some costs related to the amendments most of the costs are attributable to either state or federal statutes. Some of the regulations generate a cost savings. Costs not attributable to statute are reimbursable by the apportionment. The analysis was included in the Last Minute Memorandum submitted to SBE for the agenda item on the proposed regulations at the July 2004 SBE meeting.

## ATTACHMENT(S)

The proposed regulations that were approved by SBE to be sent out for the 45-day written comment period are attached.

Attachment 1: CAHSEE Regulations, Title 5. Education, Division 1. State Department of Education, Chapter2. Pupils, Subchapter 6. California High School Exit Examination. Article 1. General (19 Pages)

A Last Minute Memorandum will be provided that will include a summary of the comments received during the public comment period and at the public hearing.

# Title 5. EDUCATION

# DIVISION 1. STATE DEPARTMENT OF EDUCATION

## Chapter 2. Pupils

## Subchapter 6. California High School Exit Examination

## ARTICLE 1. GENERAL

*Amend Sections 1200, 1203, 1204.5, 1206, 1207, 1208, 1209, 1210, 1211, 1211.5, 1215, 1215.5, 1216, and 1217 to read:*

**§ 1200. Definitions.**

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

(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.

(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 ~~publisher~~ contractor, and includes the period of time during which eligible pupils or eligible adult students take one or both sections of the examination.

(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.

(d) “Eligible pupil” is a person enrolled in a California public school in grade 10, 11, or 12, including those pupils placed in a ~~non-public~~ nonpublic school through the Individualized Education ~~Plan~~ Program (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) “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.

(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.

(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.

(h) “Test ~~administrator~~ examiner” is an ~~certificated~~ employee of a school district, or a person assigned by a nonpublic school to implement a student’s ~~Individualized Education Program (~~IEP~~)~~, who has received training specifically designed to prepare him or her to administer~~s~~ the high school exit examination ~~to eligible pupils or eligible adult students~~.

(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 ~~administrator~~ examiner in administration of the high school exit examination.

(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. A parent or guardian is not eligible to be a scribe.

(k) “School district" includes unified and high school districts, county offices of education, any ~~independent~~ charter school that for assessment purposes does ~~is~~ 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.

(l) “Department” is the California Department of Education.

(m) “Examination” is the high school exit examination.

(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 contractor.

(o)~~(n)~~ “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 ~~s~~Section 60850.

NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 52504, 56365, 60850 and 60851, Education Code.

## Article 2. High School Exit Examination Administration

**§ 1203. Pupil or Adult Student Identification.**

Test ~~administrators~~ examiners at the test site shall be responsible for the accurate identification of eligible pupils or eligible adult students who are to be administered the examination through the use of photo-identification or positive recognition by an employee of the school district.

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

**§ 1204.5 Grades 11 and 12 and Adult Education Testing Dates.**

(a) Eligible ~~P~~pupils in grade~~s~~ 11 and eligible adult students ~~and 12~~ who have not yet passed one or both sections of the examination shall have up to two opportunities per year to take the section(s) of the examination not yet passed and may elect to take the examination during these opportunities.

(b) 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 take the section(s) of the examination not yet passed. Eligible pupils in grade 12 may elect to take the examination during district-provided opportunities.

(c) Districts shall not test eligible pupils in grade~~s~~ 11 and eligible adult students ~~12~~ in successive administrations within a school year. Eligible pupils in grades 11 and 12 should be offered appropriate remediation or supplemental instruction before being retested. ~~Eligible pupils shall be provided one opportunity to pass the examination after completion of other grade 12 requirements~~.

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

**§ 1206. Pupil or Permanent Record Information.**

(a) School districts shall maintain in each pupil's permanent record the following information:

(1) The date on which the pupil took each section of the examination.

(2) Whether the pupil has satisfied the requirement to successfully pass the examination

for each section or sections of the examination taken.

(b) The information required by subdivision (a) of this section shall be entered in each pupil's permanent record within 60 days of receiving the electronic data files from the test ~~publisher~~ contractor.

(c) Whenever a pupil transfers from one school district to another, the new district may request the pupil's examination results as part of the permanent record, pursuant to subdivision (a), in compliance with Education Code ~~s~~Section 49068.

NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 49068 and 60851, Education Code.

**§ 1207. Data for Analysis of Pupil Performance.**

(a) Each school district shall provide the test ~~publisher~~ 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 ~~publisher~~ 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, each school district shall provide the following demographic information for each pupil tested:

(1) Pupil's full name

(2) Date of birth

(3) Grade level

(4) Gender

(5) English ~~Language fluency~~ proficiency and ~~home~~ primary language

(6) Date of English proficiency reclassification

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

(8)~~(6) Special p~~Program participation

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

~~(8) Enrolled in a school that qualifies for assistance under Title 1 of the Elementary and Secondary Education Act~~

(10)~~(9)~~ Use of ~~Testing~~ accommodations or modifications ~~used~~ during the examination

(11)~~(10)Handicapping condition or~~ Primary disability

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

(13)~~(11)~~ Ethnicity

(14)~~(12) District mobility, s~~School mobility~~, and matriculation~~

(15) School and district CBEDS enrollment

(16)~~(13)~~ Parent education level

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

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

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

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

(d) 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.

(e) If the information required by Section 1207(b) 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 ~~56365~~ 52050 et seq., ~~and~~ 60855 and 60900, Education Code; 20 USC Section 6311.

**§ 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.

**§ 1209. High School Exit Examination District Coordinator ~~Responsibilities~~.**

(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 ~~publisher~~ contractor of the identity and contact information for the ~~high school exit examination~~ district coordinator. 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 ~~publisher~~ contractor and the school district and the Department 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 ~~publisher~~ contractor for administering and returning the examinations and test materials including, but not limited to, the following responsibilities:

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

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

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

(4) Completing and filing 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

~~T~~the Test Security Agreement shall be maintained at the district office for 12 months from the date signed.

(5) Identifying 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 ~~administrator~~ examiner at a nonpublic school in which a pupil has been placed by the district.

(6) Ordering sufficient examinations and test materials ~~to~~ 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 ~~publisher~~ contractor pre-identify answer documents.

~~(7) Coordinating with the school test site coordinator within any required time periods the testing days for the school district and nonpublic schools which serve grade 10 through grade 12 pupils of the district.~~

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

(8)~~(9)~~ 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 ~~publisher~~ contractor, from the time they are received in the school district until the time they are delivered to the test sites.

(9)~~(10)~~ 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.

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

(11)~~(12)~~ Ensuring that all examinations and test materials received from test sites have been placed in a secure school district location ~~by the end of the day following the administration of those examinations~~ upon receipt.

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

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

(14) Assisting the test ~~publisher~~ contractor and the Department 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 ~~publisher~~ contractor and the number of examinations collected for return to the test ~~publisher~~ contractor.

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

~~(d) Within seven (7) working days of completion of school district testing, the superintendent and the high school exit examination district coordinator shall certify to the test publisher that the school district has maintained the security and integrity of the examination, collected all data and information as required to comply with Sections 1205, 1206, and 1207, and returned all examinations and test materials, answer documents, and other materials included as part of the examination in the manner and as otherwise required by the Department in regulation.~~

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

**§ 1210. High School Exit Examination Test Site Coordinator ~~Responsibilities~~.**

(a) Annually, the district coordinator or the superintendent of the school district shall designate a ~~high school exit examination~~ test site coordinator for each test site. The designee shall be an employee of the school district, or the person assigned by a ~~non public~~ 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 ~~publisher~~ 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 ~~administrator~~ examiner(s), test proctors, and scribes as provided in the test ~~publisher's~~ 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 ~~administrators~~ 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 of examinations from the school district and the distribution of examinations to the test ~~administrator~~ 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 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 and return of all testing materials to the district coordinator no later than the ~~close of the school~~ day ~~on the school 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)~~(10)~~ Assisting the district coordinator and the test ~~publisher~~ 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 security breaches or testing irregularities at the test site before, during, or after the administration of the examination.

~~(d) Within three (3) working days of completion of site testing, the site principal or the test site coordinator shall certify to the district coordinator that the test site has maintained the security and integrity of the examination, collected all data and information as required, and returned all examinations and test materials, answer documents, and other materials included as part of the examination in the manner and as otherwise required by the test publisher.~~

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

**§ 1211. High School Exit Examination Test Security.**

(a) Access to the examination materials is limited to 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 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 ~~publisher~~ contractor.

(d) Once materials have been delivered to the school district, secure transportation of the examinations and test materials within a school district including to non-public 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 ~~private~~ home or ~~location~~ hospital except by a test ~~administrator~~ examiner ~~as defined in Section 1200(h) who signs the~~

~~Test Security Affidavit as set forth in Section 1211.5~~. No examination shall be administered to a 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 ~~administrator~~ 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 60851 and 60850, 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) ~~The coordinator~~ 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.

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

(3)~~(2) The coordinator~~ 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 ~~by the coordinator~~ to sign the California High School Exit Examination Test Security Affidavit that will be kept on file in the school district office.

(4)~~(3) The coordinator~~ 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, Title 5, Division 1, Chapter 2, Subchapter 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.

(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 ~~administrators~~ 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 disclose, or allow to be disclosed, the contents of, or the scoring keys to, the examination.~~ 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: _____

Position: _____

School: _____

School District/Affiliation: _____

Date: _____

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

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

**§ 1215. Testing Variations ~~Available to All Students~~.**

(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).

(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, ~~or~~ special acoustics, or visual magnifying or audio amplification equipment.

(3) an individual carrel or study enclosure

(4) test individual~~ly~~ 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) ~~markers,~~ colored overlay, mask~~s~~, 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, 1215.5, 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 ~~listed in subsections (b) through (e),~~ 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:

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

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

(3) Braille transcriptions provided by the test ~~publisher~~ contractor ~~or a designee~~.

~~(4) use of Manually Coded English or American Sign Language to present directions for administration.~~

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

(5)~~(6)~~ ~~use of~~ 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, ~~or~~ 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) ~~use of~~ word processing software with spell and grammar check tools turned off on the writing portion of the examination.

(5) ~~use of~~ 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 ~~publisher~~ 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 ~~publisher~~ contractor.

(e) Setting accommodations include tests administered by a test examiner ~~certificated teacher~~ 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 ~~s~~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) ~~use of~~ 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) ~~use of~~ responses dictated orally, in Manually Coded English, or in American Sign Language to provide an essay response to ~~the written portion of the examination~~ a scribe and the scribe provides spelling, grammar, and language conventions.

(7) ~~English~~ dictionary on ~~the English/language arts~~ any section of the examination.

~~(8) mathematics dictionary on the mathematics section of the examination.~~

(c) An eligible pupil or eligible adult student who takes the examination with one or more modifications shall receive a score marked 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; 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:

(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 ~~non-public~~ nonpublic school, who has signed the Test Security Affidavit ~~and the pupil or adult student has been provided such a flexible setting as part of their regular instruction or assessment~~.

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

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

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

~~version of the test directions and~~ English learners may have the opportunity to ask clarifying questions about the test directions in their primary language.

(5) Glossaries. English learners may have access to translation glossaries ~~if used regularly in the classroom~~ (English to primary language ~~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.

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

## ARTICLE 5. APPORTIONMENT

**§ 1225. Apportionment.**

(a) ~~For each test cycle, each school district shall report to the California Department of Education the number of examinations administered.~~ 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) ~~The superintendent of each school district shall certify the accuracy of all information submitted. The report required by subdivision (a) shall be filed with the State Superintendent of Public Instruction within ten (10) working days of completion of each test cycle in the school district.~~ 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 each 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 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 to enable school districts to meet the requirements of Education Code ~~s~~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 and as certified ~~certification of~~ by the school district superintendent pursuant to subdivision (b).

~~(d) The apportionment shall be paid upon return of all secure test materials.~~

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

**State of California** **Department of Education**

# LAST MINUTE MEMORANDUM

**DATE:** September 8, 2004

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

**FROM:** Geno Flores, Deputy Superintendent
Assessment and Accountability Branch

**RE:** Item No. 11

**SUBJECT:** California High School Exit Examination (CAHSEE): Adopt Amendments to Title 5 Regulations

## Background

In July 2004, the State Board of Education (SBE) approved the Initial Statement of Reasons, Notice of Proposed Rulemaking, and the proposed amendments to the Title 5 regulations for the California High School Exit Examination (CAHSEE) and the beginning of the 45-day written comment period.

## Additional Proposed Amendments to Regulations

CAHSEE is the high school test of core knowledge for federal accountability purposes under the No Child Left Behind (NCLB) Act. Beginning in the 2004-05 school year federal guidelines state that "States do not have to include a student with a significant medical emergency in the participation rate calculation." The proposed additional amendments would add the definition for significant medical emergency as Section 1200(p) and would include significant medical emergency under Section 1207(c) as data that may be provided by each school district to the test contractor for each grade 10 pupil who is not tested due to a significant medical emergency.

## Report on Public Hearing

A public hearing was held on September 7, 2004, as required by the Administrative Procedures Act. The public hearing was called to order at 8:04 a.m. With no one present, the public hearing was recessed at 8:06 a.m., and then was reconvened at 8:35 a.m. No one was present to submit verbal comments, so the public hearing was adjourned at 8:36 a.m.

Two written comments were submitted to the Regulations Coordinator during the 45-day public comment period. The Final Statement of Reasons is attached summarizing the additional proposed amendments to the Regulations and the written comments submitted.

SBE has illustrated changes to the original text in the following manner: regulation language originally proposed is <u>underlined</u>, language originally deleted is in ~~strikeout~~.

The 15-Day Notice illustrates deletions from the language originally proposed using a "**~~bold strikeout~~**"; and additions to the language originally proposed using a "double-underline. "

**Recommendation**

The California Department of Education recommends that the SBE:

1) Approve the proposed amendments to the draft regulations;
2) Direct that the proposed amendments be circulated for a 15-day public comment period in accordance with the Administrative Procedures Act;
3) If no public comments are received during the 15-day period, complete the rulemaking package and submit the amended regulations to the Office of Administrative Law for approval;
4) If public comments are received during the 15-day period, place the amended regulations on the SBE's November 2004 agenda for action following consideration of the comments received.

Attachment 2: Final Statement of Reasons (1 Page)

Attachment 3: Amended California High School Exit Examination Regulations (21 Pages)

# FINAL STATEMENT OF REASONS
## California High School Exit Examination (CAHSEE)

## UPDATE OF INITIAL STATEMENT OF REASONS

The proposed regulations were further amended to add a definition for significant medical emergency in Section 1200 and to allow school districts to report students not tested due to a significant medical emergency. The relevant federal authority also was cited.

## SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE INITIAL NOTICE PERIOD OF JULY 23, 2004 THROUGH SEPTEMBER 7, 2004.

The text was made available to the public from July 23, 2004 through September 7, 2004. Two written comments were received in response to the proposed revisions to the CAHSEE regulations. Protection & Advocacy, Inc. commented on the sections of the proposed regulations that address testing variations, accommodations and modifications for test takers:

**Comment:** Steven Rosenbaum, Protection and Advocacy, Inc. submitted comments stating "Protection and Advocacy, Inc. is pleased to see the addition of testing variations for all students (student marks; visual magnifying and audio amplification equipment; colored overlay; manually coded English or ASL). He also stated that they are pleased to see the clarified accommodations and modifications for pupils and students with disabilities (font enlargement; dictation of responses in alternate formats; use of arithmetic table or math manipulatives; dictionary usage).

**Response**: No response is needed. Mr. Rosenbaum's comments are in support of the proposed regulations.

## ALTERNATIVES DETERMINATION

The State Board has determined that no alternative would be more effective in carrying out the propose 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 legislature has appropriated funds to cover the costs generated by the mandated activities included in the regulations and these amendments.

## REGULATIONS TO BECOME EFFECTIVE UPON FILING

It is important that this regulation becomes effective as soon as possible to meet the administration timeline.

9-7-04

# Title 5. EDUCATION

Division 1. State Department of Education

## Chapter 2. Pupils

## Subchapter 6. California High School Exit Examination

Article 1. General

*Amend Sections 1200, 1203, 1204.5, 1206, 1207, 1208, 1209, 1210, 1211, 1211.5, 1215, 1215.5, 1216, and 1217 to read:*

**§ 1200. Definitions.**

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

(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.

(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 ~~publisher~~ contractor, and includes the period of time during which eligible pupils or eligible adult students take one or both sections of the examination.

(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.

(d) “Eligible pupil” is a person enrolled in a California public school in grade 10, 11, or 12, including those pupils placed in a ~~non-public~~ nonpublic school through the Individualized Education ~~Plan~~ Program (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) “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.

(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.

(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.

(h) “Test ~~administrator~~ examiner” is an ~~certificated~~ employee of a school district, or a person assigned by a nonpublic school to implement a student’s ~~Individualized Education Program (~~IEP~~)~~, who has received training specifically designed to prepare him or her to administer~~s~~ the high school exit examination ~~to eligible pupils or eligible adult students~~.

(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 ~~administrator~~ examiner in administration of the high school exit examination.

(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. A parent or guardian is not eligible to be a scribe.

(k) “School district" includes unified and high school districts, county offices of education, any ~~independent~~ charter school that for assessment purposes does ~~is~~ 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.

(l) “Department” is the California Department of Education.

(m) “Examination” is the high school exit examination.

(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 contractor.

(o)~~(n)~~ “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 ~~s~~Section 60850.

(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.

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

## Article 2. High School Exit Examination Administration

### § 1203. Pupil or Adult Student Identification.

Test ~~administrators~~ examiners at the test site shall be responsible for the accurate identification of eligible pupils or eligible adult students who are to be administered the examination through the use of photo-identification or positive recognition by an employee of the school district.

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

### § 1204.5 Grades 11 and 12 and Adult Education Testing Dates.

(a) Eligible ~~P~~pupils in grade~~s~~ 11 and eligible adult students ~~and 12~~ who have not yet passed one or both sections of the examination shall have up to two opportunities per year to take the section(s) of the examination not yet passed and may elect to take the examination during these opportunities.

(b) 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 take the section(s) of the examination not yet passed. Eligible pupils in grade 12 may elect to take the examination during district-provided opportunities.

(c) Districts shall not test eligible pupils in grade~~s~~ 11 and eligible adult students ~~12~~ in successive administrations within a school year. Eligible pupils in grades 11 and 12 should be offered appropriate remediation or supplemental instruction before being retested. ~~Eligible pupils shall be provided one opportunity to pass the examination after completion of other grade 12 requirements~~.

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

**§ 1206. Pupil or Permanent Record Information.**

(a) School districts shall maintain in each pupil's permanent record the following information:

(1) The date on which the pupil took each section of the examination.

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

(b) The information required by subdivision (a) of this section shall be entered in each pupil's permanent record within 60 days of receiving the electronic data files from the test ~~publisher~~ contractor.

(c) Whenever a pupil transfers from one school district to another, the new district may request the pupil's examination results as part of the permanent record, pursuant to subdivision (a), in compliance with Education Code ~~s~~Section 49068.

NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 49068 and 60851, Education Code.

**§ 1207. Data for Analysis of Pupil Performance.**

(a) Each school district shall provide the test ~~publisher~~ 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 ~~publisher~~ 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, each school district shall provide the following demographic information for each pupil tested:

(1) Pupil's full name

(2) Date of birth

(3) Grade level

(4) Gender

(5) English ~~Language fluency~~ proficiency and ~~home~~ primary language

(6) Date of English proficiency reclassification

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

(8)~~(6) Special p~~Program participation

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

~~(8) Enrolled in a school that qualifies for assistance under Title 1 of the Elementary and Secondary Education Act~~

(10)~~(9)~~ Use of ~~Testing~~ accommodations or modifications ~~used~~ during the examination

(11)~~(10)Handicapping condition or~~ Primary disability

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

(13)~~(11)~~ Ethnicity

(14)~~(12) District mobility, s~~School mobility~~, and matriculation~~

(15) School and district CBEDS enrollment

(16)~~(13)~~ Parent education level

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

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

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

(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)~~(c)~~ The demographic information is for the purposes of aggregate analyses only and shall be provided to the test ~~publisher~~ contractor and collected as part of

the testing materials for the examination.

(e)~~(d)~~ 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.

(f)~~(e)~~ If the information required by Section 1207(b) 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 ~~56365~~ 52050 et seq., ~~and~~ 60855 and 60900, Education Code; 20 USC Section 6311.

**§ 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.

**§ 1209. High School Exit Examination District Coordinator ~~Responsibilities~~.**

(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 ~~publisher~~ contractor of the identity and contact information for the ~~high school exit examination~~ district coordinator. 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 ~~publisher~~ contractor and the school district and the Department 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 ~~publisher~~ contractor for administering and returning the examinations and test materials including, but not limited to, the following responsibilities:

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

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

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

(4) Completing and filing 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 ~~T~~the Test Security Agreement shall be maintained at the district office for 12 months from the date signed.

(5) Identifying 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 ~~administrator~~ examiner at a nonpublic school in which a pupil has been placed by the district.

(6) Ordering sufficient examinations and test materials ~~to~~ 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 ~~publisher~~ contractor pre-identify answer documents.

~~(7) Coordinating with the school test site coordinator within any required time periods the testing days for the school district and nonpublic schools which serve grade 10 through grade 12 pupils of the district.~~

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

(8)~~(9)~~ 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 ~~publisher~~ contractor, from the time they are received in the school district until the time they are delivered to the test sites.

(9)~~(10)~~ 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.

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

(11)~~(12)~~ Ensuring that all examinations and test materials received from test sites have been placed in a secure school district location ~~by the end of the day following the administration of those examinations~~ upon receipt.

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

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

(14) Assisting the test ~~publisher~~ contractor and the Department 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

~~publisher~~ contractor and the number of examinations collected for return to the test ~~publisher~~ contractor.

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

~~(d) Within seven (7) working days of completion of school district testing, the superintendent and the high school exit examination district coordinator shall certify to the test publisher that the school district has maintained the security and integrity of the examination, collected all data and information as required to comply with Sections 1205, 1206, and 1207, and returned all examinations and test materials, answer documents, and other materials included as part of the examination in the manner and as otherwise required by the Department in regulation.~~

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

**§ 1210. High School Exit Examination Test Site Coordinator ~~Responsibilities~~.**

(a) Annually, the district coordinator or the superintendent of the school district shall designate a ~~high school exit examination~~ test site coordinator for each test site. The designee shall be an employee of the school district, or the person assigned by a ~~non public~~ 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 ~~publisher~~ 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 ~~administrator~~ examiner(s), test proctors, and scribes as provided in the test ~~publisher's~~ 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 ~~administrators~~ 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 of examinations from the school district and the distribution of examinations to the test ~~administrator~~ 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 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 and return of all testing materials to the district coordinator no later than the ~~close of the school~~ day ~~on the school 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)~~(10)~~ Assisting the district coordinator and the test ~~publisher~~ 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 security breaches or

testing irregularities at the test site before, during, or after the administration of the examination.

~~(d) Within three (3) working days of completion of site testing, the site principal or the test site coordinator shall certify to the district coordinator that the test site has maintained the security and integrity of the examination, collected all data and information as required, and returned all examinations and test materials, answer documents, and other materials included as part of the examination in the manner and as otherwise required by the test publisher.~~

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

**§ 1211. High School Exit Examination Test Security.**

(a) Access to the examination materials is limited to 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 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 ~~publisher~~ contractor.

(d) Once materials have been delivered to the school district, secure transportation of the examinations and test materials within a school district including to non-public 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 ~~private~~ home or ~~location~~ hospital except by a test ~~administrator~~ examiner ~~as defined in Section 1200(h) who signs the Test Security Affidavit as set forth in Section 1211.5~~. No examination shall be administered to a 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 ~~administrator~~ 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 60851 and 60850, 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) ~~The coordinator~~ 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.

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

(3)~~(2) The coordinator~~ 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 ~~by the coordinator~~ to sign the California High School Exit Examination Test Security Affidavit that will be kept on file in the school district office.

(4)~~(3) The coordinator~~ 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, Title 5, Division 1, Chapter 2, Subchapter 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.

(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 ~~administrators~~ 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 disclose, or allow to be disclosed, the contents of, or the scoring keys to, the examination.~~ 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: _____

Position: _____

School: _____

School District/Affiliation: _____

Date: _____

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

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

**§ 1215. Testing Variations ~~Available to All Students~~.**

(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).

(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, ~~or~~ special acoustics, or visual magnifying or audio amplification equipment.

(3) an individual carrel or study enclosure

(4) test individual~~ly~~ 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) ~~markers,~~ colored overlay, mask~~s~~, 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, 1215.5, 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 ~~listed in subsections (b) through (e),~~ 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:

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

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

(3) Braille transcriptions provided by the test ~~publisher~~ contractor ~~or a designee~~.

~~(4) use of Manually Coded English or American Sign Language to present directions for administration.~~

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

(5)~~(6)~~ ~~use of~~ 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, ~~or~~ 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) ~~use of~~ word processing software with spell and grammar check tools turned off on the writing portion of the examination.

(5) ~~use of~~ 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 ~~publisher~~ 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 ~~publisher~~ contractor.

(e) Setting accommodations include tests administered by a test examiner ~~certificated teacher~~ 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 ~~s~~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) ~~use of~~ 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) ~~use of~~ responses dictated orally, in Manually Coded English, or in American Sign Language to provide an essay response to ~~the written portion of the examination~~ a scribe and the scribe provides spelling, grammar, and language conventions.

(7) ~~English~~ dictionary on ~~the English/language arts~~ any section of the examination.

~~(8) mathematics dictionary on the mathematics section of the examination.~~

(c) An eligible pupil or eligible adult student who takes the examination with one or more modifications shall receive a score marked 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; 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:

(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 ~~non-public~~ nonpublic school, who has signed the Test Security Affidavit ~~and the pupil or adult student has been provided such a flexible setting as part of their regular instruction or assessment~~.

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

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

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

language.

(5) Glossaries. English learners may have access to translation glossaries ~~if used regularly in the classroom~~ (English to primary language ~~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.

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

**Article 5. Apportionment**

**§ 1225. Apportionment.**

(a) ~~For each test cycle, each school district shall report to the California Department of Education the number of examinations administered.~~ 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) ~~The superintendent of each school district shall certify the accuracy of all information submitted. The report required by subdivision (a) shall be filed with the State Superintendent of Public Instruction within ten (10) working days of completion of each test cycle in the school district.~~ 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 each 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 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 to enable school districts to meet the requirements of Education Code ~~s~~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 and as certified ~~certification of~~ by the school district superintendent pursuant to subdivision (b).

~~(d) The apportionment shall be paid upon return of all secure test materials.~~

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

9-2-04

**ITEM #12**

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

| SUBJECT | |
|---|---|
| California English Language Development Test (CELDT): Including, but not limited to, Update on CELDT Program | ☒ **Action**<br>☒ **Information**<br>☐ **Public Hearing** |

### RECOMMENDATION

The State Board of Education (SBE) will take action as deemed necessary and appropriate.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In July 2004, SBE received an update on the CELDT Program. This is a placeholder item placed on the agenda in the event that an update or action is warranted. The item will be withdrawn from the SBE agenda if there is no update to provide the SBE, nor SBE action needed.

### SUMMARY OF KEY ISSUES

Because this is a placeholder item there are no key issues at this time.

### FISCAL ANALYSIS (AS APPROPRIATE)

Because this is a placeholder item no fiscal analysis is appropriate at this time.

### ATTACHMENT(S)

None.

**ITEM #13**

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

| **SUBJECT** | |
|---|---|
| Accountability: The Academic Performance Index (API) and the Adequate Yearly Progress (AYP) Results | ☒ **Action**<br>☒ **Information**<br>☐ **Public Hearing** |

### RECOMMENDATION

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

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In July 1999, the SBE adopted the API to measure academic achievement pursuant to the Public Schools Accountability Act (PSAA). The SBE approved the Accountability Workbook for the federal No Child Left Behind (NCLB) Act in June 2003. A key component of the Workbook is a definition of AYP. For California, the API is a major aspect of AYP. In January 2004, the SBE approved the joint release of the schoolwide API and AYP results with the primary focus on the API.

### SUMMARY OF KEY ISSUES

The cornerstone of statewide accountability is the API. On August 31, 2004 the CDE will release the results of the 2004 schoolwide Growth API. In addition, AYP results for schools and local education agencies (LEAs) will be presented. This report provides both state and federal accountability information prior to the start of the 2004-05 school year. The combined report includes the statewide 2004 API growth information at the school and LEA levels and federal 2004 AYP information at the school, LEA and subgroup levels. Updates and additions to the data during the school year will be provided separately. The API Growth Report, including subgroup information, will be released in October. The Program Improvement (PI) Status Report will also be released in October.

### FISCAL ANALYSIS (AS APPROPRIATE)

The 2004 API and AYP results will be posted on the CDE Web site. There is no cost to disseminate the report.

### ATTACHMENT(S)

A Last Minute Memorandum will be provided that will include the News Release as the attachment for this item.

**State of California** **Department of Education**

# LAST MINUTE MEMORANDUM

**DATE:** September 1, 2004

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

**FROM:** Geno Flores, Deputy Superintendent
Assessment and Accountability Branch

**RE:** Item No. 13

**SUBJECT:** Accountability: The Academic Performance Index (API) and the Adequate Yearly Progress (AYP) Results

Attached to this Memorandum are two attachments. They are the August 31, 2004 News Release, titled "O'Connell Releases Data Showing Most California Schools Improve API Scores; Meet Federal AYP Criteria" and a sample 2004 Accountability Progress Report. Attachment 1 is available via the World Wide Web at: *http://www.cde.ca.gov/nr/ne/yr04/yr04rel76.asp.* Attachment 2 is available via the World Wide Web at *http://www.cde.ca.gov/ta/ac/ay.* Printed copies of both attachments are also available for viewing in the State Board of Education Office.

Attachment 1: Copy of the News Release (5 pages)
Attachment 2: Sample 2004 Accountability Progress Report (APR) (2 pages)

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

| **SUBJECT** | |
|---|---|
| *No Child Left Behind (NCLB) Act of 2001*- Including, but not limited to, updates on the status of Timeline Waiver/Ed-Flex and California's proposed amendments to the state's Accountability Workbook. | ☒ **Action**<br>☒ **Information**<br>☐ **Public Hearing** |

### RECOMMENDATION

The State Board of Education (SBE) will hear an update on current NCLB activities and take action as deemed necessary and appropriate.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

This standing item allows CDE and SBE staff to brief the SBE on timely topics related to NCLB.

### SUMMARY OF KEY ISSUES

**Timeline Waiver/Ed-Flex**
Update on California's Improving America's Schools Act (IASA) timeline waiver and how it relates to our Ed-Flex application.

**Proposed Amendments to California's Accountability Workbook**
Update on the approval status of the proposed amendments submitted to the U.S. Department of Education in April 2004.

### 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)

Attachment 1: July 26, 2004, Letter to The Honorable Roderick R. Paige, Secretary of Education, U.S. Department of Education (1 page)

Attachment 2: July 23, 2004, Letter from Raymond Simon, Assistant Secretary, Office of Elementary and Secondary Education, U.S. Department of Education (3 pages) – [Letter was received by SBE Office July 30, 2004]

These attachments are not available for viewing on the Internet. A printed copy of the documents is available for viewing in the SBE office.

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

| **SUBJECT** | |
|---|---|
| *No Child Left Behind (NCLB) Act of 2001:* Approve Local Educational Agency Plans Title I Section 1112 | ☒ **Action**<br>☒ **Information**<br>☐ **Public Hearing** |

## RECOMMENDATION

Staff recommends approval of Local Educational Agency (LEA) Plans that have met the requirements for full approval status.

## SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

As of the July 2004 meeting, the State Board of Education (SBE) had approved a total of 1,170 LEA Plans: 647 in July 2003, 358 in September 2003, 94 in November 2003, 10 in January of 2004, 24 in March 2004, 26 in May 2004, and 11 in July 2004. LEAs that have not submitted a LEA Plan to-date are recently designated direct funded charter schools.

## SUMMARY OF KEY ISSUES

The Last Minute Memorandum will include a list of additional LEA Plans from districts and some direct funded charter schools recommended for full approval status. Two districts remain and are making modifications to complete their Plans. The purpose of the LEA Plan is to develop an integrated, coordinated plan that describes all educational services for all learners that can be used to guide implementation and resource allocation.

## FISCAL ANALYSIS (AS APPROPRIATE)

No fiscal impact to state operations; however, LEAs with incomplete Plans will not be eligible to receive federal education categorical aid until they receive SBE full approval of their Plans.

## ATTACHMENT(S)

Attachment 1: LEA Plans for Districts and Direct Funded Charters Recommended for Full SBE Approval, September 2004

A list of additional LEAs recommended for approval will be submitted in a Last Minute Memorandum.

LEA Plans for Districts and Direct Funded Charters
Recommended for Full SBE Approval, September 2004

| CoDistCode | SchCode | Districts |
|---|---|---|
| 2766159 | 0000000 | Salinas Union High School District |
| 3968551 | 0000000 | Lammersville Elementary School District |
| 5071159 | 0000000 | La Grange Elementary School District |
| 5572421 | 0000000 | Twain Harte-Long Barn Union Elementary |
| | | |
| **CoDistCode** | **SchCode** | **Direct Funded Charters** |
| 0175705 | 0101212 | KIPP Summit Academy |
| 1964733 | 0100800 | Central City Value School |
| 1964733 | 6121081 | View Park Preparatory Accelerated Middle School |
| 2065243 | 0100016 | Sherman Thomas Charter |
| 3066670 | 0101626 | Edward B. Cole Academy |
| 3768338 | 6120935 | Albert Einstein Academy Charter |
| 4369427 | 4330668 | Latino College Preparatory Academy |

**State of California** **Department of Education**

# LAST MINUTE MEMORANDUM

**DATE:** September 2, 2004

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

**FROM:** Geno Flores, Deputy Superintendent
Assessment and Accountability Branch

**RE:** Item No. 15

**SUBJECT:** *No Child Left Behind (NCLB) Act of 2001:* Approve Local Educational Agency Plans (Title I Section 1112).

Attached for State Board of Education approval is a list of 9 LEAs whose Plans for school districts and direct funded charter schools are recommended for approval. These Plans are required under *No Child Left Behind (NCLB) Act of 2001* so that LEAs may receive federal categorical aid for educational programs.

With the Board's approval of these 9 Plans, 1,191 LEAs will have fully approved Plans for 2003-04. The Board has fully approved 647 in July 2003, 358 in September 2003, 94 in November 2003, and 10 in January 2004, 24 in March 2004, 26 in May 2004 and 11 in July 2004.

CDE continues to work with the 12 LEAs (1 district and 11 direct funded charter schools) whose Plans are still under review prior to recommendation to the SBE for approval. There is 1 remaining direct funded charter school that has not yet submitted its LEA Plan for the 2003-04 school year. Staff will be working with this LEA to complete its Plan for future recommendation for Board approval.

Attachment 1: LEA Plans for Districts and Direct Funded Charters Recommended for Full SBE Approval, September 2004 (1 page)

**LEA Plans for Districts and Direct Funded Charters**
**Recommended for Full SBE Approval, September, 2004**

| CoDistCode | SchCode | Districts |
|---|---|---|
| 0461408 | 0000000 | Biggs Unified School District |
| 5075739 | 0000000 | Turlock Unified School District |
| | | |
| **CoDist Code** | **SchCode** | **Direct Funded Charters** |
| 1964733 | 0100867 | KIPP Los Angeles College Preparatory |
| 1964733 | 0101196 | View Park Preparatory Accelerated High |
| 1964733 | 6117048 | View Park Preparatory Accelerated Elementary |
| 1975697 | 1996693 | School of Arts and Enterprise |
| 3768338 | 3731247 | High Tech High |
| 3768338 | 0101204 | High Tech Middle |
| 4970904 | 0101923 | Roseland Charter |

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

| **SUBJECT** | |
|---|---|
| *No Child Left Behind (NCLB) Act of 2001:* Approve Additional Supplemental Educational Service Providers for the List of 2004-2005 School Year Providers | ☒ **Action**<br>☒ **Information**<br>☐ **Public Hearing** |

## RECOMMENDATION

Approve additional providers for the 2004-2005 school year list of approved supplemental educational service providers.

## SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) approved, at the May 2003 meeting, the emergency regulations, annual notice to potential providers, and the revised providers' application. At every meeting in 2003 and in 2004, the SBE has approved a recommended list of providers, for a total of 180 providers for the 2004-2005 fiscal year.

## SUMMARY OF KEY ISSUES

Supplemental educational services to low-achieving, low-income students are required by Section 1116(e) of the *No Child Left Behind (NCLB) Act of 2001.* The California Department of Education (CDE) is responsible for establishing a list of approved providers, as described in Section 1116 (e)(4) of NCLB.

Supplemental educational services include "tutoring and other academic enrichment services" that are:

- Chosen by parents.
- Provided outside the school day.
- Research-based and demonstrate program effectiveness.
- Designed specifically to increase the academic achievement of eligible children.

The application process occurs on an on-going basis. CDE evaluates each application against a four-point rubric based on the SBE-adopted criteria. Each application must address the following four elements of the criteria:

## SUMMARY OF KEY ISSUES

Element I. Program
Element II. Staff
Element III. Research-based and high quality program effectiveness
Element IV. Evaluation/Monitoring

CDE also considers the June 2003 results of the contracted WestEd survey about supplemental educational services for re-applicants. CDE then recommends applicants for approval by the SBE.

The process for reviewing the applications is as follows:

- Title I Policy and Partnerships Office (TIPP) date stamps all applications when received.
- TIPP office logs in all applications.
- TIPP program consultants review each application twice using Supplemental Services rubric based on SBE criteria and consult the WestEd evaluation of 2002-2003 providers, as needed.
- Manager reviews applications that have deficiencies and a low rating
- Education Program Consultants provide technical assistance to applications with deficiencies. Technical assistance is ongoing until deficiencies are corrected.
- Application program descriptions are prepared and compiled for the SBE.

## FISCAL ANALYSIS (AS APPROPRIATE)

Federal revenues are apportioned to LEAs to support the use of supplemental educational services. LEAs must use a minimum of five percent and a maximum of 15 percent of the Title I, Part A allocation for supplemental educational services, unless a lesser amount is needed. Title V, Part A Innovative Program funds can be also used to support supplemental educational services.

## ATTACHMENT(S)

Attachment 1: Renewal Application List of Supplemental Educational Services Providers (2 pages)
Attachment 2: New Application List of Supplemental Educational Services Providers (1 Page)

A list of 11 recommended Supplemental Educational Services Providers is attached for approval. An additional list will be submitted as a Last Minute Memorandum.

# RENEWAL APPLICATION LIST

## SUPPLEMENTAL EDUCATIONAL SERVICES PROVIDERS RECOMMENDED FOR APPROVAL AT SEPTEMBER, 2004 STATE BOARD MEETING

| APPLICANT | CONTACT |
|---|---|
| Fontana Unified School District | Cheryll Price, Director of Categorical Programs<br>9680 Citrus Avenue<br>Fontana, CA 92335<br>(909) 357-5000 x7092<br>(909) 357-5093 Fax<br>price@fusd.net |
| Status: **Renewal** | Description: Provides small group and one on one instruction in mathematics and English language arts. |
| School Districts Served: Fontana, Rialto, Colton, and Bloomington. | |

| APPLICANT | CONTACT |
|---|---|
| Jobs for California Graduates, Inc. | Al Rodriguez, General Manager<br>P.O. Box 3872<br>La Hambra, CA<br>(877) 672-8276<br>(714) 870-1502 Fax<br>jobcalgrad@sbcglobal.net |
| Status: **Renewal** | Description: Provides individualized tutoring and small group sessions in English language arts and mathematics. |
| School Districts Served: Statewide | |

| APPLICANT | CONTACT |
|---|---|
| Oroville City Elementary School District | Lynne C. Vincent, Ed. D., Director of Instruction<br>2795 Yard Street<br>Oroville, CA 95966<br>(530) 532-5690<br>(530) 532-5691 Fax<br>lvincent@ocesd.org |
| Status: **Renewal** | Description: Provides small group and one to one tutoring. |
| School Districts Served: Butte, Oroville and Oroville City Elementary | |

| APPLICANT | CONTACT |
|---|---|
| San Jacinto Unified School District | Myrna Rohr, Assistant Superintendent<br>2045 South San Jacinto Avenue<br>San Jacinto, CA 92583-5626<br>(909) 929-7700 x4259<br>(909) 929-2890 Fax<br>mrohr@sanjacinto.k12.ca.us |
| Status: **Renewal** | Description: Provides small group and one to one tutoring. |
| School Districts Served: San Jacinto Unified | |

| APPLICANT | CONTACT |
|---|---|
| Trinity County Office of Education | Cricket (Frances L.) Kidwell<br>P.O. Box 1256<br>Weaverville, CA 96093<br>(530) 623-2861 x253<br>(530) 623-4489 Fax<br>cfkidwell@tcoek12.org |
| Status: **Renewal** | Description: Provides small group and one to one tutoring. |
| School Districts Served: Burnt Ranch, Coffee creek, Cox Bar, Douglas City, Junction City, Lewiston, Mountain Valley, Southern Trinity, Trinity Center, Trinity Union High and Weaverville. | |

| APPLICANT | CONTACT |
|---|---|
| Tutoring Club | April McDonald, Director/Owner<br>173 Palm Avenue<br>Auburn, CA 95603<br>(530) 889-2665<br>(530) 889-0143 Fax<br>aprilm@inreach.com |
| Status: **Renewal** | Description: Individual instruction in mathematics and reading language arts. |
| School Districts Served: Auburn and Placer County Districts. | |

| APPLICANT | CONTACT |
|---|---|
| Ukiah Unified School District | Dolores Fisette, Assistant Superintendent of Educational Services<br>925 North State<br>Ukiah, CA 95482<br>(707) 463-5213<br>(707) 463-2120 Fax<br>dfisette@uusd.net |
| Status: **Renewal** | Description: Provides small group and one to one instruction. |
| School Districts Served: Ukiah Unified. | |

| APPLICANT | CONTACT |
|---|---|
| Visalia Unified School District | Craig Wheaton, Director of State and Federal Projects<br>5000 W. Cypress<br>Visalia, CA 93277<br>(559) 730-7566<br>(559) 735-8058 Fax<br>cwheaton@visalia.k12.ca.us |
| Status: **Renewal** | Description: An after school tutorial program in small groups and one to one instruction. |
| School Districts Served: Visalia Unified. | |

# NEW APPLICATION LIST

## SUPPLEMENTAL EDUCATIONAL SERVICES PROVIDERS RECOMMENDED FOR APPROVAL AT SEPTEMBER, 2004 STATE BOARD MEETING

| APPLICANT | CONTACT |
|---|---|
| Fun Learning, Inc., dba Sylvan Learning Center | Michael Greenberg, Executive Director<br>3100 Mowry Avenue, Suite 103<br>Fremont, CA 94538<br>(510) 857-0223<br>(510) 745-7898 Fax<br>sylvanmg@pacbell.net |
| Status: **New** | Description: Provides small group instruction in reading and mathematics. |
| School Districts Served: Fremont, Milpitas, Oakland and Hayward. | |

| APPLICANT | CONTACT |
|---|---|
| Norwalk-La Mirada Unified School District | Herman Mendez, Director of Student Services<br>12820 Pioneer Blvd.<br>Norwalk, CA 90650<br>(562) 868-0431 x2059<br>(562) 406-1039 Fax<br>mendez_herman@nlmusd.k12.ca.us |
| Status: **New** | Description: Provides small group and one to one tutoring. |
| School Districts Served: La Mirada Unified. | |

| APPLICANT | CONTACT |
|---|---|
| REACH Learning Center | LaWanna White-Montgomery, Owner/Coordinator of No Child Left Behind<br>3811 Florin Road, Suite 10<br>Sacramento, CA 95823<br>(916) 422-2477<br>(916) 422-2442 Fax<br>reacheducationalctr@yahoo.com |
| Status: **New** | Description: Provides small group and one to one tutoring. |
| School Districts Served: Sacramento Unified. | |

**State of California** **Department of Education**

# LAST MINUTE MEMORANDUM

**DATE:** September 2, 2004

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

**FROM:** Geno Flores, Deputy Superintendent
Assessment and Accountability Branch

**RE:** Item No. 16

**SUBJECT:** *No Child Left Behind (NCLB) Act of 2001*, Approve Supplemental Educational Services Providers required by Title I Section 1116(e)

Staff recommends approval of the attached list of 29 supplemental educational services provider applicants. Staff also submitted with the original Board item a list of 11 other providers recommended for approval at this meeting. During this application period, staff reviewed a total of 43 applications. They used the four-point rubric based on the State Board of Education's adopted criteria. There are three applications not recommended for approval.

If all 40 recommended applications are approved, there will be a total of 220 supplemental educational services providers on the approved list thus far for the 2004-2005 fiscal year. After State Board approval of the September 04 list of recommended providers, CDE will post it on the Web site. This list of approved providers will be in effect through June 30, 2005.

Attachment 1: Supplemental Educational Services Provider Applicants Recommended for Approval at September, 2004 State Board Meeting, List of Renewal Applications (1 page)

Attachment 2: Supplemental Educational Services Provider Applicants Recommended for Approval at September, 2004 State Board Meeting, List of New Applications (7 pages)

## SUPPLEMENTAL EDUCATIONAL SERVICES PROVIDER APPLICANTS RECOMMENDED FOR APPROVAL AT SEPTEMBER, 2004 STATE BOARD MEETING

## LIST OF RENEWAL APPLICATIONS

| APPLICANT | CONTACT |
|---|---|
| Bellflower Unified School District | Dr. Jeanette Johnson, Director, State and Federal Projects<br>16703 South Clark Avenue<br>Bellflower, CA 90706<br>(562) 866-9011 x3290<br>(562) 804-6590 Fax<br>jjohnson@busd.k12.ca.us |
| Status: ***Renewal** | Description: Provides instruction in the areas of language arts and mathematics for up to 500 students in grades 2-11. |
| School Districts Served: Los Angeles County and Bellflower Unified School District | |

| APPLICANT | CONTACT |
|---|---|
| Focus 92411 Neighborhood Partnerships | Richard Eberst, Executive Director<br>1859 North Western Avenue<br>San Bernardino, CA 92411<br>(619) 286-9052<br>(619) 286-9053 Fax<br>scttlscptt@aol.com |
| Status: **Renewal** | Description: Provides one-on-one instruction in the areas of English, language arts and mathematics after school for up to 300 students in grades K-8. |
| School Districts Served: San Bernardino Westside Community and surrounding areas. | |

| APPLICANT | CONTACT |
|---|---|
| Genesis Educational Foundation | Bishop George McKinney, Director<br>5825 Imperial Avenue<br>San Diego, CA 92114<br>(619) 262-2671<br>(619) 262-8335 Fax<br>ststephenscogic@aol.com |
| Status: **Renewal** | Description: Provides one-on-one and small group instruction in the areas of reading, language arts and mathematics after school and weekends for up to 350 students in grades K-12. |
| School Districts Served: San Diego County | |

***Renewal applicants are those that were on the approval list of Supplemental Educational Services Providers for the 2003-04 school year.**

**SUPPLEMENTAL EDUCATIONAL SERVICES PROVIDER APPLICANTS RECOMMENDED FOR APPROVAL AT SEPTEMBER, 2004 STATE BOARD MEETING**

**LIST OF NEW APPLICATIONS**

| APPLICANT | CONTACT |
|---|---|
| Acadamia. net, LLP | Joseph H. Becker, Owner<br>1511 Burns Avenue<br>St. Paul, MN 55106<br>(866) 320-4753<br>(651) 771-8888 Fax<br>j.becker@acadamia.net |
| Status: **New** | Description: Provides distance learning via the internet in the areas of language arts and mathematics after school and weekends for up to 350 students in grades K-12. |
| School Districts Served: Statewide Provider | |

| APPLICANT | CONTACT |
|---|---|
| Alliance for African Assistance | Walter S. Lam, President & CEO<br>5952 El Cajon Blvd.<br>San Diego, CA 92115<br>(619) 286-9052<br>(619) 286-9053 Fax<br>cmamos@centuryhousing.org |
| Status: **New** | Description: Provides one-on-one and small group instruction in the areas of reading language arts and mathematics after school and weekends for up to 350 students in grades K-12. |
| School Districts Served: San Diego County | |

| APPLICANT | CONTACT |
|---|---|
| ASA Learning Center | Patricia M. Campbell, Executive Director<br>2050 East Pacific Street<br>San Bernardino, CA 92404<br>(909) 388-1255<br>(909) 388-1257 Fax<br>ASACampbell@aol.com |
| Status: **New** | Description: Provides computer based learning, group instruction and one-on-one instruction in the areas of reading, language arts, English and mathematics for up to 150 students in grades K-12. |
| School Districts Served: San Bernardino County | |

| APPLICANT | CONTACT |
|---|---|
| Building Achieving Minds, Inc. (BAM) | Lincoln Bostick, Jr., Executive Director<br>6032 Holt Avenue<br>Los Angeles, CA 90056-1416<br>(310) 464-5277<br>(310) 649-2305 Fax<br>Lincoln@bamlearningcenters.org |
| Status: **New** | Description: Provides small group instruction in the areas of language arts and mathematics after school for up to 900 students in grades K-12. |
| School Districts Served: Los Angeles County, Hawthorne, Lawndale, Inglewood Unified School District | |

| APPLICANT | CONTACT |
|---|---|
| Children Youth and Family Collaborative | Lydia Cincore-Templeton, Chief Executive Officer<br>3320 West Adams Boulevard<br>Los Angeles, CA 90018-1838<br>(323) 731-2600<br>(323) 731-2609 Fax<br>jtemplyd@aol.com |
| Status: **New** | Description: Provides small group instruction in the areas of language arts and mathematics for up to 400 students in grades 8-12. |
| School Districts Served: Los Angeles Unified School District and Compton Unified School District | |

| APPLICANT | CONTACT |
|---|---|
| Dishu Academic and Arts Connection | Nkeonye Nwankwo, Director/tutor<br>5051 Lankershim Boulevard<br>North Hollywood, CA 91601<br>(818) 755-0049<br>(818) 755-0766 Fax<br>dishu@pacbell.net |
| Status: **New** | Description: Provides one-on-one instruction in the areas of reading language arts and mathematics for students in grades 1-12. |
| School Districts Served: Los Angeles County | |

| APPLICANT | CONTACT |
|---|---|
| Educational Support Network | Stephen McCray, Executive Director<br>2110 Artesia Blvd. B244<br>Redondo Beach, CA 90278<br>(310) 542-7749<br>(310) 542-7749 Fax<br>vccesn2002@yahoo.com |
| Status: **New** | Description: Provides computer based instruction, one-on-one instruction and small group instruction in the areas of reading and mathematics for students in grades 1-12. |
| School Districts Served: Statewide Provider | |

| APPLICANT | CONTACT |
|---|---|
| FOCUS Project, Inc. | James Stancil, Director<br>415 Euclid Avenue<br>San Diego, CA 92114<br>(619) 326-5890<br>(619) 326-5894 Fax<br>www.FOCUS-Project.org |
| Status: **New** | Description: Provides one-on-one and small group instruction in the areas of reading language arts and mathematics after school and weekends for up to 350 students in grades K-12. |
| School Districts Served: San Diego County | |

| APPLICANT | CONTACT |
|---|---|
| Fruit of The Spirit C.O.G.I.C. (Church of God in Christ) | Elder Richard F. Smith Jr., Director<br>389 N. Magnolia Avenue Suite 102<br>El Cajon, CA 92020<br>(619) 668-6830<br>(619) 668-0098 Fax<br>Richard@qualitytaxfinancial.com |
| Status: **New** | Description: Provides one-on-one and small group instruction in the areas of reading language arts and mathematics after school and weekends for up to 350 students in grades K-12. |
| School Districts Served: San Diego County | |

| APPLICANT | CONTACT |
|---|---|
| Greater Life Baptist Church | Rev. Collis B. Hunt, Director<br>938 Derby Street<br>San Diego, CA 92114<br>(619) 263-8101<br>(619) 527-3366 Fax<br>CBH1st@sbcglobal.net |
| Status: **New** | Description: Provides one-on-one and small group instruction in the areas of reading language arts and mathematics after school and weekends for up to 350 students in grades K-12. |
| School Districts Served: San Diego County | |

| APPLICANT | CONTACT |
|---|---|
| GSAME, Inc. Study Center (Guide, Strengthen, Aid, Mentor, and Educate) | Bridgette Calloway-Hall, Director<br>6035 University Avenue, Suite 1-3<br>San Diego, CA 92115<br>(619) 263- 3006<br>(619) 263-4339 Fax<br>ucalloway@aol.com |
| Status: **New** | Description: Provides one-on-one instruction in the areas of English language arts, reading and mathematics for up to 25 students in grades K-12. |
| School Districts Served: San Diego County | |

| APPLICANT | CONTACT |
|---|---|
| Home Tutoring Plus, Inc. | Deborah Kaplan, President<br>P.O. Box 536<br>Meadow Vista, CA 95722<br>(530) 878-1014<br>(530) 878-8846 Fax<br>Deborah@homeinstructionplus.com |
| Status: **New** | Description: Provides one-on-one instruction in the areas of language arts and mathematics for an unlimited number of students in grades K-12. |
| School Districts Served: Sacramento, El Dorado, Placer, and Nevada Counties | |

| APPLICANT | CONTACT |
|---|---|
| Montebello Unified School District | Noreene Arase, Assistant Director, Federal and State Programs Department<br>123 S. Montebello, CA 90640<br>(323) 887-7900 x2205<br>(323) 887-5896 Fax<br>arase_noreene@montebello.k12.ca.us |
| Status: **New** | Description: Providers one-on-one and small group instruction in English language arts and mathematics for up to 450 students in grades K-12. |
| School Districts Served: Montebello, Downey, Pico Rivera, Rosemead, and South EL Monte Unified | |

| APPLICANT | CONTACT |
|---|---|
| North Monterey County Unified School District | Julie High, Director of Student and Family Services<br>8142 Moss Landing Road<br>Moss Landing, CA 95039<br>(831) 633-5975<br>(831) 633-5981 Fax<br>jhigh1@aol.com |
| Status: **New** | Description: Provides instruction in small group settings in English language arts and mathematics for up to 700 students in grades 3-12. |
| School Districts Served: North Monterey County Unified School District | |

| APPLICANT | CONTACT |
|---|---|
| Petaluma Learning & Guidance Center | Charles Wattenberg, Marriage Family Therapist<br>47 Maria Drive #811<br>Petaluma, CA 94954<br>(707) 762-2998 ext.#1<br>(707) 762-4759 Fax<br>counsel@plgc.com |
| Status: **New** | Description: Provides one-on-one and small group instruction in reading and mathematics per classroom in grades K-12. |
| School Districts Served: Petaluma City School District | |

| APPLICANT | CONTACT |
|---|---|
| Play it Cool Music Foundation, Inc. | Anthony McKinzy, Founder and CEO<br>P.O. Box 620063<br>San Diego, CA 92162<br>(619) 255-0929<br>(619) 255-0929 Fax<br>mckinzy@playcoolmusic.com |
| Status: **New** | Description: Provides one-on-one and small group instruction in reading and mathematics using a computer-based program for 350 students in grades K-12. |
| School Districts Served: San Diego County | |

| APPLICANT | CONTACT |
|---|---|
| Praise Centre Church | Pastor Robert Booker, Sr., Director/C.E.O.<br>4290 Market Street<br>San Diego, CA 92102<br>(619) 262-8995 |
| Status: **New** | Description: Provides one-on-one and small group instruction in reading and mathematics using a computer-based program for 350 students in grades K-12. |
| School Districts Served: San Diego County | |

| APPLICANT | CONTACT |
|---|---|
| Read & Succeed | Edrian Michelle Williams-Walker, Program Director<br>2522 West 80th Street<br>Inglewood, CA 90305<br>(888) 505-4855<br>(419) 8289729 Fax<br>BetterReaders@aol.com |
| Status: **Renewal** | Description: Provides one-on-one instruction on-site and via the Internet in reading and mathematics for unlimited number of students in grades K-12. |
| School Districts Served: Statewide Provider | |

| APPLICANT | CONTACT |
|---|---|
| Revival Time Community C.O.G.I.C. (Church of God in Christ) | Pastor Lonnie Lynch, Coordinator Director<br>4328 Alabama Street<br>San Diego, CA 92102<br>(619) 299-5259<br>(619) 299-5448 Fax<br>PastorLynch@juno.com |
| Status: **New** | Description: Provides one-on-one and small group instruction in reading and mathematics for 350 students in grades K-12. |
| School Districts Served: San Diego County | |

| APPLICANT | CONTACT |
|---|---|
| Riverdeep Inc. | Christine Palmer, Executive Marketing Manager<br>500 Redwood Blvd.<br>Novato, CA 94947<br>(800) 364-8700<br>(415) 526-9403 Fax<br>cpalmer@riverdeep.net |
| Status: **New** | Description: Provides one-on-one, small group and computer-assisted instruction in reading and mathematics for grades K-12. |
| School Districts Served: Statewide Provider | |

| APPLICANT | CONTACT |
|---|---|
| The California Center for Cultural Development | Nicole Decatur, Executive Director<br>P.O. Box 621<br>Del Mar, CA 92014<br>(858) 755-7593<br>(858) 755-7593 Fax<br>ndecatur@ccckids.org |
| Status: **New** | Description: Provides one-on-one and small group instruction in reading and mathematics for 120 students per week in grades 3-6. |
| School Districts Served: San Diego and Oceanside Unified | |

| APPLICANT | CONTACT |
|---|---|
| The Quad | Robyn Fisher, President<br>211 Joaquin Avenue<br>San Leandro, CA 94577<br>(510) 641-3001<br>(510) 614-3002 Fax<br>robyn@rtfisher.com |
| Status: **New** | Description: Provides small group sessions and one-on-one instruction in reading and mathematics for 100 students per site in grades K-12. |
| School Districts Served: San Leandro, San Lorenzo, Oakland, Hayward, Castro Valley and Alameda County Office of Education | |

| APPLICANT | CONTACT |
|---|---|
| UC College Prep Online/University of California | Dr. Moises Torres, Director<br>3004 Mission Street, Suite 200<br>Santa Cruz, CA 95060<br>(866) 482-7737<br>(888) 329-4822<br>moises@uccp.org |
| Status: **New** | Description: Provides on-line instruction in English language arts, mathematics and science for grades 7-12. |
| School Districts Served: Statewide | |

| APPLICANT | CONTACT |
|---|---|
| Visions Tutoring Services | Erica Marie Gibson, Director<br>616 Raven Street<br>San Diego, CA 92102<br>(619) 263-6212<br>(619) 267-7450 Fax<br>anointetoprosper1@juno.com |
| Status: **New** | Description: Provides one-on-one and small group instruction in English language arts and mathematics for up to 350 students in grades K-12. |
| School Districts Served: San Diego Unified | |

| APPLICANT | CONTACT |
|---|---|
| Youth Policy Institute (YPI) | Dixon Slingerland, Executive Director<br>634 South Spring Street, Suite 818<br>Los Angeles, CA 90014<br>(213) 688-2802<br>(213) 688-2942 Fax<br>*dslingerland@ypiusa.org* |
| Status: **New** | Description: Provides one-on-one and small group instruction in reading and mathematics supported by computer-based programs for grades K-12. |
| School Districts Served: Los Angeles County districts | |

| APPLICANT | CONTACT |
|---|---|
| Zoglin, Inc. | John Zoglin, President<br>6385 Pacific Avenue<br>Stockton, CA 95207<br>(209) 477-7720<br>(209) 477-7720 Fax<br>*jzoglin@speakeasy.net* |
| Status: **New** | Description: Provides small group instruction to meet individual student needs in English language arts and mathematics for up to 300 students in grades K-12. |
| School Districts Served: Stockton, Lodi, and Lincoln Unified | |

**ITEM #17**

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

| SUBJECT | |
|---|---|
| *No Child Left Behind (NCLB) Act of 2001:* Approve Commencement of the Rulemaking Process for the Proposed Regulations for Supplemental Educational Services Title I Section 1116(e) (20 United States Code Section 6316(e) | ☒ **Action**<br>☒ **Information**<br>☐ **Public Hearing** |

### RECOMMENDATION

Staff recommends approval of the commencement of the rulemaking process for the proposed regulations for Supplemental Educational Services.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In May 2003, the State Board of Education approved regulations for Supplemental Educational Services Providers that define "Demonstrated Record of Effectiveness." At each regularly scheduled meeting, the SBE approves recommended applicants to become Supplemental Educational Services providers.

### SUMMARY OF KEY ISSUES

Supplemental educational services are mandated to be provided to eligible students attending Title I schools that are in year two or beyond of program improvement status. The program to provide supplemental educational services has grown significantly over the last year. While the current regulations that define "demonstrated record of effectiveness" have been useful in providing criteria for applicants who are applying to become approved providers, the regulations have been limited in scope. Due to the increase in the number of provider applicants and the number of districts required to provide the supplemental educational services, there needs to be further clarification and guidance about the responsibilities of each in ensuring that eligible students receive appropriate services. Once approved, these regulations will provide that needed guidance.

### FISCAL ANALYSIS (AS APPROPRIATE)

Fiscal Analysis impact will be provided in the Last Minute Memorandum.

### ATTACHMENT(S)

Attachment 1: Initial Statement of Reasons (2 pages)
Attachment 2: Title 5 Proposed regulations for Supplemental Educational Services (6 pages)
Attachment 3: Title 5 Notice of Proposed Rulemaking (4 pages)

# INITIAL STATEMENT OF REASONS
## *No Child Left Behind* Supplemental Educational Services

**SECTION 1116(e)**

## SPECIFIC PURPOSE OF THE REGULATIONS

The proposed regulations describe the responsibilities prospective providers, approved providers, and the State Educational Agency (SEA) shall have in ensuring that eligible students who are attending Title I funded schools that are in year 2 and above of program improvement status will receive appropriate supplemental educational services.

## NECESSITY/RATIONALE

Federal law under the *No Child Left Behind (NCLB) Act of 2001* requires that Title I funded schools that are in year two or beyond of program improvement status must offer eligible students with supplemental educational services. The SEA is mandated under NCLB to develop and implement a process to approve applicants to become approved providers. In approving applicants to become approved providers, the SEA must consider factors such as the prospective providers' demonstrated record of effectiveness, fiscal soundness, and ability to work collaboratively with parents and LEAs in providing supplemental educational services. In addition, the SEA must describe procedures for monitoring and evaluating provider effectiveness and for terminating an approved provider.

The proposed regulations are:

**Section 13075.1. General**
Section 13075.1 Provides specific definitions of key words and phrases in the federal law.

**Section 13075.2. Application, Quality Requirements and Approval**
Section 13075.3 Sets forth the criteria that applicants must meet in order to become State approved supplemental educational services providers in California.

**Section 13075.3. Submission of an Annual Report by Approved Providers**
Section 13075.3 Describes the elements that approved providers must include in an end-of-the fiscal year report.

**Section 13075.4. Termination as an Approved Provider**
Section 13075.4 Describes the reasons and the means for removing a provider from the approved list of providers.

## TECHNICAL, THEORETICAL, AND/OR EMIRICAL STUDY, REPORTS, OR DOCUMENTS

The proposed regulations were developed with guidance from NCLB and from the corresponding non-regulatory guidance developed by the U.S. Department of Education.

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

No other alternatives were presented to or considered by the State Board of Education.

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

The State Board has not identified any alternatives that would lessen any adverse impact on small business.

## EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

The State Board has not identified any alternatives that would lessen any adverse impact on small business.

**Title 5. EDUCATION**

**Division 1. State Department of Education**

**Chapter 12. Compensatory Education**

**Subchapter 13. Supplemental Services**

**§13075. ~~Definition of a "Demonstrated Record of Effectiveness" for Providers of Supplemental Services Who Are Approved by the SBE~~ Application of this subchapter.**

This subchapter shall apply to supplemental services providers as defined in Section 1116(e) of the No Child Left Behind (NCLB) Act of 2001.

~~(a) For purposes of demonstrating a record of effectiveness for placement on the list of approved supplemental services providers, STAR data are required. Until such time as STAR data are available, a provider shall be deemed provisional.~~

~~(b) An application, completed per the Supplemental Educational Services Provider Request for Application (Rev. 5/2003), which is incorporated by reference, is required of each new provider in each of the first two-years of service.~~

~~(c) A provisionally-approved provider of supplemental educational services has met the definition of a demonstrated record of effectiveness when:~~

~~(1) the provider demonstrates the ability to provide effective services by meeting all the federal requirements including the following criteria:~~

~~(A) Ensure that programs offered are of high quality, research-based, and specifically designed to increase the academic achievement of eligible children on the assessment instruments required under ESEA Section 1111 (20 U.S.C. section 6316(e)(1)) and attain proficiency in meeting the State's academic achievement standards.~~

~~(B) Ensure that supplemental educational services are coordinated with the student's school program.~~

~~(C) Ensure that the instruction and content provided are aligned with state-adopted curriculum content standards and instructional materials and aligned with state and local assessments.~~

~~(D) Ensure that all instruction and content are secular, neutral, and non-ideological.~~

~~(E) Provide evidence of recent (within the past 2 years) successful experience in improving student achievement. (If the student population served by the provider is composed in part of English learners, the provider must demonstrate experience in improving the student achievement of English learners.)~~

~~(F) Meet all applicable federal, state, and local health, safety, and civil rights laws.~~

~~(G) Have knowledge of the state-adopted content standards, frameworks, and instructional materials.~~

~~(H) Be capable of providing appropriate services to eligible students based on individual needs consistent with the instructional program of the LEA and the state-adopted standards, frameworks, and instructional materials.~~

~~(I) Be financially sound.~~

~~(J) Guarantee that all staff working with students and their parents undergo and pass background checks as required by the local contracting school district.~~

~~(K) Abide by the conditions of the contract with the LEA.~~

~~(2) And, by the end of the second year of provisional approval, ninety-five percent of eligible students receiving services have made increases in academic proficiency at a level articulated in the supplemental educational services contract and as measured by the STAR.~~

NOTE: Authority cited: Sections 12001 and 33031, Education Code. Reference: 20 USC ~~United States Code~~ ~~s~~Section 6316(e)~~(1)~~ ~~and Section 12000, Education Code~~.

**§ 13075.1. Definitions.**

For purposes of this subchapter, the following definitions apply:

(a) "Eligible applicant" means any public or private (nonprofit or for-profit) entity that meets the State's criteria for approval, and includes public schools (including charter schools), private schools, school districts, or county offices of education that are not currently identified for program improvement or for corrective action pursuant to Section 1116(b)(1) of NCLB institutions of higher education, faith-based and community-based organizations and private businesses;

(b) "Approved supplemental educational services provider" ("provider") means an eligible applicant that has been approved by the State Board of Education (SBE) pursuant to the provisions of this subchapter;

(c) "Eligible student" means a child from a low-income family as determined by the local educational agency for purposes of allocating funds under Section 1113(c)(1) of NCLB who is attending a Title I funded school that is in year two or beyond of program improvement;

(d) "Demonstrated record of effectiveness" means an eligible applicant has documentation of at least two of the following:

(1) Improved student academic performance in individual student scores on national, state, district or other valid and reliable assessments in English language arts or mathematics;

(2) Improved student academic performance in individual scores in English language arts or mathematics as measured by a valid and reliable assessment developed by the provider;

(3) Improved student academic performance as measured by written teacher assessments of student growth in English language arts or mathematics.

NOTE: Authority cited: Sections 12001 and 33031, Education Code. Reference: 20 USC Section 6316(e).

**§13075.2. Application, Quality Requirements and Approval.**

(a) Applications from eligible applicants will be accepted by the California Department of Education (CDE) on a biennial basis;

(b) Eligible applicants must submit a completed application to CDE during the period of March 1 to March 20 the calendar year in which they wish to become a provider;

(c) An eligible applicant shall be considered for approval upon receipt of a completed application that satisfies each of the following qualifications;

(1) Has a demonstrated record of effectiveness as defined in Section 13075.1;

(2) Has at least five letters of reference from previous clients (e.g., families, schools, districts, teachers, etc.) offering testimonial information about the positive impact of the program.

(3) Has not been removed for cause from the list of approved supplemental educational services providers, pursuant to Section 13075.4 of this subchapter, at any time within the two years preceding the fiscal year (July 1-June 30) for which it is submitting an application;

(4) Has written proof of current liability insurance coverage and other necessary insurance of the type and in the amount required by the local education agencies with which the provider contracts;

(5) Demonstrates that it is legally constituted and qualified to do business in California;

(6) Describes the staffing, fiscal, equipment, and facility resources of the organization that enable it to work with students in compliance with these regulations and applicable federal, state and local statutes and regulations;

(7) Demonstrates it is fiscally sound as shown by the following:

(A) Proof of financial resources to operate as a provider for a minimum of 6 months after initial approval, including a description of how the organization receives funding (e.g., grants, fees-for-services, etc.) separate from reimbursement for provider services;

(B) Proof of financial viability (e.g., through audits, financial statements, or credit rating);

(C) Organizational budgets that identify all sources of revenues available to the applicant and cash flow activity related to the expenditures of that revenue;

(8) If instruction will occur at a site other than the student's school or residence ("offsite location"), the facility for instruction shall be insured and meet all applicable federal, state, and local health and safety laws;

(9) Demonstrates instruction meets the following criteria:

(A) Instruction will be aligned with state adopted academic content standards and instructional materials;

(B) Instruction will be organized and presented in a manner designed to meet the specific achievement goals of individual students;

(C) Instruction will be coordinated with the student's school program, including an Individual Education Plan (IEP) and/or a 504 Plan, if applicable;

(D) Instruction will be of high quality and will increase student academic achievement in English language arts or mathematics;

(E) Instruction shall be provided outside of the regular school day;

(F) Instruction will be provided that is secular, neutral, and non-ideological;

(10) Describes the procedure for developing specific achievement goals in consultation with parents/guardians and school staff.

(11) Describes the manner in which students with disabilities and English learners will have access to services;

(12) Defines procedures for providing students, parents/guardians, teachers, schools and/or districts with regular reports of student progress;

(13) Describes how the applicant shall secure parental/guardian permission to have access to student data (e.g., STAR data, IEP data and/or 504 data) maintained by the local education agency (LEA) for each student served for purposes of demonstrating academic improvement;

(14) Provides assurances that all student information shall be kept confidential except as necessary to inform parents/guardians and appropriate school staff;

(15) Describes the process of collaborating with contracting school districts in the use of individual student STAR test results in determining the increase in student academic performance;

(16) Describes procedures to maintain, monitor, and notify LEAs about personnel updates related to provider's staff changes;

(17) Describes procedures for completion of, and compliance with, staff background checks, fingerprinting, and TB tests for those employees providing services to students;

(18) Complies with all applicable federal, state, and local health, safety, and civil rights laws;

(19) Agrees to abide by the conditions set forth in the contract with the LEA, including the payment schedule, rates, and any facility user fee arranged with the LEA that will be in compliance with Section 1116 (e)(6) of the NCLB;

(20) Agrees to participate in the monitoring and evaluation process developed and directed by CDE.

(d) The term of approval is for a maximum of two fiscal years (July 1- June 30) and shall begin on the date of SBE approval.

NOTE: Authority cited: Sections 12001 and 33031, Education Code. Reference: 20 USC Section 6316(e).

**§13075.3. Submission of An Annual Report by Approved Providers.**

(a) Approved providers must maintain records for each year that services are provided to support an annual end-of-fiscal year report to CDE to be submitted within 30 calendar days after the conclusion of the fiscal year, about the following:

(1) Names and numbers of schools served.

(2) Total number of students served by grade levels.

(3) Composite summary, with student identifying information deleted, that includes these elements:

(A) Beginning and ending dates of service;

(B) Instructional delivery methods;

(C) Subject area (i.e. English language arts and mathematics);

(D) Beginning and ending performance levels.

(4) Fiscal and expenditure information.

(b) These records must be retained for three years after submission of the annual end-of-fiscal year report.

NOTE: Authority cited: Sections 12001 and 33031, Education Code. Reference: 20 USC Section 6316(e).

**§13075.4. Termination As An Approved Provider.**

(a) A provider identified for program improvement or corrective action under Section 1116(B)(1) of NCLB during its term of approval is automatically terminated as an approved provider by operation of law.

(b) A provider may be terminated for any of the following reasons:

(1) The provider has failed to provide information requested by CDE to allow CDE to monitor and evaluate the program;

(2) The provider has failed to monitor and evaluate the progress of students receiving services;

(3) The provider has failed to contribute to increasing the academic proficiency in English language arts or mathematics for two consecutive years of all students served as demonstrated by the state assessment results for grades 2-11 and by teacher recommendations for grades K-1 and grade 12;

(4) The provider has failed to meet applicable federal, state and local health, safety, or civil rights laws; or

(5) The provider requests voluntary removal from the approved list.

NOTE: Authority cited: Sections 12001 and 33031, Education Code. Reference: 20 USC Section 6316(e).

8-16-04

STATE OF CALIFORNIA ARNOLD SCHWARZENEGGER, *Governor*

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

**TITLE 5. EDUCATION**

**CALIFORNIA STATE BOARD OF EDUCATION**

**NOTICE OF PROPOSED RULEMAKING**

**Supplemental Educational Services Providers**
[Notice published September 17, 2004]

The State Board of Education (State Board) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

## PUBLIC HEARING

Program staff will hold a public hearing beginning at **10:30 a.m. on Tuesday, November 2, 2004**, at 1430 N Street, Room 2102, Sacramento. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The State Board requests that any person desiring to present statements or arguments orally notify the Regulations Coordinator of such intent. The State Board requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. No oral statements will be accepted subsequent to this public hearing.

## WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Regulations Coordinator. The written comment period ends at **5:00 p.m. on Tuesday, November 2, 2004**. The State Board will consider only written comments received by the Regulations Coordinator or at the State Board Office by that time (in addition to those comments received at the public hearing). Written comments for the State Board's consideration should be directed to:

Debra Strain, Regulations Coordinator
California Department of Education
LEGAL DIVISION
1430 N Street, Room 5319
Sacramento, CA 95814
Email: dstrain@cde.ca.gov
Telephone: (916) 319-0860
FAX: (916) 319-0155

## AUTHORITY AND REFERENCE

Authority: Sections 12001 and 33031, Education Code.

Reference: 20 USC Section 6316(e)

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This subchapter shall apply to these services as defined in Section 1116(e) of the *No Child Left Behind Act of 2001* (NCLB) (20 United States Code Section 6316(e)). The proposed regulations describe the implementation of NCLB provisions for supplemental educational services.

The proposed regulations will replace regulations that were approved by the State Board in May 2003. The proposed regulations expand the limited scope of the existing regulations that largely focus on a definition of "demonstrated record of effectiveness" for applicants to become supplemental educational services providers. Additionally, with the growth of the program, applicants, approved providers, and local educational agencies (LEAs) have indicated a need for guidance for themselves and for parents.

The proposed regulations identify responsibilities of the LEAs, parents, prospective providers, approved providers, and the State Education Agency (SEA) in ensuring that eligible students receive appropriate supplemental educational services. The proposed regulations also define necessary terms, set forth eligibility criteria, clarify the application process, and specify the criteria for termination of approved providers.

## DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: TBD

Cost or savings to any state agency: TBD

Costs to any local agency or school district that must be reimbursed in accordance with Government Code Section 17561: TBD

Other non-discretionary cost or savings imposed on local educational agencies: TBD

Cost or savings in federal funding to the state: TBD

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: TBD

Cost impacts on a representative private person or businesses: TBD

Adoption of these regulations will not:

(1) create or eliminate jobs within California;
(2) create new businesses or eliminate existing businesses within California; or
(3) affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: TBD

Effect on small businesses: TBD

## CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the State Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the State Board, would be more effective in carrying out the purpose for which the

action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The State Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

## CONTACT PERSONS

Inquiries concerning the substance of the proposed regulations should be directed to:

Linda Wyatt, Ed.D., Education Program Consultant
Title I Policy and Partnership Unit
School and District Accountability Division
California Department of Education
1430 N Street, 6th Floor
Sacramento, CA 95814
E-mail: lwyatt@cde.ca.gov
Telephone: (916) 319-0276

Requests for a copy of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other technical information upon which the rulemaking is based or questions on the proposed administrative action may be directed to the Regulations Coordinator, or to the backup contact person, Najia Rosales, at (916) 319-0860.

## AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Regulations Coordinator will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at her office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. A copy may be obtained by contacting the Regulations Coordinator at the above address.

## AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the State Board may adopt the proposed regulations substantially as described in this notice. If the State Board makes modifications that are sufficiently related to the originally proposed text, the modified text (with changes clearly indicated) will be available to the public for at least 15 days before the State Board adopts the regulations as revised. Requests for copies of any modified regulations should be sent to the attention of the Regulations Coordinator at the address indicated above.

The State Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

## AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, a copy of the Final Statement of Reasons may be obtained by contacting the Regulations Coordinator at the above address.

## AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, the text of the regulations in underline and strikeout, and the Final Statement of Reasons, can be accessed through the California Department of Education's Web site at *http://www.cde.ca.gov/re/lr/rr/*

## REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973,* the *Americans with Disabilities Act of 1990,* and the *Unruh Civil Rights Act,* any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Linda Wyatt, School and District Accountability Division, 1430 N Street, Sacramento, CA, 95814; telephone, (916) 319-0276; fax, (916) 319-0151. It is recommended that assistance be requested at least two weeks prior to the hearing.

**State of California** **Department of Education**

# LAST MINUTE MEMORANDUM

**DATE:** September 8, 2004

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

**FROM:** Geno Flores, Deputy Superintendent
Assessment and Accountability Branch

**RE:** Item No. 17

**SUBJECT:** *No Child Left Behind (NCLB) Act of 2001*: Approve Commencement of the Rulemaking Process for the Proposed Regulations for Supplemental Educational Services Title 1 Section 1116(e) (20 United States Code Section 6316(e)

The attached revised regulations contain the following substantive changes (the referenced page and line numbers are those found on the regulations in the Agenda Packet):

1. Page 2 of 6, lines 32 and 33, and Page 3 of 6, lines 1 and 2 replaced with:

> (1) Improved student academic performance in individual student scores on national, state, district or other assessment in English language arts or mathematics. These assessments must be developed in accordance with the standards for validity and reliability as outlined in the Standards for Educational and Psychological Testing;

This change also necessitates striking “at least two of” from line 31 on page 2 of 6.

2. Page 3 of 6, lines 9 through 12 replaced with:

> (a) Eligible applicants must submit a completed application to CDE before March 1 of the school year preceding the fiscal year in which they wish to become a provider.
> (b) Applications will be reviewed by CDE and submitted to SBE for approval. The effective date of any ensuing approval will be July 1 of that same year.

3. Page 3 of 6, lines 22 through 24 replaced with:

> (4) Provides written proof of current liability insurance coverage and assures they will provide the local education agencies with which they contract written proof of current liability insurance coverage and other necessary insurance of the type and in the amount required by the local education agency;

4. Page 5 of 6, strike “and shall” from line 7 and all of line 8.

5. Page 6 of 6, lines 5 through 8 replaced with:

> (3) The provider has failed to contribute to increasing the academic proficiency in English/language arts or mathematics for a majority of students served as demonstrated by student scores on national, state, district, or other assessments in English/language arts or mathematics for grades 2 through 11 and by teacher recommendations for grades K-1 and grade 12. These assessments must be developed in accordance with the standards for validity and reliability as outlined in the Standards for Educational and Psychological Testing;

Any and all other changes made are technical in nature.

Attachment 1: Fiscal Analysis (6 Pages) (This attachment is not available for web viewing, a printed copy is available for viewing in the State Board of Education)
Attachment 2: Title 5 Proposed Regulations for Supplemental Educational Services (6 pages)

**Title 5. EDUCATION**

**Division 1. State Department of Education**

**Chapter 12. Compensatory Education**

**Subchapter 13. Supplemental Services**

**§13075. ~~Definition of a "Demonstrated Record of Effectiveness" for Providers of Supplemental Services Who Are Approved by the SBE~~ Application of this subchapter.**

This subchapter shall apply to supplemental services providers and those seeking to provide supplemental services as specified in Section 1116(e) of the No Child Left Behind (NCLB) Act of 2001.

~~(a) For purposes of demonstrating a record of effectiveness for placement on the list of approved supplemental services providers, STAR data are required. Until such time as STAR data are available, a provider shall be deemed provisional.~~

~~(b) An application, completed per the Supplemental Educational Services Provider Request for Application (Rev. 5/2003), which is incorporated by reference, is required of each new provider in each of the first two-years of service.~~

~~(c) A provisionally-approved provider of supplemental educational services has met the definition of a demonstrated record of effectiveness when:~~

~~(1) the provider demonstrates the ability to provide effective services by meeting all the federal requirements including the following criteria:~~

~~(A) Ensure that programs offered are of high quality, research-based, and specifically designed to increase the academic achievement of eligible children on the assessment instruments required under ESEA Section 1111 (20 U.S.C. section 6316(e)(1)) and attain proficiency in meeting the State's academic achievement standards.~~

~~(B) Ensure that supplemental educational services are coordinated with the student's school program.~~

~~(C) Ensure that the instruction and content provided are aligned with state-adopted curriculum content standards and instructional materials and aligned with state and local assessments.~~

~~(D) Ensure that all instruction and content are secular, neutral, and non-ideological.~~

~~(E) Provide evidence of recent (within the past 2 years) successful experience in improving student achievement. (If the student population served by the provider is composed in part of English learners, the provider must demonstrate experience in improving the student achievement of English learners.)~~

~~(F) Meet all applicable federal, state, and local health, safety, and civil rights laws.~~

~~(G) Have knowledge of the state-adopted content standards, frameworks, and instructional materials.~~

~~(H) Be capable of providing appropriate services to eligible students based on individual needs consistent with the instructional program of the LEA and the state-adopted standards, frameworks, and instructional materials.~~

~~(I) Be financially sound.~~

~~(J) Guarantee that all staff working with students and their parents undergo and pass background checks as required by the local contracting school district.~~

~~(K) Abide by the conditions of the contract with the LEA.~~

~~(2) And, by the end of the second year of provisional approval, ninety-five percent of eligible students receiving services have made increases in academic proficiency at a level articulated in the supplemental educational services contract and as measured by the STAR.~~

NOTE: Authority cited: Sections 12001 and 33031, Education Code. Reference: 20 USC ~~United States Code~~ ~~s~~Section 6316(e)~~(1)~~ ~~and Section 12000, Education Code~~.

**§ 13075.1. Definitions.**

For purposes of this subchapter, the following definitions apply:

(a) "Eligible applicant" means any public or private (nonprofit or for-profit) entity that meets the State's criteria for approval, and includes public schools (including charter schools), private schools, school districts, or county offices of education that are not currently identified for program improvement or for corrective action pursuant to Section 1116(b)(1) of NCLB institutions of higher education, faith-based and community-based organizations and private businesses;

(b) "Approved supplemental educational services provider" ("provider") means an eligible applicant that has been approved by the State Board of Education (SBE) pursuant to the provisions of this subchapter;

(c) "Eligible student" means a child from a low-income family as determined by the local educational agency for purposes of allocating funds under Section 1113(c)(1) of NCLB who is attending a Title I funded school that is in year two or beyond of program improvement;

(d) "Demonstrated record of effectiveness" means an eligible applicant has documentation of the following:

(1) Improved student academic performance in individual student scores on national, state, district or other assessments in English language arts or mathematics. These assessments must be developed in accordance with the standards for validity and reliability as set forth in *Standards for Educational and Psychological Testing.*

(2) Improved student academic performance as measured by written teacher assessments of student growth in English language arts or mathematics.

NOTE: Authority cited: Sections 12001 and 33031, Education Code. Reference: 20 USC Section 6316(e).

**§13075.2. Application, Quality Requirements and Approval.**

(a) Eligible applicants must submit a completed application to CDE before March 1 of the school year preceding the fiscal year in which they wish to become a provider;

(b) Applications will be reviewed by CDE and submitted to SBE for approval. The effective date of any ensuing approval will be July 1 of that same calendar year;

(c) An eligible applicant shall be considered for approval upon receipt of a completed application that satisfies each of the following qualifications;

(1) Documents a demonstrated record of effectiveness as defined in Section 13075.1;

(2) Contains at least five letters of reference from previous clients (e.g., families, schools, districts, teachers, etc.) offering testimonial information about the positive impact of the applicant's program.

(3) Certifies that the applicant has not been removed for cause from the list of approved supplemental educational services providers, pursuant to Section 13075.4 of this subchapter, at any time within the two years preceding the fiscal year (July 1-June 30) for which it is submitting an application;

(4) Provides written proof of current liability insurance coverage and assures they will provide the local educational agencies with which they contract written proof of current liability insurance coverage and other necessary insurance of the type and in the amount required by the local educational agency;

(5) Demonstrates that it is legally constituted and qualified to do business in California;

(6) Describes the staffing, fiscal, equipment, and facility resources of the organization that enable it to work with students in compliance with these regulations and applicable federal, state and local statutes and regulations;

(7) Demonstrates it is fiscally sound as shown by the following:

(A) Proof of financial resources to operate as a provider for a minimum of 6 months after initial approval, including a description of how the organization receives funding (e.g., grants, fees-for-services, etc.) separate from reimbursement for provider services;

(B) Proof of financial viability (e.g., through audits, financial statements, or credit rating);

(C) Organizational budgets that identify all sources of revenues available to the applicant and cash flow activity related to the expenditures of that revenue;

(8) Provides certification that the facility meets all applicable federal, state and local health and safety laws, if instruction will occur at a facility other than the student's school or residence;

(9) Demonstrates instruction meets the following criteria:

(A) Instruction will be aligned with applicable state adopted academic content standards and instructional materials;

(B) Instruction will be organized and presented in a manner designed to meet the specific achievement goals of individual students;

(C) Instruction will be coordinated with the student's school program, including an Individual Education Plan (IEP) and/or a 504 Plan, if applicable;

(D) Instruction will be of high quality and will increase student academic achievement in English language arts or mathematics;

(E) Instruction shall be provided outside of the regular school day;

(F) Instruction will be provided that is secular, neutral, and non-ideological;

(10) Describes the procedure for developing specific achievement goals in consultation with parents/guardians and school staff.

(11) Describes the manner in which students with disabilities and English learners will have access to services;

(12) Defines procedures for providing students, parents/guardians, teachers, schools and/or districts with regular reports of student progress;

(13) Describes how the applicant shall secure parental/guardian permission to have access to student data (e.g., STAR data, IEP data and/or 504 data) maintained by the local educational agency (LEA) for each student served for purposes of demonstrating academic improvement;

(14) Provides assurances that all student information shall be kept confidential except as necessary to inform parents/guardians and appropriate school staff;

(15) Describes the process of collaborating with contracting school districts in the use of individual student STAR test results in determining the increase in student academic performance;

(16) Describes procedures to maintain, monitor, and notify LEAs about personnel updates related to provider's staff changes;

(17) Describes procedures for completion of, and compliance with, staff background checks, fingerprinting, and TB tests for those employees providing services to students;

(18) Provides assurance that the provider will comply with all applicable federal, state, and local health, safety, and civil rights laws;

(19) Agrees to abide by the conditions set forth in the contract with the LEA, including the payment schedule, rates, and any facility user fee arranged with the LEA that will be in compliance with Section 1116 (e)(6) of the NCLB;

(20) Agrees to participate in the monitoring and evaluation process developed and directed by CDE.

(d) The term of approval is for a maximum of two fiscal years (July 1- June 30).

NOTE: Authority cited: Sections 12001 and 33031, Education Code. Reference: 20 USC Section 6316(e).

**§13075.3. Submission of An Annual Report by Approved Providers.**

(a) Approved providers must maintain records for each year that services are provided to support an annual end-of-fiscal year report to CDE to be submitted by October 1 disclosing the following:

(1) Names and numbers of schools served.

(2) Total number of students served by grade levels.

(3) Data for individual students, with student identifying information redacted, served as follows:

(A) Beginning and ending dates of service;

(B) Instructional delivery methods;

(C) Subject area (i.e. English language arts and mathematics);

(D) Beginning and ending performance levels.

(4) fiscal and expenditure information.

(b) These records must be retained for three years after submission of the annual end-of-fiscal year report.

NOTE: Authority cited: Sections 12001 and 33031, Education Code. Reference: 20 USC Section 6316(e).

**§13075.4. Termination As An Approved Provider.**

(a) A provider identified for program improvement or corrective action under Section 1116(b)(1) and 1116(c)(3) of NCLB during its term of approval is automatically terminated as an approved provider by operation of law.

(b) A provider may be terminated for any of the following reasons:

(1) The provider has failed to provide information requested by CDE to allow CDE to monitor and evaluate the program;

(2) The provider has failed to monitor and evaluate the progress of students receiving services;

(3) The provider has failed to contribute to increasing the academic proficiency in English language arts or mathematics for two consecutive years for a majority of students served, as demonstrated by student scores on national, state, district or other assessments in English language arts or mathematics for grades 2-11 and by teacher recommendations for grades K-1 and grade 12. These assessments must be developed in accordance with the standards for validity and reliability as set forth in *Standards for Educational and Psychological Testing.*

(4) The provider has failed to meet applicable federal, state and local health, safety, or civil rights laws; or

(5) The provider requests voluntary removal from the approved list.

NOTE: Authority cited: Sections 12001 and 33031, Education Code. Reference: 20 USC Section 6316(e).

9-8-04

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

| **SUBJECT** | |
|---|---|
| *No Child Left Behind* (NCLB) *Act of 2001:* Title IX, Persistently Dangerous Schools: Approve 15-day comment period for proposed Title 5 regulations with revisions | ☒ **Action**<br>☒ **Information**<br>☐ **Public Hearing** |

## RECOMMENDATION

Approve a 15-day public comment period for proposed regulations *Defining Persistently Dangerous Public Elementary and Secondary Schools* as revised per public comment (see Attachment 1).

## SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In May 2002, the State Board of Education (SBE) adopted a policy, in response to Title IX of the *No Child Left Behind Act* (NCLB), defining the criteria to be used in California to identify a "persistently dangerous school" (PDS). The California Department of Education (CDE) used the criteria to assess the number of schools that would meet the definition contained in the regulations and subsequently be designated as persistently dangerous. In 2002-03, no school met the defined criteria. After this first full year of data collection, the SBE and the CDE agreed that the CDE should reconvene the original PDS Advisory Committee to review the criteria defining a persistently dangerous school in light of the first year's data.

In fall and winter 2003, the CDE reconvened the PDS Advisory Committee that included staff from the county offices of education, school districts, the Legislative Analyst's Office, and the Department of Finance. This group concluded that California's criteria for identifying PDS sites are more strict than most states, so major changes to the criteria were not needed. However, the group suggested one minor revision to the criteria: the criteria should include "non-student firearm violations." The SBE supported the group's recommendation and revised the criteria used in identifying PDS sites at its March 2003 meeting. At that meeting, the SBE also suggested that guidance be added specifying the manner in which to record an incident where a student commits a firearm violation, subsequently left school, and therefore was not expelled.

After the May 2004 meeting, the CDE released a notice of proposed rulemaking for the revised regulation and subsequently received substantive public comment that described problems with data collection or related issues. At its July meeting, the SBE asked the CDE to meet with the interested parties to seek the solutions, and the CDE convened a meeting of interested persons on July 26, 2004. From the discussions at the meeting and subsequent e-mail discussion, the parties that made the public comments agreed that the major issue—that using expulsion data to identify PDS sites would penalize LEAs with strict discipline policies and encourage inaccurate reporting—is an unavoidable consequence of Title IX law. This group, which included members of the original PDS Advisory Committee, did feel that some mitigation of the problem could be accomplished by CDE administrative actions (those actions are discussed in Attachment 2). The group also suggested minor changes to the proposed regulations to improve the policy's clarity. The conclusions and recommendations of the meeting, including lesser issues not mentioned here, are summarized in Attachment 2.

Separately, and just before the July 26 meeting, the State Department of Finance (DOF) sent a letter to CDE opining that the addition of non-student firearm violations to the policy would result in "increased workload and a costly reimbursable state mandate," although DOF staff had no estimate of the expected volume of non-student firearm incidents. However, the actions required by the proposed regulations are attributable to federal statute. In addition, all local educational agencies that receive federal funds under NCLB must file a Local Educational Agency Plan in which the LEA agrees, as a condition of receiving those funds, to provide the state with whatever information is required to designate schools as persistently dangerous under the Unsafe School Choice option. For these reasons, CDE disagrees with DOF's opinion that the regulation would result in a reimbursable mandate.

## SUMMARY OF KEY ISSUES

As a result of the discussion summarized above and described in more detail in Attachment 2, the CDE recommends that the SBE make several relatively minor revisions to the proposed regulations. These revisions include:

(1) Changes to subsection 11992(c) regarding violations by students who subsequently leave school and therefore cannot be expelled;

(2) The addition of certain definitions related to the reporting of non-student firearm violations (new regulation subsections 11993(d), (k), (n), and (u)); and

(3) The addition of an appeal process to the SBE (new sentence in Section 11994).

In order to assure that these revisions are fully and appropriately considered, a 15-day public comment period should be held.

## FISCAL ANALYSIS (AS APPROPRIATE)

The CDE reviewed the initial version of the proposed regulations and determined that there are no additional costs associated with them. This minimal revision to the regulations should also have no additional costs, but the new fiscal analysis is still pending.

## ATTACHMENT(S)

Attachment 1: Title 5. EDUCATION. Proposed regulations *Defining Persistently Dangerous Public Elementary and Secondary Schools* (4 pages)

Attachment 2: July 26 Meeting Regarding Proposed Regulations Defining Persistently Dangerous Schools (3 pages)

# Title 5. EDUCATION

## Division 1. State Department of Education

## Chapter 11. Special Programs

*Add Subchapter 23, Sections 11992, 11993, and 11994 to read:*

### Subchapter 23. Defining Persistently Dangerous Public Elementary and Secondary Schools

**§ 11992. Provisions.**

(a) A California public elementary or secondary school is "persistently dangerous" if, in each of three consecutive fiscal years, one of the following criteria has been met:

(1) For a school of fewer than 300 enrolled students, the number of incidents of firearm violations committed by non-students on school grounds during school hours or during a school-sponsored activity, plus the number of student expulsions for any of the violations delineated in subsection (b) is greater than three.

(2) For a larger school, the number of incidents of firearm violations committed by non-students on school grounds during school hours or during a school-sponsored activity, plus the number of student expulsions for any of the violations delineated in subsection (b) is greater than one per 100 enrolled students or a fraction thereof.

(b) Applicable violations include:

(1) Assault or battery upon a school employee (Education Code Section 48915(a)(5));

(2) Brandishing a knife (~~Section~~ Education Code Section 48915(c)(2));

(3) Causing serious physical injury to another person, except in self-defense (Education Code Section 48915(a)(1));

(4) Hate violence (Education Code Section 48900.3);

(5) Possessing, selling or furnishing a firearm (Education Code Section 48915(c)(1));

(6) Possession of an explosive (Education Code Section 48915(c)(5));

(7) Robbery or extortion (Education Code Section 48915(a)(4));

(8) Selling a controlled substance (Education Code Section 48915(c)(3)); and

(9) Sexual assault or sexual battery (Education Code Section 48915(c)(4)).

(c) In instances where a student ~~has~~ committed a violation enumerated in subsection (b) for which expulsion proceedings would have been instituted, ~~in subsection (b),~~ but is no longer a student and therefore cannot ~~otherwise~~ be expelled, that violation must be reported ~~as a non-~~

~~student firearm violation~~ in the total number of incidents and expulsions referenced in subsection (a).

NOTE: Authority cited: Section 33031, Education Code; Reference: Sections 48900.3, 48915(a)(1), 48915(a)(4), 48915(a)(5), 48915(c)(1), 48915(c)(2), 48915(c)(3), 48915(c)(4), and 48915(c)(5), Education Code; Public Law 107-110, Title IX, Part E, Subpart 2, Section 9532; 20 USC Section 7911.

**§ 11993. Definitions.**

(a)~~(f)~~ "Assault" means an unlawful attempt, coupled with a present ability, to commit a violent injury on the person of another (~~California~~ Penal Code Section 240).

(b)~~(g)~~ "Battery" means any willful and unlawful use of force or violence upon the person of another (~~California~~ Penal Code sections 242 and 243).

(c)~~(n)~~ "Controlled substance" means drugs and other substances listed in Chapter 2 of Division 10 of the ~~California~~ Health and Safety Code (commencing with Section 11053).

(d)~~(c)~~ "Firearm" means handgun, rifle, shotgun or other type of firearm (Section 921(a) of Title 18, United States Code).

(e)~~(d)~~ "Firearm violation" means unlawfully bringing or possessing a firearm, as defined in subsection (c), on school grounds or during a school-sponsored activity.

(f)~~(k)~~ "Explosive" means a destructive device (Title 18, Section 921, United States Code).

(g)~~(e)~~ "Expulsion" means an expulsion ordered by the local educational agency's governing board regardless of whether it is suspended, ~~or~~ modified, or stipulated.

(h)~~(m)~~ "Extortion" means acts described in ~~California~~ Penal Code sections 71, 518, and 519.

(i)~~(a)~~ "Fiscal year" means the period of July 1 through June 30 (~~California~~ Education Code Section 37200).

(j)~~(j)~~ "Hate violence" means any act punishable under ~~California~~ Penal Code sections 422.6, 422.7, and 422.75~~)~~.

(k) An "incident" of a firearm violation by non-student(s) for the purpose of Section 11992 is an event on school grounds during school hours, or at a school-sponsored activity, involving a person or persons not enrolled in the school who unlawfully brings or possesses a handgun, rifle, shotgun, or other type of firearm. An event shall be counted as a single incident when it happens at the same time in the same location, regardless of the number of non-students involved. School site administrators or designees are responsible for documenting the incident

and reporting the incident to the local educational agency (LEA) staff who are responsible for collecting expulsion data.

(l)~~(h)~~ “Knife” means any dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing, a weapon with a blade fitted primarily for stabbing, a weapon with a blade longer than 3 ½ inches, a folding knife with a blade that locks into place, or a razor with an unguarded blade.

(m)~~(b)~~ “Non-student” means a person, regardless of age, not enrolled in the school or program reporting the violation.

(n) “On school grounds” means the immediate area surrounding the school including, but not limited to, the school building, the gymnasium, athletic fields, and the site parking lots.

(o)~~(l)~~ “Robbery” means acts described in ~~California~~ Penal Code sections 211 and 212.

(p) A “school sponsored activity” means any event supervised by district staff at which students are present, including transportation to and from school.

(q)~~(i)~~ “Serious physical injury” means serious physical impairments of physical condition, such as loss of consciousness, concussion, bone fracture, protracted loss or impairment of function of any bodily member or organ, a wound requiring extensive suturing, and serious disfigurement (this is the same definition as described in “serious bodily injury” in ~~California~~ Penal Code Section 243(f)(4)).

(r)~~(o)~~ “Sexual assault” means acts defined in ~~California~~ Penal Code sections 261, 266(c), 286, 288, 288(a), and 289.

(s)~~(p)~~ “Sexual battery” means acts defined in ~~California~~ Penal Code Section 243.4.

(t)~~(q)~~ “Enrolled students”, for the purpose of subsections 11992(a)(1) and 11992(a)(2), means students included in the most current California Basic Educational Data System (CBEDS) report for the school.

(u) “During school hours” means from thirty minutes before the initial school bell to thirty minutes after the closing school bell.

NOTE: Authority cited: Section 33031, Education Code; Reference: Sections 37200 and 48915(g), Education Code; Sections 11053−11058, Health and Safety Code; Sections 71, 211, 212, 240, 242, 243, 243(f)(4), 243.4, 261, 266(c), 286, 288, 288(a), 289, 422.6, 422.7, 422.75, 518, and 519, Penal Code; 18 USC Section 921; Public Law 107-110, Title IX, Part E, Subpart 2, Section 9532; 20 USC Section 7911.

**§ 11994. Data Collection.**

Local educational agencies (LEAs) will submit to the California Department of Education (CDE) the number of incidents of non-student firearm violations and student expulsions ~~violations~~ specified in Section 11992 above for determining persistently dangerous schools. The ~~California Department of Education~~ CDE will use the information collected to determine if a school site meets the criteria in this subchapter. ~~recommend the names of schools that meet the criteria to the California State Board of Education for designation as persistently dangerous.~~ If an LEA contests the CDE's determination that one or more of its schools is persistently dangerous, the LEA may appeal that determination to the State Board of Education based on incorrect data or circumstances that caused the school to be identified as persistently dangerous, but actually increased student and teacher safety at the school.

NOTE: Authority cited: Section 33031, Education Code; Reference: Public Law 107-110, Title IX, Part E, Subpart 2, Section 9532; 20 USC Section 7911.

8-23-04

# JULY 26 MEETING REGARDING PROPOSED REGULATIONS FOR DEFINING PERSISTENTLY DANGEROUS SCHOOLS

**Note:** Below are the conclusions/proposals from the July 26, 2004, meeting regarding the issues raised in the public comment period on the proposed regulations for defining a persistently dangerous school (PDS).

## MAJOR ISSUES

### Comments received from local educational agencies (LEA) during the Public Comment Period

1. The proposed regulations create a disincentive for schools to expel students for certain violations and disproportionately impact those districts that exercise zero tolerance policies. The proposed regulations would use expulsion data, for both mandatory expulsions and those that are left to local discretion, as the primary identifier of "dangerous" schools. Accordingly, those districts that choose to employ zero tolerance policies will be more likely to be identified as "dangerous" than those that experience the same number and kinds of incidents but choose to provide other interventions in lieu of expulsion.

2. The language in Section 11992(c), regarding a student who cannot otherwise be expelled, is confusing.

3. The state's definition of battery is so broad that using it as an indicator of a level of "danger" on a school campus is misleading.

4. Differences in local law enforcement reporting will provide misleading information as to the relative number of incidences of non-student gun violence among schools.

5. The California Department of Finance (DOF) considers that reporting non-student gun violence may constitute a reimbursable state mandate. DOF suggested that this type of incident be deleted from the PDS criteria.

6. The regulations do not provide clear definitions for a number of key terms, including: "during school hours," "school sponsored events" (sic; the regulations actually use the word "activities"), and "on school grounds."

### July 26 Meeting Conclusions/Proposals that Address the Above Issues

*Issue 1. Regulations create a disincentive for schools to expel students*

No complete solution to this issue can be found, ***but there are administrative actions that the CDE could take***. First, it would help reduce inconsistent expulsion and reporting practices among LEAs if Section 48915 of the *Education Code* were clarified to directly state that *Education Code* Section 48915 ***must*** be cited in an expulsion action for an incident in which a 48915 offense is committed. The CDE should propose such a clarification, as well as concurrent legislative change to Section 48918(b) to require that the relevant sections of the *Education Code* be cited in the hearing notification to the pupil. CDE should also include review of reporting practices in its *coordinated compliance review* process. Finally, CDE should investigate reporting practices before designating a school as "persistently

dangerous," in order to confirm that a school site should in fact be designated.

*Issue 2. Section 11992(c) is confusing.*
The paragraph was revised

*Issue 3. Definition of "battery" is broad.*
It is true that the definition of battery is broad. However, this definition is relevant only when there is a case of battery against a school employee, which is not as common as a battery against a student, and thus no revision to the proposed regulations is needed.

*Issue 4. Law enforcement may report incidents differently than school officials.*
There have been few reported non-student gun violations compared to the total number of incidents required to meet PDS criteria, so the inclusion of these types of incidents in PDS criteria is not significant. Further, local law enforcement hears about these incidents from school staff, rather than the other way around.

*Issue 5. Data about non-student gun violence may constitute a mandated cost.* Because of the DOF opposition, and because the exceedingly small volume of these incidents makes them of little consequence, the Advisory Group has no objection to eliminating non-student gun violence from the PDS criteria. Alternately, the group feels that the volume of incidents is so small that the mandated cost issue is not significant.

*Issue 6. Missing definitions*
Definitions of "during school hours," "school sponsored activities," and "on school grounds" were added to the regulations.

**Comments received from the Children's Advocacy Institute during the Public Comment Period:**

1. There should also be regulations regarding the Unsafe School Choice Option and a plan to improve the safety of the site.

2. The Institute expressed concern that the regulations won't successfully identify the dangerous schools, or won't identify many of them.

3. Why not count incidents rather than expulsions?

**July 26 Meeting Conclusions/Proposals that Address the Above Issues**

*Issue 1. Regulations needed for the Unsafe School Choice Option and a plan to improve the safety of the site.*
The Board and the CDE have thus far dealt with this issue by notifying LEAs of federal requirements and by requiring, via the consolidated application, an assurance of compliance with those requirements. The CDE notified the U.S. Department of Education (USDE) about this process. There will be a federal audit of California's process this year. At the end of this audit, it will be clear if additional regulations should be established to implement the Unsafe School Choice Option.

*Issue 2. Regulations may not result in identifying dangerous schools.*
As there was no specific suggestion, and as this is the sole comment of this nature that the

CDE received, the group did not feel it necessary to re-consider the policy in response to this issue.

*Issue 3. Why not count incidents rather than expulsions?*

The collection of data on 'incidents' rather than 'disciplinary actions' would require the development of an additional data collection process similar to the prior *California Safe Schools Assessment*. The data used for the current "persistently dangerous schools" (PDS) definition is already required to be collected by Title IV of *No Child Left Behind* regardless of how PDS is defined. It will be much easier and less expensive for schools to use existing data rather than to develop an additional system.

**ADDITIONAL ISSUES DURING THE 7/26 DISCUSSION**

1. When a student commits a gun violation on another campus, the student could be counted twice—as an expulsion for the home campus, and as a non-student gun violation on the other campus.

2. The due date for the ConApp (and therefore for PDS statistics) coincides with the end of the school year for some schools, making it difficult to report complete expulsion data.

**July 26 Meeting Conclusions/Proposals that Address the Above Issues**

*Issue 1. Multiple counts*

If non-student gun violations are eliminated from criteria, this should no longer be an issue. CDE staff point out that the volume of these instances is exceedingly small, and that in any case, such a student is a danger on both campuses.

*Issue 2. Due date for PDS statistics*

The ConApp cannot be delayed because of the State Board schedule and the schedule's impact on categorical fund distribution. Attendees at the July 26 advisory meeting suggested that the ConApp Part I could be submitted to the local School Board with a statement that the number of expulsions shown on Page 13 may be revised, based upon the local Board's action on any currently recommended expulsions. Other members of the group considered the issue could be resolved by the order in which local governing board agendas are constructed.

**OTHER ISSUES**

Other members of the public and the CDE raised additional questions through informal comments:

1. What is the meaning of "incident" when used with respect to a non-student firearm violation?

2. Why not include other (non-firearm) violations by non-students towards the PDS criteria?

**July 26 Meeting Conclusions/Proposals that Address the Above Issues**

*Issue 1. Definition of "incident"*

A definition was added to the regulations.

*Issue 2. Rationale for counting non-firearm, non-student violations.*

The group felt that counting non-firearm, non-student violations would be difficult, and would

result in mandate cost claims.

**State of California** **Department of Education**

# LAST MINUTE MEMORANDUM

**DATE:** September 8, 2004

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

**FROM:** Sue Stickel, Deputy Superintendent
Curriculum and Instruction

**RE:** Item No. 18

**SUBJECT:** *No Child Left Behind (NCLB) Act of 2001*: Title IX Persistently Dangerous Public Elementary and Secondary Schools: Approve 15-day comment period for proposed Title 5 regulations with revisions

Agenda Item No.18 recommends that the Board approve a 15-day public comment period for proposed regulations defining a "persistently dangerous" school. Attachment A is an *Economic and Fiscal Impact Statement* which should be considered along with that agenda item. The impact statement concludes that the currently proposed regulations for defining a "persistently dangerous" school do not constitute a state mandated local cost, because the regulations are implementing a federal mandate.

Attachment A: Economic and Fiscal Impact Statement (10 Pages)
(This attachment is not available for viewing on the Internet. A printed copy is available for viewing in the State Board of Education office.)

Attachment 1: Sec. 4112. Reservation of State Funds for SDFS (4 Pages)
(This attachment is not available for viewing on the Internet. A printed copy is available for viewing in the State Board of Education office.)

Attachment 2: Sec. 9532. Unsafe School Choice Option (2 Pages)
(This attachment is not available for viewing on the Internet. A printed copy is available for viewing in the State Board of Education office.)

Attachment 3: Proposed Title 5 Regulations (4 Pages)

**Title 5. EDUCATION**

**Division 1. State Department of Education**

**Chapter 11. Special Programs**

*Add Subchapter 23, Sections 11992, 11993, and 11994 to read:*

**Subchapter 23. Defining Persistently Dangerous Public Elementary and Secondary Schools**

**§ 11992. Provisions.**

(a) A California public elementary or secondary school is "persistently dangerous" if, in each of three consecutive fiscal years, one of the following criteria has been met:

(1) For a school of fewer than 300 enrolled students, the number of incidents of firearm violations committed by non-students on school grounds during school hours or during a school-sponsored activity, plus the number of student expulsions for any of the violations delineated in subsection (b) is greater than three.

(2) For a larger school, the number of incidents of firearm violations committed by non-students on school grounds during school hours or during a school-sponsored activity, plus the number of student expulsions for any of the violations delineated in subsection (b) is greater than one per 100 enrolled students or a fraction thereof.

(b) Applicable violations include:

(1) Assault or battery upon a school employee (Education Code Section 48915(a)(5));

(2) Brandishing a knife (~~Section~~ Education Code Section 48915(c)(2));

(3) Causing serious physical injury to another person, except in self-defense (Education Code Section 48915(a)(1));

(4) Hate violence (Education Code Section 48900.3);

(5) Possessing, selling or furnishing a firearm (Education Code Section 48915(c)(1));

(6) Possession of an explosive (Education Code Section 48915(c)(5));

(7) Robbery or extortion (Education Code Section 48915(a)(4));

(8) Selling a controlled substance (Education Code Section 48915(c)(3)); and

(9) Sexual assault or sexual battery (Education Code Section 48915(c)(4)).

(c) In instances where a student ~~has~~ committed a violation enumerated in subsection (b) for which expulsion proceedings would have been instituted, ~~in subsection (b),~~ but is no longer a student and therefore cannot ~~otherwise~~ be expelled, that violation must be

reported ~~as a non-student firearm violation~~ in the total number of incidents and expulsions referenced in subsection (a).

NOTE: Authority cited: Section 33031, Education Code; Reference: Sections 48900.3, 48915(a)(1), 48915(a)(4), 48915(a)(5), 48915(c)(1), 48915(c)(2), 48915(c)(3), 48915(c)(4), and 48915(c)(5), Education Code; Public Law 107-110, Title IX, Part E, Subpart 2, Section 9532; 20 USC Section 7911.

**§ 11993. Definitions.**

(a)~~(f)~~ "Assault" means an unlawful attempt, coupled with a present ability, to commit a violent injury on the person of another (~~California~~ Penal Code Section 240).

(b)~~(g)~~ "Battery" means any willful and unlawful use of force or violence upon the person of another (~~California~~ Penal Code sections 242 and 243).

(c)~~(n)~~ "Controlled substance" means drugs and other substances listed in Chapter 2 of Division 10 of the ~~California~~ Health and Safety Code (commencing with Section 11053).

(d)~~(c)~~ "Firearm" means handgun, rifle, shotgun or other type of firearm (Section 921(a) of Title 18, United States Code).

(e)~~(d)~~ "Firearm violation" means unlawfully bringing or possessing a firearm, as defined in subsection (c), on school grounds or during a school-sponsored activity.

(f)~~(k)~~ "Explosive" means a destructive device (Title 18, Section 921, United States Code).

(g)~~(e)~~ "Expulsion" means an expulsion ordered by the local educational agency's governing board regardless of whether it is suspended, ~~or~~ modified, or stipulated.

(h)~~(m)~~ "Extortion" means acts described in ~~California~~ Penal Code sections 71, 518, and 519.

(i)~~(a)~~ "Fiscal year" means the period of July 1 through June 30 (~~California~~ Education Code Section 37200).

(j)~~(j)~~ "Hate violence" means any act punishable under ~~California~~ Penal Code sections 422.6, 422.7, and 422.75~~)~~.

(k) An "incident" of a firearm violation by non-student(s) for the purpose of Section 11992 is an event on school grounds during school hours, or at a school-sponsored activity, involving a person or persons not enrolled in the school who unlawfully brings or possesses a handgun, rifle, shotgun, or other type of firearm. An event shall be counted as a single incident when it happens at the same time in the same location, regardless of

the number of non-students involved. School site administrators or designees are responsible for documenting the incident and reporting the incident to the local educational agency (LEA) staff who are responsible for collecting expulsion data.

(l)~~(h)~~ “Knife” means any dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing, a weapon with a blade fitted primarily for stabbing, a weapon with a blade longer than 3 ½ inches, a folding knife with a blade that locks into place, or a razor with an unguarded blade.

(m)~~(b)~~ “Non-student” means a person, regardless of age, not enrolled in the school or program reporting the violation.

(n) “On school grounds” means the immediate area surrounding the school including, but not limited to, the school building, the gymnasium, athletic fields, and the site parking lots.

(o)~~(l)~~ “Robbery” means acts described in ~~California~~ Penal Code sections 211 and 212.

(p) A “school sponsored activity” means any event supervised by district staff at which students are present, including transportation to and from school.

(q)~~(i)~~ “Serious physical injury” means serious physical impairments of physical condition, such as loss of consciousness, concussion, bone fracture, protracted loss or impairment of function of any bodily member or organ, a wound requiring extensive suturing, and serious disfigurement (this is the same definition as described in “serious bodily injury” in ~~California~~ Penal Code Section 243(f)(4)).

(r)~~(o)~~ “Sexual assault” means acts defined in ~~California~~ Penal Code sections 261, 266(c), 286, 288, 288(a), and 289.

(s)~~(p)~~ “Sexual battery” means acts defined in ~~California~~ Penal Code Section 243.4.

(t)~~(q)~~ “Enrolled students”, for the purpose of subsections 11992(a)(1) and 11992(a)(2), means students included in the most current California Basic Educational Data System (CBEDS) report for the school.

(u) “During school hours” means from thirty minutes before the initial school bell to thirty minutes after the closing school bell.

NOTE: Authority cited: Section 33031, Education Code; Reference: Sections 37200 and 48915(g), Education Code; Sections 11053−11058, Health and Safety Code; Sections 71, 211, 212, 240, 242, 243, 243(f)(4), 243.4, 261, 266(c), 286, 288, 288(a), 289, 422.6, 422.7, 422.75, 518, and 519, Penal Code; 18 USC Section 921; Public Law 107-110, Title IX, Part E, Subpart 2, Section 9532; 20 USC Section 7911.

**§ 11994. Data Collection.**

Local educational agencies (LEAs) will submit to the California Department of Education (CDE) the number of incidents of non-student firearm violations and-student expulsions ~~violations~~ specified in Section 11992 above for determining persistently dangerous schools. The ~~California Department of Education~~ CDE will use the information collected to determine if a school site meets the criteria in this subchapter. ~~recommend the names of schools that meet the criteria to the California State Board of Education for designation as persistently dangerous.~~ If an LEA contests the CDE's determination that one or more of its schools is persistently dangerous, the LEA may appeal that determination to the State Board of Education based on incorrect data or circumstances that caused the school to be identified as persistently dangerous, but actually increased student and teacher safety at the school.

NOTE: Authority cited: Section 33031, Education Code; Reference: Public Law 107-110, Title IX, Part E, Subpart 2, Section 9532; 20 USC Section 7911.

8-25-04

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

| **SUBJECT** | |
|---|---|
| *No Child Left Behind (NCLB) Act of 2001*: Reading First Special Education Referral Reduction Program Application Review Process | ☒ **Action**<br>☒ **Information**<br>☐ **Public Hearing** |

### RECOMMENDATION

Approve the proposed application review process for a Special Education Referral Reduction Program.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education approved California's Reading First Plan at its May 2002 meeting. The plan establishes a funding formula for Reading First subgrants based on $6,500 for every K-3 teacher in the district's participating schools. A provision of the plan allows districts to provide rationale for additional funding; increased funding requires approval by the California Department of Education (CDE) and the Department of Finance. Forty-two out of the seventy-three round 1 and 2 districts have applied for additional funding. Twenty districts have received increases ranging from $100 to $1,100 per K-3 teacher. The average increase was approximately $500. The range of funding in Reading First districts is from a minimum of $6,500 per K-3 teacher to a maximum of $7,600.

### SUMMARY OF KEY ISSUES

Item 6110-126-0890 of the 2004-05 State Budget Act directs that the first priority for use of Reading First carryover funds is to increase grantees to $8,000 per K-3 teacher upon submission of a plan to reduce the number of referrals to Special Education and to provide alternative assistance to pupils in Reading First programs. The plans, at a minimum, should consist of providing diagnostic reading assessments, teacher release time for assessment review and intervention planning sessions, additional instruction for students with reading difficulties, and teacher participation in professional development activities focused on assisting students with reading difficulties. Attached is a detailed description of the proposed program, a proposal for a review process designed to assure that effective and high quality intervention plans are developed and implemented by Reading First districts, and the State Budget Act language establishing the program.

## FISCAL ANALYSIS (AS APPROPRIATE)

There is $29,564,000 available in carryover for this purpose. There are 112 districts participating in rounds 1, 2, and 3 of Reading First. If all districts submitted plans, the maximum total cost would be approximately $22.7 million. It is unclear at this time if all 112 districts will submit plans and if the budgets in those plans will, in every case, bring those districts up to $8,000 per K-3 teacher.

## ATTACHMENT (S)

Attachment 1: Process for Submission, Review, and Approval of Plans (1 page)
Attachment 2: State Budget Act Item (1 page)
Attachment 3: Special Education Referral Reduction Program (6 pages)

Attachment A-1: Reading First Assessment Committee Final Summary of Evidence Screening/Diagnostic/Monitoring Assessments by Technical Skill Domains (Draft) (1 page)
Attachment A-2: Reading First Assessment Committee Final Summary of Evidence Screening/Diagnostic/Monitoring Assessments Without Outcome Measures by Technical Skill Domains (3 pages)

Attachment B: Six Domains of Technical Reading Skills (1page)
Attachment C: LEA Application Contents (1 page)

# Reading First
# SPECIAL EDUCATION REFERRAL REDUCTION PROGRAM

*Process for Submission, Review and Approval of Plans*

1. Application materials will be sent to all Round 1, 2, and 3 Reading First districts by September 15, 2004. Applications will be due to CDE by October 15, 2004.

2. Districts will receive technical assistance in developing their plans from the Regional Technical Assistance Centers (R-TAC) and clarification regarding the application from the Reading/Language Arts Leadership Office, CDE. The R-TACs will provide individualized assistance, workshops and training sessions.

3. Each application will be reviewed by a team consisting of representatives from the Reading/Language Arts Leadership Office, CDE, the Special Education Division, CDE, and the California Technical Assistance Center (CTAC) or R-TACs.

4. Applications that are not approved by the review team, in whole or in part, will be returned to the district for revision. Assistance in remedying deficient aspects of the plan will be provided by the R-TACs or CDE.

5. Grants for districts with approved plans will be amended to $8,000 per K-3 teacher by November 15, 2004.

***Note:** It is the objective of this program that all districts that wish to submit a plan to reduce the number of referrals to Special Education will be approved. Thus, technical assistance and support in assisting districts in understanding and developing an effective intervention plan is a crucial aspect of this process. CDE staff from the Reading/Language Arts Leadership Office and the Special Education Division will assist in this effort as appropriate.

6110-126-0890—For local assistance, Department of Education, Program 20.60.290-Instructional Support, Title I, Part B of the Elementary and Secondary Education Act (Reading First Program) payable from the Federal Trust Fund……. 174,221,000

Provisions:

1. The funds appropriated in this item are provided pursuant to Article 1 (commencing with Section 51700) of Chapter 5 of Part 28 of the Education Code
2. Of the funds appropriated in this item, $13,635,000 is available for bilingual programs pursuant to Section 51701 of the Education Code. If this funding is insufficient to fully fund the approved districts with these programs in a third round of Reading First grant approvals, first priority for available Reading First base funding shall be the approved districts with bilingual programs. The State Board of Education shall ensure parity in the duration and level of funding between grants for bilingual classrooms operating under Section 310 of the Education Code and grants for non-bilingual classrooms, including supplemental grants pursuant to Provision 3.
3. Of the funds appropriated in this item, $29,564,000 is available from prior years. The first priority for this funding is to increase the grant amount provided to existing grantees to $8,000 per full-time-equivalent classroom teacher in the Reading First Program. As a condition of the receipt of this supplemental funding, the grantee shall provide a plan to utilize his or her Reading First Program to lower the number of special education referrals based upon reading below grade-level and to provide alternative assistance to pupils. The plan should consist of, but is not limited to, providing diagnostic reading assessments, teacher release time to review assessment information and conduct reading intervention planning sessions, providing instruction to pupils identified as having reading difficulties, and teacher participation in the professional development activities focused on assisting students with reading difficulties. Any remaining amount shall be available to provide additional Reading First grants.
4. The State Board of Education shall be required to seek Legislative approval of any changes to the Reading First Program that exceed or modify program components authorized in Article 1 (commencing with Section 51700) of Chapter 5 of Part 28 of the Education Code, including any extension of the grant period beyond three years. Reading First funds appropriated in this item may be used to provide student instruction pursuant to subparagraph (E) of paragraph (3) of subdivision (c) of Section 51700 of the Education Code.

# Special Education Referral Reduction Program

Overview

In the United States, 44 percent of fourth grade students read at “below basic” levels; only 5-6 percent of these students should legitimately be classified as having severe, intrinsically-based learning disorders; and the others are likely to be suffering from consequences of inappropriate teaching, low standards, and/or disadvantageous environmental consequences. This coupled with the fact that of the population of identified learning-disabled students, 80 percent have primary weakness in reading, with related deficits in spelling and writing, tells us that we must improve reading instruction to reduce the level of needless referrals to special education.

See Exhibit 1 on following page

One purpose of the federal Reading First Program is to improve reading instruction in order to minimize referrals of students to special education because of reading problems. The proposed state budget currently includes incentive funding for Reading First LEAs for its eligible schools to provide diagnostic reading assessment and remedial reading instruction to K-3 students who exhibit weaknesses in beginning reading skills.

Through an application process that includes an LEA Reduction Referral Plan for reducing referrals to special education, Reading First LEAs will receive an increase of their Reading First Gant to $8,000 per Reading First teacher in 2004-2005 [Note: This funding level is dependent on availability of either carry-over funds or increased federal funds.]

## Exhibit 1

Research Regarding Learning Disabilities and Reading Disabled Individuals

- Reading disabilities affect at least 10 million children in the US
- Most reading disabilities reflect a persistent deficit rather than a developmental lag
- Longitudinal studies show that approximately 74 percent of the children who are reading disabled in the third grade will remain disabled in the ninth grade
- Distinguishing between disabled readers with and without an IQ achievement discrepancy appears invalid
- Children with and without reading discrepancies show similar information processing, genetic, and neurophysiologic profiles

Statistics About Students With Reading, Spelling, and Writing Delays

- Eighty percent of students who fall behind in reading by the end of first grade are still significantly behind in fourth grade, despite conventional intervention practices
- In the US, 44 percent of fourth grade students read at “below basic” levels; only 5-6 percent of these students should legitimately be classified as having severe, intrinsically-based learning disorders; and the others are likely to be suffering from consequences of inappropriate teaching, low standards, and/or disadvantageous environmental consequences
- Of the population of identified learning-disabled students, 80 percent have primary weakness in reading, with related deficits in spelling and writing.

*[Based on research published in multiple sources and conducted by the National Institute for Child Health and Human Development (NICHD), the US Department of Education, the US Department of Special Education*]

## LEA Reduction of Referral Plan

Based on the research, California has developed an approach for LEAs to use for reducing the referrals of students to special education. This strategy requires Reading First LEAs to implement a planned approach for their eligible schools. The following provides an overview of the key aspects that must be addressed in the LEA submitted plan.

1. Definition of K-3 Students in Need of Prevention/Intervention Instruction

- *Background*:
  One message of the No Child Left Behind is urgency -- *Leave No Child Behind!* Teachers must know at the earliest possible moment that a student is falling behind, and at the same time, know how to intervene to prevent falling further behind. In the past, young children's reading achievement was frequently ignored on the premise that early educational progress is driven largely by maturational factors and that differences observed early in development will disappear with age. However, new research and knowledge have emerged about the need for addressing risk status early. It is now known that children do not outgrow reading problems. ***Assessment and systematic, explicit, accelerated, and focused intervention efforts early in the school career of a child can make a huge difference****.*

- *Definition of Students in Need:*
  The definition of students in need of prevention/ intervention is taken from California Reading/ Language Arts Framework, to include:

  – *Borderline strategic students*: K-3 students who are 1 to 2 years below their grade level peers in beginning reading skills

  – *Intensive students*: K-3 students who are 2 or more years below their grade level peers in beginning reading skills

2. Confirmation of Student Need through Screening and Diagnostic Assessments

- *Types of K-3 Assessments*:
  Under the auspices of the U.S. Department of Education (USDE) and the *Secretary's Academy for Reading First*, all states were given a master list of thirty-some valid and reliable screening, diagnostic, monitoring, and/or outcome assessments classified for use in grades K-3 (see *Attachments A-1 and A-2* for the seventeen recommended screening and diagnostic assessments). Some of these assessments can be used for multiple purposes. In addition, the USDE identified the beginning reading (K-3) technical skills deemed interrelated predictive in determining level of reading proficiency. These skills include phonological and phonemic awareness, phonics and word study, fluency, vocabulary, and comprehension (see *Attachment B* for identified sub skills). The California Reading First Plan recommends the use of USDE identified assessments for assessing K-3 students on the beginning reading, technical skills. The two types of assessments best used for confirming student needs for prevention/intervention instruction are screening and diagnostic assessments:

– *Screening Assessments* have predictive validity and are used to determine which students are likely to experience reading difficulty and need additional prevention/intervention instruction.

– *Diagnostic Assessments* offer reliable, stable, and consistent evidence as to which beginning reading technical skills are mastered or not mastered and how much instructional prevention/intervention is most likely needed.

- *Selection of Assessments Focused on Beginning Reading Technical Skills:*
  The USDE recommended assessments are named in the matrix found in *Attachment A.* Information in the matrix includes type of assessment by technical skills and the grade levels measured. The LEA will need to select at least one assessment for each domain of technical skills that will be made available for classroom teachers and coach use. Furthermore, the LEA will certify and take responsibility for training teachers and coaches on the administration, scoring, and interpretation of results for each selected assessment, and for overseeing the general purpose and use of the assessments in Reading First schools.

3. <u>Linking of Assessment Results to A Multi-tiered Prevention/Intervention Instructional Plan</u>

- *Full Implementation of Core Program:*
  The California Reading First program requires that the district adopted core reading/language arts program serve as the foundation and base of the instructional program. The goal is that the core program be fully implemented by trained and skilled teachers who apply the embedded instructional strategies and conduct on-going assessments to monitor effects of instruction. Guided by multi-tiered prevention/intervention options, the LEA should design its plan for students needing additional assistance in mastering the beginning reading skills. Currently, some Reading First LEAs are using three- to five-tier prevention/intervention programs. For each tier, there is a specific set of instructional materials and/or instructional strategies with a suggested timeframe for implementation.

- *Example of a Model of a Multi-tiered Prevention/Intervention Plan (includes weekly review and student performance assessments):*

See Exhibit 2 on following page

Example of a Model of a Multi-tiered Prevention/Intervention Instructional Plan
(includes weekly review and student performance assessments)

**Exhibit 2**

Example of Multi-tiered Prevention/Intervention Instructional Plan

| Level | Description | Instructional Materials | Instructional Strategies | Timeframe |
|---|---|---|---|---|
| Tier 1 K-3 | Fully implemented core program with skilled teacher | Adopted program | Tutoring/small group technical skills reteach/practice | Minimum 30 minutes daily/one tri-semester |
| Tier 2 K-3 | Fully implemented core plus extended support with skilled teacher | Adopted program with extended support lessons | Tutoring/small group technical skills reteach/practice | Minimum 30 minutes daily/one tri-semester |
| Tier 3 K-3 | Fully implemented core plus supplemental technical skill lessons with skilled teacher | Adopted program with supplemental prevention/ intervention program* | Tutoring/small group | Minimum 30 minutes 3-4 d/weekly 2+ tri-semesters |
| Tier 4 2-3 | Fully implemented prevention/intervention program with skilled teacher in self-contained classroom | Supplemental prevention/ intervention program* | Tutoring/small group | Minimum 2 hours daily 2+ tri-semesters |
| 2-3 | Referral to Special Education | | | |

*Note: A list of approved supplemental prevention/intervention programs for specific beginning reading technical skill domains will be provided by the state if Reading First funds are used.

4. Reporting of Number of Referrals to Special Education

- *Reduction in Referral Goal:*
  The condition upon receipt of the supplemental funding (from current level of funding to $8,000 per Reading First teacher) stipulates that the use of diagnostic reading assessments and remedial reading instruction are to contribute to the goal of lowering the number of pupils unnecessarily referred to special education due to having below grade-level reading skills. LEAs will closely monitor the referral process to gauge the effectiveness of this approach.

- *Reporting Requirement:*
  The Reading First LEA will complete the state reporting form indicating the total number of pupils referred to special education in 2004-05 as compared to 2003-04 by grade level. This report will be due 30 days after the completion of the school year.

5. LEA Application for Special Education Referral Reduction Program

Participating LEAs will be required to complete and submit an application of its planned approach for their Reading First schools. This submission and a narrative of its approach are outlined in *Attachment C*.

6. LEA Technical Assistance Support

The efforts of participating LEAs will be supported by the work of the California Technical Assistance Center (C-TAC) and the Regional Technical Assistance Centers (R-TACs). The following are examples of some of the support activities available to LEAs.

- A committee of content experts will be convened to develop a listing of supplemental prevention/intervention programs that are well matched to the beginning reading technical skills listed in *Attachment B.*

- The C-TAC Reading First Coach Institutes will introduce the *Attachment A* screening/diagnostic assessments; and will cover the concept of a multi-tiered prevention/intervention approach for K-3 *borderline strategic students* and *intensive students.* Also at the C-TAC fall LEA Session, in October, the Special Education Referral Reduction Program Option will be presented and discussed.

- The R-TACs will have a resource library of all suggested assessments and prevention/intervention programs for review by the LEAs. (Service available by September).

Attachment A-1

# Reading First Assessment Committee
# Final Summary of Evidence
# Screening/Diagnostic/Monitoring Assessments
# By Technical Skill Domains (Draft)

| Phonological and Phonemic Awareness | Phonics and Word Study | Fluency | Vocabulary | Comprehension |
|---|---|---|---|---|
| Assessment Name | Assessment Name | Assessment Name | Assessment Name | Assessment Name |
| **Comprehensive Test of Phonological Processing (CTOPP)** | **Dynamic Indicators of Basic Early Literacy Skills (DIBELS)** | **Dynamic Indicators of Basic Early Literacy Skills (DIBELS)** | **Peabody Picture Vocabulary Test, Third Edition (PPVT)** | **Degrees of Reading Power (DRP)** |
| **Dynamic Indicators of Basic Early Literacy Skills (DIBELS)** | **Early Reading Diagnostic Assessment (ERDA)** | **Gray Oral Reading Tests, Fourth Edition (GORT–4)** | **Test of Language Development–Primary Third Edition (TOLD–P:3)** | **Early Reading Diagnostic Assessment (ERDA)** |
| **The Lindamood Auditory Conceptualization Test (The LAC Test)** | **Letter Sound Fluency Test (LSFT)** | **Test of Word Reading Efficiency (TOWRE)** | **Test of Word Knowledge (TOWK)** | **Gray Oral Reading Tests, Fourth Edition (GORT–4)** |
| **Phonological Awareness Test (PAT)** | **Phonological Awareness Test (PAT)** | **Texas Primary Reading Inventory (TPRI)** | **Texas Primary Reading Inventory (TPRI)** | **Texas Primary Reading Inventory (TPRI)** |
| **Texas Primary Reading Inventory (TPRI)** | **Test of Word Reading Efficiency (TOWRE)** | | **Wechsler Individual Achievement Test, Second Edition (WIAT–II)** | **Wechsler Individual Achievement Test, Second Edition (WIAT–II)** |
| **Yopp-Singer Test of Phoneme Segmentation** | **Texas Primary Reading Inventory (TPRI)** | | **Woodcock-Johnson III Tests of Achievement (WJ III ACH)** | **Woodcock-Johnson III Tests of Achievement (WJ III ACH)** |
| | **Wechsler Individual Achievement Test, Second Edition (WIAT–II)** | | **Woodcock Reading Mastery Test–Revised (WRMT–R)** | **Woodcock Reading Mastery Test–Revised (WRMT–R)** |
| | **Woodcock-Johnson III Tests of Achievement (WJ III ACH)** | | | |
| | **Woodcock Reading Mastery Test–Revised (WRMT–R)** | | | |

http://idea.uoregon.edu/assessment/analysis_results/test_se_results.html
8/9/04

# Reading First Assessment Committee Final Summary of Evidence
## Screening/Diagnostic/Monitoring Assessments Without Outcome Measures by Technical Skill Domains

| Assessment Name | Phonological and Phonemic Awareness | Phonics and Word Study | Fluency | Vocabulary | Comprehension |
|---|---|---|---|---|---|
| | Subtest / Assessment Type / Grade Level(s) | Subtest / Assessment Type / Grade Level(s) | Subtest / Assessment Type / Grade Level(s) | Subtest / Assessment Type / Grade Level(s) | Subtest / Assessment Type / Grade Level(s) |
| **Comprehensive Test of Phonological Processing (CTOPP)** | Screening K-1<br>Diagnosis K-3<br>Progress Monitoring K-1 | | | | |
| **Degrees of Reading Power (DRP)** | | | | | Diagnosis 2-3<br>Progress Monitoring 2-3 |
| **Dynamic Indicators of Basic Early Literacy Skills (DIBELS)** | Initial Sound Fluency<br>Screening K only<br>Progress Monitoring K only<br>Phoneme Segmentation Fluency<br>Screening Mid-K & 1<br>Progress Monitoring 1 only | Letter Naming Fluency<br>Screening K-1<br>Progress Monitoring K-1<br>Nonsense Word Fluency<br>Screening 1 only<br>Progress Monitoring 1 only | Oral Reading Fluency<br>Screening 1-3<br>Progress Monitoring 1-3 | | |
| **Early Reading Diagnostic Assessment (ERDA)** | | Letter Recognition<br>Screening K only<br>Diagnosis K only<br>Pseudoword Decoding<br>Screening 1-2<br>Diagnosis 1-2 | | | Reading Comprehension and Listening Comprehension<br>Diagnosis 1-3 |
| **Gray Oral Reading Tests, 4th Edition (GORT-4)** | | | Rate<br>Screening 1-3<br>Diagnosis 1-3 | | Comprehension<br>Screening 1-3<br>Diagnosis 1-3 |
| **Letter Sound Fluency Test (LSFT)** | | Letter Sound Fluency<br>Screening K-1<br>Diagnosis K-1<br>Progress Monitoring K-1 | | | |

| | | | | | |
|---|---|---|---|---|---|
| **The Lindamood Auditory Conceptualization Test (The LAC Test)** | Diagnosis K-1 | | | | |
| **Peabody Picture Vocabulary Test, Third Edition (PPVT)** | | | | Screening K-3<br>Diagnosis 1-3 | |
| **Phonological Awareness Test (PAT)** | Rhyming, Segmentation, Isolation, Deletion, Substitution, Blending<br>Screening K-1<br>Diagnosis K-1 | Graphemes and Decoding<br>Screening K-2<br>Diagnosis K-2 | | | |
| **Test of Language Development-Primary (3rd Edition) (TOLD-P:3)** | | | | Oral Vocabulary, Relational Vocabulary, and Picture Vocabulary<br>Diagnosis 1-3 | |
| **Test of Word Knowledge (TOWK)** | | | | Expressive Vocabulary, Receptive Vocabulary, Word Opposites, Word Definitions, Synonyms, Multiple Contexts, Figurative Usage, Word Definitions, and Conjunctions, and Transition Words<br>Diagnosis K-3 | |
| **Test of Word Reading Efficiency (TOWRE)** | | Sight Word Reading Efficiency and Phonemic Decoding Efficiency<br>Screening 1-2<br>Progress Monitoring 1-2 | Sight Word Reading Efficiency and Phonemic Decoding Efficiency<br>Screening 1-3<br>Progress Monitoring 1 & 3 | | |
| **Texas Primary Reading Inventory (TPRI)** | Phonemic Awareness<br>Screening K-1<br>Diagnosis K-1<br>Progress Monitoring K-1 | Graphophonemic Knowledge, Word Reading, and Book and Print Awareness<br>Screening K-2<br>Diagnosis K-2<br>Progress Monitoring K-2 | Reading Comprehension<br>Screening 1-2<br>Diagnosis 1-2<br>Progress Monitoring 1-2 | Listening Comprehension<br>Screening K only<br>Diagnosis K only<br>Progress Monitoring K only | Reading Comprehension<br>Screening 1-2<br>Diagnosis 1-2<br>Progress Monitoring 1-2 |
| **Wechsler Individual Achievement Test – Second Edition (WIAT-II)** | | Pseudoword Decoding, Spelling, and Word Reading<br>Diagnosis K-2 | | Listening Comprehension and Oral Expression<br>Diagnosis K-3 | Reading Comprehension and Written Expression<br>Diagnosis 1-3 |

| | | | | | |
|---|---|---|---|---|---|
| **Woodcock-Johnson III Tests of Achievement (WJ III ACH)** | | Basic Reading Skills Composite: Letter-Word Identification and Word Attack<br>Screening 1-3<br>Diagnosis 1-3<br>Progress Monitoring 1-3 | | Reading Vocabulary and Picture Vocabulary<br>Screening 1-3<br>Diagnosis 1-3<br>Progress Monitoring 1-3 | Reading Comprehension Composite (Reading Vocabulary and Passage Comprehension)<br>Diagnosis 1-3<br>Passage Comprehension subtest, and Oral Comprehension subtest<br>Screening 1-3<br>Diagnosis 1-3 |
| **Woodcock Reading Mastery Test – Revised (WRMT-R)** | | Letter Identification<br>Screening K only<br>Diagnosis K only<br>Word Attack<br>Screening K-2<br>Diagnosis K-2 | | Word Comprehension Diagnosis 2-3 | Passage Comprehension<br>Screening 1-3<br>Diagnosis 1-3 |
| **Yopp-Singer Test of Phoneme Segmentation** | Yopp-Singer Test of Phoneme Segmentation<br>Screening K-1<br>Diagnosis K-1 | | | | |

# SIX DOMAINS OF TECHNICAL READING SKILLS

**Phonological and Phonemic Awareness**

- ❍ Phonological Awareness (recognizing words in sentences, segmenting words into syllables and words into phonemes, K-1; detecting rhymes, K-2; blending onset/rime, K-1)
- ❍ Phoneme Identification (counting phonemes in spoken words; distinguish initial, final, and medial phonemes; matching initial, final, and medial sounds in spoken words K-2)
- ❍ Phoneme Manipulation (phoneme blending, K; phoneme addition and deletion, 1; phoneme substitution, 1-2; phoneme reversal, 2-3; phoneme segmentation, 1-3)

**Phonics and Word Study**

- ❍ Alphabetic Principle (letter identification, K; sound-letter matching, K-1)
- ❍ Graphemes/Letter-Sound Correspondences (letter combinations for individual phonemes [i.e., s, wh, e, oa, igh, _ck, a_e], 1-3)
- ❍ Decoding (nonsense word reading, 1-3; automatically recognizing common patterns [i.e., consonants, short vowels in CVC words and syllables, digraphs, trigraphs [_tch, igh]; consonant blends; long vowels (including CV syllables and vowel digraphs); vowel dipthongs; r- and l-controlled vowels; and advanced syllable patterns in multisyllabic words, 2-8)

**Fluency**

- ❍ Rapid Naming (colors, objects, digits, letters) K
- ❍ Nonsense Word Reading (Timed) K-2
- ❍ Sight Word Reading (Timed) K-2
- ❍ Oral Reading Fluency (Words Correct Per Minute) 1-8
- ❍ Retell Fluency (% of Recalled Words in Oral Fluency Passage) 1-8

**Spelling**

- ❍ Consonant Spellings 1-3
- ❍ Short Vowel Spellings 1
- ❍ Long Vowel Spellings 1-3
- ❍ Orthographic Generalizations (rules) 1-3
- ❍ Morphemes (prefixes, suffixes, base or root words) 3-8

**Vocabulary**

- ❍ Word Origins 3-8
- ❍ Multiple Meanings 2-8
- ❍ Context Meanings 1-8
- ❍ Antonyms 2-8
- ❍ Synonyms 2-8
- ❍ Metaphors
- ❍ Similes 2-8
- ❍ Analogies 2-8
- ❍ Idioms 2-8

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# Attachment C

## LEA Application Contents

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### Certification and Contact Information

Contact and Responsible Person Information:

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- Reporting Requirements
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- Compliance with Reading First Assurances

### LEA Special Education Referral Reduction Program Narrative

I. Describe LEA commitment to Special Education Referral Reduction Program
II. Describe screening and diagnostic assessment skill tests to be used
III. Describe multi-tiered prevention/intervention structure naming key materials, instructional strategies, and timeframes
IV. Describe planned monitoring activities and responsibilities
V. Describe internal data review process and use
VI. Describe support and assistance needs
VII. Budget overview

**State of California** **Department of Education**

# LAST MINUTE MEMORANDUM

**DATE:** September 8, 2004

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

**FROM:** Sue Stickel, Deputy Superintendent
Curriculum and Instruction Branch

**RE:** Item No. 19

**SUBJECT:** *No Child Left Behind (NCLB) Act of 2001*: Reading First Special Education Referral Reduction Program Application Review Process

The following changes should be made to the above-referenced item:

1. Definition of "students in need" on page 3 of 6 of Attachment 3 should read:

   - Borderline strategic students: K-3 students who are 1 to 2 standard deviations below the mean according to results of standardized testing.

   - Intensive students: K-3 students who are more than 2 standard deviations below the mean according to results of standardized testing.

2. Pull the chart on page 5 of 6 of Attachment 3.

3. Change the due date for submitting applications to CDE (Attachment 1, page 1 of 1, item 1) to November 15, 2004. Item 5 on the same page should also be changed to read: "Grants for districts with approved plans will be amended to up to $8,000 per K-3 teacher by December 15, 2004."

4. A list of appropriate supplemental materials for use in this program will be brought to the Board for approval in November.

**ITEM #20**

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

| SUBJECT | |
|---|---|
| Immediate Intervention/Underperforming Schools Program (II/USP) and High Priority Schools Grant Program (HPSGP): Proposed Definition of Significant Growth: Approve Commencement of the Rulemaking Process | ☒ **Action**<br>☒ **Information**<br>☐ **Public Hearing** |

## RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the commencement of the regulatory process for the proposed regulations, the Initial Statement of Reasons, and Notice of Proposed Rulemaking, and direct staff to conduct a public hearing on the proposed regulations.

## SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In July 2003, the State Board of Education (SBE) defined "significant growth" for purposes of the II/USP as:

> "Making positive growth on the schoolwide Academic Performance Index (API) in either of the two funded implementation years and each year thereafter until the school exits the program."

In July 2004, the SBE approved a similar definition of significant growth for schools participating in the HPSGP. At the same time, the SBE directed California Department of Education (CDE) staff to propose definition-related regulations as may be necessary for both II/USP and HPSGP. The SBE received an information memorandum on this subject in August 2004.

## SUMMARY OF KEY ISSUES

*Education Code* sections 52055.5 and 52055.650 provide for a general standard by which schools participating in the II/USP and HPSG respectively may receive funding or be subject to accountability actions. The definition does not provide a fixed point range, which would draw a distinction between a school achieving its growth target and one making significant growth. Moreover, the current definitions do not address the performance of student subgroups. The purpose of the proposed regulation is to specify a clear standard with respect to a school that has achieved significant growth on the API, and distinguishes it from one which has failed to achieve any growth, or one which meets its growth target on the API.

## FISCAL ANALYSIS (AS APPROPRIATE)

The fiscal analysis will be provided by in a Last Minute Memorandum.

## ATTACHMENT(S)

Attachment 1: Initial Statement of Reasons (2 Pages)

Attachment 2: Title 5, Education, California State Board of Education Notice of Proposed Rulemaking, II/USP and HPSGP (4 Pages)

Attachment 3: Title 5. Education, Division 1. State Department of Education, Chapter 2. Pupils, Subchapter 4. Statewide Testing of Pupils and Evaluation Procedures, Article 1.6. Definition of Significant Growth (1 Page)

A Last Minute Memorandum will provide Fiscal Analysis of the Proposed Regulations

# INITIAL STATEMENT OF REASONS
## Immediate Intervention/Underperforming Schools Program and High Priority Schools Grant Program

**SECTION 1030.5. Definition of Significant Growth.**

## SPECIFIC PURPOSE OF THE PROPOSED REGULATION

*Education Code* sections 52055.5 and 52055.650 provide for a performance standard by which schools participating in the Immediate Intervention/Underperforming Schools Program (II/USP) and High Priority Schools Grant Program (HPSGP), respectively, may receive funding or be subject to accountability actions. The purpose of the proposed regulation is to specify a clear standard with respect to a school that has achieved significant growth on the Academic Performance Index (API), and distinguishes it from one which has failed to achieve any growth, or one which meets its growth target on the API.

## NECESSITY/RATIONALE

The current definitions of significant growth adopted by the State Board of Education (SBE) for those participating in II/USP (July 2003), and those participating in HPSGP (July 2004), are vulnerable to confusion with the statutory definition of growth targets (*Education Code* Section 52052(c)), and the definition of "no growth." The current definitions simply require that a school make "any positive growth on its school wide API" in order for it to achieve significant growth. The definition does not provide a fixed point range (i.e., a range of growth points or API scores) that would establish a distinction between a school achieving its growth target and one making significant growth.

Moreover, the current definitions do not address API performance for comparable student subgroups. For instance, the adopted definitions do not provide clear guidance on how to properly categorize a school that achieves its schoolwide API growth target, but not all of its student subgroups make comparable growth. Under *Education Code* Section 52052(c), such a school could not be characterized as one achieving its growth targets (e.g., all of its subgroups did not achieve their growth targets). Likewise, the school could not be characterized as making "no growth" because it has, in fact, made schoolwide growth. Finally, it is unclear whether the school could be categorized as achieving significant growth because the definitions require only positive growth on schoolwide API and do not address subgroup performance.

## TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The SBE did not rely on empirical studies, reports, or other documents in drafting the proposed regulation.

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

Rather than adopt the proposed regulation, the CDE could maintain the current SBE-adopted definitions of significant growth for II/USP and HPSGP. However, this alternative fails to resolve the issues outlined above. Specifically, the definitions neither provide a fixed point range of schoolwide growth nor do they address student subgroup performance.

## 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 regulation does not anticipate any impact on small businesses because it is applicable only to schools.

STATE OF CALIFORNIA ARNOLD SCHWARZENEGGER, *Governor*

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

TITLE 5. EDUCATION

# CALIFORNIA STATE BOARD OF EDUCATION

# NOTICE OF PROPOSED RULEMAKING

## ***Immediate Intervention/Underperforming Schools Program (II/USP) and High Priority Schools Grant Program (HPSGP)***

*[Notice published September 17, 2004]*

The State Board of Education (State Board) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

## PUBLIC HEARING

The State Board will hold a public hearing beginning at **9:00 a.m. on Tuesday, November 2, 2004**, at 1430 N Street, Room 1801, Sacramento. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The State Board requests that any person desiring to present statements or arguments orally notify the Regulations Coordinator of such intent. The State Board requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. No oral statements will be accepted subsequent to this public hearing.

## WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Regulations Coordinator. The written comment period ends at **5:00 p.m. on November 2, 2004**. The State Board will consider only written comments received by the Regulations Coordinator or at the State Board Office by that time (in addition to those comments received at the public hearing). Written comments for the State Board's consideration should be directed to:

Debra Strain, Regulations Coordinator
California Department of Education
LEGAL DIVISION
1430 N Street, Room 5319
Sacramento, CA 95814
E-mail: *dstrain@cde.ca.gov*
Telephone: (916) 319-0860
FAX: (916) 319-0155

## AUTHORITY AND REFERENCE

Authority: *Education Code* Sections 33031.

References: *Education Code* sections 52053 et seq. and 52055.650 et seq.

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

*Education Code* sections 52055.5 and 52055.650 provide for a general standard by which schools participating in the II/USP and HPSGP respectively may receive funding or be subject to accountability actions. The definition does not provide a fixed point range which would draw a distinction between a school achieving its growth target and one making significant growth. Moreover, the current definitions do not address the performance of student subgroups. The purpose of the proposed regulation is to specify a clear standard with respect to a school that has achieved significant growth on the Academic Performance Index (API), and distinguishes it from one which has failed to achieve any growth, or one which meets its growth target on the API.

## DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: TBD

Cost or savings to any state agency: TBD

Costs to any local agency or school district that must be reimbursed in accordance with *Government Code* Section 17561: TBD

Other non-discretionary cost or savings imposed on local educational agencies: TBD

Cost or savings in federal funding to the state: TBD

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: TBD.

Cost impacts on a representative private person or businesses: The State Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not:

(1) create or eliminate jobs within California;
(2) create new businesses or eliminate existing businesses within California; or
(3) affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: TBD.

Effect on small businesses: The proposed amendments to the regulations do not have an effect on small businesses because the regulations only relate to local school districts and not to business practices.

## CONSIDERATION OF ALTERNATIVES

In accordance with *Government Code* Section 11346.5(a)(13), the State Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the State Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The State Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

## CONTACT PERSONS

Inquiries concerning the substance of the proposed regulations should be directed to:

Martin Miller, Education Program Assistant
California Department of Education
School Improvement Division
1430 N Street, 4th Floor
Sacramento, CA 95814
Telephone: (916) 324-3455
E-mail: *mamiller@cde.ca.gov*

Requests for a copy of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other technical information upon which the rulemaking is based or questions on the proposed administrative action may be directed to the Regulations Coordinator, or to the backup contact person, Najia Rosales, at (916) 319-0860.

## AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Regulations Coordinator will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at her office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. A copy may be obtained by contacting the Regulations Coordinator at the above address.

## AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the State Board may adopt the proposed regulations substantially as described in this notice. If the State Board makes modifications that are sufficiently related to the originally proposed text, the modified text (with changes clearly indicated) will be available to the public for at least 15 days before the State Board adopts the regulations as revised. Requests for copies of any modified regulations should be sent to the attention of the Regulations Coordinator at the address indicated above. The State Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

## AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, a copy of the Final Statement of Reasons may be obtained by contacting the Regulations Coordinator at the above address.

## AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, the text of the regulations in underline and strikeout, and the Final Statement of Reasons, can be accessed through the California Department of Education's Web site at *http://www.cde.ca.gov/re/lr/rr/*.

## REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973,* the *Americans with Disabilities Act of 1990,* and the *Unruh Civil Rights Act,* any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Martin Miller, School Improvement Division, 1430 N Street, Sacramento, CA, 95814; telephone, (916) 324-3455; fax, (916) 324-3580. It is recommended that assistance be requested at least two weeks prior to the hearing.

# Title 5. EDUCATION

## Division 1. State Department of Education

## Chapter 2. Pupils

## Subchapter 4. Statewide Testing of Pupils and Evaluation Procedures

## Article 1.6. Definition of Significant Growth

### § 1030.5. Definition of Significant Growth.

A school achieves significant growth when its schoolwide Academic Performance Index (API) growth is greater than zero and less than its API growth target, or when the school achieves its schoolwide API growth target but fails to make API growth targets for at least one subgroup.

Authority cited: Section 33031, Education Code. Reference: Sections 52053 et seq. and 52055.650 et seq., Education Code.

7-19-04

State of California | Department of Education

# LAST MINUTE MEMORANDUM

**DATE:** September 7, 2004

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

**FROM:** Sue Stickel, Deputy Superintendent
Curriculum Instruction Branch

**RE:** Item No. 20

**SUBJECT:** Immediate Intervention/Underperforming Schools Program (II/USP) and High Priority Schools Grant Program (HPSGP): Proposed Definition of Significant Growth: Approve Commencement of the Rulemaking Process

Please review the revised Attachments 1, 2, and 3 for Item 20. Attachment 4 is the Economic and Fiscal Impact Statement and a Summary of the Fiscal Impact Analysis. The summary concludes that there is no fiscal impact on these proposed regulations.

**Attachment(s)**

Attachment 1: Initial Statement of Reasons (2 Pages)

Attachment 2: Title 5. Education, California State Board of Education Notice of Proposed Rulemaking, II/USP and HPSGP (4 Pages)

Attachment 3: Title 5. Education, Division 1. State Department of Education, Chapter 2. Pupils, Subchapter 4. Statewide Testing of Pupils and Evaluation Procedures, Article 1.6. Definition of Significant Growth (1 Page)

Attachment 4: Economic and Fiscal Impact Statement (12 Pages)
(This attachment is not available for viewing on the Internet. A printed copy is available for viewing in the State Board of Education office.)

# INITIAL STATEMENT OF REASONS
## Immediate Intervention/Underperforming Schools Program and High Priority Schools Grant Program

**SECTION 1030.5. Definition of Significant Growth.**

## SPECIFIC PURPOSE OF THE PROPOSED REGULATION

For application to schools that have not met growth targets, the proposed regulation is to assess eligibility to continue participating in the II/USP and the HPSGP by determining whether a school has made "significant growth." The proposed regulation serves two purposes: (1) it specifies a clear standard to determine whether a school has achieved "significant growth" on the Academic Performance Index (API) and (2) as an alternative measurement, it establishes a set of parallel criteria to determine whether a school demonstrates "significant growth" for II/USP and HPSGP schools that do not have a valid API score.

## NECESSITY/RATIONALE

### A. "Significant Growth" Should be Defined in Order to Determine Continued Eligibility in the "Immediate Intervention/Underperforming Schools Program" for Schools that Have Failed to Meet Growth Targets After 24 Months of Participation.

Education Code Section 52053 establishes the Immediate Intervention/Underperforming Schools Program (II/USP). Schools whose applications are approved received a grant for implementing their Action Plans. The statute requires the State Superintendent of Public Instruction, with the approval of the State Board of Education (SBE), to "identify schools that failed to meet their API growth targets and that have an API score below the 50$^{th}$ percentile in the previous school year relative to …other schools." A number of potential consequences may result from a school's underperformance. After the first year of participation, the potential consequences include, for example, interventions and reassignment of school personnel. (*Education Code* Section 52055).

*Education Code* Section 52055.5(a) provides that where a school fails to meet its growth targets after 24 months, it may continue to participate in the program for an additional year but only where it shows "***significant growth*, *as determined by the State Board of Education***…" (emphasis added). After 36 months, a school that does not meet its growth target is no longer eligible to receive funding for the II/USP.

The proposed regulation will specify clear standards to determine eligibility for continued participation by establishing a distinction between a school which fails to achieve any growth and one which achieves its growth target. The proposed regulation also establishes criteria to determine if a school demonstrates "significant growth" for those participating schools that do not have a valid API score. Criteria for schools without valid API scores is necessary in order to minimize exclusion in program participation and to assess eligibility for state interventions and sanctions.

**B. "Significant Growth" Should be Defined in Order to Determine Continued Eligibility in the "High Priority Schools Grant Program" for Schools that Have Failed to Meet Growth Targets After 24 months and 36 Months of Participation.**

*Education Code* Section 52055.600 establishes the High Priority Schools Grant Program. Section 52055.650(b) requires that if after 24 months a school has not met its growth target in each year, it is subject to review by the SBE. Such a review may include an examination of the school's progress relative to reports submitted to the CDE.

Section 52055.650(d) provides that if after 36 months a school has not met its growth targets each year, but demonstrates significant growth, shall continue to participate in the program and receive funding. If after 36 months a school fails to achieve significant growth, it faces state interventions or sanctions.

The proposed regulation will specify clear standards to determine eligibility for continued participation by establishing a distinction between a school which fails to achieve any growth and one which achieves its growth target. The proposed regulation also establishes criteria to determine if a school demonstrates "significant growth" for those participating schools that do not have a valid API. Criteria for schools without valid API scores is necessary in order to minimize exclusion in program participation and to assess eligibility for state interventions and sanctions.

## TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The SBE did not rely on empirical studies, reports, or other documents in drafting the proposed regulation.

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

The SBE has not identified any alternatives to the proposed regulation that would achieve the specificity demanded to make program participation decisions based on API growth scores. Indeed, the proposed regulation provides a standard as measured by the API and an alternative for those schools that do not have an API score.

## 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 regulation does not anticipate any impact on small businesses because it is applicable only to schools and because it does not involve any economic activity.

STATE OF CALIFORNIA ARNOLD SCHWARZENEGGER, *Governor*

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

TITLE 5. EDUCATION

**CALIFORNIA STATE BOARD OF EDUCATION**

**NOTICE OF PROPOSED RULEMAKING**

**Immediate Intervention/Underperforming Schools Program (II/USP)**
**and High Priority Schools Grant Program (HPSGP)**

[Notice published September 17, 2004]

The State Board of Education (State Board) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

## PUBLIC HEARING

The State Board will hold a public hearing beginning at **9:00 a.m. on Tuesday, November 2, 2004**, at 1430 N Street, Room 1801, Sacramento. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The State Board requests that any person desiring to present statements or arguments orally notify the Regulations Coordinator of such intent. The State Board requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. No oral statements will be accepted subsequent to this public hearing.

## WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Regulations Coordinator. The written comment period ends at **5:00 p.m. on November 2, 2004**. The State Board will consider only written comments received by the Regulations Coordinator or at the State Board Office by that time (in addition to those comments received at the public hearing). Written comments for the State Board's consideration should be directed to:

Debra Strain, Regulations Coordinator
California Department of Education
LEGAL DIVISION
1430 N Street, Room 5319
Sacramento, CA 95814
E-mail: *dstrain@cde.ca.gov*
Telephone: (916) 319-0860
FAX: (916) 319-0155

## AUTHORITY AND REFERENCE

Authority: *Education Code* Sections 33031.

References: *Education Code* sections 52053 et seq. and 52055.650 et seq.

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

*Education Code* sections 52055.5 and 52055.650 provide for a general standard by which schools participating in the II/USP and HPSGP respectively may receive funding or be subject to state interventions or sanctions. The proposed regulation serves two purposes: (1) it specifies a clear standard to determine whether a school has achieved significant growth on the Academic Performance Index (API) and (2) it establishes a criteria to determine whether a school demonstrates academic growth for those II/USP and HPSG participants that do not have a valid API score.

## DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: TBD

Cost or savings to any state agency: TBD

Costs to any local agency or school district that must be reimbursed in accordance with *Government Code* Section 17561: TBD

Other non-discretionary cost or savings imposed on local educational agencies: TBD

Cost or savings in federal funding to the state: TBD

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: TBD.

Cost impacts on a representative private person or businesses: The State Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not:

(1) Create or eliminate jobs within California;
(2) Create new businesses or eliminate existing businesses within California; or
(3) Affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: TBD.

Effect on small businesses: The proposed amendments to the regulations do not have an effect on small businesses because the regulations only relate to local school districts and not to business practices.

## CONSIDERATION OF ALTERNATIVES

In accordance with *Government Code* Section 11346.5(a)(13), the State Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the State Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The State Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

## CONTACT PERSONS

Inquiries concerning the substance of the proposed regulations should be directed to:

Martin Miller, Education Program Assistant
California Department of Education
School Improvement Division
1430 N Street, 4th Floor
Sacramento, CA 95814
Telephone: (916) 324-3455
E-mail: *mamiller@cde.ca.gov*

Requests for a copy of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other technical information upon which the rulemaking is based or questions on the proposed administrative action may be directed to the Regulations Coordinator at (916) 319-0860.

## AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Regulations Coordinator will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at her office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. A copy may be obtained by contacting the Regulations Coordinator at the above address.

## AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the State Board may adopt the proposed regulations substantially as described in this notice. If the State Board makes modifications that are sufficiently related to the originally proposed text, the modified text (with changes clearly indicated) will be available to the public for at least 15 days before the State Board adopts the regulations as revised. Requests for copies of any modified regulations should be sent to the attention of the Regulations Coordinator at the address indicated above. The State Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

## AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, a copy of the Final Statement of Reasons may be obtained by contacting the Regulations Coordinator at the above address.

## AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, the text of the regulations in underline and strikeout, and the Final Statement of Reasons can be accessed through the California Department of Education's Web site at *http://www.cde.ca.gov/re/lr/rr/*.

## REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973,* the *Americans with Disabilities Act of 1990,* and the *Unruh Civil Rights Act,* any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Martin Miller, School Improvement Division, 1430 N Street, Sacramento, CA, 95814; telephone, (916) 324-3455; fax, (916) 324-3580. It is recommended that assistance be requested at least two weeks prior to the hearing.

# Title 5. EDUCATION

## Division 1. State Department of Education

## Chapter 2. Pupils

## Subchapter 4. Statewide Testing of Pupils and Evaluation Procedures

## Article 1.6. Definition of Significant Growth

### § 1030.5. Definition of Significant Growth.

A school achieves significant growth when its schoolwide Academic Performance Index (API) growth is greater than zero and less than its API growth target, or when the school achieves its schoolwide API growth target but fails to make API growth targets for at least one subgroup.

NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 52053 et seq. and 52055.650 et seq., Education Code.

### § 1030.6. Criteria to Demonstrate Academic Growth for IIUSP and HPSG Schools Without Valid APIs.

Schools participating in the Immediate Intervention/Underperforming Schools Program and the High Priority Schools Grant Program without a valid API score demonstrate academic growth when the weighted average percent proficient across all California Standards tests in (a) English/language arts and (b) Mathematics increased by at least one percentage point from the prior year to the year in which they have an invalid score. For purposes of this assessment, 0.99 does not equal 1.00.

NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 52053 et seq. And 52055.650 et seq., Education Code.

7-19-04

**ITEM 21**

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

| SUBJECT | |
|---|---|
| Immediate Intervention/Underperforming Schools Program (II/USP): Proposed intervention for Cohort I, II, and III schools that failed to show significant growth | ☒ **Action**<br>☒ **Information**<br>☐ **Public Hearing** |

## RECOMMENDATION

1. That the State Board of Education (SBE) determine those Cohort I, II, and III schools that will be deemed state monitored,

2. That the SBE assign a School Assistance and Intervention Team (SAIT) to all state-monitored schools and allow the local governing board to retain its legal rights, duties, and responsibilities with respect to that school, and

3. That the SBE defer a decision on those schools without a valid growth Academic Performance Index (API) that meet the alternative criteria for significant growth in order to provide districts an opportunity to file a waiver.

## SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At previous SBE meetings (March 2003, November 2003, January 2004 and March 2004), the SBE approved the State Superintendent of Public Instruction's (SSPI) recommendation that districts of II/USP schools in Cohorts I and II that failed to show significant growth, as defined by the SBE, contract for the services of an approved SAIT Provider. In January 2004, the SBE-approved alternative criteria for significant growth for schools without a valid growth API and approved several waiver requests on the basis of those criteria.

## SUMMARY OF KEY ISSUES

The 2004 schoolwide API results yield a number of II/USP Cohort I and II schools that failed to make significant growth this past year, a number of schools in II/USP Cohort III that failed to make significant growth in either of two implementation years in the II/USP program, and a number of schools in all three Cohorts without valid API growth data that are unable to demonstrate significant growth. (See Attachment 1 for the alternative significant growth criteria for Cohorts I and II schools and Attachment 2 for the alternative criteria for Cohort III schools.)
*Education Code* Section 52055.5(b) directs the SBE to deem II/USP schools not

## SUMMARY OF KEY ISSUES

showing significant growth as state-monitored. The SSPI, with the approval of the SBE, is required to invoke sanctions from one of two groups:

1. According to the provisions of *Education Code* Section 52055.5(a), the SSPI shall:

    - Assume all the legal rights, duties, and powers of the governing board, unless the SSPI and the SBE allow the local governing board to retain these rights.

    - Reassign the principal of that school, subject to a hearing, and

    - Do one or more of the following with respect to a state-monitored school:

        - Revise attendance options
        - Allow parents to apply directly to the SBE to establish a charter school
        - Assign the management of the school to a school management organization
        - Reassign other certificated employees of the school
        - Renegotiate a new collective bargaining agreement at the expiration of the existing one
        - Reorganize the school
        - Close the school, and/or
        - Place a trustee at the school for no more than three years

2. As an alternative to the above, the SSPI, with the approval of the SBE, may require districts to contract with a SAIT in lieu of other interventions and sanctions. If the SBE approves, the governing board of the school district may retain its legal rights, duties and responsibilities with respect to that school. [*Education Code* Section 52055.51(a)]

    - SAIT teams are teams of educators with experience in curriculum and instruction aligned to state standards, SBE-adopted texts in reading/language arts and math, SBE-adopted intervention programs, use of data from academic assessments, and fiscal allocations.

    - Teams are fielded by organizations approved by the SSPI under criteria adopted by the SBE. Organizations are approved based on demonstrated evidence of turning around underperforming schools and trained on a state-designed intervention process.

SAIT teams verify information provided by the district on an Academic Program Survey, which results in a Report of Findings and Corrective Actions adopted by the local

## SUMMARY OF KEY ISSUES

governing board. This is followed by the provision of technical assistance and support and monitoring, no less than three times a year, of the school's academic progress toward meeting specified benchmarks for improvement.

## FISCAL ANALYSIS (AS APPROPRIATE)

Details of the expenditure plan for appropriations to non-Title I and Title I state-monitored schools is incorporated in the September SBE item entitled:

“Immediate Intervention/Underperforming Schools Program (II/USP): School Assistance and Intervention Team (SAIT): Approval of expenditure plan to support SAIT activities and corrective actions in state-monitored schools.”

## ATTACHMENT(S)

Attachment 1: Criteria for II/USP Schools Without Valid Growth APIs to Demonstrate Academic Growth: Cohorts I and II (1 Page)

Attachment 2: Criteria for II/USP Schools Without Valid Growth APIs to Demonstrate Academic Growth: Cohort III (1 Page)

A Last Minute Memorandum will provide API Base and Growth information for the appropriate years for each school subject to being deemed state-monitored.

# Criteria for II/USP Schools Without Valid Growth APIs to Demonstrate Academic Growth:
## Cohorts I and II

Elementary schools must demonstrate that:

- The percentage of students (schoolwide) at or above the proficient level on the California Standards test in English/language arts increased by at least one percentage point from 2003 to 2004 (Note: 0.99 does not equal 1.00), and

- The percentage of students (schoolwide) at or above the proficient level on the California Standards test in Mathematics Standards increased by at least one percentage point from 2003 to 2004.

Middle schools must demonstrate that:

- The percentage of students at or above the proficient level (schoolwide) on the California Standards test in English/language arts increased by at least one percentage point from 2003 to 2004 (Note: 0.99 does not equal 1.00), and

- The percentage of students (schoolwide) at or above the proficient level on the California Standards tests in the Mathematics Standards, General Math, and Algebra I increased by at least one percentage point from 2003 to 2004.

High schools must demonstrate that:

- The percentage of students (schoolwide) at or above the proficient level on the California Standards test in English/language arts increased by at least one percentage point from 2003 to 2004 (Note: 0.99 does not equal 1.00), and

- The percentage of students (schoolwide) at or above the proficient level on the California Standards test in General Mathematics, Algebra I, and Geometry increased by at least one percentage point from 2003 to 2004.

# Criteria for II/USP Schools Without Valid APIs to Demonstrate Academic Growth: Cohort III

Elementary schools must demonstrate that:

- The percentage of students (schoolwide) at or above the proficient level on the California Standards test in English/language arts increased by at least one percentage point from 2002 to 2003 and from 2003 to 2004 (Note: 0.99 does not equal 1.00), and

- The percentage of students (schoolwide) at or above the proficient level on the California Standards test in Mathematics Standards increased by at least one percentage point from 2002 to 2003 and 2003 to 2004.

Middle schools must demonstrate that:

- The percentage of students at or above the proficient level (schoolwide) on the California Standards test in English/language arts increased by at least one percentage point from 2002 to 2003 and from 2003 to 2004 (Note: 0.99 does not equal 1.00), and

- The percentage of students (schoolwide) at or above the proficient level on the California Standards tests in the Mathematics Standards, General Mathematics, and Algebra I increased by at least one percentage point from 2002 to 2003 and 2003 to 2004.

High schools must demonstrate that:

- The percentage of students (schoolwide) at or above the proficient level on the California Standards test in English/language arts increased by at least one percentage point from 2002 to 2003 and from 2003 to 2004 (Note: 0.99 does not equal 1.00), and

- The percentage of students (schoolwide) at or above the proficient level on the California Standards test in General Mathematics, Algebra I, and Geometry increased by at least one percentage point from 2002 to 2003 and 2003 to 2004.

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**ITEM #22**

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

| SUBJECT | |
|---|---|
| Immediate Intervention/Underperforming Schools Program (II/USP): School Assistance and Intervention Team (SAIT): Approval of expenditure plan to support SAIT activities and corrective actions in state-monitored schools | ☒ **Action**<br>☒ **Information**<br>☐ **Public Hearing** |

### RECOMMENDATION

The Department recommends approval of the expenditure plan.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At previous State Board of Education (SBE) meetings (November 2003, January 2004, and March 2004), the SBE deemed 32 II/USP Cohort I and Cohort II schools as state-monitored based on the 2003 schoolwide Academic Performance Index (API) growth data. The SBE assigned all state-monitored schools SAITs and approved funding for SAIT activities and implementation of corrective actions.

### SUMMARY OF KEY ISSUES

The Public Schools Accountability Act (PSAA) requires that state-monitored SAIT schools receive funding to implement the recommended corrective actions for two to three years. Attached is an expenditure plan for the second year of corrective action funding for the 2003-04 state-monitored schools.

Schools identified as state-monitored in 2002-03 that do not make significant growth for two consecutive years will continue to be state-monitored. These schools will receive a third year of funding to continue implementation of the corrective actions. The status of these schools will be available once the 2004 schoolwide API growth data are released.

Additionally, in September 2004, the release of schoolwide API growth data will yield a number of new schools to be deemed as state-monitored. These schools will require funds to contract for a SAIT and to support recommended corrective actions.

A Last Minute Memorandum will provide an expenditure plan for: (1) 2002-03 state-monitored schools that do not make significant growth for two consecutive years and will remain in the program and (2) newly identified schools that will be brought to the SBE for consideration based on the release of the 2004 schoolwide API growth data.

## FISCAL ANALYSIS (AS APPROPRIATE)

See Table I in Attachment 1 for fiscal analysis.

## ATTACHMENT(S)

Attachment 1: Expenditure Plan for 2003-04 State-monitored Schools (1 page)

**Last Minute Memorandum:** Expenditure plan for (1) 2002-03 state-monitored schools that do not make significant growth for two consecutive years and will remain in the program and (2) newly identified schools that will be brought to the SBE for consideration based on the release of the 2004 schoolwide API growth data.

## Table I

### Expenditure Plan for 2003-04 State-monitored Schools

| Requirements | Formula | Cost |
|---|---|---|
| These are Cohort I and II schools in their second year of state-monitored school status.<br><br>The *Budget Act of 2004* requires that each school that contracts with a SAIT team shall receive $150 per student to improve student learning. Districts receiving funds are required to provide an in-kind match of services or funds in an amount equal to the amount received. | **Title I:**<br>$150 x 25,532 students (27 schools)[1] | $3,829,800 |
| | **Non-Title I:**<br>$150 x 7,758 students (5 schools)[2] | $1,163,700 |
| | **TOTAL** | **$4,993,500** |

1 Source: Federal Funds.
2 source: State General Fund.

**State of California** **Department of Education**

# LAST MINUTE MEMORANDUM

**DATE:** September 7, 2004

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

**FROM:** Sue Stickel, Deputy Superintendent
Curriculum and Instruction Branch

**RE:** Item No. 22

**SUBJECT:** Immediate Intervention/Underperforming Schools Program (II/USP): School Assistance and Intervention Team (SAIT): Approval of expenditure plan to support SAIT activities and corrective actions in state-monitored schools

At previous State Board of Education (SBE) meetings during the 2002-03 and the 2003-04 fiscal years, the SBE deemed selected II/USP schools as state-monitored. The SBE assigned a SAIT for all state-monitored schools and approved funding for SAIT activities and implementation of corrective actions.

With the August 31, 2004 release of the 2004 schoolwide API data, 73 schools have been recommended for state monitoring in 2004-05. Upon approval of the recommendations for a SAIT, this item will allow the Department to issue grant awards to support the work.

Table 1 lists federal and state general funds earmarked for 69 Title I schools and three non-Title I schools in II/USP Cohorts I and II that are recommended for state monitoring. The total federal expenditure proposed is $12,263,700. The state general fund expenditure proposed is $807,450.

Table 2 lists federal funds proposed for one Cohort III school in the amount of $200,250.

Table 3 lists federal and state general funds for 2002-03 and 2003-04 state-monitored schools that are continuing to implement corrective actions under *Education Code* Section 52555.5. The federal total is $4,271,100. The state general fund total is $1,274,700.

The total request is $16,735,050 for federal funds and $2,082,150 for state general funds.

Attachment 1: Expenditure Plan (3 pages)

Table 1
2004-05 Expenditure Plan for Cohort I and II State-Monitored Schools

| Funding | Newly Identified Schools | School Assistance and Intervention Team (SAIT) Work | Corrective Actions as a Result of SAIT Work |
|---|---|---|---|
| **Federal Funds** | **Cohorts I and II** | | |
| | Elementary 51 | $75,000 x 51 = $3,825,000 | 28,308 students x $150 = $4,246,200 |
| | Middle 12 | $75,000 x 12 = $ 900,000 | 11,063 students x $150 = $1,659,450 |
| | High 6 | $100,000 x 6 = $ 600,000 | 6,887 students x $150 = $1,033,050 |
| | Subtotal 69 | **Subtotal $5,325,000** | **Subtotal $6,938,700** |
| | | **SAIT and Corrective Actions Federal Funding: $12,263,700** | |
| | | | |
| **State Funds** | **Cohorts I and II** | | |
| | Middle 2 | $75,000 x 2 = $150,000 | 1,301 students x $150 = $195,150 |
| | High 1 | $100,000 x 1 = $300,000 | 1,082 students x $150 = $162,300 |
| | Subtotal 3 | **Subtotal $450,000** | **Subtotal $357,450** |
| | | **SAIT and Corrective Actions State Funding: $807,450** | |

Table 2
2004-05 Expenditure Plan for Cohort III State-Monitored School

| **Funding** | **Newly Identified Schools** | **School Assistance and Intervention Team (SAIT) Work** | **Corrective Actions as a Result of SAIT Work** |
|---|---|---|---|
| **Federal Funds** | **<u>Cohort III</u>**<br>Elementary 1 | $75,000 x 1 = $75,000 | 835 students x $150 = $125,250 |
| | | **SAIT and Corrective Actions Federal Funding: $200,250** | |

Table 3
Revised Expenditure Plan for 2002-03 and 2003-04 State-Monitored Schools

| Funding | Previously Identified Schools | Corrective Actions as a Result of SAIT Work |
|---|---|---|
| **Federal Funds** | **2002-03**<br>Elementary 4<br>High 1<br>Subtotal 5<br><br>**2003-04**<br>Elementary 13<br>Middle 6<br>High 7<br>Subtotal 26 | <br>2,942 students x $150 = $ 441,300<br>2,573 students x $150 = $ 385,950<br>**Subtotal $ 827,250**<br><br><br>7,409 students x $150 = $1,111,350<br>5,022 students x $150 = $ 753,300<br>10,528 students x $150 = $1,579,200<br>**Subtotal $3,443,850** |
| | | **TOTAL: $4,271,100** |
| | | |
| **State Funds** | **2002-03**<br>High 1<br><br>**2003-04**<br>High 5<br>Subtotal 6 | <br>740 students x $150 = $ 111,000<br><br><br>7,758 students x $150 = $1,163,700<br>**Subtotal $1,274,700** |
| | | **TOTAL: $1,274,700** |

**ITEM #23**

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

| SUBJECT | |
|---|---|
| High Priority Schools Grant Program (HPSGP): Review of Schools Not Making Significant Growth After 24 Months: Development of State Board of Education Procedure | ☒ **Action**<br>☒ **Information**<br>☐ **Public Hearing** |

### RECOMMENDATION

Adopt a procedure for staff to review the status of High Priority (HP) schools that fail to achieve their API growth targets during their first two years of implementation and decide what actions should be applied to these schools.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

An information item related to this issue was presented to the State Board of Education (SBE) in August 2004.

### SUMMARY OF KEY ISSUES

*Education Code* Section 52055.650(b) allows the SBE to review HP schools that fail to achieve their API growth targets in each of their first two years of implementation. The statute further specifies that the State Superintendent of Public Instruction (SSPI), with the approval of the SBE, may direct that the governing board of a school take appropriate action to provide corrective assistance to the school to achieve the components established in the school's action plan.

Consequently, the SBE needs to (1) adopt a procedure regarding how staff will review these schools, and (2) decide what actions, if any, should be applied to those schools that fail to make their growth targets each year.

<u>Procedure for SBE to review schools not making growth targets</u>

It is recommended that the SBE adopt a procedure for reviewing HP schools that uses the Academic Performance Index (API) growth scores obtained during their first two years of participation in the program to identify schools that (1) made significant growth; and (2) failed to make any positive API growth during this period. To assist in making these determinations for HP schools without valid API growth data, staff will use the same alternative criteria the SBE approved at their January 2004 meeting for II/USP schools that do not have valid API scores.

## SUMMARY OF KEY ISSUES

Potential Actions

The second component of the statute allows for the SSPI, with approval by the SBE, to direct a local board to take action to remedy a school's performance. In considering what measures should be applied to HP schools that fail to make their growth targets each year, it is recommended that the SBE approve the following two actions that are consistent with the level of school's performance.

1) For HP schools that fail to meet their growth targets during both years of implementation but make significant growth:

   Direct the SSPI to send a letter to each school directing their local governing board to hold a public hearing at a regularly scheduled meeting to ensure that members of the school community are aware of the lack of progress.

2) For HP schools that fail to make any positive API growth during both of their first two years of implementation:

   Direct the SSPI to send a letter to the governing board of each school: (1) directing the local governing board to hold a public hearing at a regularly scheduled meeting to ensure that members of the school community are aware of the lack of progress; (2) requiring that the school complete an Academic Program Survey (part of the School Assistance and Intervention Team process that state monitored schools complete); and (3) directing the local governing board to work with the school and undertake corrective strategies as indicated by the results of the survey**.**

## FISCAL ANALYSIS (AS APPROPRIATE)

There is no fiscal impact.

## ATTACHMENT(S)

None

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

| **SUBJECT** | |
|---|---|
| Special Education: Adopt Title 5 Regulations (Sections 3088.1 and 3088.2) regarding withholding funds to enforce special education compliance | ☒ **Action**<br>☒ **Information**<br>☐ **Public Hearing** |

## RECOMMENDATION

Adopt Title 5 Regulations (Sections 3088.1 and 3088.2) regarding withholding funds to enforce special education compliance.

## SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) at the January 2004 meeting approved the commencement of the rule making process for the proposed regulation. Staff was directed to conduct a public hearing on March 8, 2004, at 8:00 a.m. Substantial changes were made to the regulations as a result of the public comments received. The SBE at the May 2004 meeting directed staff to begin the rulemaking process for the revised regulations. Staff was directed to provide a 45-day public comment period from May 21 through July 6 and conduct a public hearing on July 6, 2004, at 8:00 a.m. Though two people attended the public hearing, no one made any comments at the hearing. Based on several written comments received during the public comment period, modified language for regulations 3088.1 and 3088.2 was recommended which the SBE approved at the July 7, 2004 meeting. The SBE directed that the proposed amendments be circulated for a 15-day public comment period. The public comment period was held from July 14 through July 28 in accordance with the Administrative Procedure Act. The Final Statement of Reasons (attachment 1), provides a summary of comments received with written responses.

## SUMMARY OF KEY ISSUES

20 USC Section 1413 requires, among other things, that state education agencies monitor local educational agencies to assure compliance with special education laws. 34 CFR 300.197 and *Education Code* Section 56845(a) and (b) authorize the State Superintendent of Public Instruction (SSPI) to withhold state and federal funds from a local education agency after reasonable notice and opportunity for a hearing if the SSPI finds the agency out of compliance with special education laws.

This proposed regulation is developed in response to the U.S. Department of Education, Office of Special Education Policy (OSEP) expectation that state education agencies have a full continuum of enforcement options to compel compliance with special education laws. Section 3088.1 specifies the required contents of a hearing notice and the timelines for conducting the hearing prior to making a decision whether to withhold funds. Section 3088.2 specifies when funds shall be withheld if the hearing officer concludes that the local educational agency has not presented sufficient proof of compliance or mitigating circumstances precluding compliance. This section also stipulates that the SSPI may apportion state and federal funds previously withheld from the local education agency when it is determined that substantial progress toward compliance with special education laws has been made.

## FISCAL ANALYSIS (AS APPROPRIATE)

The proposed regulations would create a new program or higher level of service in an existing program. The activities specified in the regulations are necessary in order to implement the federal and state statutes. Any cost associated with the activities are attributable to the federal statute and are therefore not reimbursable. It is believed that any additional state costs could be absorbed within the existing department resources and budget.

## ATTACHMENT(S)

Attachment 1: Final Statement of Reasons (6 Pages)
Attachment 2: Proposed Title 5 Regulations, sections 3088.1 and 3088.2 (3 Pages)

# FINAL STATEMENT OF REASONS

UPDATE OF INITIAL STATEMENT OF REASONS

**Regulation sections 3088.1 and 3088.2**

The proposed regulations are developed in response to the U.S. Department of Education, Office of Special Education Policy (OSEP) expectation that state education agencies have a full continuum of enforcement options to compel compliance with special education laws.

Section 3088.1 of the regulations specifies the required contents of a hearing notice and timelines for conducting the hearing prior to making a decision whether to withhold funds. Section 3088.2 specifies funds shall be withheld if the hearing officer determines that a preponderance of the evidence supports the Department's findings of noncompliance and withholding of funds is appropriate in the particular circumstance. The section also stipulates that the Superintendent may apportion state and federal funds previously withheld from the local education agency when it is determined that substantial progress toward compliance with special education laws has been made.

## SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE INITIAL NOTICE PERIOD OF MAY 21, 2004 TO JULY 6, 2004.

**Comment:** Kevin Reed, General Counsel for the Los Angeles Unified School District, and Ronald Wenkart, General Counsel for the Orange County Office of Education, each submitted separate comments and legal arguments concerning the definition of "substantial noncompliance" found in Section 3088.1(a). They propose that "substantial noncompliance" be defined using language derived in case law from Amanda J. v. Clark County School District, 267 F. 3rd. 877 (9th Cir. 2001). The court stated, "Substantial noncompliance means an incident of significant failure to provide a child with a disability with a free appropriate public education or an act which results in the loss of an educational opportunity to the child or interferes with the opportunity of the parents or guardians of the pupil to participate in the formulation of the individual education program."

**Response:** As described above, these comments are persuasive and the regulation Section 3088.1 shall be amended to add the following language to define substantial noncompliance, "an act which results in the loss of an educational op
child or interferes with the opportunity of the parents or guardians of t
participate in the formulation of the individual education program."



**Comment:** Kevin Reed, General Counsel for the Los Angeles Unified School District, and Ronald Wenkart, General Counsel for the Orange County Office of Education, each submitted separate comments concerning Section 3088.1(f). Mr. Wenkart proposed the language of this section be amended to, "Technical rules of evidence should not apply to the hearing, but relevant written evidence or oral testimony may be admitted and

given probative effect only if it is the kind of evidence upon which reasonable persons are accustomed to rely on the conduct of serious affairs. A decision of the hearing officer to withhold funding shall be supported by substantial evidence produced at the hearing showing that the local education agency was in substantial noncompliance with a provision of law regarding special education and related services or a corrective action order by the Department of Education that complies with laws regarding special education and related services. No decision to withhold funds shall be based solely upon hearsay evidence. All findings of the hearing officer shall be based solely on the evidence presented at the hearing." Mr. Reed states that, "it is essential that the regulations reflect that the evidentiary standard used at a hearing be clearly based on evidence and not hearsay."

**Response:** Some of the proposed language for Section 3088.1(f) is found in *Education Code* Section 48918(h) regarding the technical rules of evidence. It is agreed that a decision to withhold funds should not be based solely upon hearsay evidence. Section 3088.1(f) shall be amended to read, "Technical rules of evidence should not apply to the hearing, but relevant written evidence or oral testimony may be submitted and given probative effect only if it is the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. A decision of the hearing officer to withhold funding shall not be based solely on hearsay evidence but must be supported by evidence produced at the hearing showing substantial noncompliance with the provisions of special education law. Local education agencies may be represented by counsel and the hearings will be open to the public."

**Comment:** Kevin Reed, General Counsel for the Los Angeles Unified School District, comments, "the need to note exceptions to a Local Education Agency (LEA) completing corrective action within the timeline stipulated by the California Department of Education (CDE)." He further notes that currently the Focused Monitoring Technical Assistance (FMTA) Unit within the CDE informally allows for brief extensions beyond the typical timeline.

**Response:** In addition to the FMTA unit being able to informally grant extensions beyond the typical timeline, Section 3088.1(d) contains the provision that the hearing officer may grant extensions for good cause. This provides adequate protection to all parties in the event that exceptional circumstances cause delays and prevent timely completion of correction actions.

**Comment:** Kevin Reed, General Counsel for the Los Angeles Unified School District, comments that substantial progress toward compliance with the law needs to be objectively defined and that the permissive nature of the regulations with regard to restoring funds has the potential to further damage the ability of the LEA to carry out its responsibilities. Carol Bartz, Senior Director of the North Inland Special Education Region, also comments that the language in Section 3088.2(b) should be changed from "may" to "shall" with regard to the superintendent being mandated to apportion previously withheld funds.

**Response:** With respect to the permissive language contained in regulation Section 3088.2(b) this reflects the language found in *Education Code* Section 56845(b). Given the scope of the hearing and the expertise of the hearing officer, it is expected that the hearings will be factually and legally complex. When a finding of substantial noncompliance is made, the hearing officer shall include information about the steps that the local educational agency can take to remedy that finding. It therefore seems appropriate to allow the hearing officer to define "substantial progress" based on the specific circumstances raised during the hearing rather than attempt to include a generic definition in the regulations.

**Comment:** Carol Bartz, Senior Director of the North Inland Special Education Region, also comments that the language in Section 3088.1(d) which states, "the hearing officer should have experience in special education and administrative hearing procedures." could be interpreted that the hearing officer could only be someone from McGeorge School of Law Special Education Hearing Office."

**Response:** This language is to assure that the hearing officer is qualified and knowledgeable to conduct special education hearings and not to limit selection of hearing officers to one source. There are hearing officers who meet these criteria that are not from McGeorge School of Law Special Education Hearing Office.

**Comment:** Jeff Thom, president of the California Council of the Blind commented that the council is extremely supportive of these proposed regulations.

**Response:** CDE is pleased to hear of the support of these regulations from the California Council of the Blind.

**Comment:** Stephen Rosenbaum, Associate Managing Attorney for Protection and Advocacy, Inc. commented that, "In 5 CCR Section 3088.1(a), there is no reference to noncompliance with due process hearing decisions (2nd sentence) and the application and definition of a "substantial compliance" standard is overly restrictive (last sentence). First, the California *Education Code* (56845(a)(2)) specifically contemplates withholding for failure to implement the decision of a due process hearing officer based on noncompliance with provisions of *Education Code*, Part 30-Special Education Programs, Individual with Disabilities Education Act (IDEA) and implementing state and federal regulations which results in the denial of, or impedes the delivery of, a free appropriate public education for an individual with exceptional needs. Note that, consistent with 20 USC Section 1413(d), the withholding intended under subparagraph (a)(2) of the *Education Code* is triggered by noncompliance—not substantial noncompliance—when a local educational agency fails to implement a hearing decision concerning Free and Appropriate Public Education (FAPE) for an individual student."

**Response:** Noncompliance does initiate the implementation of imposing sanctions as the regulations are currently written. To include language in the regulations that withholding would always occur in every case where noncompliance was established for

an individual student, especially in a very large district that is serving thousands of students with a disability, would be unreasonable and harmful to the provision of FAPE for the other students with disabilities in that district who are being appropriately served. The fact that the courts have defined "substantial noncompliance" in Amanda J. v. Clark County School District, 267 F. 3rd. 877 (9th Cir. 2001) is an indication that applying the standard of "substantial noncompliance" is reasonable and fair.

**Comment:** Stepehen Rosenbaum, Associate Managing Attorney for Protection and Advocacy, Inc. also commented, "Second, even where "substantial noncompliance" may be appropriately applied, it does not concern delivery (an incident of significant failure) of FAPE, but rather compliance with the Department of Education corrective action orders. Moreover, the terms "history of chronic noncompliance" and "systemic agency-wide problem noncompliance" establish a standard that is difficult to interpret and arguable goes beyond what was intended by the Legislature."

**Response:** Given the scope of the hearing and the expertise of the hearing officer, it is expected that the hearings will be factually and legally complex. When a finding of substantial noncompliance is made, the regulation language does not prevent the hearing officer from considering any Department of Education corrective action orders in addition to establishing what constitutes a "history of chronic noncompliance" and "systemic agency-wide problem noncompliance" based on the specific circumstances raised during the hearing. A generic definition of these terms is not included in the regulations for that reason.

**Comment:** Stephen Rosenbaum, Associate Managing Attorney for Protection and Advocacy, Inc. finally commented, "we are concerned about the deletion of the regulatory language in the January 23, 2004 notice that limited the scope of the hearing officer's review to determine the sufficiency of proof of corrective action by a local educational agency. Section 3088(a)(3) of the earlier rule stated that a hearing shall not reopen any finding of noncompliance or any corrective action that has been ordered. That provision has been omitted from the current version, which will result in an unduly prolonged hearing process."

**Response:** There are substantial legal arguments why funds should not be withheld unless an LEA has been afforded the opportunity for a full evidentiary hearing on the underlying findings of noncompliance made by the Department of Education in Virginia Dept. of Education v. Riley, 23 F.3rd 80 (4th Cir. 1994). The regulations have been revised to expand the scope of the hearing to allow LEAs to contest the underlying compliance findings consistent with this case law interpreting the federal statute.

**COMMENTS RECEIVED DURING THE PERIOD THE 15-DAY NOTICE AND PROPOSED REGULATION TEXT WAS AVAILABLE TO THE PUBLIC.**

**The modified text was made available to the public from July 14, 2004 through July 28, 2004, inclusive. The State Board of Education received the following comments:**

**Comment:** Ronald Wenkart, General Counsel for the Orange County Office of Education, commented, "The revised regulations incorporate a number of our suggestions with regard to the definition to "substantial noncompliance" and the evidentiary standard to be used at the hearing. We believe that the regulations, as adopted, are a great improvement over the prior drafts and are fair and reasonable."

**Response:** The Department of Education is pleased that the Orange County Office of Education believes that regulations are currently written are fair and reasonable.

**Comment:** Stephen Rosenbaum, Associate Managing Attorney for Protection and Advocacy, Inc. commented in correspondence dated July 28, 2004 "We have reviewed the proposed changes promulgated on July 14, 2004 and continue to be seriously concerned about the language which has been added and deleted since the March 2004 hearing. (See our comments of July 6). With regard to §3088.1(a), the proposed added language partially addresses our comment about the overly restrictive language in the definition of "substantial noncompliance." However, we reiterate that there is no reference to noncompliance with due process hearing decisions (2d sentence) and the application and definition of a "substantial compliance" standard remain overly restrictive (last sentence)."

**Response:** This is essentially the same comment expressed by Mr. Rosenbaum in his comments of July 6 that we have already responded to above.

**Comment:** Stephen Rosenbaum, Associate Managing Attorney for Protection and Advocacy, Inc. also commented in correspondence dated July 28, 2004 that, "even where "substantial noncompliance" may be appropriately applied, it does not concern delivery ("an incident of significant failure") of FAPE, but rather compliance with Department of Education corrective action orders. Moreover, the terms "history of chronic noncompliance" and "systemic agency-wide problem noncompliance" establish a standard that is difficult to interpret and arguably goes beyond what was intended by the Legislature."

**Response**: This is the identical comment expressed by Mr. Rosenbaum in his comments of July 6 that we have already responded to above.

**Comment:** Stephen Rosenbaum, Associate Managing Attorney for Protection and Advocacy, Inc. finally commented in correspondence dated July 28, 2004 that, "we are concerned about the deletion of the regulatory language in the January 23, 2004 notice that limited the scope of the hearing officer's review to determining the sufficiency of proof of corrective action by a local educational agency. Section 3088.1(a)(3) of the earlier rule stated that a hearing "shall not reopen any finding of noncompliance or any corrective action that has been ordered." That provision has been omitted from the current version, which will result in an unduly prolonged hearing process."

**Response:** This is the identical comment expressed by Mr. Rosenbaum in his

comments of July 6 that we have already responded to above.

## 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.

7-29-04

**Title 5. EDUCATION**

**Division 1. State Department of Education**

**Chapter 3. Handicapped Children**

**SUBCHAPTER 1. SPECIAL EDUCATION**

**Article 7. Procedural Safeguards**

*Add §§ 3088.1 and 3088.2 to read:*

**§ 3088.1. Sanctions: Withholding Funds to Enforce Special Education**

(a) When a district, special education local plan area, or county office of education fails to comply substantially with a provision of law regarding special education and related services, the superintendent may withhold funds allocated to such local agency under Chapter 7.2 (commencing with Section 56836) of Part 30 of the Education Code and the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.). Such noncompliance may result from failure of the local agency to substantially comply with corrective action orders issued by the Department of Education in monitoring findings or complaint investigation reports. “Substantial noncompliance” means an incident of significant failure to provide a child with a disability with a free appropriate public education, an act which results in the loss of an educational opportunity to the child or interferes with the opportunity of the parents or guardians of the pupil to participate in the formulation of the individual education program, a history of chronic noncompliance in a particular area, or a systemic agency-wide problem of noncompliance.

(b) Prior to withholding funds, the department shall provide written notice to the local educational agency, by certified mail, of the noncompliance findings that are the basis of the Department’s intent to withhold funds. The notice shall also inform the local agency of the opportunity to request a hearing to contest the findings and the proposed withholding of funds.

(c) The notice shall include the following information:

(1) The specific past and existing noncompliance that is the basis of the withholding of funds.

(2) The efforts that have been made by the Department to verify that all required

corrective actions have been taken.

(3) The specific actions that must be taken by the local educational agency to bring it into compliance by an exact date to avoid the withholding of funds.

(d) The local educational agency shall have 30 calendar days from the date of the notice to make a written request for a hearing. The department shall schedule a hearing within 30 days of receipt of a request for hearing, and notify the local agency of the time and place for hearing. A hearing officer with experience in special education and with administrative hearing procedures shall be assigned by the department to conduct the hearing and make an audio recording of the proceeding. The hearing officer may grant continuances of the date for hearing for good cause.

(e) The local education agency shall have the opportunity, prior to the hearing, to obtain all documentary evidence maintained by the Department's Special Education Division that supports the findings of noncompliance at issue in the notice of intent to withhold funds.

(f) Technical rules of evidence shall not apply to the hearing, but relevant written evidence or oral testimony may be submitted, and given probative effect only if it is the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. A decision of the hearing officer to withhold funding shall not be based solely on hearsay evidence but must be supported by evidence produced at the hearing showing substantial noncompliance with the provisions of special education law. Local education agencies may be represented by counsel and the hearings will be open to the public.

(g) If a hearing is not requested, the Department shall withhold funds as stated in the notice. If a hearing is held, a written decision shall be rendered within 30 calendar days from the date the hearing is held.

NOTE: Authority cited: Section 33031, Education Code. Reference: Section 56845(a), Education Code.

**§ 3088.2. Enforcement and Withholding of Funds.**

(a) The hearing officer shall determine, based on the totality of the evidence, whether a preponderance of the evidence supports the Department's findings of

noncompliance and the determination that withholding of funds is appropriate in the particular circumstances of the case. The hearing officer's decision shall be the final decision of the Department of Education.

(b) If the Superintendent of Public Instruction determines, subsequent to withholding funds, that a local educational agency has made substantial progress toward compliance with the state law, federal law, or regulations governing the provision of special education and related services to individuals with exceptional needs, the superintendent may apportion the state or federal funds previously withheld to the local educational agency.

NOTE: Authority cited: Section 33031, Education Code. Reference: Section 56845(b), Education Code.

7-6-04

**ITEM #25**

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

| SUBJECT | |
|---|---|
| Curriculum Development and Supplemental Materials Commission: Report to the State Board | ☒ **Action**<br>☒ **Information**<br>☐ **Public Hearing** |

### RECOMMENDATION

Receive a report from the Curriculum Development and Supplemental Materials Commission (Curriculum Commission) and, if necessary, provide guidance to Commission.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The Curriculum Commission provides regular reports of its activities to the State Board of Education (SBE).

### SUMMARY OF KEY ISSUES

The Curriculum Commission's reports are often presented as information memoranda. Occasionally, the Curriculum Commission chair (and/or designated commissioners) will present the report at a regular SBE meeting.

### FISCAL ANALYSIS (AS APPROPRIATE)

N/A.

### ATTACHMENT(S)

Attachment 1: Report of the Curriculum Development and Supplemental Materials Commission (2 Pages)

State of California Arnold Schwarzenegger, Governor

# Curriculum Development and Supplemental Materials Commission

An advisory body to the California State Board of Education
916-319-0881

August 4, 2004

Ruth E. Green, President
State Board of Education
1430 N Street, Fifth Floor
Sacramento, CA 94244-2720

Dear President Green:

Subject: Report of the Curriculum Development and Supplemental Materials Commission

On behalf of the Curriculum Development and Supplemental Materials Commission (Curriculum Commission), I am reporting on recent developments relating to the Curriculum Commission's responsibilities and activities.

*July 21 Meeting*
The Curriculum Commission met July 21 with the main purpose of discussing the draft *Mathematics Framework*. At the meeting, the Curriculum Commission did attend to some other matters, most notably, agreeing to extend the deadline to September 15 for receiving applications from potential members of the Instructional Materials Advisory Panel and the Content Review Panel for the History-Social Science Adoption in 2005. In addition, the Commission appointed Dr. Charles Munger as its liaison for the development of the principles of environmental education. These principles are being developed pursuant to Assembly Bill 1548 (Chapter 665, Statutes of 2003) and will come to the Curriculum Commission later in the year for review.

*Mathematics Framework*
The Curriculum Commission continues to make progress on preparing the *Mathematics Framework* for field review. At its July meeting, the Commission approved one of the final two pieces of the draft document, "Chapter 10: Criteria for Evaluating Mathematics Instructional Materials." The criteria for evaluating K-8 instructional materials are being revised so that the Commission will review and the Board will adopt instructional materials in three categories: basic standards-aligned, intervention, and Algebra readiness. As for the remaining document, the Commission agreed to work with three teachers designated by the California Mathematics Council on "Appendix E: Algebra Readiness and Mathematics Intervention." It is our hope that by gaining additional teacher comments, "Appendix E" will speak clearly to teachers, curriculum developers, and publishers of instructional materials.

We are grateful that the California Mathematics Council wishes to reach consensus on this matter. The Mathematics Committee will review the revised "Appendix E" in late August. The field review has been delayed and will begin September 1 and continue to November 1.

*2004 Health Adoption of K-8 Instructional Materials*
On July 19-22, 2004, the Curriculum Commission brought together for deliberations members of the Instructional Materials Advisory Panel (IMAP) and the Content Review Panel (CRP). The deliberations were open to the public and every panel had visitors, including publishers. The panels created a report of findings that the Curriculum Commission will examine on September 30 and October 1, 2004, when considering which materials to recommend for adoption. These recommendations will be brought to the State Board at its meeting on November 9-10, 2004.

*2005 History-Social Science Adoption of K-8 Instructional Materials*
The Curriculum Commission is recruiting for the Instructional Materials Advisory Panel and Content Review Panel. Please let us know of any teachers, scholars, or members of the public who would like an application; we will gladly have one sent to them. Also, please be aware that the application is available at *http://www.cde.ca.gov/ci/hs/im/,* and the new deadline for receiving applications is September 15, 2004. Recommendations for members of the IMAP and CRP will be presented to the State Board at your November 2004 meeting.

This concludes the Curriculum Commission's report for September. As always, we welcome your direction on all matters related to the Curriculum Commission.

Sincerely,

Edith Crawford, Chair
Curriculum Development and Supplemental Materials Commission

EC:tpa

cc: Members, State Board of Education
Jack O'Connell, State Superintendent of Public Instruction
Gavin Payne, Chief Deputy Superintendent
Sue Stickel, Deputy Superintendent, Curriculum and Instruction
Rae Belisle, Executive Director, State Board of Education
Members, Curriculum Commission
Thomas Adams, Executive Director, Curriculum Commission

**ITEM #26**

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

| SUBJECT | |
|---|---|
| Instructional Materials Fund – Approve Tentative Encumbrances and Allocations for Fiscal Year 2004-05 | ☒ **Action**<br>☒ **Information**<br>☐ **Public Hearing** |

### RECOMMENDATION

Approve the Instructional Materials Fund Tentative Encumbrances and Allocations for fiscal year 2004-05, as identified on the State Board of Education (SBE) Resolution (Attachment 2).

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

This agenda item is annually submitted to and approved by the SBE.

### SUMMARY OF KEY ISSUES

In accordance with Article 3, Chapter 2, Part 33, Division 4 of the *Education Code,* the SBE must encumber and allocate funds from the State Instructional Materials Fund which is administered by the California Department of Education. The information attached describes the allocation formulas and requirements and recommends a resolution for the tentative determination of encumbrances and allocations from the Instructional Materials Fund for fiscal year 2004-05.

### FISCAL ANALYSIS (AS APPROPRIATE)

SBE approval of the 2004-05 Instructional Materials Fund encumbrances and allocations authorizes the apportionment of $333,000,000 to local educational agencies (LEAs) for instructional materials in September 2004. This amount represents a 47.6 percent increase from the 2003-04 authorized amount of $174,450,000 that was allocated to LEAs at a rate of $27.80 per pupil.

## ATTACHMENTS

Attachment 1: Tentative Determination of Encumbrances and Allocations of the State Instructional Materials Fund for Fiscal Year 2004-05 (2 pages)

Attachment 2: State Board of Education Resolution for Fiscal Year 2004-05 (1 page)

**Tentative Determination of Encumbrances and Allocations of the State Instructional Materials Fund for Fiscal Year 2004-05**

Annual state funding for the acquisition of instructional materials is provided by an appropriation to the State Instructional Materials Fund. For fiscal year 2004-05, the Budget Act provides $363 million, of which $30 million is allocated on a one-time basis for English language learners. The remaining balance of $333 million will be apportioned based on a per pupil rate of approximately $52.80 using the October 2003 California Basic Educational System enrollment.

To allocate the instructional materials funds, the following is presented to the State Board of Education (SBE) for consideration and approval:

I. Accessible Instructional Materials - *Education Code* Section 60240(c)(1)

The SBE shall set aside part of the Instructional Materials Fund to pay for the cost of accessible instructional materials (such as braille and large print) to accommodate pupils with visual disabilities pursuant to *Education Code* sections 60312 and 60313. For fiscal year 2004-05, the estimated cost is $550,000.

II. Reserve to Pay Cost to Replace Materials Lost In Disasters - *Education Code* Section 60240(c)(2)

The SBE may set aside part of the Instructional Materials Fund, in an amount up to $200,000 each year to pay for the cost of replacing instructional materials that are lost or destroyed by reason of fire, theft, natural disaster, or vandalism. The SBE's current policy is to keep a reserve of $50,000 in the disaster fund, and limit each school district's claim to a maximum of $5,000 or a district's insurance deductible amount, whichever is less.

Since there were no claims filed for disaster in fiscal year 2003-04 to draw down on the $50,000, an augmentation to this fund is not required for fiscal year 2004-05.

III. Warehousing and Transporting Instructional Materials - *Education Code* Section 60240(c)(3)

The SBE may set aside part of the Instructional Materials Fund for the cost of warehousing and transporting instructional materials. A separate appropriation is provided in the 2004-05 fiscal year for this purpose therefore, no allocation is needed under this section.

IV. Establishing a Per Pupil Allowance - *Education Code* Section 60242(a)

The SBE shall encumber the funds for the purpose of establishing an allowance for each school district, county office of education, state special school, and all charter school districts to purchase instructional materials pursuant to *Education Code* sections 60420-60424, the Instructional Materials Funding Realignment Program. The allowance will be apportioned in September 2004 and will represent 100 percent of the total entitlement for each local educational agency.

## State Board of Education Resolution
## for Fiscal Year 2004-05

### Tentative Determination of Encumbrances and Allocations of the State Instructional Materials Fund

**WHEREAS**, *Education Code* sections 60240 and 60242 require the State Board of Education (SBE) to encumber parts of the State Instructional Materials Fund for use in acquiring and distributing instructional materials, therefore, be it

**RESOLVED**, that the SBE hereby tentatively encumbers the following amounts of the State Instructional Materials Fund for fiscal year 2004-05:

| | | |
|---|---|---|
| ***Education Code*** **Section 60240(c)(1)** | To pay for the cost of accessible instructional materials | $550,000 |
| ***Education Code*** **Section 60242(a)** | To establish a base allowance per enrolled pupil of $52.80 for public schools and state special schools | 332,450,000 |
| | TOTAL | **$ 333,000,000** |

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

| **SUBJECT** | |
|---|---|
| School Bus and School Pupil Activity Bus Lap/Shoulder Belt Regulation: Adopt Proposed Title 5 Regulation | ☒ **Action**<br>☒ **Information**<br>☐ **Public Hearing** |

### RECOMMENDATION

Consider comments received during the public comment period and at the public hearing and take action to adopt the regulation.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In July 2004, the State Board of Education (SBE) approved the Initial Statement of Reasons, Notice of Proposed Rulemaking, and the Commencement of the Rulemaking Process for School Bus and School Pupil Activity Bus/Lap Shoulder Belt Regulation.

### SUMMARY OF KEY ISSUES

Title 5 *CCR*, Division 1, Chapter 13 contains regulations on the Use of School Buses and School Pupil Activity Buses. The proposed regulatory action adds Title 5 *CCR,* Section 14105 as required in *Education Code* sections 38047.5 and 38047.6.

The purpose of this regulation is to reduce injuries and fatalities in school buses on the streets, roads, and highways of California by requiring, in accordance with *Education Code* sections 38047.5 and 38047.6, all passengers to wear lap/shoulder safety belts meeting applicable Federal Motor Vehicle Safety Standards while riding in school buses.

The proposed regulation will establish the required instruction on the use of passenger restraint systems including, but not limited to, the proper fastening and release, acceptable placement on pupils, times at which the systems should be fastened and released, and acceptable placement of the systems when not in use. California *Vehicle Code* Section 27316 requires all Type 1 school buses manufactured on or after July 1, 2005 and all Type 2 school buses manufactured on or after July 1, 2004, which are purchased or leased for use in California to be equipped at all designated seating positions with a combination pelvic and upper torso passenger restraint system.

## SUMMARY OF KEY ISSUES

The provisions do not apply to passengers with a physically disabling condition or medical condition which would prevent appropriate restraint in a passenger restraint system, if the condition is duly certified by a licensed physician or licensed chiropractor who shall state in writing the nature of the condition, as well as the reason the restraint is inappropriate.

The provisions do not apply in case of any emergency that may provide, where necessary, for the loading of schoolchildren on a school bus or school pupil activity bus in excess of the limits of its seating capacity.

## FISCAL ANALYSIS (AS APPROPRIATE)

The Economic and Fiscal Impact Analysis completed by the Fiscal and Administrative Services Division pertaining to the regulation indicates that adoption of the regulation dies not impose a local cost mandate or costs upon the state. The regulation does not impact business or individuals. The analysis was included in information submitted to the State Board for the agenda item on the proposed regulation at the July 2004 State Board meeting.

## ATTACHMENT(S)

Attachment 1: Proposed Regulation: School Bus and School Pupil Activity. . .(2 pages)

A Last Minute Memorandum will be provided that will include a summary of the comments received during the Public comment period and at the public hearing.

**TITLE 5. Education**

**Division 1. State Department of Education**

**Chapter 13. School Facilities and Equipment**

**Subchapter 2. Use of School Buses and School Pupil Activity Buses**

**Article 1. General Provisions**

*Add Section 14105 to read:*

**§ 14105. School Bus and School Pupil Activity Bus (SPAB) Passenger Restraint System Use.**

All passengers in a school bus or in a school pupil activity bus that are equipped with passenger restraint systems in accordance with Sections 27316 and 27316.5 of the Vehicle Code, shall use the passenger restraint system. All pupils described in subdivision (a) of Education Code Section 39831.5, shall be instructed in an age-appropriate manner in the use of passenger restraint systems required by Education Code Section 39831.5 (a) (3). The instruction shall include, but not be limited to, the following information:

(a) Proper fastening and release of the passenger restraint system:

(1) Fastening: To fasten, insert the latch plate (the metal “tongue” attached to one side of the webbing) into the proper buckle (the receptacle that comes out from the “bight” in the back of the seat, a slot in the seat cushion, or from the side). The latch plate inserts into the buckle until you hear an audible snap sound and feel it latch. Make sure the latch plate is securely fastened in the buckle.

(2) Unfastening: To unfasten, push the buckle release button and remove the latch plate from the buckle. The buckle has a release mechanism that, when manually operated during “unbuckling”, breaks the bond and separates the two sections.

(b) Acceptable placement of passenger restraint systems on pupils: Adjust the lap belt to fit low and tight across the hips/pelvis, not the stomach area. Place the shoulder belt snug across the chest, away from the neck. Never place the shoulder belt behind the back or under the arm. Position the shoulder belt height adjuster so that the belt rests across the middle of the shoulder. Failure to adjust the shoulder belt properly would reduce the effectiveness of the

lap/shoulder belt system and increase the risk of injury in a collision.

(c) Times at which the passenger restraint systems should be fastened and released: Passenger restraint systems shall be used at all times the school bus or school pupil activity bus is in motion except when exempted in subdivisions (e) and (f) of this section.

(d) Acceptable placement of the passenger restraint systems when not in use: When not in use, passenger restraint systems shall be fully retracted into the retractors so that no loose webbing is visible, or stored in a safe manner per the school bus manufacturer's instructions.

(e) This section does not apply to a passenger with a physically disabling condition or medical condition which would prevent appropriate restraint in a passenger restraint system, providing that the condition is duly certified by a licensed physician or licensed chiropractor who shall state in writing the nature of the condition, as well as the reason the restraint is inappropriate.

(f) This section also does not apply in case of any emergency that may necessitate the loading of school children on a school bus in excess of the limits of its seating capacity. As used in this section, "emergency" means a natural disaster or hazard (as determined by the school district superintendent or their designee) that requires pupils to be moved immediately in order to ensure their safety.

NOTE: Authority cited: Sections 33031, 38047.5, 38047.6, and 39831, Education Code. Reference: Sections 38047.5, 38047.6, 39830, 39830.1, and 39831.5, Education Code; Sections 27316 and 27316.5, Vehicle Code.

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**State of California** **Department of Education**

# LAST MINUTE MEMORANDUM

**DATE:** September 8, 2004

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

**FROM:** William J. Ellerbee, Jr., Deputy Superintendent
School and District Operations Branch

**RE:** Item No. 27

**SUBJECT:** School Bus and School Pupil Activity Bus Lap/Shoulder Belt Regulation: Adopt Proposed Title 5 Regulation

A public hearing was held on September 7, 2004, as required by the Administrative Procedure Act. No verbal comments were received. Two written comments were received from the public during the 45-day public comment period concerning proposed regulation Title 5, *California Code of Regulations*, Section 14105. The Final Statement of Reasons containing written responses to the public comments received is attached.

Attachment 1: Final Statement of Reasons (4 pages)
Attachment 2: Proposed Title 5 CCR, Section 14105 (2 pages)

# FINAL STATEMENT OF REASONS

## UPDATE OF INITIAL STATEMENT OF REASONS

***Education Code* sections 38047.5 - 38047.6.** The purpose of the regulation is to satisfy the administrative requirements requiring a passenger in a school bus or school pupil activity bus equipped with passenger restraint systems in accordance with Section 27316 or 27316.5 of the *Vehicle Code* to use a passenger restraint system so that the passenger is properly restrained by that system.

## SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE INITIAL NOTICE PERIOD OF JULY 23, 2004 THROUGH SEPTEMBER 7, 2004.

The text was made available to the public from July 23, 2004 through September 7, 2004. The Superintendent received two written comments, one from the Corona-Norco Unified School District on August 30, 2004 and one from the Children's Advocacy Institute on September 7, 2004.

**Comment:** Charles Bednar, Transportation Services Manager for the Corona-Norco Unified School District submitted comments regarding the necessity of the regulation: "It is difficult to accept that this rule is absolutely necessary, given California's existing seat belt laws."

**Response:** California's existing seat belt laws (*Vehicle Code* sections 27302-27317) are not applicable to school buses or any vehicle designated as a bus. In 1999, Assembly Bill 15 (AB 15) amended *Vehicle Code* Section 27316 requiring the addition of lap/shoulder belts in Type II school buses manufactured on and after July 1, 2004, and on Type I school buses manufactured on or after July 1, 2005.

AB 15 added *Education Code* sections 38047.5 and 38047.6, which requires the Department of Education to create a regulation requiring a passenger in a school bus or school pupil activity bus equipped with passenger restraint systems to use the passenger restraint system properly.

In addition, AB 15 amended *Education Code* section 39831.5 to require county superintendents of schools, superintendents of school districts, or owner/operators of private schools to ensure instruction is provided to all pupils in pre-kindergarten, kindergarten, and grades 1 to 12, inclusive, who are transported in a school bus or school pupil activity bus, on the use of passenger restraint systems, when a passenger restraint system is installed.

This instruction shall include, but not be limited to, the proper fastening and release of the passenger restraint system, the acceptable placement of passenger restraint systems on the pupil, the times at which the passenger restraint systems should be

fastened and released, and the acceptable placement of the passenger restraint systems when not in use.

These statutory obligations make it mandatory that the department act in the interest of public safety and promulgate this regulation. No change to the proposed regulation.

**Comment:** Charles Bednar, Transportation Services Manager for the Corona-Norco Unified School District, submitted comments regarding the definition of the words *"shall be instructed."*

**Response:** The requirement for training pupils on the use of lap/shoulder belts is contained in *Education Code* section 39831.5(a) which requires the following:

> All pupils in pre-kindergarten, kindergarten, and grades 1 to 12, inclusive, in public or private school who are transported in a schoolbus or school pupil activity bus shall receive instruction in schoolbus emergency procedures and passenger safety. The county superintendent of schools, superintendent of the school district, or owner/operator of a private school, as applicable, shall ensure that the instruction is provided as follows:
>
> (1) Upon registration, the parents or guardians of all pupils not previously transported in a schoolbus or a school pupil activity bus and who are in prekindergarten, kindergarten, and grades 1 to 6, inclusive, shall be provided with the written information on schoolbus safety. The information shall include, but not be limited to, all of the following:
>
> (A) A list of school bus stops each pupil's home.
> (B) General rules of conduct at schoolbus loading zones.
> (C) Red light crossing instructions.
> (D) Schoolbus danger zone.
> (E) Walking to and from schoolbus stops.
>
> (2) At least once in each school year, all pupils in prekidnergarten, kindergarten and grades 1 to 8, inclusive, who receive home-to-school transportation shall receive safety instruction that includes, but is not limited to, proper loading and unloading procedures, including escorting by the driver, how to safely cross the street, highway, or private road, instruction on the use of passenger restraint system, as described in paragraph (3), proper passenger conduct, bus evacuation, and location of emergency equipment. Instruction also may include responsibility of passengers seated next to an emergency exit. As part of the instruction, pupils should evacuate the schoolbus through emergency exit doors. Instruction on the use of passenger restraint systems, <u>when a passenger restraint system is installed</u>, shall include, but not be limited to, all of the following:
>
> (A) Proper fastening and release of the passenger restraint system.
> (B) Acceptable placement of passenger restraint systems on pupils.
> (C) Times at which the passenger restraint systems should be fastened and released.

(D) Acceptable placement of the passenger restraint systems when not in use.

This section clearly defines who is responsible for the instruction and the general areas of instruction to be provided. The proposed regulation provides specific best practices and nationally accepted standards for the proper use of lap/shoulder belts, in addition to appropriate exemptions. No change to the proposed regulation.

**Comment:** Charles Bednar, Transportation Services Manager for the Corona-Norco Unified School District, submitted a comment regarding the definition of the words "is *in motion."*

**Response:** This phrase is commonly used in the California school bus industry in regards to school bus collisions. *Vehicle Code* section 12517.1(a) (3) states that an "Injury of a pupil inside a vehicle described in paragraph (1) as a result of acceleration, deceleration, or other movement of the vehicle" is a "school bus accident." The example commonly used to explain this subdivision uses the phrase "in motion" in order to simplify the legal text, as in "the school bus was in motion or moving."

The word "motion" is defined in Webster's Collegiate Dictionary as "an act, process, or instance of changing place: movement". The Department believes the use of the phrase "is in motion" is both appropriate and has sufficient clarity as to impart to the reader the intent of the requirement. No change to the proposed regulation.

**Comment:** Charles Bednar, Transportation Services Manager for the Corona-Norco Unified School District, submitted comments regarding the definition of the words *"stored in a safe manner."*

**Response:** This phrase is taken out of context; the entire sentence is, "When not in use, passenger restraint systems shall be fully retracted into the retractors so that no loose webbing is visible, or stored in a safe manner per the school bus manufacturer's instructions." The Department has the obligation to prepare regulations that will accommodate all current seating configurations, restraint system designs, and vehicle construction standards. The Department does not have the ability to thoroughly test all such products, and therefore decided the best course of regulatory action was to rely on the manufacturer's research and testing of their individual products, and have school bus carriers follow the manufacturer's guidelines, procedures and standards. No change to the proposed regulation.

**Comment:** Debra Back, Staff Attorney for the Children's Advocacy Institute submitted comments regarding the clarity of proposed subsection 14105(e). Ms. Back proposes that the subsection include time periods for the physician or chiropractic certification for exemption, who would approve or certify the certification and determine its authenticity or if a forgery of the certification was suspected and can the physician or chiropractor be contacted for authenticity.

**Response:** Because subsection (e) of section 14105 is an exemption, the seatbelt must be used by the student until the doctor's letter is received by the district and authenticated. It would be up to the district to determine the time frame in which the certification is to be received and approved. If fraud or forgery is suspected, the district should contact the doctor or chiropractor. Like any other exemption provided by law, the entity granting the exemption should have the responsibility and implied authority to develop the details of the program operation. No change to the proposed regulation.

**Comment:** Debra Back, Staff Attorney for the Children's Advocacy Institute, submitted comments stating that the terms "physically disabling condition" and "medical condition" are not defined.

**Response:** The terms "physically disabling condition" and "medical condition" should already be clearly defined in the school district's special education unit. No change to the proposed regulation.

**Comment:** Debra Back, Staff Attorney for the Children's Advocacy Institute, submitted comments regarding a child's right to privacy regarding their medical information might be compromised. Ms. Back proposes that language regarding who will be provided with such medical information be included in the regulation.

**Response:** School district's special education policies should already contain procedures necessary to insure a child's medical information privacy as required by law. No change to the proposed regulation.

## ALTERNATIVES DETERMINATION

The State Board has determined that no alternative would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

## LOCAL MANDATE DETERMINATION

The proposed regulation does not impose any mandate on local agencies or school districts.

## REGULATIONS TO BECOME EFFECTIVE UPON FILING

It is important that this regulation becomes effective as soon as possible to prevent inadequate or improper training from being adopted and administered by school bus carriers.

TITLE 5. Education

Division 1. State Department of Education

**Chapter 13. School Facilities and Equipment**

**Subchapter 2. Use of School Buses and School Pupil Activity Buses**

**Article 1. General Provisions**

*Add Section 14105 to read:*

§ 14105. School Bus and School Pupil Activity Bus (SPAB) Passenger Restraint System Use.

**All passengers in a school bus or in a school pupil activity bus that are equipped with passenger restraint systems in accordance with sections 27316 and 27316.5 of the Vehicle Code, shall use the passenger restraint system. All pupils described in subdivision (a) of Education Code Section 39831.5, shall be instructed in an age-appropriate manner in the use of passenger restraint systems required by Education Code Section 39831.5 (a) (3). The instruction shall include, but not be limited to, the following information:**

**(a) Proper fastening and release of the passenger restraint system:**

**(1) Fastening: To fasten, insert the latch plate (the metal "tongue" attached to one side of the webbing) into the proper buckle (the receptacle that comes out from the "bight" in the back of the seat, a slot in the seat cushion, or from the side). The latch plate inserts into the buckle until you hear an audible snap sound and feel it latch. Make sure the latch plate is securely fastened in the buckle.**

(2) Unfastening: To unfasten, push the buckle release button and remove the latch plate from the buckle. The buckle has a release mechanism that, when manually operated during "unbuckling", breaks the bond and separates the two sections.

(b) Acceptable placement of passenger restraint systems on pupils: Adjust the lap belt to fit low and tight across the hips/pelvis, not the stomach area. Place the shoulder belt snug across the chest, away from the neck. Never place the shoulder belt behind the back or under the arm. Position the shoulder belt height adjuster so that the belt rests across the middle of the shoulder. Failure to adjust the shoulder belt properly would reduce the effectiveness of the lap/shoulder belt system and increase the risk of injury in a collision.

(c) Times at which the passenger restraint systems should be fastened and released: Passenger restraint systems shall be used at all times the school bus or school pupil activity bus is in motion except when exempted in subdivisions (e) and (f) of this section.

(d) Acceptable placement of the passenger restraint systems when not in use: When not in use, passenger restraint systems shall be fully retracted into the retractors so that no loose webbing is visible, or stored in a safe manner per the school bus manufacturer's instructions.

(e) This section does not apply to a passenger with a physically disabling condition or medical condition which would prevent appropriate restraint in a passenger restraint system, providing that the condition is duly certified by a licensed physician or licensed chiropractor who shall state in writing the nature of the condition, as well as the reason the restraint is inappropriate.

(f) This section also does not apply in case of any emergency that may necessitate the loading of school children on a school bus in excess of the limits of its seating capacity. As used in this section, "emergency" means a natural disaster or hazard (as determined by the school district superintendent or their designee) that requires pupils to be moved immediately in order to ensure their safety.

NOTE: Authority cited: Sections 33031, 38047.5, 38047.6, and 39831, Education Code. Reference: Sections 38047.5, 38047.6, 39830, 39830.1, and 39831.5, Education Code; Sections 27316 and 27316.5, Vehicle Code.

**ITEM #28**

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

| **SUBJECT** | |
|---|---|
| 2003-2004 Consolidated Applications: Approval | ☒ **Action**<br>☒ **Information**<br>☐ **Public Hearing** |

## RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the 2003-2004 Consolidated Application (Con Apps) submitted by two charter schools.

## SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Each year the CDE, in compliance with *California Code of Regulations* Title 5, Section 3920, recommends that SBE approve applications for funding Consolidated Categorical Aid Programs submitted by LEAs. To date, the SBE has approved Con Apps for 1,270 LEAs. This is the third year LEAs have completed, and submitted the Con App via a software package downloaded from the Internet. This mechanism substantially decreased calculation errors and the time needed for review and approval.

There are 17 state and federal programs that LEAs may apply for in the Con App. Approximately $2.4 billion is distributed annually through the Con App process. The state funding sources include: School Improvement Program, Economic Impact Aid (which is used for State Compensatory Education (SCE) and/or English Learners), Miller-Unruh, Tobacco Use Prevention Education, 10th Grade Counseling, Peer Assistance Review, Instructional Time and Staff Development Reform, and School Safety (AB 1113). The federal funding sources include: Title I, Part A Basic Grant (Low Income); Title I, Part A (Neglected); Title I, Part D, (Delinquent); Title II, Part A (Teacher Quality); Title II, Part D (Technology); Title III, Part A (LEP Students); Title IV, Part A (SDFSC); and Title V, Part A (Innovative); and Title VI, Part B (Rural, Low-Income).

CDE provides the State Board of Education with two types of approval recommendations. Regular approval is recommended when an LEA has submitted a correct and complete Consolidated Application, Part I and have no serious noncompliant issues over 365 days. Conditional approval is recommended when an LEA has submitted a correct and complete Consolidated Application, Part I, but has one or more serious noncompliant issues over 365 days. Conditional approval provides authority to the LEA to spend its categorical funds on the condition that it resolves or makes significant progress toward resolving noncompliant issues. In extreme cases, conditional approval may include the withholding of funds.

## SUMMARY OF KEY ISSUES

CDE recommends regular approval of the Consolidated Application for two charter schools (see attachment 1 for the list of charter schools). The list of LEAs usually contains the prior year's ConApp funding and STAR results. If fiscal data are absent, it indicates that the charter school is new or is applying for direct funding for the first time. If achievement data are absent, it indicates the charter school is new, the scores were attributed to their sponsoring LEA, or all students in grades 2-11 had parental waivers to opt out of the testing.

## FISCAL ANALYSIS (AS APPROPRIATE)

Minimal CDE cost to track the SBE approval status of the Consolidated Applications for approximately 1,300 LEAs**.**

## ATTACHMENT(S)

Attachment 1: Consolidated Application List (1 Page).

**Recommended for Regular Approval:** The following LEAs have submitted a correct and complete Consolidated Application, Part I, and have no compliance issues crucial to student achievement outstanding for more than 365 days. The Department recommends regular approval of these applications.

| CD Code | School Code | Local Educational Agency Name | 2002-2003 ConApp Entitlement | 2002-2003 Entitlement Per Student | 2002-2003 Entitlement Per Low Income Student | 2002 STAR Data Percent of Students Scoring At or Above: Mathematics Basic | Mathematics Advanced or Proficient | Reading Basic | Reading Advanced or Proficient |
|---|---|---|---|---|---|---|---|---|---|
| 3968585 | 0101956 | Benjamin Holt College Preparatory Academy | | 0.00 | 0.00 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1062174 | 1030857 | West Fresno Performing Arts Academy | | 0.00 | 0.00 | 0.0 | 0.0 | 0.0 | 0.0 |

Total Number of LEAs in the report 2

Total ConApp entitlement for districts receiving regular approval $0

Total ConApp entitlement for districts receiving conditional approval $0

Total ConApp entitlement $0

**ITEM #29**

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

| SUBJECT | |
|---|---|
| 2004 – 2005 Consolidated Applications: Approval | ☒ **Action**<br>☒ **Information**<br>☐ **Public Hearing** |

## RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the 2004-05 Consolidated Application (ConApps) submitted by Local Educational Agencies (LEAs).

## SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Each year the CDE, in compliance with *California Code of Regulations* Title 5, Section 3920, recommends that the SBE approve applications for funding Consolidated Categorical Aid Programs submitted by LEAs. These are the first ConApps the SBE will approve for the 2004-2005 school year.

There are 17 state and federal programs that LEAs may apply for in the ConApp. Approximately $3.2 billion is distributed annually through the ConApp process. The state funding sources include: School Improvement Program, Economic Impact Aid (which is used for State Compensatory Education (SCE) and/or English Learners), California Public School Library Act, Tobacco Use Prevention Education, 10th Grade Counseling, Peer Assistance Review, Instructional Time and Staff Development Reform, and School Safety (AB 1113). The federal funding sources include: Title I, Part A Basic Grant; Title I, Part D, (Delinquent); Title II, Part A (Teacher Quality); Title II, Part D (Technology); Title III, Part A (LEP Students); Title IV, Part A (SDFSC); and Title V, Part A (Innovative); and Title VI, Part B (Rural, Low-Income).

Attachment 1 is a list of the LEAs presented to the State Board of Education for action and includes ConApp entitlement figures and STAR data from school year 2003-04. If fiscal data are absent, it indicates that the LEA is new or is applying for direct funding for the first time. If achievement data are absent, it indicates the LEA is new, the scores were attributed to their sponsoring LEA (in the case of charter schools), or there were an insufficient number of student results to report.

CDE provides the State Board of Education with two types of approval recommendations. Regular approval is recommended when an LEA has submitted a correct and complete Consolidated Application, Part I and have no serious noncompliant

## SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

issues over 365 days. Conditional approval is recommended when an LEA has submitted a correct and complete Consolidated Application, Part I, but has one or more serious noncompliant issues over 365 days. Conditional approval provides authority to the LEA to spend its categorical funds on the condition that it resolves or makes significant progress toward resolving noncompliant issues. In extreme cases, conditional approval may include the withholding of funds.

## SUMMARY OF KEY ISSUES

CDE recommends regular approval of the Consolidated Application for 1,165 LEAs (see Attachment 1 for the list of LEAs). No Consolidated Applications are recommended for conditional approval at this time.

## FISCAL ANALYSIS (AS APPROPRIATE)

Minimal CDE cost to track the SBE approval status of the Consolidated Applications for approximately 1,300 LEAs**.**

## ATTACHMENT(S)

Attachment 1: Consolidated Application List (43 Pages)

**Recommended for Regular Approval:** The following LEAs have submitted a correct and complete Consolidated Application, Part I, and have no compliance issues crucial to student achievement outstanding for more than 365 days. The Department recommends regular approval of these applications.

| CD Code | School Code | Local Educational Agency Name | 2003-2004 ConApp Entitlement | 2003-2004 Entitlement Per Student | 2003-2004 Entitlement Per Low Income Student | 2003 STAR Data Percent of Students Scoring At or Above: Mathematics Basic | Mathematics Advanced or Proficient | Reading Basic | Reading Advanced or Proficient |
|---|---|---|---|---|---|---|---|---|---|
| 1964212 | 0000000 | ABC Unified | 7,417,654 | 331.71 | 947.58 | 22.7 | 44.4 | 28.0 | 43.8 |
| 1964733 | 6119929 | Academia Semillas Del Pueblo | | 427.37 | 502.78 | 15.6 | 12.5 | 34.4 | 7.8 |
| 0761630 | 0000000 | Acalanes Union High | 85,473 | 62.04 | 11104.72 | 26.6 | 44.3 | 13.4 | 70.3 |
| 2365615 | 2330454 | Accelerated Achievement Academy | 355,351 | 206.25 | 409.47 | 23.5 | 4.7 | 28.2 | 11.8 |
| 3166761 | 0000000 | Ackerman Elementary | 27,844 | 419.08 | 2059.50 | 22.2 | 59.1 | 28.3 | 56.6 |
| 3667587 | 0000000 | Adelanto Elementary | 144,165 | 425.82 | 628.59 | 29.5 | 26.6 | 38.5 | 23.1 |
| 0161119 | 0000000 | Alameda City Unified | 2,614,951 | 348.77 | 1091.21 | 25.9 | 40.4 | 30.3 | 44.7 |
| 0110017 | 0000000 | Alameda Co. Office Of Education | 3,694,828 | 1707.94 | 1707.94 | | 0.5 | 8.4 | 1.2 |
| 0161127 | 0000000 | Albany City Unified | 1,132,366 | 227.63 | 1652.82 | 2.0 | 63.7 | 18.1 | 65.9 |
| 3066670 | 3030780 | Albor Charter School | 715,669 | 14.70 | 15.74 | 19.1 | 3.3 | 5.1 | 0.7 |
| 4970599 | 0000000 | Alexander Valley Union Elementary | 22,379 | 261.92 | 835.30 | 14.1 | 38.9 | 24.2 | 54.7 |
| 1975713 | 0000000 | Alhambra Unified School District | 30,906 | 0.00 | 0.00 | 26.3 | 0.0 | 0.0 | 0.0 |
| 2765961 | 0000000 | Alisal Union Elementary | 6,104,703 | 780.05 | 886.41 | 0.0 | 25.0 | 27.8 | 13.3 |
| 3775614 | 6119275 | All Tribes American Indian Charter | | 374.99 | 439.64 | 27.7 | 1.6 | 11.3 | 11.3 |
| 5471795 | 0000000 | Allensworth Elementary | 0 | | | 12.9 | | | |
| 5471803 | 0000000 | Alpaugh Unified | 25,499 | 932.39 | 932.39 | 32.6 | 10.1 | 34.8 | 6.7 |
| 0210025 | 0000000 | Alpine Co. Office Of Education | 91,374 | 1134.89 | 1225.11 | 19.2 | 8.2 | 26.7 | 7.5 |
| 0261333 | 0000000 | Alpine County Unified | 292,802 | 2246.50 | 2246.50 | | 0.0 | 0.0 | 0.0 |
| 3767967 | 0000000 | Alpine Union Elementary | 4,493 | 988.80 | 1618.03 | 0.0 | 34.1 | 30.1 | 36.6 |
| 3667595 | 0000000 | Alta Loma Elementary | 142,387 | 316.55 | 16197.83 | 26.0 | 54.1 | 32.5 | 51.3 |
| 5471811 | 0000000 | Alta Vista Elementary | 761,398 | 209.71 | 1330.53 | 25.8 | 51.6 | 33.6 | 50.9 |
| 3166779 | 0000000 | Alta-Dutch Flat Union Elementary | 1,605,938 | 1410.18 | 1410.18 | 27.8 | 13.8 | 27.4 | 11.4 |
| 4369369 | 0000000 | Alum ROCk Union Elementary | 745,986 | 387.60 | 1228.51 | 29.3 | 42.1 | 33.6 | 47.4 |
| 2065177 | 0000000 | Alview-Dairyland Union Elementary | 10,664,176 | 739.75 | 1029.86 | 30.3 | 25.0 | 34.5 | 19.9 |
| 1061994 | 0000000 | Alvina Elementary | 72,482 | 702.86 | 965.44 | 27.5 | 30.6 | 33.3 | 26.9 |
| 3366977 | 0000000 | Alvord Unified | 255,842 | 647.34 | 1095.50 | 28.2 | 34.7 | 39.9 | 28.3 |
| 0310033 | 0000000 | Amador Co. Office Of Education | 142,415 | 448.34 | 898.36 | 24.3 | 24.8 | 34.1 | 22.5 |
| 0373981 | 0000000 | Amador County Unified | 8,625,146 | 221.05 | 1056.11 | 28.2 | 0.4 | 11.9 | 0.9 |
| | | | 1,572,371 | 323.33 | 1173.41 | 6.4 | 28.9 | 33.2 | 39.7 |
| | | | 9,505 | | | 30.9 | | | |

**Recommended for Regular Approval:** The following LEAs have submitted a correct and complete Consolidated Application, Part I, and have no compliance issues crucial to student achievement outstanding for more than 365 days. The Department recommends regular approval of these applications.

| CD Code | School Code | Local Educational Agency Name | 2003-2004 ConApp Entitlement | 2003-2004 Entitlement Per Student | 2003-2004 Entitlement Per Low Income Student | 2003 STAR Data Percent of Students Scoring At or Above: Mathematics Basic | Mathematics Advanced or Proficient | Reading Basic | Reading Advanced or Proficient |
|---|---|---|---|---|---|---|---|---|---|
| 3066423 | 0000000 | Anaheim Elementary | 16,196,316 | 726.52 | 868.48 | 26.7 | 30.9 | 33.9 | 20.9 |
| 3066431 | 0000000 | Anaheim Union High | 11,352,106 | 357.58 | 814.41 | 26.9 | 23.0 | 32.2 | 27.9 |
| 4569856 | 0000000 | Anderson Union High | | 254.17 | 498.59 | 26.6 | 18.7 | 33.8 | 32.5 |
| 2365540 | 0000000 | Anderson Valley Unified | 624,738 | 547.67 | 868.46 | 27.5 | 32.2 | 28.1 | 28.6 |
| 1975671 | 1996586 | Animo Inglewood Charter High | 329,147 | | | 36.4 | 7.9 | 43.6 | 36.4 |
| 1964709 | 1996313 | Animo Leadership High | | 0.00 | 0.00 | 17.5 | 3.2 | 45.9 | 30.4 |
| 5271472 | 0000000 | Antelope Elementary | 52,859 | 0.00 | 1154.38 | 31.5 | 35.0 | 34.5 | 37.2 |
| 0761648 | 0000000 | Antioch Unified | 204,900 | 523.44 | 0.00 | 29.0 | 25.9 | 33.7 | 34.1 |
| 3675077 | 0000000 | Apple Valley Unified | 342,851 | 263.56 | 837.89 | 26.5 | 31.7 | 34.6 | 33.7 |
| 1964261 | 0000000 | Arcadia Unified | 5,580,322 | 484.44 | 807.21 | 18.7 | 66.3 | 21.0 | 66.6 |
| 1262679 | 0000000 | Arcata Elementary | 6,238,091 | 209.48 | 2218.32 | 26.5 | 46.1 | 24.3 | 51.9 |
| 3467280 | 0000000 | Arcohe Union Elementary | 2,065,256 | 670.95 | 1280.64 | 31.1 | 43.4 | 34.8 | 42.1 |
| 2365557 | 0000000 | Arena Union Elementary | | 176.12 | 542.33 | 20.6 | 16.3 | 25.8 | 16.7 |
| 3575259 | 0000000 | Aromas/San Juan Unified | 603,181 | 859.19 | 1066.28 | 30.2 | 21.8 | 31.1 | 34.7 |
| 3768023 | 6116859 | Arroyo Vista Charter School | 102,500 | 452.86 | 1184.41 | 25.0 | 54.7 | 30.0 | 54.2 |
| 1563313 | 0000000 | Arvin Union Elementary | 207,925 | 56.61 | 576.87 | 29.1 | 21.1 | 31.1 | 13.5 |
| 4068700 | 0000000 | Atascadero Unified | 615,893 | 827.85 | 906.06 | 27.7 | 43.8 | 27.3 | 51.1 |
| 2465631 | 0000000 | Atwater Elementary | 2,378,418 | 281.76 | 1352.08 | 30.1 | 32.6 | 37.2 | 25.1 |
| 3166787 | 0000000 | Auburn Union Elementary | 45,573 | 639.84 | 912.92 | 29.2 | 49.0 | 33.6 | 45.6 |
| 3768338 | 3731395 | Audeo Charter | 1,631,956 | 357.86 | 944.54 | 10.8 | 9.6 | 31.3 | 22.9 |
| 1964279 | 0000000 | Azusa Unified | 3,030,899 | | | 28.1 | 20.3 | 32.2 | 19.2 |
| 3673858 | 0000000 | Baker Valley Unified | 969,093 | 0.00 | 0.00 | 23.5 | 9.6 | 28.9 | 13.3 |
| 1563321 | 0000000 | Bakersfield City Elementary | 6,667,621 | 548.14 | 791.22 | 24.4 | 23.3 | 30.4 | 19.5 |
| 1964287 | 0000000 | Baldwin Park Unified | 4,944 | 507.11 | 824.53 | 25.9 | 26.9 | 35.3 | 19.8 |
| 4269104 | 0000000 | Ballard Elementary | 26,001,891 | 922.74 | 1069.02 | 14.2 | 75.2 | 13.3 | 79.6 |
| 0461382 | 0000000 | Bangor Union Elementary | 108,014 | 550.81 | 737.38 | 34.1 | 23.0 | 33.3 | 23.7 |
| 3366985 | 0000000 | Banning Unified | 9,807,107 | 367.24 | | 23.8 | 14.9 | 35.1 | 16.9 |
| 3968486 | 0000000 | Banta Elementary | 47,007 | 813.69 | 1671.36 | 21.4 | 26.9 | 28.2 | 28.6 |
| 3768189 | 6120901 | Barona Indian Charter | 122,681 | 0.00 | 0.00 | 17.9 | 14.3 | 30.4 | 14.3 |
| | | | 3,609,588 | 820.85 | 1023.68 | | | | |
| | | | | 411.56 | 1018.43 | | | | |
| | | | 120,175 | | | | | | |
| | | | | 98.39 | 312.53 | | | | |
| | | | 5,313 | | | | | | |

**Recommended for Regular Approval:** The following LEAs have submitted a correct and complete Consolidated Application, Part I, and have no compliance issues crucial to student achievement outstanding for more than 365 days. The Department recommends regular approval of these applications.

| CD Code | School Code | Local Educational Agency Name | 2003-2004 ConApp Entitlement | 2003-2004 Entitlement Per Student | 2003-2004 Entitlement Per Low Income Student | 2003 STAR Data Percent of Students Scoring At or Above: Mathematics Basic | Mathematics Advanced or Proficient | Reading Basic | Reading Advanced or Proficient |
|---|---|---|---|---|---|---|---|---|---|
| 3667611 | 0000000 | Barstow Unified | 3,628,879 | 532.41 | 906.54 | 26.4 | 25.4 | 34.7 | 25.6 |
| 2065185 | 0000000 | Bass Lake Joint Elementary | 471,637 | 369.04 | 1122.95 | 29.7 | 44.2 | 31.9 | 45.3 |
| 1964295 | 0000000 | Bassett Unified | 3,109,487 | 508.75 | 615.01 | 24.9 | 27.4 | 34.4 | 20.4 |
| 0175119 | 0130641 | Bay Area School For Independent Study | | 0.00 | 0.00 | 15.7 | 17.1 | 20.2 | 28.8 |
| 0161119 | 0130625 | Bay Area School Of Enterprise | | 0.00 | 0.00 | 11.4 | 0.0 | 29.5 | 20.5 |
| 0161259 | 0106906 | Bay Area Technology School (Bay Tech) | 0 | 0.00 | 0.00 | 0.0 | 0.0 | 0.0 | 0.0 |
| 4168858 | 0000000 | Bayshore Elementary | 0 | 384.64 | 612.25 | 31.6 | 37.3 | 39.3 | 27.1 |
| 3667637 | 0000000 | Bear Valley Unified | 163,471 | 404.92 | 1069.86 | 30.8 | 32.9 | 33.9 | 40.2 |
| 1563339 | 0000000 | Beardsley Elementary | 6,366,216 | 818.55 | 1065.94 | 32.3 | 27.5 | 36.3 | 24.5 |
| 3366993 | 0000000 | Beaumont Unified | 1,439,016 | 494.91 | 861.50 | 31.1 | 29.1 | 38.6 | 29.6 |
| 4569872 | 0000000 | Bella Vista Elementary | 2,342,427 | 515.00 | 1152.04 | 29.5 | 37.8 | 38.1 | 35.2 |
| 5572306 | 0000000 | Belleview Elementary | 243,081 | 575.20 | 1115.09 | 27.3 | 49.2 | 26.8 | 52.5 |
| 4970615 | 0000000 | Bellevue Union Elementary | 127,120 | 741.71 | 893.10 | 29.4 | 28.2 | 39.4 | 18.3 |
| 1964303 | 0000000 | Bellflower Unified | 1,260,169 | 442.29 | 865.18 | 28.6 | 27.9 | 34.5 | 29.0 |
| 4168866 | 0000000 | Belmont-Redwood Shores Elementary | 6,865,189 | 208.47 | 6621.61 | 22.6 | 58.1 | 25.9 | 57.6 |
| 1563347 | 0000000 | Belridge Elementary | 529,729 | 1329.00 | 1993.50 | 30.4 | 21.7 | 21.7 | 13.0 |
| 5271480 | 0000000 | Bend Elementary | 35,883 | 508.40 | 1647.20 | 26.2 | 39.3 | 27.9 | 31.1 |
| 4870524 | 0000000 | Benicia Unified | 1,085,883 | 200.24 | 2007.18 | 22.7 | 53.7 | 24.4 | 60.0 |
| 3968585 | 0101956 | Benjamin Holt College Preparatory Academy | 41,180 | 103.98 | 376.92 | 0.0 | 0.0 | 0.0 | 0.0 |
| 4970623 | 0000000 | Bennett Valley Union Elementary | 33,169 | 263.71 | 2022.44 | 21.9 | 62.6 | 20.2 | 66.1 |
| 0161143 | 0000000 | Berkeley Unified | 256,850 | 374.05 | 958.70 | 20.6 | 34.0 | 23.2 | 41.1 |
| 4369377 | 0000000 | Berryessa Union Elementary | 3,291,225 | 359.40 | 1339.78 | 27.1 | 47.0 | 34.2 | 42.0 |
| 1964733 | 0106872 | Bert Corona Charter School | 3,031,917 | 0.00 | 0.00 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1964311 | 0000000 | Beverly Hills Unified | 1,104,689 | 213.67 | 5441.82 | 22.1 | 61.5 | 23.9 | 65.4 |
| 1062026 | 0000000 | Big Creek Elementary | | 926.38 | 2573.28 | 25.5 | 44.7 | 23.4 | 57.4 |
| 1262695 | 0000000 | Big Lagoon Union Elementary | 46,319 | 293.38 | 1602.31 | 16.4 | 35.2 | 13.9 | 45.5 |
| | | | 62,490 | | | | | | |

**Recommended for Regular Approval:** The following LEAs have submitted a correct and complete Consolidated Application, Part I, and have no compliance issues crucial to student achievement outstanding for more than 365 days. The Department recommends regular approval of these applications.

| CD Code | School Code | Local Educational Agency Name | 2003-2004 ConApp Entitlement | 2003-2004 Entitlement Per Student | 2003-2004 Entitlement Per Low Income Student | 2003 STAR Data Percent of Students Scoring At or Above: Mathematics Basic | Mathematics Advanced or Proficient | Reading Basic | Reading Advanced or Proficient |
|---|---|---|---|---|---|---|---|---|---|
| 5575184 | 0000000 | Big Oak Flat-Groveland Unified | | 393.83 | | 24.4 | 30.8 | 30.6 | 38.3 |
| 1463248 | 0000000 | Big Pine Unified | 225,269 | 499.67 | 1092.50 | 32.2 | 16.1 | 37.2 | 20.1 |
| 4770185 | 0000000 | Big Springs Union Elementary | 128,915 | 630.77 | 1201.46 | 27.6 | 29.1 | 43.3 | 24.6 |
| 1864089 | 0000000 | Big Valley Joint Unified | 100,923 | 728.47 | 1244.12 | 33.1 | 24.0 | 37.0 | 24.8 |
| 0461408 | 0000000 | Biggs Unified | 221,454 | 466.96 | 789.26 | 26.7 | 21.7 | 33.5 | 26.7 |
| 1463263 | 0000000 | Bishop Joint Union High | 402,523 | 227.93 | 505.96 | 27.3 | 15.4 | 36.1 | 35.0 |
| 1463255 | 0000000 | Bishop Union Elementary | 184,171 | 517.83 | 1164.30 | 29.2 | 40.5 | 35.4 | 39.6 |
| 3567454 | 0000000 | Bitterwater-Tully Union Elemen | 745,155 | 2132.33 | | 27.8 | 38.9 | 38.9 | 27.8 |
| 0973783 | 0000000 | Black Oak Mine Unified | 44,779 | 330.20 | 1181.70 | 27.5 | 39.3 | 31.8 | 45.8 |
| 1563354 | 0000000 | Blake Elementary | 667,659 | 830.77 | 830.77 | 20.0 | 20.0 | 40.0 | 40.0 |
| 4269112 | 0000000 | Blochman Union Elementary | 10,800 | 680.65 | 1046.19 | 36.4 | 18.2 | 43.9 | 19.7 |
| 1262703 | 0000000 | Blue Lake Union Elementary | 56,494 | 579.03 | 1158.05 | 28.3 | 48.0 | 38.2 | 40.1 |
| 4770193 | 0000000 | Bogus Elementary | 113,489 | 1274.17 | 5096.67 | 10.0 | 70.0 | 30.0 | 40.0 |
| 2165300 | 0000000 | Bolinas-Stinson Union Elementary | 15,290 | 499.96 | 3249.71 | 23.2 | 37.0 | 21.0 | 39.9 |
| 1964329 | 0000000 | Bonita Unified | 1,995,974 | 196.11 | 794.58 | 25.5 | 38.5 | 33.0 | 43.2 |
| 4469732 | 0000000 | Bonny Doon Union Elementary | 77,993 | 595.89 | 23835.75 | 18.8 | 52.3 | 25.0 | 50.8 |
| 3767975 | 0000000 | Bonsall Union Elementary | 95,343 | 415.46 | 1085.97 | 24.3 | 43.2 | 31.0 | 48.4 |
| 3767983 | 0000000 | Borrego Springs Unified | 719,995 | 504.81 | 717.52 | 26.1 | 25.9 | 29.4 | 32.6 |
| 2765979 | 0000000 | Bradley Union Elementary | 241,804 | 5431.64 | 8473.36 | 45.2 | 16.1 | 41.9 | 29.0 |
| 1363073 | 0000000 | Brawley Elementary | 211,834 | 1008.30 | 1406.79 | 29.8 | 33.4 | 38.5 | 26.1 |
| 1363081 | 0000000 | Brawley Union High | 3,826,482 | | | 10.5 | 1.6 | 31.4 | 21.6 |
| 3066449 | 0000000 | Brea-Olinda Unified | 1,195,358 | 654.27 | 1488.62 | 26.8 | 48.6 | 25.6 | 60.4 |
| 0761655 | 0000000 | Brentwood Union Elementary | 1,223,539 | 199.83 | 1090.50 | 31.4 | 40.8 | 35.6 | 40.5 |
| 0561556 | 0000000 | Bret Harte Union High | 1,153,291 | 215.85 | 858.10 | 28.9 | 21.5 | 28.7 | 45.4 |
| 1262729 | 0000000 | Bridgeville Elementary | 170,176 | 173.12 | 1978.79 | 24.5 | 14.3 | 38.8 | 20.4 |
| 5672447 | 0000000 | Briggs Elementary | 82,503 | 1398.36 | 1793.54 | 33.1 | 28.6 | 41.7 | 28.1 |
| 4168874 | 0000000 | Brisbane Elementary | 138,578 | 303.23 | 477.86 | 28.0 | 45.8 | 34.4 | 39.9 |
| 5171357 | 0000000 | Brittan Elementary | 151,322 | 222.53 | 1022.45 | 31.9 | 29.3 | 38.8 | 28.0 |
| 5171365 | 0000000 | Browns Elementary | 239,526 | 390.11 | 820.29 | 26.1 | 44.8 | 30.6 | 47.8 |
| | | | 70,712 | 465.21 | 1285.67 | | | | |

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|---|---|---|---|---|---|---|---|---|---|
| 0961838 | 0000000 | Buckeye Union Elementary | 675,163 | 157.71 | 2296.47 | 24.2 | 60.8 | 26.2 | 63.7 |
| 4269138 | 0000000 | Buellton Union Elementary | 355,925 | 547.58 | 1561.07 | 26.4 | 43.6 | 29.3 | 44.1 |
| 3066456 | 0000000 | Buena Park Elementary | 3,521,328 | 551.59 | 834.04 | 27.4 | 39.4 | 36.8 | 30.8 |
| 5471829 | 0000000 | Buena Vista Elementary | 95,516 | 582.41 | 1326.61 | 29.9 | 32.6 | 33.3 | 31.3 |
| 1964337 | 0000000 | Burbank Unified | 5,270,134 | 349.55 | 1038.65 | 28.6 | 40.8 | 33.4 | 43.7 |
| 4168882 | 0000000 | Burlingame Elementary | 652,079 | 279.14 | 5094.37 | 24.5 | 59.6 | 23.7 | 64.4 |
| 5371662 | 0000000 | Burnt Ranch Elementary | 59,312 | 770.29 | 1318.04 | 19.4 | 52.2 | 37.3 | 38.8 |
| 1062042 | 0000000 | Burrel Union Elementary | 185,266 | 1436.17 | 1625.14 | 24.8 | 21.2 | 38.1 | 14.2 |
| 5471837 | 0000000 | Burton Elementary | 1,334,009 | 494.63 | 864.56 | 32.3 | 35.2 | 39.9 | 29.5 |
| 0410041 | 0000000 | Butte Co. Office Of Education | 325,502 | 552.63 | 2047.18 | 10.9 | 5.0 | 16.9 | 13.1 |
| 4770201 | 0000000 | Butteville Union Elementary | 44,363 | 375.96 | 806.60 | 24.4 | 24.4 | 34.1 | 31.7 |
| 1563370 | 0000000 | Buttonwillow Union Elementary | 334,361 | 855.14 | 939.22 | 34.5 | 23.2 | 36.3 | 24.3 |
| 0761663 | 0000000 | Byron Union Elementary | 265,075 | 208.23 | 1840.80 | 25.8 | 50.2 | 34.3 | 42.3 |
| 4168890 | 0000000 | Cabrillo Unified | 10,172,689 | 265.77 | 1092.10 | 25.5 | 38.0 | 25.3 | 42.5 |
| 3767991 | 0000000 | Cajon Valley Union Elementary | 969,788 | 545.36 | 1109.10 | 26.3 | 41.6 | 32.1 | 38.2 |
| 0510058 | 0000000 | Calaveras Co. Office Of Education | 107,683 | 258.85 | 569.75 | 10.9 | 7.0 | 14.3 | 16.1 |
| 0561564 | 0000000 | Calaveras Unified | 1,416,879 | 383.56 | 1005.59 | 32.9 | 27.9 | 35.4 | 39.4 |
| 1363099 | 0000000 | Calexico Unified | 7,285,562 | 840.51 | 1071.25 | 30.0 | 17.1 | 33.4 | 15.0 |
| 1563388 | 0000000 | Caliente Union Elementary | 71,682 | 689.25 | 1462.90 | 25.2 | 35.0 | 21.4 | 38.8 |
| 5872751 | 6118780 | California Montessori Project | 1,023,163 | 0.00 | 0.00 | 29.2 | 35.0 | 30.3 | 43.9 |
| 1363107 | 0000000 | Calipatria Unified | 393,515 | 806.28 | 806.28 | 25.0 | 22.3 | 38.4 | 25.0 |
| 2866241 | 0000000 | Calistoga Joint Unified | 0 | 426.34 | 793.38 | 25.2 | 27.0 | 29.0 | 29.6 |
| 4369385 | 0000000 | Cambrian Elementary | 554,241 | 197.45 | 1057.71 | 20.2 | 59.2 | 26.0 | 57.2 |
| 1964733 | 6117667 | Camino Nuevo Charter Academy | 228,323 | 543.63 | 550.18 | 27.6 | 23.7 | 38.5 | 10.5 |
| 1964733 | 6119424 | Camino Nuevo Charter Academy - Middle School | 313,310 | 464.16 | 498.11 | 29.6 | 15.3 | 35.6 | 15.2 |
| 1964733 | 0106435 | Camino Nuevo High School Charter | 0 | 0.00 | 0.00 | 0.0 | 0.0 | 0.0 | 0.0 |
| 0961846 | 0000000 | Camino Union Elementary | 179,473 | 323.37 | 949.59 | 31.0 | 41.9 | 33.7 | 46.0 |
| 4369393 | 0000000 | Campbell Union Elementary | 2,901,047 | 387.69 | 1185.55 | 24.5 | 44.0 | 27.7 | 42.9 |

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|---|---|---|---|---|---|---|---|---|---|
| 4369401 | 0000000 | Campbell Union High | | 123.17 | 1749.24 | 24.6 | 17.6 | 25.1 | 44.3 |
| 5872728 | 6115935 | Camptonville Academy | 927,097 | 129.10 | 421.86 | 24.6 | 24.6 | 32.2 | 38.9 |
| 0761671 | 0000000 | Canyon Elementary | 89,857 | 273.16 | 4302.25 | 26.0 | 56.0 | 22.0 | 62.0 |
| 1162554 | 0000000 | Capay Joint Union Elementary | 17,209 | 390.22 | 1071.02 | 36.2 | 36.2 | 31.4 | 41.9 |
| 3066464 | 0000000 | Capistrano Unified | 10,228,762 | 213.05 | 1582.91 | 25.2 | 50.2 | 27.7 | 54.0 |
| 3467439 | 0102343 | Capitol Heights Academy | 50,338 | | | | | | |
| 3768007 | 0000000 | Cardiff Elementary | | 0.00 | 0.00 | 0.0 | 0.0 | 0.0 | 0.0 |
| 3773551 | 0000000 | Carlsbad Unified | 340,613 | 389.76 | 1432.84 | 19.5 | 62.5 | 23.3 | 62.7 |
| 2765987 | 0000000 | Carmel Unified | 2,069,357 | 208.18 | 1080.60 | 23.4 | 53.9 | 24.8 | 59.0 |
| 4269146 | 0000000 | Carpinteria Unified | 0 | 178.41 | 1667.19 | 24.6 | 47.3 | 22.7 | 57.5 |
| 1062166 | 1030840 | Carter G. Woodson Public Charter | 391,790 | 355.24 | 814.05 | 28.8 | 35.2 | 33.7 | 36.1 |
| 1075598 | 0000000 | Caruthers Unified | 1,072,102 | | | | | | |
| 4569914 | 0000000 | Cascade Union Elementary | 74,121 | 0.00 | 0.00 | 5.0 | 1.3 | 13.8 | 2.5 |
| 4269153 | 0000000 | Casmalia Elementary | 846,347 | 616.87 | 737.24 | 24.9 | 16.1 | 33.7 | 19.5 |
| 1964345 | 0000000 | Castaic Union Elementary | 1,607,367 | 1041.97 | 1285.88 | 30.2 | 31.1 | 39.1 | 28.4 |
| 4569922 | 0000000 | Castle ROCk Union Elementary | | 409.31 | 434.12 | 23.5 | 11.8 | 32.4 | 11.8 |
| 0161150 | 0000000 | Castro Valley Unified | 14,326 | 176.48 | 1328.39 | 30.5 | 43.1 | 33.8 | 49.0 |
| 4068726 | 0000000 | Cayucos Elementary | 612,390 | 510.57 | 730.64 | 15.3 | 27.8 | 27.8 | 20.8 |
| 1062166 | 1030782 | Center For Advanced Technology | 1,372,617 | 167.35 | 1276.85 | 22.6 | 51.9 | 25.3 | 54.5 |
| 3473973 | 0000000 | Center Joint Unified | 42,377 | 382.24 | 1903.06 | 30.7 | 55.9 | 26.2 | 62.9 |
| 1964352 | 0000000 | Centinela Valley Union High | 89,444 | | | | | | |
| 1964733 | 0100800 | Central City Value School | 1,448,660 | 8.31 | 29.03 | 0.0 | 0.0 | 0.0 | 0.0 |
| 3667645 | 0000000 | Central Elementary | 9,782 | 245.37 | 855.68 | 26.2 | 37.7 | 32.2 | 38.7 |
| 1073965 | 0000000 | Central Unified | 3,435,523 | 460.83 | 900.53 | 16.5 | 6.1 | 30.6 | 14.8 |
| 1663883 | 0000000 | Central Union Elementary | | 538.69 | 667.97 | | | | |
| 1363115 | 0000000 | Central Union High | 1,306,598 | 249.68 | 776.81 | 0.0 | 0.0 | 0.0 | 0.0 |
| 3066472 | 0000000 | Centralia Elementary | 50,098 | 342.52 | 752.39 | 29.3 | 41.0 | 37.4 | 41.2 |
| 5071043 | 0000000 | Ceres Unified | 4,097,543 | 399.78 | 810.11 | 25.4 | 32.5 | 35.9 | 29.0 |
| 3667652 | 0000000 | Chaffey Joint Union High | 797,959 | 521.06 | 994.36 | 27.0 | 44.3 | 35.0 | 43.0 |
| | | | 1,909,170 | 374.04 | 821.50 | 26.7 | 8.9 | 35.5 | 21.8 |
| | | | 1,966,679 | 429.40 | 689.40 | 25.5 | 46.9 | 32.4 | 41.5 |
| | | | 4,305,992 | 216.78 | 1192.43 | 30.3 | 29.5 | 37.4 | 27.7 |
| | | | 4,754,203 | | | 26.3 | 14.7 | 32.0 | 31.2 |

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|---|---|---|---|---|---|---|---|---|---|
| 3768338 | 6113211 | Chancellor William Mcgill School Of Success | 5,989 | 42.78 | 0.00 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1964378 | 0000000 | Charter Oak Unified | 1,610,591 | 229.76 | 889.34 | 30.2 | 33.3 | 35.3 | 40.0 |
| 4369583 | 6118541 | Charter School Of Morgan Hill | 17,796 | 53.12 | 508.46 | 26.1 | 49.8 | 28.0 | 59.4 |
| 3768338 | 3730959 | Charter School Of San Diego | 341,392 | 233.83 | 479.48 | 7.9 | 2.7 | 35.8 | 19.7 |
| 5071050 | 0000000 | Chatom Union Elementary | 454,312 | 667.12 | 927.17 | 26.3 | 23.6 | 32.0 | 25.9 |
| 2075606 | 0000000 | Chawanakee Unified | 484,189 | 437.39 | 1204.45 | 26.8 | 33.9 | 32.0 | 38.0 |
| 2966316 | 0000000 | Chicago Park Elementary | 6,371,326 | 374.83 | 1911.65 | 22.8 | 54.3 | 31.5 | 54.3 |
| 0461424 | 0000000 | Chico Unified | 38,233 | 456.63 | 1269.95 | 28.6 | 35.4 | 31.8 | 40.5 |
| 1964733 | 6119531 | Chime Charter | | 0.00 | 0.00 | 21.2 | 37.9 | 13.6 | 42.4 |
| 1964733 | 0101634 | Chime Middle Charter School | 4,908 | 1435.19 | 2318.38 | 0.0 | 0.0 | 0.0 | 0.0 |
| 5572330 | 0000000 | Chinese Camp Elementary | 7,820,254 | 0.00 | 0.00 | 26.7 | 60.0 | 26.7 | 46.7 |
| 3667678 | 0000000 | Chino Valley Unified | 30,139 | 229.60 | 842.25 | 27.9 | 39.6 | 33.3 | 41.2 |
| 2065193 | 0000000 | Chowchilla Elementary | 1,180,041 | 692.92 | 881.94 | 29.9 | 16.0 | 32.8 | 20.0 |
| 2065201 | 0000000 | Chowchilla Union High | 0 | 297.19 | 863.28 | 22.5 | 8.3 | 38.1 | 27.0 |
| 2765995 | 0000000 | Chualar Union Elementary | 253,803 | 991.19 | 997.27 | 26.8 | 22.4 | 31.6 | 10.4 |
| 3768023 | 0000000 | Chula Vista Elementary | 325,110 | 492.98 | 1075.96 | 26.8 | 41.2 | 33.6 | 34.5 |
| 3768023 | 6115778 | Chula Vista Learning Community Charter (Elem) | 9,784,755 | 329.91 | 536.48 | 30.7 | 22.1 | 35.2 | 19.5 |
| 4970649 | 0000000 | Cinnabar Elementary | 176,503 | 315.24 | 886.82 | 29.0 | 37.7 | 30.4 | 34.8 |
| 5471845 | 0000000 | Citrus South Tule Elementary | 80,701 | 493.48 | 756.67 | 16.2 | 24.3 | 43.2 | 8.1 |
| 1964394 | 0000000 | Claremont Unified | 1,698,945 | 239.25 | 1009.38 | 25.0 | 46.6 | 28.1 | 50.1 |
| 1062109 | 0000000 | Clay Joint Elementary | 22,700 | 526.89 | 2286.70 | 25.6 | 59.9 | 37.2 | 53.5 |
| 2966324 | 0000000 | Clear Creek Elementary | 114,335 | 1003.02 | 3553.54 | 36.6 | 48.5 | 28.7 | 61.4 |
| 3768023 | 6109771 | Clear View Elementary | 124,374 | 121.34 | 592.24 | 23.7 | 58.8 | 35.9 | 44.9 |
| 1062117 | 0000000 | Clovis Unified | 9,101,827 | 267.30 | 964.28 | 25.7 | 48.6 | 30.1 | 49.3 |
| 3373676 | 0000000 | Coachella Valley Unified | 12,275,962 | 836.64 | 975.68 | 24.1 | 12.9 | 29.5 | 10.6 |
| 1062125 | 0000000 | Coalinga-Huron Joint Unified | 3,083,650 | 723.35 | 1094.27 | 26.1 | 17.0 | 30.8 | 16.1 |
| 2065219 | 0000000 | Coarsegold Union Elementary | 256,487 | 247.34 | 739.16 | 28.7 | 50.0 | 33.9 | 45.3 |

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|---|---|---|---|---|---|---|---|---|---|
| 4075465 | 0000000 | Coast Unified | 276,775 | 298.89 | 818.86 | 28.0 | 35.7 | 27.2 | 49.2 |
| 5371670 | 0000000 | Coffee Creek Elementary | 26,086 | 1863.29 | 2173.83 | 25.0 | 25.0 | 25.0 | 37.5 |
| 4269161 | 0000000 | Cold Spring Elementary | 54,887 | 257.69 | 1320.22 | 16.1 | 78.9 | 11.2 | 85.1 |
| 3166795 | 0000000 | Colfax Elementary | 214,004 | 395.57 | 0.00 | 27.8 | 44.9 | 36.2 | 39.8 |
| 4269179 | 0000000 | College Elementary | 11,155,164 | 595.41 | 2163.13 | 24.2 | 53.2 | 36.3 | 43.5 |
| 3667686 | 0000000 | Colton Joint Unified | 235,781 | 464.45 | 923.98 | 26.1 | 20.8 | 34.6 | 20.1 |
| 4569948 | 0000000 | Columbia Elementary | 229,591 | 249.01 | 834.88 | 33.5 | 34.9 | 34.7 | 45.8 |
| 5572348 | 0000000 | Columbia Union Elementary | 380,603 | 698.35 | 1647.63 | 33.2 | 39.1 | 35.2 | 39.5 |
| 5471852 | 0000000 | Columbine Elementary | 95,402 | 504.77 | 1177.80 | 33.1 | 53.5 | 34.4 | 47.8 |
| 0610066 | 0000000 | Colusa Co. Office Of Education | 111,521 | 0.00 | 1233.33 | 6.9 | 1.4 | 8.3 | 5.6 |
| 0661598 | 0000000 | Colusa Unified | 1,013,794 | 659.16 | 0.00 | 29.5 | 25.6 | 34.7 | 30.4 |
| 1964733 | 1996636 | Community Harvest Charter School | 3,901,813 | 0.00 | 1412.17 | 29.6 | 8.0 | 32.7 | 29.6 |
| 5673759 | 0000000 | Conejo Valley Unified | 112,729 | 178.53 | 0.00 | 23.2 | 54.9 | 23.5 | 63.1 |
| 1964725 | 6113146 | Constellation Community Middle (Char) | 0 | 644.17 | 663.11 | 34.7 | 12.9 | 40.0 | 7.6 |
| 0710074 | 0000000 | Contra Costa Co. Off. Of Education | 347,631 | 409.94 | 3408.15 | 3.9 | 1.1 | 11.2 | 3.9 |
| 1663891 | 0000000 | Corcoran Joint Unified | 2,881,916 | 909.98 | 1233.17 | 25.2 | 16.6 | 32.2 | 15.1 |
| 1062166 | 6118095 | Cornerstone Academy | 63,286 | 570.14 | 585.98 | 4.6 | 0.0 | 4.6 | 1.5 |
| 1964733 | 0100297 | Cornerstone Prep Charter School | 190,852 | 1004.48 | 1434.98 | 0.0 | 0.0 | 0.0 | 0.0 |
| 5271498 | 0000000 | Corning Union Elementary | 1,377,218 | 701.23 | 974.68 | 29.2 | 31.5 | 34.3 | 25.3 |
| 5271506 | 0000000 | Corning Union High | 10,534,570 | 324.18 | 2170.52 | 24.5 | 8.9 | 28.9 | 30.2 |
| 3367033 | 0000000 | Corona-Norco Unified | 327,748 | 252.69 | 652.05 | 26.9 | 33.8 | 33.2 | 37.6 |
| 3768031 | 0000000 | Coronado Unified | 434,676 | 155.74 | 1966.86 | 22.2 | 57.0 | 21.3 | 66.9 |
| 3768338 | 3731320 | Cortez Hill Academy | 2,134,410 | 262.95 | 657.38 | 5.9 | 0.0 | 42.4 | 27.1 |
| 4973882 | 0000000 | Cotati-Rohnert Park Unified | 26,295 | 277.63 | 1576.37 | 29.3 | 31.1 | 31.3 | 40.0 |
| 4569955 | 0000000 | Cottonwood Union Elementary | 670,009 | 543.84 | 1029.20 | 28.3 | 46.1 | 32.9 | 44.0 |
| 1964436 | 0000000 | Covina-Valley Unified | 4,408,985 | 299.54 | 641.96 | 28.0 | 29.2 | 33.8 | 34.0 |
| 5371688 | 0000000 | Cox Bar Elementary | 42,568 | 1850.78 | 2837.87 | 35.3 | 29.4 | 35.3 | 29.4 |

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|---|---|---|---|---|---|---|---|---|---|
| 3868478 | 0101261 | Cross Cultural Enviromental Leadership (Xcel) | | 0.00 | 0.00 | 0.0 | 0.0 | 0.0 | 0.0 |
| 3675044 | 3631132 | Crosswalk:hesperia Experiential Learning Path | | 0.00 | 0.00 | 30.0 | 16.3 | 35.0 | 25.0 |
| 3667694 | 0000000 | Cucamonga Elementary | 0 | 531.88 | 831.91 | 29.4 | 26.6 | 37.6 | 26.0 |
| 1262737 | 0000000 | Cuddeback Union Elementary | 1,538,202 | 287.63 | 514.70 | 31.4 | 25.6 | 27.3 | 36.4 |
| 1964733 | 0100768 | Culture And Language Academy Of Success (Clas | 0 | 328.34 | 461.38 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1964444 | 0000000 | Culver City Unified | 39,117 | | 10915.92 | 25.4 | 34.8 | 32.2 | 43.8 |
| 4369419 | 0000000 | Cupertino Union School | 53,520 | 288.85 | 5060.98 | 11.9 | 78.9 | 16.5 | 73.9 |
| 5572355 | 0000000 | Curtis Creek Elementary | 1,932,117 | 228.23 | 1724.30 | 34.5 | 41.7 | 35.1 | 45.8 |
| 5471860 | 0000000 | Cutler-Orosi Joint Unified | 3,613,537 | 627.23 | 1017.58 | 22.8 | 14.3 | 33.8 | 12.4 |
| 1262745 | 0000000 | Cutten Elementary | 474,183 | 899.75 | 1286.93 | 20.6 | 56.1 | 33.2 | 45.9 |
| 4275010 | 0000000 | Cuyama Joint Unified | 3,581,888 | 450.17 | 857.50 | 23.6 | 27.0 | 31.8 | 30.7 |
| 3066480 | 0000000 | Cypress Elementary | 227,787 | 717.18 | 966.55 | 25.9 | 54.3 | 27.7 | 60.1 |
| 3768338 | 6039457 | Darnall E-Campus Charter | 236,671 | 277.48 | 659.83 | 25.7 | 31.4 | 33.1 | 18.9 |
| 5772678 | 0000000 | Davis Joint Unified | 1,385,768 | 550.25 | 2248.79 | 20.3 | 57.7 | 18.7 | 65.4 |
| 1463271 | 0000000 | Death Valley Unified | 308,140 | 245.08 | 867.19 | 17.7 | 10.1 | 22.8 | 20.3 |
| 3768049 | 6119564 | Dehesa Charter School | 2,163,332 | 700.42 | 1178.00 | 10.4 | 14.5 | 12.2 | 23.4 |
| 3768049 | 0000000 | Dehesa Elementary | 54,633 | 0.00 | 0.00 | 29.7 | 41.3 | 36.2 | 45.7 |
| 3768056 | 0000000 | Del Mar Union Elementary | 7,085 | 252.43 | 7136.63 | 12.4 | 81.0 | 15.0 | 78.6 |
| 0810082 | 0000000 | Del Norte Co. Office Of Education | 49,476 | 177.38 | 808.32 | 6.1 | 5.7 | 18.6 | 12.4 |
| 0861820 | 0000000 | Del Norte County Unified | 456,744 | 235.47 | 1018.74 | 28.3 | 29.7 | 32.3 | 29.4 |
| 3467306 | 0000000 | Del Paso Heights Elementary | 193,380 | 652.97 | 1400.84 | 23.9 | 14.0 | 31.1 | 11.4 |
| 1563412 | 0000000 | Delano Joint Union High | 2,628,020 | 1348.98 | 818.02 | 22.4 | 9.1 | 29.3 | 12.4 |
| 1563404 | 0000000 | Delano Union Elementary | 2,915,147 | 501.19 | 838.82 | 28.6 | 24.7 | 30.6 | 16.6 |
| 2475366 | 0000000 | Delhi Unified | 2,126,045 | 838.82 | 870.53 | 23.4 | 13.2 | 34.4 | 17.1 |
| 4770227 | 0000000 | Delphic Elementary | 6,143,493 | 578.22 | 691.38 | 35.7 | 46.4 | 32.1 | 39.3 |
| 1663909 | 0000000 | Delta View Joint Union Elementary | 1,415,474 | 403.31 | 862.97 | 33.8 | 20.3 | 35.1 | 24.3 |
| | | | 14,519 | 652.02 | | | | | |
| | | | 58,682 | | | | | | |

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|---|---|---|---|---|---|---|---|---|---|
| 5071068 | 0000000 | Denair Unified | 502,668 | 384.60 | 1058.25 | 29.1 | 19.0 | 35.1 | 30.6 |
| 3367041 | 0000000 | Desert Center Unified | 11,351,576 | 1520.61 | 2403.55 | 34.2 | 21.1 | 47.4 | 21.1 |
| 3367058 | 0000000 | Desert Sands Unified | 74,510 | 439.35 | 824.31 | 27.0 | 28.6 | 32.8 | 28.8 |
| 1563420 | 0000000 | Di Giorgio Elementary | 137,705 | 546.45 | 609.31 | 28.9 | 25.1 | 31.8 | 15.6 |
| 5475531 | 0000000 | Dinuba Unified | 3,629,574 | 685.86 | 902.43 | 28.4 | 20.1 | 35.9 | 20.8 |
| 1964733 | 1996594 | Discovery Charter | 49,110 | 467.71 | 558.07 | 17.5 | 4.9 | 42.7 | 14.6 |
| 3768023 | 6111322 | Discovery Charter | 87,361 | 104.62 | 633.05 | 26.0 | 49.3 | 31.4 | 46.5 |
| 2165318 | 0000000 | Dixie Elementary | 352,155 | 190.25 | 4633.62 | 18.4 | 70.4 | 19.4 | 71.2 |
| 4870532 | 0000000 | Dixon Unified | 1,144,527 | 290.78 | 726.22 | 29.8 | 29.6 | 30.7 | 35.3 |
| 2475317 | 0000000 | Dos Palos Oro Loma Jt. Unified | 2,141,090 | 735.26 | 1163.00 | 26.1 | 19.5 | 34.1 | 18.3 |
| 5371696 | 0000000 | Douglas City Elementary | 7,986,326 | 631.88 | 1015.27 | 21.3 | 57.4 | 33.3 | 48.1 |
| 1964451 | 0000000 | Downey Unified | 90,350 | 358.90 | 687.17 | 29.5 | 29.7 | 36.9 | 32.5 |
| 1964733 | 6119903 | Downtown Value School | 17,584 | 279.11 | 303.17 | 0.0 | 0.0 | 0.0 | 0.0 |
| 3166803 | 0000000 | Dry Creek Joint Elementary | 1,060,655 | 154.52 | 938.63 | 25.5 | 53.0 | 31.8 | 53.4 |
| 1964469 | 0000000 | Duarte Unified | 1,857,117 | 406.37 | 634.26 | 29.0 | 27.4 | 35.0 | 26.8 |
| 0175093 | 0000000 | Dublin Unified | 813,313 | 187.49 | 1811.39 | 22.7 | 55.4 | 27.9 | 53.9 |
| 4770243 | 0000000 | Dunsmuir Elementary | 282,110 | 1356.30 | 2186.90 | 46.7 | 21.0 | 34.7 | 32.3 |
| 4770250 | 0000000 | Dunsmuir Joint Union High | 55,731 | 392.47 | 688.04 | 25.9 | 20.0 | 37.6 | 31.8 |
| 0461432 | 0000000 | Durham Unified | 440,022 | 357.74 | 1000.50 | 30.8 | 36.0 | 30.2 | 44.3 |
| 3768171 | 3731254 | Eagles Peak Charter | 2,360,399 | 1326.07 | 1377.93 | 20.6 | 13.9 | 20.1 | 25.8 |
| 5471902 | 0000000 | Earlimart Elementary | 10,191 | 0.00 | 0.00 | 24.9 | 16.2 | 28.5 | 9.4 |
| 0161259 | 0130518 | East Bay Conservation Corps Charter | | 0.00 | 0.00 | 25.0 | 36.3 | 30.0 | 28.8 |
| 5171373 | 0000000 | East Nicolaus Joint Union High | 40,050 | 148.88 | 1213.64 | 27.3 | 24.2 | 34.0 | 42.8 |
| 4168999 | 6114953 | East Palo Alto Charter (Elem) | 165,649 | 485.77 | 593.72 | 33.2 | 41.7 | 40.2 | 29.0 |
| 4168999 | 4130118 | East Palo Alto High School | 2,856,641 | 117.89 | 496.39 | 5.6 | 1.3 | 30.0 | 8.1 |
| 1964485 | 0000000 | East Whittier City Elementary | 28,294 | 302.80 | 902.00 | 28.6 | 35.4 | 36.6 | 33.9 |
| 2673668 | 0000000 | Eastern Sierra Unified | 390,681 | 758.60 | 1514.27 | 23.5 | 29.8 | 35.3 | 36.7 |
| 1964477 | 0000000 | Eastside Union Elementary | 1,207,990 | 460.89 | 644.61 | 26.3 | 18.7 | 34.5 | 19.9 |

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|---|---|---|---|---|---|---|---|---|---|
| 3875648 | 6040935 | Edison Charter Academy | 230,638 | 505.79 | 588.36 | 29.8 | 33.8 | 34.2 | 26.2 |
| 1563438 | 0000000 | Edison Elementary | 347,166 | 409.39 | 534.92 | 28.5 | 27.3 | 38.6 | 20.9 |
| 3066670 | 0101626 | Edward B. Cole Academy | 5,431,800 | 0.00 | 0.00 | 0.0 | 0.0 | 0.0 | 0.0 |
| 2365607 | 2330272 | Eel River (Charter K-08) | 0 | 0.00 | 0.00 | 41.2 | 19.6 | 21.6 | 27.5 |
| 1363123 | 0000000 | El Centro Elementary | 462,916 | 866.73 | 1208.68 | 29.2 | 30.7 | 36.6 | 25.5 |
| 0910090 | 0000000 | El Dorado Co. Office Of Education | 0 | 8266.36 | 115729.00 | 17.3 | 8.5 | 17.9 | 17.6 |
| 0961853 | 0000000 | El Dorado Union High | 877,251 | 127.92 | 1311.29 | 29.2 | 25.8 | 25.9 | 56.2 |
| 1964501 | 0000000 | El Monte City Elementary | 9,212,620 | 770.87 | 936.72 | 30.1 | 30.2 | 37.3 | 23.3 |
| 1964519 | 0000000 | El Monte Union High | 4,988,340 | 493.36 | 771.59 | 25.4 | 16.6 | 34.0 | 23.0 |
| 2465680 | 0000000 | El Nido Elementary | 174,190 | 821.69 | 989.77 | 32.0 | 26.9 | 38.3 | 18.9 |
| 1964527 | 0000000 | El Rancho Unified | 5,313,627 | 431.79 | 673.21 | 29.9 | 21.8 | 39.1 | 23.0 |
| 1964535 | 0000000 | El Segundo Unified | 391,056 | 128.47 | 1253.38 | 24.8 | 55.0 | 26.0 | 60.4 |
| 3066670 | 6119127 | El Sol Santa Ana Science And Arts Charter Aca | 58,165 | 342.17 | 528.81 | 20.3 | 13.5 | 18.9 | 5.4 |
| 3467314 | 0000000 | Elk Grove Unified | 20,445,015 | 368.97 | 957.97 | 25.6 | 39.0 | 31.7 | 41.6 |
| 1563446 | 0000000 | Elk Hills Elementary | 28,505 | 438.54 | 606.49 | 29.2 | 18.8 | 20.8 | 18.8 |
| 5271514 | 0000000 | Elkins Elementary | 18,745 | 749.80 | 986.58 | 39.3 | 25.0 | 32.1 | 39.3 |
| 3467322 | 0000000 | Elverta Joint Elementary | 117,690 | 313.84 | 568.55 | 25.6 | 32.1 | 31.5 | 27.2 |
| 0161168 | 0000000 | Emery Unified | 300,355 | 333.73 | 605.55 | 17.4 | 10.9 | 29.4 | 16.1 |
| 5071076 | 0000000 | Empire Union Elementary | 2,167,550 | 532.70 | 865.63 | 27.1 | 34.8 | 38.1 | 33.1 |
| 3768080 | 0000000 | Encinitas Union Elementary | 1,589,552 | 281.99 | 1806.31 | 16.4 | 69.0 | 19.5 | 68.5 |
| 4569971 | 0000000 | Enterprise Elementary | 2,558,292 | 689.57 | 1140.57 | 29.0 | 41.0 | 35.3 | 38.7 |
| 1964691 | 1996438 | Environmental Charter | 1,097,953 | 200.17 | 309.75 | 26.2 | 1.0 | 41.0 | 20.5 |
| 3968502 | 0000000 | Escalon Unified | 42,436 | 352.81 | 1006.37 | 30.4 | 26.4 | 32.6 | 33.2 |
| 3768106 | 3731023 | Escondido Charter High | 10,538,356 | 0.00 | 0.00 | 16.3 | 21.0 | 30.4 | 44.7 |
| 3768098 | 0000000 | Escondido Union Elementary | 19,037 | 540.29 | 891.04 | 28.7 | 33.1 | 34.6 | 30.3 |
| 3768106 | 0000000 | Escondido Union High | 1,972,265 | 264.59 | 430.44 | 23.9 | 16.6 | 28.5 | 36.6 |
| 4369427 | 4330726 | Escuela Popular Accelerated Family Learning | 371,304 | 546.84 | 575.67 | 14.5 | 7.9 | 10.5 | 0.0 |

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|---|---|---|---|---|---|---|---|---|---|
| 5772686 | 0000000 | Esparto Unified | 396,556 | 411.37 | 742.61 | 28.6 | 28.2 | 38.1 | 28.2 |
| 3667702 | 0000000 | Etiwanda Elementary | 1,285,273 | 120.37 | 592.46 | 29.4 | 48.3 | 34.5 | 46.2 |
| 4770268 | 0000000 | Etna Union Elementary | 209,297 | 1090.09 | 1920.16 | 30.1 | 37.8 | 33.3 | 41.7 |
| 4770276 | 0000000 | Etna Union High | 149,290 | 353.17 | 1158.06 | 32.5 | 26.8 | 35.0 | 42.6 |
| 1275515 | 0000000 | Eureka City Unified | 3,046,075 | 583.43 | 831.35 | 21.4 | 34.5 | 28.5 | 32.2 |
| 3166829 | 0000000 | Eureka Union Elementary | 670,432 | 158.23 | 3724.62 | 23.7 | 63.2 | 23.6 | 68.0 |
| 4369435 | 0000000 | Evergreen Elementary | 4,281,696 | 339.25 | 1130.63 | 21.6 | 60.9 | 29.8 | 52.9 |
| 5271522 | 0000000 | Evergreen Union Elementary | 373,419 | 428.23 | 837.26 | 27.5 | 51.3 | 31.8 | 47.2 |
| 3667934 | 3630761 | Excelsior Education Center (Char) | 142,096 | 101.93 | 302.98 | 17.3 | 7.2 | 34.7 | 23.7 |
| 5471910 | 0000000 | Exeter Union Elementary | 1,180,453 | 590.98 | 961.47 | 29.5 | 40.8 | 38.3 | 30.8 |
| 5471928 | 0000000 | Exeter Union High | 350,054 | 312.55 | 714.40 | 21.8 | 4.5 | 29.3 | 31.5 |
| 3768338 | 6117683 | Explorer Elementary Charter | 1,174,451 | 0.00 | 0.00 | 17.6 | 77.1 | 16.8 | 77.1 |
| 1563461 | 0000000 | Fairfax Elementary | 6,591 | 734.03 | 899.96 | 32.6 | 24.8 | 34.2 | 13.6 |
| 4870540 | 0000000 | Fairfield-Suisun Unified | 8,760,908 | 382.81 | 1116.18 | 26.3 | 26.6 | 31.9 | 31.3 |
| 4569989 | 0000000 | Fall River Joint Unified | 609,567 | 422.43 | 758.17 | 30.3 | 29.1 | 35.8 | 32.9 |
| 3768114 | 0000000 | Fallbrook Union Elementary | 2,945,509 | 501.70 | 1170.25 | 27.1 | 47.0 | 33.9 | 40.8 |
| 3768122 | 0000000 | Fallbrook Union High | 666,615 | 216.50 | 656.76 | 23.2 | 17.3 | 27.0 | 37.2 |
| 5475325 | 0000000 | Farmersville Unified | 2,245,713 | 970.91 | 1144.02 | 27.2 | 15.7 | 34.2 | 12.2 |
| 3768023 | 6037956 | Feaster-Edison Charter | 532,873 | 1076.90 | 1380.64 | 28.4 | 34.4 | 35.9 | 23.5 |
| 0461440 | 0000000 | Feather Falls Union Elementary | 53,845 | 0.00 | 0.00 | 25.0 | 7.5 | 32.5 | 15.0 |
| 1964733 | 6017016 | Fenton Avenue Elementary (Char) | 629,468 | 500.37 | 555.58 | 31.9 | 34.3 | 39.8 | 24.6 |
| 1275374 | 0000000 | Ferndale Unified | 133,723 | 283.91 | 1437.88 | 31.0 | 38.1 | 32.5 | 41.8 |
| 1262794 | 0000000 | Fieldbrook Elementary | 2,074,017 | 411.18 | 1538.11 | 23.9 | 51.1 | 28.4 | 54.5 |
| 5672454 | 0000000 | Fillmore Unified | 41,520 | 528.95 | 905.29 | 29.6 | 21.7 | 37.1 | 26.3 |
| 1073809 | 0000000 | Firebaugh-Las Deltas Joint Unified | 1,647,826 | 676.45 | 799.14 | 28.0 | 15.8 | 35.0 | 13.5 |
| 3868478 | 0101774 | Five Keys Charter School | | | | | 0.0 | 0.0 | 0.0 |
| 5271530 | 0000000 | Flournoy Union Elementary | | 1717.86 | 8589.29 | 0.0 | 50.0 | 30.8 | 57.7 |
| 3467330 | 0000000 | Folsom-Cordova Unified | 6,043,928 | 0.00 | 0.00 | 23.1 | 44.8 | 28.4 | 45.3 |
| | | | 60,125 | 343.83 | 1629.53 | 24.1 | | | |
| | | | 0 | | | | | | |

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|---|---|---|---|---|---|---|---|---|---|
| 3667710 | 0000000 | Fontana Unified | 21,106,970 | 512.48 | 787.81 | 28.2 | 22.6 | 36.8 | 17.7 |
| 3166837 | 0000000 | Foresthill Union Elementary | | 470.85 | 1735.75 | 26.6 | 50.9 | 29.2 | 49.0 |
| 4970680 | 0000000 | Forestville Union Elementary | 293,342 | 463.63 | 2211.15 | 24.7 | 54.7 | 27.1 | 52.0 |
| 4770292 | 0000000 | Forks Of Salmon Elementary | 287,449 | 1958.38 | 1958.38 | 30.0 | 40.0 | 20.0 | 60.0 |
| 2365565 | 0000000 | Fort Bragg Unified | 1,002,014 | 481.29 | 858.74 | 28.3 | 23.3 | 28.2 | 31.6 |
| 4770300 | 0000000 | Fort Jones Union Elementary | 25,450 | 710.10 | 710.10 | 34.4 | 49.0 | 41.7 | 41.7 |
| 4970698 | 0000000 | Fort Ross Elementary | 95,863 | 729.57 | | 21.9 | 51.6 | 23.4 | 43.8 |
| 1262802 | 0000000 | Fortuna Union Elementary | 44,504 | 641.67 | 1181.71 | 29.4 | 27.8 | 31.4 | 33.8 |
| 1262810 | 0000000 | Fortuna Union High | 522,318 | 272.39 | 0.00 | 23.1 | 23.1 | 26.5 | 36.7 |
| 3066498 | 0000000 | Fountain Valley Elementary | 333,683 | 223.70 | 1982.88 | 22.5 | 63.6 | 25.7 | 62.7 |
| 1062158 | 0000000 | Fowler Unified | 1,413,796 | 498.13 | 0.00 | 29.6 | 20.0 | 35.5 | 26.5 |
| 5171381 | 0000000 | Franklin Elementary | 1,062,516 | 442.40 | 694.00 | 23.0 | 35.4 | 35.9 | 32.7 |
| 4369450 | 0000000 | Franklin-Mckinley Elementary | 181,382 | 756.92 | 3023.03 | 28.6 | 28.7 | 35.6 | 24.3 |
| 0161176 | 0000000 | Fremont Unified | 7,464,025 | 223.09 | 1036.81 | 20.3 | 54.1 | 24.0 | 56.8 |
| 4369468 | 0000000 | Fremont Union High | 7,016,590 | 163.87 | 1648.25 | 19.5 | 50.3 | 17.8 | 61.1 |
| 4569997 | 0000000 | French Gulch-Whiskeytown Elementary | 1,498,909 | 2404.91 | 4106.60 | 21.4 | 17.9 | 17.9 | 17.9 |
| 1262828 | 0000000 | Freshwater Elementary | 52,908 | 655.37 | 4069.85 | 24.7 | 54.5 | 27.8 | 56.1 |
| 1010108 | 0000000 | Fresno Co. Office Of Education | 197,267 | 1678.49 | 2076.49 | 9.0 | 5.6 | 13.6 | 5.5 |
| 1062166 | 1030733 | Fresno Prep Academy | 1,185,011 | 420.99 | 5642.91 | 1.6 | 0.0 | 8.1 | 3.2 |
| 1062166 | 0000000 | Fresno Unified | 71,161,454 | 876.48 | 578.16 | 23.7 | 17.8 | 30.8 | 19.4 |
| 1563479 | 0000000 | Fruitvale Elementary | 43,362 | 180.57 | 1176.63 | 26.2 | 56.2 | 29.2 | 55.9 |
| 3066506 | 0000000 | Fullerton Elementary | 550,197 | 422.54 | 823.65 | 26.9 | 41.4 | 32.2 | 39.8 |
| 3066514 | 0000000 | Fullerton Joint Union High | 5,729,176 | 236.04 | 985.58 | 26.3 | 30.1 | 25.4 | 42.9 |
| 3467348 | 0000000 | Galt Joint Union Elementary | 3,822,698 | 372.88 | 6937.75 | 29.4 | 37.8 | 33.4 | 33.6 |
| 3467355 | 0000000 | Galt Joint Union High | 1,587,357 | 230.92 | 787.38 | 18.8 | 6.3 | 29.2 | 26.3 |
| 3066522 | 0000000 | Garden Grove Unified | 30,230,732 | 605.64 | 938.35 | 27.0 | 42.2 | 36.0 | 34.4 |
| 4169005 | 6044473 | Garfield Charter (Elem) | 487,006 | 568.56 | 1004.91 | 31.3 | 22.2 | 29.4 | 11.5 |
| 1262836 | 0000000 | Garfield Elementary | 412,778 | 613.76 | 637.00 | 17.9 | 51.3 | 12.8 | 61.5 |
| | | | 33,757 | | 11252.33 | | | | |

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|---|---|---|---|---|---|---|---|---|---|
| 1964550 | 0000000 | Garvey Elementary | 7,067,895 | 1026.42 | 1221.13 | 24.8 | 42.9 | 33.9 | 31.8 |
| 3868478 | 3830437 | Gateway High | | 111.86 | 500.88 | 26.3 | 10.6 | 29.1 | 53.8 |
| 4575267 | 0000000 | Gateway Unified | 2,357,741 | 662.66 | 974.68 | 28.8 | 26.5 | 36.0 | 30.4 |
| 4770318 | 0000000 | Gazelle Union Elementary | 45,070 | 857.81 | 1286.72 | 32.7 | 23.1 | 38.5 | 25.0 |
| 1563487 | 0000000 | General Shafter Elementary | 46,322 | 630.89 | 850.81 | 20.1 | 39.3 | 29.0 | 23.8 |
| 5271548 | 0000000 | Gerber Union Elementary | 148,891 | 793.73 | 1092.72 | 31.6 | 28.5 | 38.5 | 28.1 |
| 4970706 | 0000000 | Geyserville Unified | 403,213 | 495.80 | 1049.51 | 20.6 | 16.0 | 30.0 | 21.6 |
| 4369484 | 0000000 | Gilroy Unified | 143,783 | 437.87 | 976.32 | 27.5 | 26.6 | 32.7 | 32.3 |
| 1964568 | 0000000 | Glendale Unified | 4,267,502 | 595.63 | 1308.21 | 25.4 | 50.3 | 32.5 | 45.2 |
| 1964576 | 0000000 | Glendora Unified | 17,634,735 | 161.47 | 1063.53 | 27.2 | 47.1 | 31.3 | 50.9 |
| 1110116 | 0000000 | Glenn Co. Office Of Education | 1,291,128 | 1543.63 | | 12.4 | 4.6 | 19.0 | 12.4 |
| 0961879 | 0000000 | Gold Oak Union Elementary | | 362.86 | 2110.17 | 28.1 | 53.7 | 26.0 | 57.5 |
| 0961887 | 0000000 | Gold Trail Union Elementary | 24,698 | 223.85 | 1678.85 | 25.5 | 51.4 | 27.7 | 55.8 |
| 0461457 | 0000000 | Golden Feather Union Elementary | 274,322 | 1312.57 | 1774.74 | 29.3 | 28.0 | 29.9 | 21.0 |
| 1075234 | 0000000 | Golden Plains Unified | 144,381 | 850.62 | 918.54 | 28.0 | 14.0 | 32.8 | 8.9 |
| 2075580 | 0000000 | Golden Valley Unified School District | 252,013<br>1,668,061 | 580.86 | 2102.89 | 31.0 | 32.7 | 34.0 | 43.6 |
| 4269195 | 0000000 | Goleta Union Elementary | 393,240 | 388.88 | 1204.15 | 24.7 | 50.1 | 28.9 | 47.6 |
| 2775473 | 0000000 | Gonzales Unified | 1,572,619 | 701.86 | 1023.45 | 30.4 | 16.1 | 35.5 | 18.3 |
| 1964584 | 0000000 | Gorman Elementary | 1,652,873 | 323.68 | 600.00 | 30.3 | 16.7 | 24.2 | 31.8 |
| 1964584 | 1996305 | Gorman Learning Center | | 170.50 | 473.13 | 22.2 | 17.9 | 29.8 | 34.8 |
| 1964733 | 1933746 | Granada Hills Charter High | 24,600 | 79.59 | 262.77 | 27.6 | 25.3 | 24.5 | 54.3 |
| 4570003 | 0000000 | Grant Elementary | 269,213 | 212.32 | 2430.40 | 23.1 | 57.0 | 20.0 | 65.6 |
| 3467363 | 0000000 | Grant Joint Union High | 315,327 | 736.22 | 1322.40 | 22.7 | 9.2 | 31.4 | 17.7 |
| 2966332 | 0000000 | Grass Valley Elementary | 114,229<br>8,565,153 | 607.87 | 1583.45 | 28.6 | 43.2 | 33.3 | 42.7 |
| 5071084 | 0000000 | Gratton Elementary | 1,162,251 | 658.53 | 16298.50 | 27.7 | 53.0 | 24.1 | 53.0 |
| 4970714 | 0000000 | Gravenstein Union Elementary | | 256.10 | 1046.88 | 27.6 | 49.9 | 27.4 | 56.6 |
| 2766027 | 0000000 | Graves Elementary | 65,194 | 442.66 | 885.32 | 37.5 | 12.5 | 31.3 | 12.5 |
| 1262851 | 0000000 | Green Point Elementary | 119,344 | 1441.45 | 2642.67 | 40.0 | 30.0 | 40.0 | 40.0 |
| | | | 16,821 | | | | | | |
| | | | 15,856 | | | | | | |

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|---|---|---|---|---|---|---|---|---|---|
| 1563503 | 0000000 | Greenfield Union Elementary | 3,580,011 | 501.40 | 631.73 | 31.5 | 31.2 | 37.4 | 23.9 |
| 2766035 | 0000000 | Greenfield Union Elementary | 1,884,977 | 733.45 | 1020.56 | 25.1 | 16.5 | 31.5 | 10.8 |
| 4770326 | 0000000 | Grenada Elementary | | 796.40 | 1320.62 | 30.9 | 42.7 | 27.3 | 40.9 |
| 0475507 | 0000000 | Gridley Unified | 1,487,521 | 693.16 | 1197.68 | 26.5 | 26.5 | 34.6 | 28.0 |
| 3768130 | 0000000 | Grossmont Union High | 4,235,553 | 193.70 | 922.58 | 25.9 | 16.7 | 30.0 | 36.8 |
| 0161259 | 6119911 | Growing Children | | | | 14.3 | 0.0 | 23.8 | 4.8 |
| 4269203 | 0000000 | Guadalupe Union Elementary | 1,094,232 | 963.23 | 1185.52 | 33.5 | 22.8 | 37.1 | 16.1 |
| 4970722 | 0000000 | Guerneville Elementary | | 883.07 | 1943.71 | 27.2 | 41.2 | 32.8 | 37.4 |
| 2473619 | 0000000 | Gustine Unified | 357,643 | 498.65 | 881.25 | 29.3 | 21.3 | 35.4 | 23.6 |
| 1973445 | 0000000 | Hacienda La Puente Unified | 9,282,104 | 383.22 | 639.61 | 25.3 | 35.0 | 33.4 | 30.2 |
| 1162570 | 0000000 | Hamilton Union Elementary | | 627.09 | 789.48 | 39.8 | 24.9 | 43.8 | 22.6 |
| 1162588 | 0000000 | Hamilton Union High | 307,899 | 282.45 | 934.90 | 17.7 | 9.2 | 33.7 | 33.3 |
| 1663917 | 0000000 | Hanford Elementary | 3,730,369 | 708.93 | 989.49 | 30.7 | 23.5 | 36.1 | 22.6 |
| 1663925 | 0000000 | Hanford Joint Union High | 1,187,860 | 326.07 | 1598.73 | 19.2 | 5.6 | 27.5 | 24.2 |
| 4770334 | 0000000 | Happy Camp Union Elementary | | 1211.53 | 1571.71 | 32.8 | 29.9 | 32.8 | 22.6 |
| 4469757 | 0000000 | Happy Valley Elementary | 174,460 | 2784.89 | 20422.50 | 14.7 | 62.4 | 14.7 | 68.8 |
| 4570011 | 0000000 | Happy Valley Union Elementary | 367,605 | 594.11 | 1042.82 | 31.0 | 31.6 | 33.5 | 32.6 |
| 4970730 | 0000000 | Harmony Union Elementary | 396,273 | 478.43 | 1716.20 | 26.0 | 49.3 | 29.7 | 51.0 |
| 5071092 | 0000000 | Hart-Ransom Union Elementary | 187,066 | 211.51 | 1079.58 | 30.4 | 42.0 | 32.7 | 44.7 |
| 1964592 | 0000000 | Hawthorne Elementary | 7,628,897 | 764.04 | 913.64 | 29.5 | 23.4 | 39.7 | 21.2 |
| 0161192 | 0000000 | Hayward Unified | 9,759,244 | 405.79 | 855.55 | 27.5 | 21.8 | 33.7 | 22.7 |
| 4975390 | 0000000 | Healdsburg Unified | 1,100,507 | 398.16 | 1139.24 | 27.0 | 26.3 | 27.3 | 35.7 |
| 1964246 | 1996347 | Hearns (Henry) Charter | | 572.61 | 727.13 | 28.0 | 20.0 | 28.0 | 26.0 |
| 1363131 | 0000000 | Heber Elementary | 45,809 | 831.45 | 939.84 | 29.3 | 17.1 | 35.2 | 13.6 |
| 3667736 | 0000000 | Helendale Elementary | 591,160 | 300.39 | 770.79 | 24.0 | 43.1 | 33.7 | 34.3 |
| 3768130 | 3732732 | Helix High | 181,135 | 78.53 | 338.04 | 24.9 | 16.8 | 30.4 | 39.6 |
| 3367082 | 0000000 | Hemet Unified | 8,011,206 | 423.18 | 724.93 | 28.8 | 27.8 | 34.9 | 31.8 |
| 3768098 | 0101535 | Heritage K-8 Charter School | | 0.00 | 5965.37 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1964600 | 0000000 | Hermosa Beach City Elementary | 304,234 | 297.39 | 0.00 | 19.5 | 70.7 | 22.6 | 72.0 |
| | | | 0 | | | | | | |

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|---|---|---|---|---|---|---|---|---|---|
| 3675044 | 0000000 | Hesperia Unified | 6,078,028 | 387.78 | 685.47 | 29.6 | 28.9 | 35.8 | 29.5 |
| 5071100 | 0000000 | Hickman Community Charter School | | 190.24 | 1094.92 | 31.1 | 33.8 | 28.9 | 47.6 |
| 3768338 | 3731247 | High Tech High | 205,845 | | | | 25.0 | 24.4 | 67.2 |
| 3768338 | 0101204 | High Tech Middle | | 97.54 | 510.92 | 23.1 | | | |
| 4168908 | 0000000 | Hillsborough City Elementary | 32,188 | 94.26 | 957.31 | | 0.0 | 0.0 | 0.0 |
| 2465698 | 0000000 | Hilmar Unified | 30,634 | 148.28 | | 0.0 | 80.2 | 11.5 | 85.3 |
| 3567470 | 0000000 | Hollister School District | 202,089 | | | 14.2 | | | |
| 3968536 | 0000000 | Holt Union Elementary | 1,108,334 | 459.89 | 1248.12 | 30.6 | 28.2 | 35.0 | 33.6 |
| 1363149 | 0000000 | Holtville Unified | 2,698,613 | 429.72 | 968.98 | 29.5 | 26.0 | 35.0 | 26.7 |
| 0761705 | 6118160 | Homesmartkids Of Knightsen | | 568.74 | 608.09 | 11.3 | 12.5 | 29.2 | 10.1 |
| 4269211 | 0000000 | Hope Elementary | 1,242,366 | 645.72 | 1005.15 | 30.9 | 24.5 | 38.0 | 30.7 |
| 5471944 | 0000000 | Hope Elementary | 96,686 | | | 24.1 | 24.1 | 27.0 | 37.4 |
| 4970763 | 0000000 | Horicon Elementary | | 0.00 | 1898.69 | 20.0 | 65.7 | 22.5 | 68.8 |
| 3166951 | 3130168 | Horizon Instructional Systems | 8,552 | 232.17 | 0.00 | | | | |
| 4770359 | 0000000 | Hornbrook Elementary | 380,372 | 602.06 | 2386.75 | 31.5 | 27.0 | 37.1 | 21.3 |
| 5471951 | 0000000 | Hot Springs Elementary | 66,829 | 284.20 | 488.82 | 25.0 | 30.3 | 21.1 | 28.9 |
| 2866258 | 0000000 | Howell Mountain Elementary | 24,441 | | | 18.8 | 13.9 | 24.6 | 28.4 |
| 5672462 | 0000000 | Hueneme Elementary | | 1426.95 | 1426.95 | 30.0 | 7.5 | 30.0 | 22.5 |
| 1964626 | 0000000 | Hughes-Elizabeth Lakes Union Elementary | 52,797 | 0.00 | 0.00 | | | | |
| 5075549 | 0000000 | Hughson Unified | | 1001.48 | 1279.67 | 10.7 | 35.7 | 32.1 | 32.1 |
| 1210124 | 0000000 | Humboldt Co. Office Of Education | 03,034 | 1227.24 | 3630.58 | 29.6 | 44.4 | 33.3 | 48.1 |
| 3066530 | 0000000 | Huntington Beach City Elementary | 5,320,265 | 614.21 | 882.01 | 31.6 | 28.9 | 35.6 | 26.5 |
| 3066548 | 0000000 | Huntington Beach Union High | 87,134 | 376.37 | 1703.57 | 30.3 | 41.9 | 32.6 | 48.3 |
| 1262885 | 0000000 | Hydesville Elementary | 161,839 | | | | | | |
| 4570029 | 0000000 | Igo, Ono, Platina Union Elementary | | 456.68 | 1133.46 | 19.5 | 21.3 | 32.6 | 33.7 |
| 1310132 | 0000000 | Imperial Co. Office Of Education | 912,439 | 1428.79 | | | | | |
| 1363164 | 0000000 | Imperial Unified | | | | | 1.3 | 12.5 | 4.1 |
| | | | 1,519,941 | 217.20 | 1611.81 | 2.8 | 58.1 | 28.8 | 57.6 |
| | | | 81,441 | | 0.00 | 22.9 | | | |
| | | | 2,981,183 | 206.78 | 1339.26 | 24.1 | 27.2 | 27.7 | 44.1 |
| | | | | 427.65 | 1125.74 | 34.4 | 47.2 | 40.0 | 50.4 |
| | | | 76,550 | 1307.59 | 2299.55 | 34.3 | 22.5 | 33.3 | 33.3 |
| | | | 133,374 | | | | | | |
| | | | | | | | 0.8 | 9.8 | 3.2 |
| | | | 192,461 | 0.00 | 0.00 | 2.6 | 35.8 | 38.5 | 34.8 |
| | | | 971,767 | 365.19 | 986.57 | 30.2 | | | |

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|---|---|---|---|---|---|---|---|---|---|
| 0961895 | 0000000 | Indian Diggings Elementary | 13,231 | 367.53 | 13231.00 | 20.6 | 41.2 | 20.6 | 44.1 |
| 4570037 | 0000000 | Indian Springs Elementary | 47,355 | 1527.58 | 2367.75 | 16.7 | 54.2 | 33.3 | 33.3 |
| 1964634 | 0101667 | Inglewood Preparatory Academy Charter School | 76,053 | 200.14 | 417.87 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1964634 | 0000000 | Inglewood Unified | 14,600,310 | 822.97 | 1354.14 | 23.7 | 22.9 | 36.5 | 23.5 |
| 1410140 | 0000000 | Inyo Co. Office Of Education | 58,768 | 1162.34 | 2407.71 | 6.7 | 4.4 | 17.8 | 2.2 |
| 3073650 | 0000000 | Irvine Unified | 5,202,390 | 210.08 | 3017.63 | 18.0 | 66.6 | 19.7 | 68.4 |
| 1663933 | 0000000 | Island Union Elementary | 343,256 | 1466.91 | 3502.61 | 36.1 | 36.6 | 36.6 | 37.6 |
| 1262893 | 0000000 | Jacoby Creek Elementary | 111,843 | 269.50 | 2193.00 | 20.3 | 62.4 | 20.0 | 66.8 |
| 5572363 | 0000000 | Jamestown Elementary | 267,021 | 459.59 | 0.00 | 29.8 | 39.6 | 40.3 | 33.4 |
| 3768155 | 0000000 | Jamul-Dulzura Union Elementary | 286,923 | 240.51 | 851.40 | 31.2 | 37.4 | 31.3 | 40.2 |
| 1864105 | 0000000 | Janesville Union Elementary | 142,072 | 308.85 | 1174.15 | 31.0 | 34.6 | 28.1 | 42.1 |
| 1964733 | 0106880 | Jardin De La Infancia | 11,834 | 1183.40 | 0.00 | 0.0 | 0.0 | 0.0 | 0.0 |
| 3567488 | 0000000 | Jefferson Elementary | 235,209 | 0.00 | 0.00 | 9.1 | 27.3 | 27.3 | 18.2 |
| 3968544 | 0000000 | Jefferson Elementary | 6,757,292 | 154.74 | 1257.80 | 28.6 | 52.4 | 34.0 | 52.2 |
| 4168916 | 0000000 | Jefferson Elementary | 782,495 | 415.51 | 0.00 | 31.2 | 35.0 | 38.7 | 35.0 |
| 4168924 | 0000000 | Jefferson Union High | 617,429 | 145.58 | 808.35 | 21.3 | 18.0 | 33.0 | 36.6 |
| 0761697 | 0000000 | John Swett Unified | 136,021 | 337.95 | 660.89 | 26.4 | 26.3 | 31.9 | 28.1 |
| 1864113 | 0000000 | Johnstonville Elementary | 6,045 | 498.25 | 1005.58 | 33.8 | 38.0 | 34.3 | 43.7 |
| 3066464 | 6117758 | Journey | 249,126 | 0.00 | 1133.51 | 28.7 | 28.7 | 23.0 | 39.1 |
| 3768163 | 0000000 | Julian Union Elementary | 55,208 | 570.08 | 0.00 | 26.2 | 44.9 | 30.4 | 50.7 |
| 3768171 | 0000000 | Julian Union High | 29,462 | 226.26 | 990.50 | 25.4 | 16.9 | 31.1 | 50.8 |
| 5371738 | 0000000 | Junction City Elementary | 133,230 | 475.19 | 905.05 | 31.1 | 44.4 | 31.1 | 53.3 |
| 4570045 | 0000000 | Junction Elementary | 9,891,025 | 254.74 | 775.32 | 30.2 | 39.4 | 31.1 | 53.4 |
| 4770367 | 0000000 | Junction Elementary | 18,732 | 585.38 | 1017.02 | 27.6 | 20.7 | 51.7 | 20.7 |
| 3367090 | 0000000 | Jurupa Unified | 11,832 | 482.73 | 720.46 | 27.3 | 24.8 | 35.4 | 23.0 |
| 4970888 | 0000000 | Kashia Elementary | 908,081 | 1314.67 | 853.87 | 0.0 | 0.0 | 25.0 | 0.0 |
| 1764014 | 0000000 | Kelseyville Unified | 244,418 | 461.66 | 2958.00 | 27.7 | 26.6 | 33.1 | 34.0 |
| 2165334 | 0000000 | Kentfield Elementary | | 247.64 | 859.11 | 20.0 | 70.5 | 16.3 | 79.3 |
| | | | | | 0.00 | | | | |

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|---|---|---|---|---|---|---|---|---|---|
| 4970789 | 0000000 | Kenwood Elementary | 1,574,444 | 411.68 | 3511.35 | 21.0 | 49.6 | 26.9 | 49.6 |
| 1964642 | 0000000 | Keppel Union Elementary | 50,698 | 524.12 | 755.49 | 32.2 | 22.0 | 38.6 | 23.7 |
| 1073999 | 0000000 | Kerman Unified | 2,401,249 | 651.80 | 880.55 | 29.6 | 26.5 | 37.8 | 23.7 |
| 1510157 | 0000000 | Kern Co. Office Of Education | 1,335,165 | 689.65 | 1782.60 | 7.2 | 3.4 | 11.7 | 6.1 |
| 1563529 | 0000000 | Kern Union High | 11,537,536 | 374.51 | 887.30 | 19.4 | 10.4 | 25.9 | 24.3 |
| 1563545 | 0000000 | Kernville Union Elementary | | 713.15 | 1075.43 | 31.7 | 33.0 | 38.2 | 34.6 |
| 5071134 | 0000000 | Keyes Union Elementary | 673,217 | 517.29 | 822.85 | 29.5 | 18.4 | 35.1 | 23.6 |
| 4970912 | 6116958 | Kid Street Charter | 566,947 | 495.79 | 702.38 | 17.9 | 17.9 | 32.1 | 21.4 |
| 2766068 | 0000000 | King City Joint Union High | 16,857 | 387.35 | 578.02 | 17.7 | 12.1 | 32.6 | 20.3 |
| 2766050 | 0000000 | King City Union Elementary | 782,214 | 636.29 | 866.52 | 26.9 | 18.9 | 31.5 | 16.6 |
| 3768338 | 6119598 | King/Chavez Academy Of Excellence Charter | 1,671,524 | 507.95 | 507.95 | 29.1 | 24.9 | 33.6 | 20.8 |
| 1062265 | 0000000 | Kings Canyon Joint Unified | 150,860 | 680.45 | 894.39 | 24.6 | 16.7 | 31.6 | 21.3 |
| 1610165 | 0000000 | Kings Co. Office Of Education | 5,990,650 | 1836.21 | 1836.21 | 6.7 | 2.1 | 12.0 | 1.1 |
| 5471969 | 0000000 | Kings River Union Elementary | 176,276 | 1822.10 | 2354.34 | 28.3 | 23.3 | 34.2 | 17.1 |
| 1663941 | 0000000 | Kings River-Hardwick Union Elementary | 894,649 | 265.22 | 957.83 | 26.7 | 52.1 | 29.0 | 55.7 |
| 1062240 | 0000000 | Kingsburg Elementary Charter | 167,620 | 435.96 | 996.41 | 29.9 | 38.3 | 32.7 | 40.1 |
| 1062257 | 0000000 | Kingsburg Joint Union High | 924,664 | 281.08 | 1172.49 | 31.9 | 18.3 | 29.7 | 39.0 |
| 1062166 | 0106682 | Kipp Academy Fresno | 287,259 | 0.00 | 0.00 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1964733 | 0101444 | Kipp Academy Of Opportunity | | 504.10 | 590.96 | 0.0 | 0.0 | 0.0 | 0.0 |
| 3768338 | 0101345 | Kipp Adelante Preparatory Academy | 45,369 | 504.10 | 533.75 | 0.0 | 0.0 | 0.0 | 0.0 |
| 3868478 | 0101337 | Kipp Bayview Academy | 45,369 | 497.35 | 582.61 | 0.0 | 0.0 | 0.0 | 0.0 |
| 4369369 | 0106633 | Kipp Heartwood Academy | 40,783 | 0.00 | 0.00 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1964733 | 0100867 | Kipp Los Angeles College Preparatory | | 0.00 | 0.00 | 0.0 | 0.0 | 0.0 | 0.0 |
| 3868478 | 0101352 | Kipp San Francisco Bay Academy | 0 | 550.64 | 707.96 | 0.0 | 0.0 | 0.0 | 0.0 |
| 3467439 | 0101295 | Kipp Sol Aureus College Preparatory | 39,646 | 0.00 | 0.00 | 0.0 | 0.0 | 0.0 | 0.0 |
| | | | 0 | | | | | | |

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|---|---|---|---|---|---|---|---|---|---|
| 0175705 | 0101212 | Kipp Summit Academy | | 431.55 | 643.10 | 0.0 | 0.0 | 0.0 | 0.0 |
| 5271555 | 0000000 | Kirkwood Elementary | 32,798 | 1122.74 | 2331.85 | 34.8 | 26.1 | 21.7 | 30.4 |
| 1663958 | 0000000 | Kit Carson Union Elementary | 30,314 | 271.41 | 516.24 | 31.0 | 31.8 | 36.7 | 32.8 |
| 4770375 | 0000000 | Klamath River Union Elementary | 126,478 | 1496.82 | 2035.68 | 13.9 | 33.3 | 25.0 | 22.2 |
| 1262901 | 0000000 | Klamath-Trinity Joint Unified | 1,171,769 | 1089.00 | 1216.79 | 27.9 | 15.6 | 34.4 | 20.2 |
| 1262919 | 0000000 | Kneeland Elementary | 50,852 | 471.18 | 9423.50 | 15.8 | 42.1 | 26.3 | 44.7 |
| 5071142 | 0000000 | Knights Ferry Elementary | 18,847 | 226.36 | 2490.00 | 12.9 | 73.3 | 16.4 | 66.4 |
| 0761705 | 0000000 | Knightsen Elementary | 32,370 | 225.50 | 735.08 | 34.1 | 32.1 | 34.4 | 41.9 |
| 1764022 | 0000000 | Konocti Unified | 2,474,364 | 742.61 | 961.29 | 24.8 | 16.1 | 33.7 | 18.9 |
| 1964659 | 0000000 | La Canada Unified | 98,355 | 145.09 | 20434.10 | 15.9 | 75.6 | 13.2 | 80.9 |
| 5071159 | 0000000 | La Grange Elementary | 633,457 | 700.41 | 1488.38 | 0.0 | 63.6 | 18.2 | 36.4 |
| 3066563 | 0000000 | La Habra City Elementary | 3,772,108 | 584.43 | 864.60 | 30.1 | 35.2 | 36.4 | 29.7 |
| 4168940 | 0000000 | La Honda-Pescadero Unified | 11,907 | 350.35 | 596.09 | 29.5 | 23.3 | 26.7 | 34.5 |
| 3768197 | 0000000 | La Mesa-Spring Valley | 125,775 | 394.18 | 954.77 | 25.5 | 47.4 | 31.6 | 43.8 |
| 0761713 | 0000000 | Lafayette Elementary | 5,730,546 | 162.07 | 79530.57 | 17.6 | 73.6 | 18.5 | 75.0 |
| 3066555 | 0000000 | Laguna Beach Unified | 556,714 | 198.52 | 2214.89 | 24.0 | 52.4 | 22.8 | 62.8 |
| 2165342 | 0000000 | Laguna Joint Elementary | 536,003 | 684.67 | | 16.7 | 38.9 | 27.8 | 33.3 |
| 2766076 | 0000000 | Lagunita Elementary | 14,378 | 374.38 | 3262.43 | 36.0 | 52.0 | 34.0 | 52.0 |
| 2165359 | 0000000 | Lagunitas Elementary | 22,837 | 366.86 | 0.00 | 18.7 | 24.7 | 18.0 | 28.6 |
| 1710173 | 0000000 | Lake Co. Office Of Education | 111,525 | 333.61 | 2424.46 | | 1.9 | 12.4 | 4.8 |
| 1162596 | 0000000 | Lake Elementary | 68,057 | 422.20 | 391.13 | 1.9 | 36.8 | 27.4 | 48.7 |
| 3375176 | 0000000 | Lake Elsinore Unified | 6,137,024 | 320.74 | 882.21 | 32.5 | 28.8 | 35.6 | 32.3 |
| 0961903 | 0000000 | Lake Tahoe Unified | 50,108 | 384.10 | 795.67 | 29.2 | 25.9 | 32.6 | 34.5 |
| 1764030 | 0000000 | Lakeport Unified | 2,108,689 | 453.00 | 938.86 | 28.1 | 25.7 | 31.6 | 32.9 |
| 4369492 | 0000000 | Lakeside Joint Elementary | 865,237 | 752.44 | 968.91 | 26.3 | 75.0 | 17.1 | 69.7 |
| 1663966 | 0000000 | Lakeside Union Elementary | 82,016 | 1403.37 | 13069.33 | 14.5 | 20.2 | 33.3 | 12.9 |
| 3768189 | 0000000 | Lakeside Union Elementary | 630,114 | 311.66 | 1533.12 | 31.2 | 39.4 | 33.4 | 38.9 |
| 1563552 | 0000000 | Lakeside Union School | 1,403,791 | 217.34 | 1052.71 | 27.6 | 35.1 | 36.0 | 39.9 |
| 3968551 | 0000000 | Lammersville Elementary | 267,333 | 245.92 | 567.59 | 34.6 | 47.8 | 37.1 | 44.5 |
| | | | 91,973 | | 1069.45 | 25.7 | | | |

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|---|---|---|---|---|---|---|---|---|---|
| 1563560 | 0000000 | Lamont Elementary | 2,398,112 | 888.52 | 952.39 | 29.8 | 23.6 | 34.5 | 15.9 |
| 1964667 | 0000000 | Lancaster Elementary | 8,204,684 | 524.90 | 847.33 | 28.6 | 20.3 | 35.2 | 21.7 |
| 2165367 | 0000000 | Larkspur Elementary | 156,911 | 164.65 | 4903.47 | 17.1 | 70.5 | 18.3 | 69.7 |
| 3667686 | 0100271 | Las Banderas Academy | 0 | 0.00 | 0.00 | 0.0 | 0.0 | 0.0 | 0.0 |
| 4168957 | 0000000 | Las Lomitas Elementary | 166,831 | 166.00 | 6178.93 | 11.1 | 82.3 | 14.8 | 79.6 |
| 5271563 | 0000000 | Lassen View Union Elementary | 264,908 | 800.33 | 1655.68 | 24.8 | 55.0 | 31.4 | 49.6 |
| 4369427 | 4330668 | Latino College Preparatory Academy | 93,897 | 474.23 | 565.64 | 12.5 | 8.9 | 32.3 | 6.8 |
| 1062281 | 0000000 | Laton Joint Unified | 686,925 | 843.89 | 1118.77 | 29.5 | 21.4 | 39.9 | 19.6 |
| 0961911 | 0000000 | Latrobe Elementary | 3,634,866 | 264.42 | 13419.25 | 16.8 | 74.0 | 23.1 | 66.5 |
| 1964691 | 0000000 | Lawndale Elementary | 58,677 | 587.98 | 776.51 | 32.2 | 25.6 | 41.1 | 21.6 |
| 2373916 | 0000000 | Laytonville Unified | 317,556 | 590.25 | 1058.52 | 23.4 | 21.3 | 28.6 | 25.3 |
| 2465722 | 0000000 | Le Grand Union Elementary | 295,052 | 672.10 | 862.73 | 31.5 | 24.5 | 31.2 | 17.8 |
| 2465730 | 0000000 | Le Grand Union High | 333,265 | 587.77 | 656.03 | 17.1 | 1.2 | 37.3 | 10.5 |
| 3868478 | 3830411 | Leadership High (Char) | 60,826 | 167.56 | 691.20 | 22.9 | 1.7 | 38.4 | 42.8 |
| 0761796 | 0101477 | Leadership Public Schools: Richmond | 58,189 | 415.64 | 484.91 | 0.0 | 0.0 | 0.0 | 0.0 |
| 0961945 | 0930198 | Learning With A Purpose | 5,247 | 0.00 | 0.00 | 22.2 | 7.9 | 30.2 | 9.5 |
| 2375218 | 0000000 | Leggett Valley Unified | 12,464,462 | 764.65 | 1297.60 | 26.8 | 10.2 | 27.4 | 24.8 |
| 3768205 | 0000000 | Lemon Grove Elementary | 1,916,158 | 431.47 | 1493.50 | 30.7 | 34.6 | 36.8 | 33.3 |
| 1663974 | 0000000 | Lemoore Union Elementary | 1,549,316 | 483.41 | 818.01 | 32.2 | 26.2 | 36.8 | 27.7 |
| 1663982 | 0000000 | Lemoore Union High | 586,883 | 284.62 | 908.49 | 26.6 | 15.6 | 34.1 | 28.1 |
| 1964709 | 0000000 | Lennox Elementary | 5,961,057 | 829.62 | 871.33 | 29.4 | 18.5 | 36.8 | 14.3 |
| 5371746 | 0000000 | Lewiston Elementary | 142,225 | 911.70 | 1341.75 | 20.5 | 48.2 | 30.4 | 32.1 |
| 4970797 | 0000000 | Liberty Elementary | 38,436 | 193.15 | 1130.47 | 18.4 | 66.7 | 22.0 | 66.7 |
| 5471985 | 0000000 | Liberty Elementary | 109,476 | 495.37 | 810.93 | 35.1 | 18.4 | 33.9 | 28.2 |
| 0761721 | 0000000 | Liberty Union High | 817,162 | 182.93 | 10343.82 | 24.2 | 11.1 | 30.3 | 38.4 |
| 1964584 | 1996677 | Lifeline Education Charter School | 93,306 | 339.29 | 345.58 | 3.3 | 0.7 | 19.2 | 2.2 |
| 0161259 | 0130633 | Lighthouse Community Charter | 0 | 0.00 | 0.00 | 28.3 | 9.4 | 35.8 | 22.6 |

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|---|---|---|---|---|---|---|---|---|---|
| | | School | | | | | | | |
| 3968569 | 0000000 | Lincoln Unified | 4,518,273 | 510.25 | 1410.20 | 26.8 | 27.1 | 32.2 | 36.9 |
| 3968577 | 0000000 | Linden Unified | 841,518 | 335.40 | 841.52 | 28.3 | 28.7 | 35.2 | 32.2 |
| 5471993 | 0000000 | Lindsay Unified | 3,271,743 | 912.37 | 1106.44 | 29.4 | 19.1 | 35.2 | 14.4 |
| 1563586 | 0000000 | Linns Valley-Poso Flat Union | 42,017 | 700.28 | 1200.49 | 43.4 | 26.4 | 41.5 | 24.5 |
| 0161259 | 0130666 | Lionel Wilson College Preparatory Academy | 118,086 | 476.15 | 492.03 | 24.3 | 10.1 | 25.9 | 13.0 |
| 3710371 | 6119119 | Literacy First Charter | 1,951,840 | 164.80 | 257.50 | 20.7 | 60.0 | 34.7 | 42.7 |
| 1964717 | 0000000 | Little Lake City Elementary | 74,161 | 373.49 | 595.25 | 29.1 | 29.7 | 39.9 | 29.2 |
| 4770383 | 0000000 | Little Shasta Elementary | 17,151 | 779.59 | 1559.18 | 30.8 | 53.8 | 53.8 | 23.1 |
| 4469765 | 0000000 | Live Oak Elementary | 1,001,663 | 514.20 | 1314.52 | 29.3 | 36.9 | 32.1 | 38.0 |
| 5171399 | 0000000 | Live Oak Unified | 1,441,830 | 775.18 | 939.30 | 35.2 | 22.5 | 37.5 | 26.5 |
| 0161200 | 0000000 | Livermore Valley Joint Unified | 2,965,583 | 212.16 | 1631.23 | 23.5 | 46.6 | 28.8 | 50.0 |
| 2465748 | 0000000 | Livingston Union Elementary | 1,930,055 | 814.37 | 923.03 | 30.7 | 22.9 | 36.4 | 20.0 |
| 3968585 | 0000000 | Lodi Unified | 16,634,285 | 602.87 | 1492.67 | 27.4 | 27.0 | 32.2 | 25.9 |
| 1262927 | 0000000 | Loleta Union Elementary | 128,818 | 610.51 | 858.79 | 33.7 | 25.2 | 31.9 | 32.5 |
| 4369500 | 0000000 | Loma Prieta Joint Union Elementary | 165,017 | 245.93 | 33003.40 | 21.9 | 55.8 | 19.1 | 62.1 |
| 4269229 | 0000000 | Lompoc Unified | 5,729,885 | 486.08 | 1110.44 | 31.2 | 27.7 | 35.0 | 36.3 |
| 1463289 | 0000000 | Lone Pine Unified | 66,753,173 | 658.95 | 1341.30 | 28.7 | 22.2 | 36.5 | 26.6 |
| 1964725 | 0000000 | Long Beach Unified | 264,237 | 686.90 | 1016.51 | 26.1 | 31.6 | 34.9 | 30.8 |
| 3166845 | 0000000 | Loomis Union Elementary | 438,808 | 226.89 | 1820.78 | 23.5 | 63.5 | 28.3 | 61.2 |
| 3073924 | 0000000 | Los Alamitos Unified | 1,108,861 | 122.03 | 1387.81 | 24.4 | 55.0 | 23.3 | 65.5 |
| 4269237 | 0000000 | Los Alamos Elementary | 141,871 | 611.51 | 1050.90 | 19.0 | 49.5 | 31.0 | 34.8 |
| 4369518 | 0000000 | Los Altos Elementary | 10,832,161 | 168.70 | 12146.20 | 8.5 | 84.7 | 9.0 | 85.0 |
| 1910199 | 0000000 | Los Angeles Co. Office Of Education | 680,187 | 2413.05 | 3425.73 | 4.9 | 2.3 | 10.2 | 7.8 |
| 1964733 | 1996610 | Los Angeles Leadership Academy | 579,871,133 | 0.00 | 1048.37 | 30.3 | 12.3 | 32.0 | 18.9 |
| 1964733 | 0000000 | Los Angeles Unified | 5,941 | 812.88 | 0.00 | 22.9 | 22.9 | 31.6 | 21.6 |

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|---|---|---|---|---|---|---|---|---|---|
| 2465755 | 0000000 | Los Banos Unified | 2,800,794 | 355.61 | 667.65 | 27.0 | 21.2 | 34.6 | 21.8 |
| 4369526 | 0000000 | Los Gatos Union Elementary | | 201.25 | 5240.66 | 17.7 | 71.7 | 18.7 | 73.3 |
| 4369534 | 0000000 | Los Gatos-Saratoga Joint Union High | 524,066 | 158.23 | 26740.06 | 18.4 | 56.8 | 12.1 | 69.3 |
| 5271571 | 0000000 | Los Molinos Unified | 454,581 | | | | | | |
| 1964758 | 0000000 | Los Nietos Elementary | 357,094 | 614.62 | 883.90 | 27.8 | 26.8 | 39.9 | 28.2 |
| 4269245 | 0000000 | Los Olivos Elementary | 1,112,544 | 470.42 | 470.62 | 32.6 | 34.4 | 41.5 | 20.4 |
| 1563594 | 0000000 | Lost Hills Union Elementary | | 365.92 | 5531.82 | 15.0 | 41.6 | 19.2 | 49.6 |
| 1964766 | 0000000 | Lowell Joint | 94,041 | 769.07 | 795.09 | 22.3 | 10.9 | 27.5 | 6.8 |
| 1764048 | 0000000 | Lucerne Elementary | 422,990 | 273.06 | 1615.46 | 26.2 | 52.6 | 29.6 | 56.0 |
| 3675051 | 0000000 | Lucerne Valley Unified | 924,044 | 744.89 | 1080.46 | 25.0 | 25.7 | 34.3 | 26.9 |
| 4068759 | 0000000 | Lucia Mar Unified | 218,253 | 784.68 | 1204.56 | 22.9 | 18.4 | 30.5 | 20.5 |
| 4369542 | 0000000 | Luther Burbank Elementary | 4,219,256 | 386.41 | 886.40 | 27.5 | 40.9 | 31.7 | 45.3 |
| 1964774 | 0000000 | Lynwood Unified | 12,822,877 | 576.04 | 702.25 | 31.6 | 20.4 | 33.5 | 16.7 |
| 4369427 | 4330601 | Macsa Academia Calmecac | 250,602 | 661.74 | 889.56 | 20.1 | 15.8 | 31.6 | 16.0 |
| 4369484 | 4330619 | Macsa El Portal Leadership Academy | 56,946 | 581.08 | 618.98 | 6.9 | 1.1 | 35.6 | 2.3 |
| 2010207 | 0000000 | Madera Co. Office Of Education | 29,179 | 374.09 | 442.11 | 10.4 | 1.3 | 39.0 | 5.2 |
| 2065243 | 0000000 | Madera Unified | 12,090,876 | 950.37 | 2745.51 | 3.6 | 0.4 | 6.1 | 2.0 |
| 3066589 | 0000000 | Magnolia Elementary | 128,548 | 717.35 | 955.65 | 29.0 | 21.0 | 35.4 | 20.4 |
| 1363172 | 0000000 | Magnolia Union Elementary | 4,662,674 | 667.14 | 910.32 | 25.8 | 39.2 | 34.9 | 28.5 |
| 2673692 | 0000000 | Mammoth Unified | | 257.36 | 786.00 | 19.8 | 44.6 | 37.6 | 30.7 |
| 2365573 | 0000000 | Manchester Union Elementary | 29,082 | 386.48 | 1013.19 | 28.0 | 35.5 | 27.0 | 48.2 |
| 1975333 | 0000000 | Manhattan Beach Unified | 479,240 | 1086.77 | 1901.84 | 32.8 | 17.2 | 21.9 | 17.2 |
| 3968593 | 0000000 | Manteca Unified | 83,681 | 109.69 | 2468.32 | 17.9 | 65.6 | 16.1 | 74.4 |
| 5271589 | 0000000 | Manton Joint Union Elementary | 705,940 | 273.37 | 832.51 | 31.1 | 27.7 | 35.2 | 29.2 |
| 0461499 | 0000000 | Manzanita Elementary | 5,764,288 | 1143.64 | 1412.74 | 28.6 | 34.7 | 30.6 | 40.8 |
| 1262935 | 0000000 | Maple Creek Elementary | 48,033 | 465.66 | 968.42 | 37.8 | 35.1 | 41.1 | 29.2 |
| 1563610 | 0000000 | Maple Elementary | 109,431 | 562.18 | 1546.00 | 21.4 | 64.3 | 50.0 | 42.9 |
| | | | 12,368 | 318.88 | 705.32 | 38.5 | 37.2 | 38.5 | 38.5 |
| | | | 83,228 | | | | | | |

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|---|---|---|---|---|---|---|---|---|---|
| 5171407 | 0000000 | Marcum-Illinois Union Elementary | | 695.55 | 1373.04 | 24.6 | 45.7 | 31.2 | 39.1 |
| 4870581 | 6116255 | Mare Island Technology Academy | 105,724 | 132.62 | 407.50 | 27.9 | 10.7 | 35.6 | 29.9 |
| 1563628 | 0000000 | Maricopa Unified | 50,530 | 461.89 | 745.47 | 29.3 | 19.4 | 37.5 | 25.8 |
| 2110215 | 0000000 | Marin Co. Office Of Education | 160,275 | 3007.95 | 6411.68 | 4.0 | 1.8 | 7.8 | 6.1 |
| 2210223 | 0000000 | Mariposa Co. Office Of Education | 243,644 | 4073.86 | | 9.5 | 4.8 | 19.0 | 0.0 |
| 2265532 | 0000000 | Mariposa County Unified | 1,128,759 | 456.80 | 1230.93 | 29.0 | 37.1 | 32.5 | 42.7 |
| 0561572 | 0000000 | Mark Twain Union Elementary | 28,517 | 535.05 | 0.00 | 36.2 | 34.0 | 34.9 | 35.6 |
| 4970805 | 0000000 | Mark West Union Elementary | 416,272 | 266.72 | 1137.36 | 26.0 | 54.1 | 29.1 | 59.0 |
| 0761739 | 0000000 | Martinez Unified | 413,685 | 222.76 | 1622.29 | 27.3 | 33.5 | 27.7 | 39.8 |
| 4970862 | 6051932 | Mary Collins School At Cherry Valley | 953,210 | 0.00 | 1303.98 | 34.4 | 26.4 | 33.1 | 39.9 |
| 5872736 | 0000000 | Marysville Joint Unified | 8,496,074 | 867.57 | 0.00 | 27.2 | 25.3 | 34.9 | 23.8 |
| 1275382 | 0000000 | Mattole Unified | 0 | 139.89 | 1137.36 | 17.4 | 12.3 | 16.3 | 24.6 |
| 0661606 | 0000000 | Maxwell Unified | 135,132 | 461.64 | 3860.91 | 23.9 | 41.5 | 34.6 | 36.3 |
| 1363180 | 0000000 | Mccabe Union Elementary | 212,818 | 199.99 | 671.35 | 28.8 | 46.3 | 37.9 | 43.7 |
| 4770409 | 0000000 | Mccloud Union Elementary | 105,995 | 1362.11 | 821.67 | 36.0 | 15.1 | 34.9 | 34.9 |
| 1573908 | 0000000 | Mcfarland Unified | 166,178 | 818.60 | 2245.65 | 24.6 | 9.5 | 32.9 | 11.4 |
| 1262950 | 0000000 | Mckinleyville Union Elementary | 2,315,818 | 586.13 | 1065.72 | 26.0 | 42.7 | 31.4 | 45.0 |
| 1563651 | 0000000 | Mckittrick Elementary | 781,892 | 686.11 | 1379.00 | 24.6 | 34.4 | 42.6 | 31.1 |
| 2465763 | 0000000 | Mcswain Union Elementary | 41,853 | 391.80 | 1819.70 | 30.8 | 51.0 | 33.9 | 47.8 |
| 1363198 | 0000000 | Meadows Union Elementary | 312,265 | 607.79 | 1279.77 | 35.1 | 27.2 | 36.6 | 18.6 |
| 1964352 | 0101642 | Media Art Academy At Centinela | 297,818 | | 707.41 | 0.0 | 0.0 | 0.0 | 0.0 |
| 3768338 | 6061956 | Memorial Academy Charter | 1,189,101 | 0.00 | 0.00 | 17.4 | 4.8 | 29.3 | 8.7 |
| 2310231 | 0000000 | Mendocino Co. Office Of Education | | 630.90 | 630.90 | 4.4 | 0.8 | 12.8 | 4.0 |
| 2365581 | 0000000 | Mendocino Unified | 276,809 | 1363.59 | 1719.31 | 22.5 | 32.5 | 19.8 | 53.4 |
| 1075127 | 0000000 | Mendota Unified | 0 | 579.38 | 3362.09 | 25.7 | 19.7 | 32.2 | 13.3 |
| 3367116 | 0000000 | Menifee Union Elementary | 460,606 | 996.03 | 1084.63 | 28.0 | 42.4 | 38.2 | 38.5 |
| 4168965 | 0000000 | Menlo Park City Elementary | 2,121,543 | 230.54 | 962.56 | 18.3 | 68.7 | 16.6 | 72.5 |
| 2465771 | 0000000 | Merced City Elementary | 1,246,519 | 171.38 | 5826.81 | 29.3 | 29.7 | 36.7 | 23.3 |
| | | | 11,602,208 | 1024.37 | 1470.35 | | | | |
| | | | 372,916 | | | | | | |

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|---|---|---|---|---|---|---|---|---|---|
| 2410249 | 0000000 | Merced Co. Office Of Education | 379,784 | 731.76 | 1179.45 | 5.0 | 0.9 | 9.2 | 3.6 |
| 2473726 | 0000000 | Merced River Union Elementary | 121,510 | 540.04 | 849.72 | 33.3 | 36.1 | 37.2 | 31.7 |
| 2465789 | 0000000 | Merced Union High | 4,819,819 | 484.60 | 658.81 | 25.4 | 10.8 | 32.4 | 26.8 |
| 5171415 | 0000000 | Meridian Elementary | 62,721 | 896.01 | 1650.55 | 17.5 | 28.1 | 38.6 | 17.5 |
| 5672470 | 0000000 | Mesa Union Elementary | 106,188 | 193.42 | 775.09 | 28.8 | 50.5 | 24.4 | 57.1 |
| 1764055 | 0000000 | Middletown Unified | 454,400 | 259.81 | 998.68 | 27.2 | 30.2 | 32.1 | 36.7 |
| 1563669 | 0000000 | Midway Elementary | 65,548 | 636.39 | 1337.71 | 31.0 | 15.5 | 40.5 | 23.8 |
| 2165391 | 0000000 | Mill Valley Elementary | 449,976 | 196.75 | 8181.38 | 20.1 | 68.7 | 17.9 | 73.6 |
| 4168973 | 0000000 | Millbrae Elementary | 569,764 | 264.88 | 3130.57 | 26.6 | 55.7 | 28.2 | 55.7 |
| 4570052 | 0000000 | Millville Elementary | 107,318 | 492.28 | 1470.11 | 21.9 | 52.2 | 23.0 | 52.2 |
| 4373387 | 0000000 | Milpitas Unified | 2,714,173 | 285.58 | 923.19 | 23.9 | 43.4 | 32.0 | 44.6 |
| 5271605 | 0000000 | Mineral Elementary | 14,388 | 625.57 | 1041.52 | 20.0 | 20.0 | 40.0 | 0.0 |
| 2766084 | 0000000 | Mission Union Elementary | 28,121 | 312.46 | 0.00 | 30.1 | 47.9 | 30.1 | 52.1 |
| 4870581 | 4830196 | Mit Academy | 16,871,924 | 153.80 | 607.31 | 17.3 | 3.2 | 34.0 | 32.7 |
| 5071167 | 0000000 | Modesto City Elementary | 23,685 | 893.78 | 1223.22 | 30.3 | 28.6 | 35.7 | 24.0 |
| 5071175 | 0000000 | Modesto City High | 3,022,488 | 205.26 | 662.25 | 28.7 | 17.4 | 30.3 | 31.1 |
| 2573585 | 2530129 | Modoc Charter | 34,884 | 93.02 | 562.65 | 19.6 | 10.6 | 28.4 | 24.6 |
| 2510256 | 0000000 | Modoc Co. Office Of Education | 61,735 | 2057.83 | 2057.83 | 2.6 | 2.6 | 10.5 | 5.3 |
| 2573585 | 0000000 | Modoc Joint Unified | 602,527 | 553.28 | 1369.38 | 31.4 | 29.6 | 35.2 | 33.6 |
| 1563677 | 0000000 | Mojave Unified | 1,578,286 | 602.86 | 1129.77 | 26.5 | 15.4 | 33.9 | 20.8 |
| 0161259 | 6117568 | Monarch Academy | 171,013 | 485.83 | 497.13 | 26.2 | 38.2 | 31.6 | 23.6 |
| 2610264 | 0000000 | Mono Co. Office Of Education | 7,176 | 149.50 | 398.67 | 11.2 | 12.2 | 14.3 | 12.2 |
| 1062323 | 0000000 | Monroe Elementary | 3,030,576 | 845.24 | 973.31 | 34.3 | 18.6 | 34.8 | 27.5 |
| 1964790 | 0000000 | Monrovia Unified | 348,702 | 452.66 | 806.00 | 28.2 | 30.2 | 35.4 | 33.8 |
| 5472009 | 0000000 | Monson-Sultana Joint Union Elementary | 239,778 | 812.83 | 1132.15 | 33.2 | 22.6 | 38.7 | 24.1 |
| 4770417 | 0000000 | Montague Elementary | 92,932 | 1192.93 | 1965.39 | 33.7 | 18.0 | 33.1 | 28.5 |
| 1964733 | 6018204 | Montague Street Elem. (Char) | 0 | 0.00 | 0.00 | 27.1 | 41.2 | 38.5 | 23.0 |
| 4970813 | 0000000 | Monte Rio Union Elementary | | 623.70 | 988.64 | 20.9 | 33.6 | 28.4 | 30.6 |

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|---|---|---|---|---|---|---|---|---|---|
| 4369567 | 0000000 | Montebello Elementary | 24,634,010 | 387.48 | 845.41 | 30.8 | 28.2 | 28.2 | 33.3 |
| 1964808 | 0000000 | Montebello Unified | 18,599 | 684.89 | 993.77 | 25.8 | 20.9 | 31.5 | 17.1 |
| 4269252 | 0000000 | Montecito Union Elementary | 137,100 | 303.99 | 15233.33 | 10.7 | 72.9 | 10.2 | 76.4 |
| 2710272 | 0000000 | Monterey Co. Office Of Education | 331,333 | 1227.16 | 1330.65 | 1.4 | 1.0 | 8.3 | 1.4 |
| 2766092 | 0000000 | Monterey Peninsula Unified | 5,388,339 | 441.96 | 1008.49 | 25.8 | 28.8 | 31.6 | 30.3 |
| 4970821 | 0000000 | Montgomery Elementary | 2,059,601 | 473.12 | 13730.67 | 32.4 | 33.8 | 33.8 | 36.6 |
| 5673940 | 0000000 | Moorpark Unified | 35,937 | 258.65 | 0.00 | 26.3 | 44.5 | 27.4 | 52.7 |
| 0761747 | 0000000 | Moraga Elementary | 330,818 | 181.17 | 22054.53 | 15.4 | 77.1 | 14.2 | 79.8 |
| 4369575 | 0000000 | Moreland Elementary | 17,413,499 | 320.89 | 1350.05 | 23.1 | 56.5 | 26.8 | 57.6 |
| 3367124 | 0000000 | Moreno Valley Unified | 15,862,372 | 465.12 | 777.76 | 25.9 | 20.7 | 34.7 | 22.8 |
| 4369583 | 0000000 | Morgan Hill Unified | 2,443,117 | 289.30 | 1193.51 | 27.2 | 39.5 | 29.9 | 41.8 |
| 3667777 | 0000000 | Morongo Unified | 5,204,194 | 547.98 | 980.07 | 25.7 | 27.5 | 35.2 | 32.5 |
| 0961929 | 0000000 | Mother Lode Union Elementary | 572,966 | 355.66 | 1242.88 | 29.5 | 51.7 | 36.8 | 50.6 |
| 4469773 | 0000000 | Mountain Elementary | 68,581 | 454.18 | 3810.06 | 24.8 | 44.2 | 26.5 | 43.4 |
| 3768213 | 0000000 | Mountain Empire Unified | 943,256 | 517.70 | 1043.42 | 26.1 | 26.2 | 34.0 | 30.9 |
| 4573700 | 0000000 | Mountain Union Elementary | 117,312 | 1222.00 | 1504.00 | 41.5 | 17.0 | 28.7 | 31.9 |
| 5375028 | 0000000 | Mountain Valley Unified | 536,520 | 1236.22 | 1831.13 | 27.5 | 25.2 | 27.5 | 35.4 |
| 1964816 | 0000000 | Mountain View Elementary | 9,629,804 | 920.19 | 1008.15 | 28.6 | 28.0 | 33.5 | 16.4 |
| 3667785 | 0000000 | Mountain View Elementary | 846,888 | 246.26 | 661.63 | 31.4 | 39.5 | 37.9 | 39.4 |
| 4369609 | 0000000 | Mountain View-Los Altos Union High | 544,688 | 169.90 | 1433.39 | 23.0 | 34.3 | 18.0 | 58.5 |
| 4369591 | 0000000 | Mountain View-Whisman Elementary | 1,805,647 | 408.89 | 1098.99 | 24.8 | 44.2 | 26.8 | 45.8 |
| 4770425 | 6115497 | Mt Shasta Options For Youth Charter | | 0.00 | 0.00 | 11.4 | 7.4 | 33.0 | 18.2 |
| 3667793 | 0000000 | Mt. Baldy Joint Elementary | 10,095,869 | 321.56 | 2143.75 | 26.2 | 52.3 | 27.7 | 53.8 |
| 0761754 | 0000000 | Mt. Diablo Unified | 25,725 | 275.96 | 1064.29 | 24.2 | 36.9 | 26.7 | 41.3 |
| 4369617 | 0000000 | Mt. Pleasant Elementary | 1,250,690 | 451.68 | 753.43 | 28.2 | 31.6 | 34.7 | 31.9 |
| 4770425 | 0000000 | Mt. Shasta Union Elementary | 415,383 | 595.96 | 2333.61 | 32.2 | 44.8 | 31.3 | 50.4 |
| 3768023 | 6037980 | Mueller Elementary Charter School | 387,142 | 420.81 | 559.45 | 27.3 | 32.6 | 33.1 | 26.1 |

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|---|---|---|---|---|---|---|---|---|---|
| 1363206 | 0000000 | Mulberry Elementary | 41,903 | 460.47 | 838.06 | 35.4 | 25.3 | 26.6 | 50.6 |
| 1964733 | 6119044 | Multicultural Learning Center | 119,152 | 531.93 | 709.24 | 26.9 | 15.4 | 33.1 | 16.2 |
| 5672504 | 0000000 | Mupu Elementary | 48,305 | 380.35 | 1271.18 | 34.9 | 48.1 | 39.6 | 32.1 |
| 1563685 | 0000000 | Muroc Joint Unified | 557,495 | 229.04 | 4645.79 | 30.6 | 39.2 | 32.7 | 47.4 |
| 3375200 | 0000000 | Murrieta Valley Unified | 1,748,889 | 115.35 | 726.89 | 27.4 | 48.1 | 33.7 | 50.7 |
| 3768338 | 6115570 | Museum Charter #81 | 85,81 | 1020.48 | 402.25 | 27.0 | 43.2 | 28.4 | 48.6 |
| 2810280 | 0000000 | Napa Co. Office Of Education | 6,436 | | 1089.21 | 2.6 | 0.4 | 8.5 | 3.8 |
| 2866266 | 0000000 | Napa Valley Unified | 5,714,365 | 338.71 | 960.88 | 27.1 | 30.2 | 30.7 | 35.3 |
| 3768221 | 0000000 | National Elementary | 5,845,302 | 885.92 | 7252.24 | 28.9 | 37.4 | 38.6 | 25.1 |
| 3475283 | 0000000 | Natomas Unified | 1,434,075 | 187.39 | 645.11 | 29.4 | 26.9 | 34.1 | 36.0 |
| 3667801 | 0000000 | Needles Unified | 1,048,514 | 887.07 | 1340.81 | 25.8 | 20.8 | 31.8 | 22.1 |
| 2966340 | 0000000 | Nevada City Elementary | 432,428 | 298.02 | 8315.92 | 26.1 | 58.7 | 27.6 | 60.2 |
| 2910298 | 0000000 | Nevada Co. Office Of Education | 1,049,430 | 266.24 | 696.31 | 10.0 | 10.0 | 23.3 | 6.7 |
| 2966357 | 0000000 | Nevada Joint Union High | 9,052 | 220.38 | 8969.49 | 30.4 | 18.5 | 24.5 | 45.2 |
| 1964725 | 6118269 | New City | 53,056 | 449.63 | 616.93 | 17.9 | 16.7 | 36.9 | 8.3 |
| 1964733 | 0102541 | New Designs Charter School | 4,129,948 | 0.00 | 1011.99 | 0.0 | 0.0 | 0.0 | 0.0 |
| 0161242 | 0000000 | New Haven Unified | 0 | 298.19 | 0.00 | 28.5 | 37.3 | 33.0 | 37.3 |
| 3968619 | 0000000 | New Hope Elementary | 235,766 | 928.21 | 1011.87 | 23.4 | 16.4 | 33.8 | 18.9 |
| 3968627 | 0000000 | New Jerusalem Elementary | 63,086 | 120.16 | 517.10 | 23.3 | 28.8 | 30.2 | 32.1 |
| 1062166 | 1030667 | New Millenium Charter | 79,978 | 355.46 | 355.46 | 5.2 | 3.3 | 10.5 | 2.0 |
| 1975663 | 6120158 | New West Charter Middle | 1,978,562 | 25.42 | 107.18 | 0.0 | 0.0 | 0.0 | 0.0 |
| 0161234 | 0000000 | Newark Unified | 6,431 | 270.67 | 1074.14 | 26.3 | 35.7 | 33.9 | 34.3 |
| 3166852 | 0000000 | Newcastle Elementary | 101,884 | 338.49 | 3396.13 | 28.9 | 41.0 | 32.2 | 49.1 |
| 1964832 | 0000000 | Newhall Elementary | 1,803,473 | 272.92 | 1111.20 | 21.5 | 62.2 | 27.5 | 56.3 |
| 5073601 | 0000000 | Newman-Crows Landing Unified | 1,034,799 | 455.06 | 833.84 | 34.4 | 20.7 | 37.6 | 24.8 |
| 3066597 | 0000000 | Newport-Mesa Unified | 7,955,877 | 357.17 | 932.58 | 26.3 | 37.0 | 29.8 | 42.8 |
| 2165409 | 0000000 | Nicasio Elementary | 19,742 | 286.12 | 0.00 | 38.5 | 50.0 | 30.8 | 61.5 |
| 1563693 | 0000000 | Norris Elementary | 183,712 | 101.95 | 891.81 | 28.8 | 50.0 | 26.9 | 59.7 |
| 3567504 | 0000000 | North County Joint Union | 276,514 | 519.76 | 1171.67 | 28.7 | 33.2 | 38.1 | 28.7 |

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|---|---|---|---|---|---|---|---|---|---|
| | | Elementary | | | | | | | |
| 4570078 | 0000000 | North Cow Creek Elementary | | 246.86 | 3159.76 | 26.6 | 54.8 | 29.3 | 60.7 |
| 2773825 | 0000000 | North Monterey County Unified | 2,463,574 | 485.53 | 787.08 | 27.3 | 19.6 | 31.7 | 28.1 |
| 3467397 | 0000000 | North Sacramento Elementary | 78,994 | 1254.30 | 1477.80 | 28.5 | 24.0 | 36.9 | 20.3 |
| 1262687 | 0000000 | Northern Humboldt Union High | 6,667,855 | 195.63 | 2775.88 | 25.8 | 21.7 | 21.7 | 52.5 |
| 1964840 | 0000000 | Norwalk-La Mirada Unified | 380,295 | 337.05 | 671.69 | 25.5 | 23.3 | 35.2 | 25.5 |
| 2165417 | 0000000 | Novato Unified | 8,085,200 | 239.81 | 1664.38 | 21.8 | 55.4 | 26.6 | 54.7 |
| 3768338 | 6114961 | Nubia Leadership Academy (Char) | 1,869,094 | | | 33.2 | 29.6 | 42.8 | 26.8 |
| 5171423 | 0000000 | Nuestro Elementary | 118,336 | 0.00 | 0.00 | 28.4 | 27.5 | 39.2 | 30.4 |
| 3367157 | 0000000 | Nuview Union Elementary | | 248.21 | 798.94 | 30.0 | 23.1 | 40.3 | 28.2 |
| 3768338 | 6061964 | O'farrell Community Charter | 25,566 | 362.63 | 873.47 | 27.3 | 16.9 | 36.2 | 23.4 |
| 4369625 | 0000000 | Oak Grove Elementary | 540,681 | 422.06 | 601.52 | 25.2 | 48.7 | 33.3 | 40.9 |
| 4970839 | 0000000 | Oak Grove Union Elementary | 611,147 | 380.34 | 1033.28 | 25.5 | 43.0 | 29.5 | 49.1 |
| 5673874 | 0000000 | Oak Park Unified | 4,410,034 | 358.05 | 1347.15 | 25.2 | 59.3 | 19.2 | 73.9 |
| 4570086 | 0000000 | Oak Run Elementary | 215,544 | 144.61 | 9519.00 | 13.6 | 23.7 | 25.4 | 13.6 |
| 5472017 | 0000000 | Oak Valley Union Elementary | 542,583 | 760.00 | 1317.33 | 31.5 | 32.1 | 39.2 | 22.7 |
| 3968635 | 0000000 | Oak View Union Elementary | 59,280 | 528.86 | 862.45 | 28.6 | 43.4 | 32.6 | 43.8 |
| 5075564 | 0000000 | Oakdale Joint Unified | 224,238 | 446.58 | 1135.06 | 28.6 | 39.4 | 33.7 | 42.4 |
| 0161259 | 0130617 | Oakland Military Institute, College Preparato | 163,448 | 309.34 | 881.52 | 31.3 | 9.0 | 43.1 | 20.5 |
| 0761762 | 0000000 | Oakley Union Elementary | 1,518,858 | 402.23 | 601.26 | 30.7 | 35.2 | 35.7 | 38.0 |
| 1964733 | 0102335 | Ocean Charter School | 115,441 | 223.75 | 964.09 | 0.0 | 0.0 | 0.0 | 0.0 |
| 3066613 | 0000000 | Ocean View Elementary | 970,835 | 0.00 | 0.00 | 24.6 | 55.8 | 31.9 | 48.6 |
| 5672512 | 0000000 | Ocean View Elementary | 3,558,858 | 349.59 | 1042.74 | 31.4 | 27.4 | 32.5 | 20.6 |
| 3773569 | 0000000 | Oceanside Unified | 1,811,695 | 688.07 | 929.55 | 26.0 | 34.8 | 33.8 | 33.5 |
| 1910199 | 6116883 | Odyssey Charter | 10,754,375 | 502.02 | 929.51 | 18.1 | 16.5 | 27.7 | 18.6 |
| 4970847 | 0000000 | Old Adobe Union Elementary | 0 | 278.04 | 642.77 | 28.8 | 45.5 | 30.4 | 46.7 |
| 3667819 | 0000000 | Ontario-Montclair Elementary | 59,778 | 324.98 | 1617.53 | 26.3 | 20.3 | 33.3 | 14.9 |
| 3166860 | 0000000 | Ophir Elementary | 19,010,369 | 703.83 | 875.73 | 31.0 | 40.4 | 35.7 | 43.3 |
| | | | 642,160 | 160.67 | 1042.09 | | | | |
| | | | 36,473 | | | | | | |

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|---|---|---|---|---|---|---|---|---|---|
| 3066464 | 6120356 | Opportunities For Learning | | | | 13.8 | 11.5 | 40.2 | 21.8 |
| 1964287 | 1996479 | Opportunities For Learning - Baldwin Park | | 0.00 | | 14.6 | 7.9 | 27.1 | 20.6 |
| 1973445 | 1996271 | Opportunities For Learning-Hacienda La Puente | 0 | 0.00 | 0.00 | 9.6 | 3.3 | 30.7 | 13.9 |
| 1965136 | 1996263 | Opportunities For Learning-Santa Clarita | 0 | 0.00 | 0.00 | 10.5 | 3.9 | 29.1 | 16.4 |
| 1975291 | 1996016 | Options For Youth - San Gabriel, Inc. | 0 | 0.00 | 0.00 | 13.4 | 6.3 | 30.3 | 23.6 |
| 3675069 | 6113427 | Options For Youth - Upland Charter | 0 | 0.00 | 0.00 | 8.1 | 2.8 | 27.4 | 13.7 |
| 1964337 | 1996099 | Options For Youth-Burbank Charter | 0 | 0.00 | 0.00 | 10.0 | 3.6 | 26.9 | 15.2 |
| 3467447 | 3430691 | Options For Youth-San Juan Charter | 0 | 0.00 | 0.00 | 13.5 | 4.7 | 26.4 | 15.6 |
| 3667934 | 3630670 | Options For Youth-Victorville Char | 0 | 0.00 | 0.00 | 7.6 | 2.6 | 23.9 | 8.4 |
| 1062331 | 0000000 | Orange Center Elementary | 0 | 1386.07 | 1514.80 | 30.1 | 22.2 | 33.8 | 10.2 |
| 3010306 | 0000000 | Orange Co. Office Of Education | 489,282 | 1010.85 | 22301.80 | 7.3 | 5.8 | 11.9 | 9.8 |
| 3066670 | 3030723 | Orange County High School Of The Arts | 2,854,630 | 37.78 | 582.55 | 39.4 | 32.8 | 16.8 | 75.4 |
| 3066621 | 0000000 | Orange Unified | 44,274 | 327.64 | 950.34 | 27.0 | 35.8 | 30.9 | 42.3 |
| 4369633 | 0000000 | Orchard Elementary | 10,252,246 | 371.42 | 684.32 | 27.1 | 31.5 | 39.7 | 29.3 |
| 4269260 | 0000000 | Orcutt Union Elementary | 299,732 | 192.94 | 796.46 | 29.3 | 51.8 | 36.9 | 45.5 |
| 1262968 | 0000000 | Orick Elementary | 970,886 | 1580.10 | 1786.20 | 25.0 | 14.6 | 37.5 | 16.7 |
| 0761770 | 0000000 | Orinda Union Elementary | 82,165 | 134.97 | 65055.20 | 7.1 | 88.4 | 13.2 | 81.9 |
| 1175481 | 0000000 | Orland Joint Unified | 325,276 | 553.44 | 900.79 | 31.5 | 24.9 | 38.0 | 27.2 |
| 3667827 | 0000000 | Oro Grande Elementary | 1,201,731 | 1073.70 | 1131.96 | 19.4 | 19.4 | 24.5 | 14.3 |
| 0461507 | 0000000 | Oroville City Elementary | 146,023 | 803.55 | 1083.52 | 30.7 | 26.0 | 36.1 | 29.4 |
| 0461515 | 0000000 | Oroville Union High | 2,705,544 | 529.58 | 1203.47 | 24.9 | 15.8 | 32.5 | 30.1 |
| | | | 1,550,075 | | | | | | |

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|---|---|---|---|---|---|---|---|---|---|
| 1964733 | 0101675 | Oscar Dela Hoya Animo Charter High School | 68,396 | 488.54 | 759.96 | 0.0 | 0.0 | 0.0 | 0.0 |
| 5472025 | 0000000 | Outside Creek Elementary | 76,506 | 550.40 | 944.52 | 33.6 | 29.1 | 37.3 | 28.2 |
| 1463297 | 0000000 | Owens Valley Unified | 10,739,736 | 462.19 | 2046.82 | 25.3 | 26.4 | 26.4 | 29.7 |
| 5672538 | 0000000 | Oxnard Elementary | 57,311 | 650.14 | 891.34 | 28.0 | 20.3 | 34.3 | 19.5 |
| 5672546 | 0000000 | Oxnard Union High | 4,564,630 | 308.92 | 759.63 | 21.7 | 11.6 | 28.5 | 28.0 |
| 4570094 | 0000000 | Pacheco Union Elementary | 305,527 | 404.14 | 1049.92 | 33.6 | 36.0 | 34.4 | 42.1 |
| 4410447 | 4430252 | Pacific Collegiate | 8,225 | 2522.18 | 9650.09 | 23.9 | 63.7 | 6.5 | 86.9 |
| 4469781 | 0000000 | Pacific Elementary | 221,952 | 0.00 | 0.00 | 17.3 | 37.3 | 24.0 | 42.7 |
| 2766134 | 0000000 | Pacific Grove Unified | 513,780 | 264.56 | 2886.40 | 27.7 | 42.4 | 26.5 | 54.7 |
| 2775150 | 0000000 | Pacific Unified | 26,410 | 978.15 | 1886.43 | 15.4 | 42.3 | 19.2 | 42.3 |
| 1062356 | 0000000 | Pacific Union Elementary | 376,928 | 926.11 | 1128.53 | 29.3 | 26.3 | 36.5 | 24.6 |
| 1262976 | 0000000 | Pacific Union Elementary | 287,162 | 525.94 | 1806.05 | 27.4 | 45.1 | 30.0 | 46.4 |
| 1262927 | 1230150 | Pacific View Charter | 72,530 | 0.00 | 0.00 | 8.9 | 5.8 | 13.8 | 14.7 |
| 1964733 | 6119895 | Pacifica Community Charter | 5,191 | 57.68 | 140.30 | 18.3 | 13.4 | 24.4 | 28.0 |
| 4168932 | 0000000 | Pacifica School District | 789,217 | 250.47 | 1514.81 | 29.0 | 47.2 | 32.3 | 51.3 |
| 1964733 | 6018642 | Pacoima Charter Elementary | 11,689,820 | 487.46 | 487.46 | 24.4 | 18.5 | 28.7 | 7.1 |
| 4469799 | 0000000 | Pajaro Valley Unified School | 712,672 | 610.91 | 1049.45 | 24.8 | 19.4 | 27.9 | 20.5 |
| 3667876 | 3630993 | Pal Academy | 1,134,311 | 217.01 | 426.47 | 2.2 | 1.1 | 14.4 | 0.0 |
| 0461523 | 0000000 | Palermo Union Elementary | 49,644 | 862.86 | 1031.48 | 32.6 | 34.9 | 42.5 | 23.1 |
| 1964733 | 1995836 | Palisades Charter High | 11,175,173 | 108.70 | 905.86 | 20.6 | 20.3 | 21.1 | 48.8 |
| 3367173 | 0000000 | Palm Springs Unified | 271,758 | 508.42 | 730.69 | 26.1 | 21.0 | 34.0 | 25.6 |
| 1964857 | 0000000 | Palmdale Elementary | 11,317,485 | 504.59 | 726.22 | 28.7 | 21.9 | 36.9 | 21.4 |
| 4369641 | 0000000 | Palo Alto Unified | 1,934,186 | 188.30 | 3181.23 | 13.6 | 69.2 | 12.6 | 72.8 |
| 3367181 | 0000000 | Palo Verde Unified | 3,076,033 | 826.22 | 1487.44 | 26.0 | 18.8 | 33.2 | 21.8 |
| 5472033 | 0000000 | Palo Verde Union Elementary | 401,342 | 739.12 | 922.63 | 29.1 | 31.9 | 42.6 | 25.8 |
| 1964865 | 0000000 | Palos Verdes Peninsula Unified | 1,403,895 | 133.16 | 6552.17 | 16.7 | 70.4 | 17.3 | 74.1 |
| 1563362 | 0000000 | Panama Buena Vista Union Elementary | 4,461,613 | 331.72 | 794.31 | 29.1 | 40.9 | 34.6 | 41.4 |

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|---|---|---|---|---|---|---|---|---|---|
| 3567520 | 0000000 | Panoche Elementary | | 1045.64 | 1045.64 | | 25.0 | 33.3 | 16.7 |
| 1964733 | 6120489 | Para Los Ninos Charter School | 11,502 | 275.07 | 275.07 | 8.3 | 0.0 | 0.0 | 0.0 |
| 5071209 | 0000000 | Paradise Elementary | 34,934 | 696.62 | 1883.44 | 0.0 | 36.6 | 31.3 | 39.3 |
| 0461531 | 0000000 | Paradise Unified | 101,706 | 410.56 | 1102.39 | 34.8 | 27.9 | 31.1 | 40.5 |
| 1964873 | 0000000 | Paramount Unified | 2,173,917 | 647.09 | 752.09 | 29.8 | 17.9 | 35.6 | 17.0 |
| 1062364 | 0000000 | Parlier Unified | 11,100,905 | 894.43 | 894.43 | 26.5 | 12.6 | 27.5 | 10.5 |
| 1964881 | 0000000 | Pasadena Unified | 2,931,938 | 675.58 | 1722.29 | 19.5 | 23.1 | 31.9 | 25.6 |
| 4075457 | 0000000 | Paso Robles Joint Unified | 15,314,643 | 426.82 | 1165.36 | 23.8 | 35.8 | 29.7 | 37.1 |
| 5071217 | 0000000 | Patterson Joint Unified | 2,886,596 | 504.64 | 727.44 | 24.8 | 25.1 | 35.8 | 26.6 |
| 1262984 | 0000000 | Peninsula Union Elementary | 2,145,213 | 699.98 | 790.56 | 28.1 | 8.5 | 34.1 | 8.5 |
| 3166878 | 0000000 | Penryn Elementary | | 276.98 | | 25.6 | 60.1 | 25.2 | 63.4 |
| 3367199 | 0000000 | Perris Elementary | 67,198 | 707.42 | 0.00 | 26.5 | 30.7 | 35.3 | 19.7 |
| 3367207 | 0000000 | Perris Union High | 3,515,146 | 386.08 | 793.13 | 28.0 | 10.4 | 33.3 | 25.5 |
| 4970854 | 0000000 | Petaluma City Elementary | 81,432 | 373.91 | 855.18 | 22.5 | 44.8 | 31.9 | 41.0 |
| 4970862 | 0000000 | Petaluma Joint Union High | 2,720,312 | 166.61 | 1418.45 | 27.5 | 28.2 | 24.8 | 42.3 |
| 0661614 | 0000000 | Pierce Joint Unified | 790,078 | 456.04 | 1671.57 | 27.3 | 22.3 | 34.7 | 22.2 |
| 1062372 | 0000000 | Pine Ridge Elementary | 959,482 | 350.20 | 2188.75 | 26.1 | 40.2 | 25.0 | 56.5 |
| 0473379 | 0000000 | Pioneer Union Elementary | 558,644 | 1246.28 | 0.00 | 28.3 | 9.4 | 31.7 | 18.7 |
| 0961945 | 0000000 | Pioneer Union Elementary | 35,020 | 512.79 | 1465.62 | 25.2 | 53.5 | 34.1 | 48.5 |
| 1663990 | 0000000 | Pioneer Union Elementary | 183,203 | 122.97 | 1690.43 | 24.6 | 49.4 | 35.2 | 53.0 |
| 0761788 | 0000000 | Pittsburg Unified | 245,113 | 468.42 | 642.99 | 29.6 | 16.5 | 33.6 | 19.6 |
| 5472041 | 0000000 | Pixley Union Elementary | 143,386 | 852.57 | 784.97 | 26.2 | 18.1 | 31.9 | 12.9 |
| 3066647 | 0000000 | Placentia-Yorba Linda Unified | 4,469,623 | 250.65 | 925.73 | 28.5 | 52.2 | 27.6 | 49.1 |
| 3110314 | 0000000 | Placer Co. Office Of Education | 809,085 | 0.00 | 966.07 | 23.0 | 8.6 | 15.6 | 13.0 |
| 3166886 | 0000000 | Placer Hills Union Elementary | 6,810,806 | 281.50 | 2140.65 | 8.3 | 62.3 | 25.4 | 62.1 |
| 3166894 | 0000000 | Placer Union High | 463,427 | 121.45 | 0.00 | 23.3 | 19.7 | 24.8 | 45.3 |
| 0961952 | 0000000 | Placerville Union Elementary | 378,895 | 473.48 | 573.06 | 25.6 | 40.3 | 32.3 | 41.5 |
| 2465813 | 0000000 | Plainsburg Union Elementary | 570,196 | 684.62 | 1178.28 | 28.0 | 41.0 | 38.5 | 32.1 |
| 1162638 | 0000000 | Plaza Elementary | 617,420 | 11866.80 | 1490.96 | 26.9 | 61.0 | 33.1 | 48.3 |
| | | | 67,093 | | 11866.80 | 23.7 | | | |
| | | | 59,334 | | | | | | |

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|---|---|---|---|---|---|---|---|---|---|
| 5171431 | 0000000 | Pleasant Grove Joint Union | 109,798 | 623.85 | 2386.91 | 35.3 | 36.0 | 30.7 | 48.7 |
| 2966373 | 0000000 | Pleasant Ridge Union Elementary | 560,032 | 270.42 | 1898.41 | 19.8 | 66.7 | 24.0 | 64.4 |
| 4068791 | 0000000 | Pleasant Valley Joint Union Elementary | 36,932 | 263.80 | 858.88 | 26.2 | 50.5 | 30.8 | 51.4 |
| 5672553 | 0000000 | Pleasant Valley School | 1,747,854 | 235.53 | 1458.98 | 23.5 | 58.7 | 28.1 | 55.5 |
| 5472058 | 0000000 | Pleasant View Elementary | 345,064 | 675.27 | 743.67 | 26.9 | 22.6 | 37.1 | 9.2 |
| 0175101 | 0000000 | Pleasanton Unified | 1,759,936 | 128.28 | 3176.78 | 20.5 | 60.5 | 20.3 | 67.5 |
| 5271613 | 0000000 | Plum Valley Elementary | 65,869 | 1497.02 | 1688.95 | 24.3 | 27.0 | 48.6 | 27.0 |
| 3210322 | 0000000 | Plumas Co. Office Of Education | 38,372 | 0.00 | 0.00 | 12.5 | 0.0 | 37.5 | 0.0 |
| 5872744 | 0000000 | Plumas Elementary | 1,268,654 | 363.26 | 672.04 | 30.8 | 39.2 | 32.5 | 33.3 |
| 3266969 | 0000000 | Plumas Unified | 58,768 | 415.82 | 914.02 | 27.5 | 34.7 | 30.8 | 42.5 |
| 2365599 | 0000000 | Point Arena Joint Union High | 83,882 | 419.41 | 723.12 | 29.1 | 10.4 | 35.8 | 23.1 |
| 0961960 | 0000000 | Pollock Pines Elementary | 33,906,929 | 449.40 | 1318.77 | 29.7 | 41.4 | 32.8 | 43.9 |
| 1964907 | 0000000 | Pomona Unified | 362,442 | 654.30 | 908.40 | 24.2 | 26.5 | 32.4 | 23.0 |
| 1563719 | 0000000 | Pond Union Elementary | 321,331 | 1736.92 | 2156.58 | 21.3 | 14.6 | 37.8 | 12.8 |
| 2866282 | 0000000 | Pope Valley Union Elementary | 8,371,720 | 849.64 | 0.00 | 19.2 | 36.5 | 40.4 | 34.6 |
| 5475523 | 0000000 | Porterville Unified | 50,129 | 677.38 | 15621.11 | 29.8 | 22.7 | 35.2 | 21.8 |
| 4168981 | 0000000 | Portola Valley Elementary | 140,590 | 203.46 | 1570.86 | 12.3 | 76.8 | 12.5 | 78.9 |
| 2373866 | 0000000 | Potter Valley Community Unified | 223,062 | 741.07 | 1875.97 | 25.6 | 30.1 | 32.1 | 32.1 |
| 3768296 | 0000000 | Poway Unified | 5,008,853 | 152.93 | 578.67 | 23.4 | 53.1 | 22.1 | 62.9 |
| 3768338 | 3731189 | Preuss Model School At Ucsd | 368,613 | 578.67 | 1295.60 | 34.8 | 38.7 | 27.6 | 69.7 |
| 1162646 | 0000000 | Princeton Joint Unified | 164,541 | 794.88 | 785.05 | 29.3 | 28.6 | 36.1 | 26.5 |
| 4770433 | 0000000 | Quartz Valley Elementary | 17,271 | 421.24 | 1271.55 | 27.3 | 57.6 | 27.3 | 63.6 |
| 1062380 | 0000000 | Raisin City Elementary | 344,589 | 1080.22 | 817.43 | 27.8 | 12.8 | 34.2 | 8.6 |
| 3768304 | 0000000 | Ramona City Unified | 1,925,863 | 277.62 | 1230.12 | 26.8 | 38.5 | 30.4 | 41.7 |
| 3768312 | 0000000 | Rancho Santa Fe Elementary | 107,275 | 128.94 | 0.00 | 12.2 | 74.3 | 13.4 | 74.3 |
| 1864162 | 0000000 | Ravendale-Termo Elementary | 3,819,700 | 1053.25 | 1011.04 | 37.5 | 6.3 | 43.8 | 18.8 |
| 4168999 | 0000000 | Ravenswood City Elementary | 21,085 | 865.16 | 1224.24 | 24.4 | 19.1 | 33.6 | 13.9 |
| 2065276 | 0000000 | Raymond-Knowles Union Elementary | 105,285 | 1022.18 | | 37.9 | 14.9 | 27.6 | 24.1 |

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|---|---|---|---|---|---|---|---|---|---|
| 5271639 | 0000000 | Red Bluff Joint Union High | 622,956 | 302.55 | 13542.52 | 22.4 | 14.6 | 25.9 | 30.1 |
| 5271621 | 0000000 | Red Bluff Union Elementary | 1,451,037 | 622.50 | 1243.39 | 29.7 | 35.9 | 36.1 | 30.6 |
| 4570110 | 0000000 | Redding Elementary | 2,334,259 | 589.76 | 1301.87 | 27.4 | 41.1 | 34.5 | 38.5 |
| 3667843 | 0000000 | Redlands Unified | 7,877,321 | 390.35 | 912.78 | 25.1 | 39.1 | 32.3 | 40.9 |
| 1975341 | 0000000 | Redondo Beach Unified | 1,722,426 | 223.72 | 1025.25 | 23.8 | 52.5 | 28.0 | 52.9 |
| 2365615 | 2330413 | Redwood Academy Of Ukiah | | 266.96 | 529.99 | 22.4 | 14.9 | 40.3 | 36.6 |
| 4169005 | 0000000 | Redwood City Elementary | 4,277,459 | 534.28 | 1053.04 | 26.2 | 38.3 | 32.9 | 31.7 |
| 2165425 | 0000000 | Reed Union Elementary | 36,039 | 208.56 | 8373.26 | 13.2 | 80.5 | 13.1 | 81.5 |
| 5271647 | 0000000 | Reeds Creek Elementary | 226,078 | 621.99 | 1510.55 | 21.5 | 49.6 | 31.4 | 43.8 |
| 1673932 | 0000000 | Reef-Sunset Unified | 2,197,263 | 907.21 | 907.21 | 25.0 | 12.5 | 26.5 | 6.1 |
| 3367215 | 6119788 | Rehoboth Charter Acdemy | 64,591 | 74.91 | 277.79 | 18.2 | 27.3 | 39.4 | 15.2 |
| 0961978 | 0000000 | Rescue Union Elementary | | 199.23 | 2299.36 | 25.3 | 58.4 | 27.8 | 61.2 |
| 3667850 | 0000000 | Rialto Unified | 6,566,217 | 502.57 | 792.89 | 26.7 | 23.1 | 36.9 | 21.4 |
| 5271654 | 0000000 | Richfield Elementary | 722,000 | 708.89 | 1499.85 | 24.0 | 61.4 | 32.7 | 52.6 |
| 5472082 | 0000000 | Richgrove Elementary | 142,486 | 1002.96 | 1035.91 | 20.5 | 15.3 | 24.3 | 8.0 |
| 1563578 | 0000000 | Richland Union Elementary School District | 2,388,353 | 845.73 | 951.91 | 25.9 | 19.1 | 33.9 | 16.0 |
| 1864170 | 0000000 | Richmond Elementary | 788,328 | 176.81 | 1694.42 | 33.3 | 46.4 | 33.9 | 47.9 |
| 1575630 | 1530500 | Ridgecrest Charter | 40,666 | 35.67 | 142.67 | 25.9 | 43.5 | 33.5 | 42.4 |
| 3667868 | 0000000 | Rim Of The World Unified | 1,676,529 | 262.33 | 981.00 | 29.9 | 27.6 | 35.7 | 40.4 |
| 4970896 | 0000000 | Rincon Valley Union Elementary | 8,560 | 331.81 | 1507.44 | 19.5 | 65.3 | 25.3 | 61.7 |
| 1573544 | 0000000 | Rio Bravo-Greeley Union Elementary | 910,491 | 392.04 | 878.04 | 31.6 | 38.7 | 37.9 | 36.4 |
| 1263008 | 0000000 | Rio Dell Elementary | 296,777 | 1126.93 | 1499.35 | 34.5 | 28.1 | 36.9 | 27.7 |
| 5672561 | 0000000 | Rio Elementary | 349,348 | 467.38 | 792.32 | 29.5 | 22.8 | 33.4 | 19.3 |
| 3467405 | 0000000 | Rio Linda Union Elementary | 1,838,189 | 764.59 | 1219.35 | 29.2 | 35.7 | 37.3 | 29.4 |
| 3968650 | 0000000 | Ripon Unified | 6,947,869 | 235.54 | 1332.98 | 31.6 | 42.3 | 35.3 | 48.6 |
| 3467413 | 0000000 | River Delta Joint Unified | 653,162 | 399.96 | 1081.32 | 28.0 | 26.8 | 32.8 | 32.2 |
| 3968585 | 6118921 | River Oaks Charter School | 995,892 | 144.36 | 645.04 | 30.5 | 39.1 | 36.9 | 35.1 |
| | | | 50,958 | | | | | | |

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|---|---|---|---|---|---|---|---|---|---|
| 5075556 | 0000000 | Riverbank Unified | 1,608,159 | 498.19 | 796.51 | 29.6 | 21.7 | 36.0 | 21.8 |
| 1075408 | 0000000 | Riverdale Joint Unified | 921,625 | 582.94 | 784.36 | 28.5 | 28.7 | 38.0 | 25.7 |
| 3310330 | 0000000 | Riverside Co. Office Of Education | 17,270,410 | 0.00 | 0.00 | 5.1 | 2.8 | 10.6 | 5.1 |
| 3367215 | 0000000 | Riverside Unified | 637,697 | 406.86 | 876.23 | 25.5 | 29.3 | 32.7 | 32.7 |
| 5071233 | 0000000 | Roberts Ferry Union Elementary | 1,872,436 | 282.66 | 604.90 | 28.9 | 37.8 | 22.2 | 41.1 |
| 3467421 | 0000000 | Robla Elementary | 30,245 | 806.04 | 1129.33 | 29.7 | 36.8 | 39.3 | 24.8 |
| 5472090 | 0000000 | Rockford Elementary | 225,003 | 625.01 | 1250.02 | 30.4 | 34.4 | 36.8 | 34.1 |
| 3175085 | 6118392 | Rocklin Academy | 1,321,668 | 44.32 | 719.00 | 23.1 | 70.1 | 21.1 | 70.7 |
| 3175085 | 0000000 | Rocklin Unified | 6,471 | 146.62 | 1295.75 | 26.4 | 48.0 | 27.8 | 56.7 |
| 1263016 | 0000000 | Rohnerville Elementary | 243,972 | 428.02 | 835.52 | 30.5 | 41.4 | 36.2 | 38.5 |
| 3367231 | 0000000 | Romoland Elementary | 940,840 | 556.71 | 750.27 | 29.0 | 27.3 | 35.7 | 19.7 |
| 1563750 | 0000000 | Rosedale Union Elementary | 682,283 | 167.02 | 1182.47 | 29.6 | 46.0 | 33.4 | 44.8 |
| 1964931 | 0000000 | Rosemead Elementary | 2,288,095 | 672.38 | 874.65 | 24.1 | 51.6 | 34.9 | 36.5 |
| 3166910 | 0000000 | Roseville City Elementary | 1,825,799 | 254.01 | 1104.54 | 25.4 | 54.9 | 31.0 | 53.3 |
| 3166928 | 0000000 | Roseville Joint Union High | 739,620 | 95.76 | 3287.20 | 29.6 | 19.5 | 25.9 | 46.7 |
| 2165433 | 0000000 | Ross Elementary | 81,620 | 217.07 | 4983.13 | 11.5 | 80.9 | 12.1 | 83.1 |
| 2175002 | 0000000 | Ross Valley Elementary | 597,975 | 334.06 | 0.00 | 19.5 | 63.1 | 15.9 | 71.2 |
| 1463305 | 0000000 | Round Valley Joint Elementary | 9,321,646 | 301.05 | 1312.56 | 31.0 | 35.7 | 33.3 | 44.0 |
| 1973452 | 0000000 | Rowland Unified | 32,614 | 497.26 | 908.01 | 25.6 | 40.0 | 33.5 | 35.7 |
| 3467439 | 0000000 | Sacramento City Unified | 45,518,259 | 859.99 | 1362.46 | 25.6 | 29.0 | 31.4 | 28.9 |
| 3410348 | 0000000 | Sacramento Co. Office Of Education | 756,463 | 0.00 | 0.00 | 2.8 | 1.1 | 8.9 | 2.2 |
| 3073635 | 0000000 | Saddleback Valley Unified | 5,308,513 | 149.70 | 1184.67 | 23.7 | 55.8 | 26.8 | 59.3 |
| 5071266 | 0000000 | Salida Union Elementary | 985,353 | 283.72 | 721.34 | 32.0 | 39.0 | 36.3 | 37.1 |
| 2766142 | 0000000 | Salinas City Elementary | 5,510,921 | 607.00 | 829.71 | 27.7 | 25.6 | 32.3 | 19.2 |
| 2766159 | 0000000 | Salinas Union High | 6,313,469 | 466.28 | 909.98 | 24.3 | 12.4 | 31.8 | 20.5 |
| 2766167 | 0000000 | San Antonio Union Elementary | 118,037 | 614.78 | 1422.13 | 32.3 | 32.3 | 31.0 | 36.7 |
| 2766175 | 0000000 | San Ardo Union Elementary | 554,381 | 5279.82 | 6229.00 | 34.0 | 22.3 | 30.9 | 16.0 |
| 3510355 | 0000000 | San Benito Co. Office Of | 29,615 | 1850.94 | 29615.00 | 7.7 | 0.6 | 22.4 | 3.2 |

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|---|---|---|---|---|---|---|---|---|---|
| | | Education | | | | | | | |
| 3567538 | 0000000 | San Benito High | 42,468,159 | 158.49 | 1485.10 | 20.1 | 13.9 | 34.6 | 33.4 |
| 3667876 | 0000000 | San Bernardino City Unified | 464,837 | 761.98 | 940.96 | 24.9 | 19.5 | 32.4 | 18.8 |
| 3610363 | 0000000 | San Bernardino Co. Off. Of Education | 469,441 | 323.53 | 485.46 | 3.6 | 1.0 | 8.7 | 2.2 |
| 4169013 | 0000000 | San Bruno Park Elementary | 691,222 | 246.87 | 805.62 | 28.2 | 41.0 | 34.7 | 39.0 |
| 4169021 | 0000000 | San Carlos Elementary | 368,419 | 155.19 | 6578.91 | 22.1 | 63.4 | 25.9 | 62.3 |
| 4169021 | 0101279 | San Carlos High School | 3,372,477 | 0.00 | 0.00 | 0.0 | 0.0 | 0.0 | 0.0 |
| 3710371 | 0000000 | San Diego Co. Office Of Education | 84,360,127 | 331.64 | 340.04 | 7.8 | 4.0 | 16.3 | 7.6 |
| 3768338 | 6119168 | San Diego Cooperative Charter | 105,321 | 56.96 | 294.63 | 24.6 | 46.2 | 28.7 | 54.4 |
| 3768338 | 0000000 | San Diego Unified | 1,441,116 | 643.22 | 1075.02 | 25.2 | 27.9 | 32.6 | 35.0 |
| 3768346 | 0000000 | San Dieguito Union High | 304,450 | 127.10 | 2049.95 | 22.7 | 50.7 | 17.5 | 66.7 |
| 3810389 | 0000000 | San Francisco Co. Off. Of Education | 36,708,562 | 6342.71 | 0.00 | 1.9 | 0.5 | 6.4 | 1.4 |
| 3868478 | 0000000 | San Francisco Unified | 2,853,517 | 640.21 | 1086.31 | 21.8 | 37.6 | 29.3 | 36.7 |
| 1975291 | 0000000 | San Gabriel Unified | 1,103,924 | 510.56 | 919.30 | 25.3 | 43.6 | 31.8 | 44.6 |
| 3910397 | 0000000 | San Joaquin Co. Off. Of Education | 14,620,712 | 4346.16 | 4346.16 | 5.7 | 1.9 | 12.3 | 3.1 |
| 4369666 | 0000000 | San Jose Unified | 18,150,153 | 446.68 | 1086.40 | 23.3 | 31.3 | 27.6 | 38.2 |
| 3467447 | 0000000 | San Juan Unified | 2,496,856 | 349.78 | 1135.88 | 24.0 | 37.6 | 28.9 | 42.2 |
| 0161291 | 0000000 | San Leandro Unified | 3,957,437 | 285.88 | 910.93 | 29.4 | 26.1 | 35.2 | 30.6 |
| 0161309 | 0000000 | San Lorenzo Unified | 962,694 | 338.62 | 994.33 | 26.6 | 25.7 | 33.3 | 27.7 |
| 4469807 | 0000000 | San Lorenzo Valley Unified | 506,245 | 255.15 | 2292.13 | 23.3 | 35.4 | 23.5 | 47.5 |
| 2766183 | 0000000 | San Lucas Union Elementary | 2,115,115 | 4290.21 | 4364.18 | 30.0 | 27.0 | 27.0 | 12.0 |
| 4068809 | 0000000 | San Luis Coastal Unified | 303,120 | 271.52 | 1060.21 | 22.8 | 51.3 | 23.0 | 56.0 |
| 4010405 | 0000000 | San Luis Obispo Co. Off. Of Education | 5,041,811 | 726.91 | 926.97 | 5.0 | 2.7 | 14.0 | 3.7 |
| 3773791 | 0000000 | San Marcos Unified | 365,581 | 364.87 | 922.23 | 22.4 | 36.7 | 27.0 | 36.2 |
| 1964964 | 0000000 | San Marino Unified | 295,536 | 114.60 | 16617.32 | 10.8 | 81.8 | 14.6 | 80.4 |
| 4110413 | 0000000 | San Mateo Co. Off. Of Education | | 5009.08 | 11821.44 | 2.6 | 2.6 | 11.7 | 5.7 |

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|---|---|---|---|---|---|---|---|---|---|
| 4169047 | 0000000 | San Mateo Union High | 1,123,445 | 132.87 | 2416.01 | 26.1 | 26.8 | 25.4 | 49.9 |
| 4169039 | 0000000 | San Mateo-Foster City Elementary | 3,249,060 | 322.10 | 1965.55 | 25.2 | 49.9 | 28.9 | 49.1 |
| 4068825 | 0000000 | San Miguel Joint Union Elementary | 240,421 | 0.00 | 1045.45 | 26.3 | 47.6 | 37.8 | 39.0 |
| 3768353 | 0000000 | San Pasqual Union Elementary | 135,908 | 251.68 | 0.00 | 26.0 | 57.8 | 26.3 | 63.3 |
| 1363214 | 0000000 | San Pasqual Valley Unified | 957,667 | 1195.59 | 1651.15 | 19.4 | 10.9 | 33.8 | 13.6 |
| 2165458 | 0000000 | San Rafael City Elementary | 1,875,339 | 420.48 | 1048.85 | 27.0 | 40.0 | 29.7 | 37.9 |
| 2165466 | 0000000 | San Rafael City High | 504,337 | 193.90 | 1703.84 | 21.7 | 19.3 | 17.1 | 39.9 |
| 0761804 | 0000000 | San Ramon Valley Unified | 2,103,703 | 97.57 | 8122.41 | 21.2 | 63.4 | 20.1 | 70.6 |
| 1062414 | 0000000 | Sanger Unified | 4,314,456 | 561.27 | 792.52 | 26.1 | 20.9 | 35.2 | 22.1 |
| 3066670 | 0000000 | Santa Ana Unified | 41,657,534 | 683.21 | 877.55 | 28.7 | 21.7 | 34.4 | 16.3 |
| 4210421 | 0000000 | Santa Barbara Co. Off. Of Education | 733,695 | 3428.48 | 3428.48 | 5.4 | 1.7 | 11.4 | 3.1 |
| 4269278 | 0000000 | Santa Barbara Elementary | 3,593,808 | 589.83 | 958.09 | 27.1 | 35.1 | 33.9 | 34.2 |
| 4269286 | 0000000 | Santa Barbara High | 2,809,591 | 270.36 | 1188.49 | 26.0 | 28.3 | 24.4 | 44.9 |
| 4310439 | 0000000 | Santa Clara Co. Off. Of Education | 1,122,911 | 24953.58 | 374303.67 | 1.4 | 0.6 | 4.6 | 1.8 |
| 5672579 | 0000000 | Santa Clara Elementary | 4,022,277 | 302.71 | 1541.09 | 15.4 | 65.4 | 11.5 | 76.9 |
| 4369674 | 0000000 | Santa Clara Unified | 16,952 | 281.04 | 771.14 | 26.0 | 36.3 | 29.8 | 41.8 |
| 4469815 | 0000000 | Santa Cruz City Elementary | 1,557,751 | 590.95 | 1502.17 | 24.8 | 41.4 | 28.5 | 44.4 |
| 4469823 | 0000000 | Santa Cruz City High | 1,484,589 | 291.04 | 2079.26 | 22.8 | 24.6 | 20.8 | 40.2 |
| 4410447 | 0000000 | Santa Cruz Co. Off. Of Education | 173,863 | 399.91 | 5998.72 | 2.7 | 1.3 | 16.7 | 5.4 |
| 4269310 | 0000000 | Santa Maria Joint Union High | 2,968,197 | 461.69 | 686.61 | 26.5 | 10.2 | 31.2 | 25.5 |
| 4269120 | 0000000 | Santa Maria-Bonita Elementary | 9,248,654 | 769.12 | 939.90 | 31.3 | 31.7 | 37.1 | 19.5 |
| 1964733 | 6019079 | Santa Monica Boulevard Community Charter | 738,487 | 513.19 | 540.22 | 27.2 | 25.4 | 33.0 | 14.6 |
| 1964980 | 0000000 | Santa Monica-Malibu Unified | 3,007,429 | 235.16 | 1000.14 | 22.4 | 45.8 | 21.7 | 52.3 |
| 5672595 | 0000000 | Santa Paula Union High | 622,357 | 379.49 | 727.90 | 16.8 | 3.9 | 32.0 | 22.7 |
| 2766191 | 0000000 | Santa Rita Union Elementary | 1,634,195 | 345.31 | 730.88 | 33.4 | 26.0 | 35.9 | 26.6 |
| 4970912 | 6113278 | Santa Rosa Education Cooperative | 21,234 | 134.39 | 732.21 | 23.8 | 57.1 | 24.6 | 60.3 |
| 4269328 | 0000000 | Santa Ynez Valley Union High | 163,804 | 145.73 | 1269.80 | 30.9 | 20.3 | 26.8 | 44.6 |

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|---|---|---|---|---|---|---|---|---|---|
| 3768361 | 0000000 | Santee Elementary | 1,889,646 | 269.72 | 1197.49 | 25.8 | 50.4 | 33.5 | 46.2 |
| 4369682 | 0000000 | Saratoga Union Elementary | | 164.26 | 30539.54 | | 86.1 | 10.2 | 85.4 |
| 5472108 | 0000000 | Saucelito Elementary | 397,014 | 269.23 | | 8.8 | 28.7 | 33.0 | 26.6 |
| 1964998 | 0000000 | Saugus Union Elementary | 1,673,895 | 166.39 | 487.17 | 28.7 | 67.7 | 26.6 | 62.9 |
| 2165474 | 0000000 | Sausalito Marin City School District | 30,692 | 979.81 | 1465.76 | 20.4 | 22.7 | 40.5 | 21.4 |
| 3066696 | 0000000 | Savanna Elementary | 269,449 | | 1705.37 | 24.1 | | | |
| 1263024 | 0000000 | Scotia Union Elementary | 1,224,961 | 469.51 | | | 48.6 | 34.5 | 38.9 |
| 4475432 | 0000000 | Scotts Valley Unified | | 309.08 | 911.43 | 25.0 | 38.9 | 35.0 | 33.7 |
| 1363222 | 0000000 | Seeley Union Elementary | 104,777 | 164.64 | 1126.63 | 31.0 | 48.7 | 20.8 | 59.5 |
| 4770458 | 0000000 | Seiad Elementary | 437,292 | 607.21 | 15079.03 | 20.3 | 32.8 | 31.5 | 28.8 |
| 1062430 | 0000000 | Selma Unified | 374,649 | 694.91 | 785.43 | 32.8 | 48.1 | 44.4 | 40.7 |
| 1563768 | 0000000 | Semitropic Elementary | 2,893,839 | 673.33 | 1389.81 | 25.9 | 24.9 | 38.0 | 23.4 |
| 5472116 | 0000000 | Sequoia Union Elementary | 22,237 | 438.19 | 973.95 | 30.6 | 27.6 | 35.1 | 11.4 |
| 4169062 | 0000000 | Sequoia Union High | 109,109 | 449.95 | 482.78 | 35.1 | 40.1 | 34.7 | 35.5 |
| 1864188 | 0000000 | Shaffer Union Elementary | 150,282 | 292.30 | 1058.32 | 24.8 | 17.6 | 24.4 | 36.4 |
| 4068833 | 0000000 | Shandon Joint Unified | 2,244,693 | 447.08 | 6907.36 | 22.4 | 30.4 | 30.4 | 28.0 |
| 4510454 | 0000000 | Shasta Co. Office Of Education | 172,573 | 581.40 | 913.08 | 28.3 | 22.3 | 32.3 | 27.0 |
| 4570128 | 0000000 | Shasta Union Elementary | 213,955 | 2856.58 | 862.72 | 29.4 | 3.4 | 15.3 | 5.2 |
| 4570136 | 0000000 | Shasta Union High | 419,917 | 832.92 | 52489.63 | 4.8 | 22.2 | 36.3 | 34.8 |
| 2065243 | 0100016 | Sherman Thomas Charter | 154,922 | 266.26 | 1395.70 | 30.4 | 22.4 | 28.0 | 46.2 |
| 5071274 | 0000000 | Shiloh Elementary | 1,515,038 | 0.00 | 1079.09 | 30.6 | 0.0 | 0.0 | 0.0 |
| 2173361 | 0000000 | Shoreline Unified | 64,065 | 536.05 | 1034.88 | 0.0 | 46.5 | 35.4 | 37.0 |
| 2673668 | 2630085 | Sierra Charter | 74,511 | 386.63 | 0.00 | 33.9 | 28.8 | 33.3 | 38.9 |
| 4610462 | 0000000 | Sierra Co. Office Of Education | 273,737 | 339.83 | 1150.16 | 23.7 | 7.8 | 22.6 | 16.9 |
| 1573742 | 0000000 | Sierra Sands Unified | 141,368 | 0.00 | 593.98 | 12.6 | 0.0 | 0.0 | 0.0 |
| 1075275 | 0000000 | Sierra Unified | 2,264,511 | 406.77 | 1071.20 | 9.1 | 37.3 | 32.4 | 41.8 |
| 4670177 | 0000000 | Sierra-Plumas Joint Unified | 5,690 | 259.50 | 0.00 | 28.1 | 40.5 | 27.6 | 51.9 |
| 0961986 | 0000000 | Silver Fork Elementary | 631,111 | 505.87 | 683.02 | 28.2 | 37.9 | 34.7 | 44.9 |
| | | | 365,237 | 1817.59 | 1357.76 | 27.3 | 46.7 | 6.7 | 53.3 |
| | | | 30,899 | | 5149.83 | 13.3 | | | |

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|---|---|---|---|---|---|---|---|---|---|
| 5672603 | 0000000 | Simi Valley Unified | 4,722,143 | 217.84 | 1261.59 | 27.3 | 46.0 | 31.4 | 47.4 |
| 4710470 | 0000000 | Siskiyou Co. Office Of Education | | 4156.88 | 4156.88 | 3.7 | 0.0 | 4.9 | 1.2 |
| 4770466 | 0000000 | Siskiyou Union High | 33,255 | 288.68 | 587.39 | 30.4 | 21.9 | 35.3 | 45.6 |
| 2465839 | 0000000 | Snelling-Merced Falls Union Elementary | 236,719 | 890.92 | 1202.03 | 21.6 | 23.0 | 24.3 | 31.1 |
| 3673957 | 0000000 | Snowline Joint Unified | 75,728 | | | | | | |
| 3768387 | 0000000 | Solana Beach Elementary | 1,919,486 | 274.92 | 699.27 | 30.7 | 36.3 | 35.0 | 42.1 |
| 4810488 | 0000000 | Solano Co. Office Of Education | | 227.26 | 2540.41 | 12.3 | 80.0 | 16.6 | 76.9 |
| 2775440 | 0000000 | Soledad Unified | 612,238 | 528.29 | 2305.76 | 1.9 | 1.0 | 7.4 | 3.1 |
| 4269336 | 0000000 | Solvang Elementary | 221,353 | 571.11 | 630.63 | 23.5 | 13.9 | 31.2 | 16.3 |
| 5672611 | 0000000 | Somis Union Elementary | 2,087,401 | 352.23 | 1371.85 | 24.3 | 44.3 | 31.0 | 43.1 |
| 4970953 | 6111678 | Sonoma Charter (Elem) | 234,587 | 598.14 | 1059.20 | 26.6 | 36.5 | 31.1 | 32.0 |
| 4910496 | 0000000 | Sonoma Co. Office Of Education | 254,209 | | | 24.0 | 27.1 | 22.2 | 38.2 |
| 4970953 | 0000000 | Sonoma Valley Unified | 17,532 | 0.00 | 0.00 | 3.3 | 1.2 | 11.9 | 4.8 |
| 5572371 | 0000000 | Sonora Elementary | 491,787 | 0.00 | 0.00 | 26.9 | 27.9 | 26.7 | 38.4 |
| 5572389 | 0000000 | Sonora Union High | 1,561,952 | 276.01 | 923.69 | 33.0 | 46.2 | 33.4 | 46.7 |
| 4469849 | 0000000 | Soquel Union Elementary | 551,786 | 695.82 | 1386.40 | 31.2 | 24.2 | 27.5 | 47.2 |
| 5572397 | 0000000 | Soulsbyville Elementary | 624,638 | 363.16 | 2139.17 | 28.4 | 50.6 | 31.5 | 53.3 |
| 1263032 | 0000000 | South Bay Union Elementary | 999,163 | 473.09 | 1819.97 | 31.5 | 54.1 | 32.5 | 56.2 |
| 3768395 | 0000000 | South Bay Union Elementary | 276,849 | 407.73 | 1412.49 | 26.2 | 35.5 | 31.5 | 33.2 |
| 1563784 | 0000000 | South Fork Union Elementary | 375,605 | 766.54 | 1346.25 | 28.7 | 34.7 | 35.3 | 25.6 |
| 1965029 | 0000000 | South Pasadena Unified | 6,440,081 | 689.74 | 969.75 | 38.2 | 23.0 | 42.7 | 30.1 |
| 4169070 | 0000000 | South San Francisco Unified | 266,770 | 670.28 | 1054.43 | 19.7 | 62.2 | 18.7 | 70.8 |
| 1965037 | 0000000 | South Whittier Elementary | 847,435 | 209.35 | 2529.66 | 29.7 | 37.2 | 37.1 | 37.8 |
| 1964733 | 0106856 | Southern California School Of Arts And Scienc | 2,404,309 | 260.83 | 890.51 | 29.0 | 31.0 | 35.7 | 23.8 |
| 1263040 | 0000000 | Southern Humboldt Joint Unified | 2,256,493 | 490.12 | 897.21 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1563776 | 0000000 | Southern Kern Unified | | 0.00 | 0.00 | 25.6 | 25.4 | 30.8 | 34.6 |
| 5373833 | 0000000 | Southern Trinity Joint Unified | 966,610 | 847.90 | 1944.89 | 29.1 | 24.9 | 37.0 | 26.7 |
| | | | 1,145,993 | 357.01 | 721.66 | 28.0 | 34.3 | 32.2 | 32.9 |
| | | | 0 | 803.13 | 1291.64 | | | | |
| | | | 125,289 | | | | | | |

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|---|---|---|---|---|---|---|---|---|---|
| 3567553 | 0000000 | Southside Elementary | 54,325 | 231.17 | 705.52 | 23.0 | 47.0 | 19.7 | 48.1 |
| 3768403 | 0000000 | Spencer Valley Elementary | 22,576 | 627.11 | 2052.36 | 26.9 | 57.7 | 15.4 | 65.4 |
| 2766225 | 0000000 | Spreckels Union Elementary | 169,182 | 181.33 | 1234.91 | 36.0 | 45.7 | 32.1 | 51.5 |
| 5472132 | 0000000 | Springville Union Elementary | 216,885 | 479.83 | 1792.44 | 28.7 | 38.1 | 35.1 | 33.2 |
| 2866290 | 0000000 | St. Helena Unified | 473,251 | 315.71 | 876.39 | 28.4 | 37.3 | 32.1 | 38.6 |
| 1563792 | 0000000 | Standard Elementary | 1,242,279 | 463.02 | 670.05 | 31.1 | 27.0 | 34.5 | 27.5 |
| 5010504 | 0000000 | Stanislaus Co. Office Of Education | 272,361 | 402.90 | 1815.74 | 2.0 | 0.3 | 12.0 | 2.2 |
| 5071282 | 0000000 | Stanislaus Union Elementary | 2,096,019 | 639.03 | 1324.08 | 30.2 | 33.9 | 33.8 | 34.8 |
| 1964733 | 0100669 | Stella Middle Charter Academy | 34,291,909 | 372.42 | 418.16 | 0.0 | 0.0 | 0.0 | 0.0 |
| 3968676 | 0000000 | Stockton City Unified | 47,670 | 886.92 | 1355.14 | 24.4 | 21.1 | 31.6 | 17.5 |
| 5472140 | 0000000 | Stone Corral Elementary | 290,001 | 2338.72 | 2338.72 | 18.6 | 14.0 | 16.3 | 8.1 |
| 1162653 | 0000000 | Stony Creek Joint Unified | 84,385 | 517.70 | 843.85 | 26.7 | 19.3 | 31.9 | 30.4 |
| 5472157 | 0000000 | Strathmore Union Elementary | 710,212 | 889.00 | 985.18 | 26.2 | 24.1 | 38.7 | 17.0 |
| 1965045 | 0000000 | Sulphur Springs Union Elementary | 1,301,047 | 238.51 | 815.19 | 25.5 | 54.4 | 33.3 | 49.4 |
| 5572405 | 0000000 | Summerville Elementary | 290,231 | 653.67 | 1388.67 | 27.3 | 41.7 | 33.9 | 42.2 |
| 5572413 | 0000000 | Summerville Union High | 172,859 | 236.15 | 1122.46 | 22.6 | 11.9 | 28.3 | 35.2 |
| 5071134 | 6119705 | Summit Charter Academy | 35,764 | 100.46 | 262.97 | 29.2 | 25.0 | 31.7 | 33.5 |
| 5572413 | 0100222 | Summit Preparatory High School | 4,772 | 59.65 | 251.16 | 0.0 | 0.0 | 0.0 | 0.0 |
| 3768304 | 3731544 | Sun Valley Charter | 352,993 | 0.00 | 1076.20 | 33.3 | 23.1 | 28.2 | 46.2 |
| 5472173 | 0000000 | Sundale Union Elementary | 493,762 | 606.52 | 0.00 | 26.1 | 36.2 | 33.8 | 34.6 |
| 5472181 | 0000000 | Sunnyside Union Elementary | 6,001,936 | 1186.93 | 1375.38 | 26.6 | 28.9 | 28.9 | 21.8 |
| 4369690 | 0000000 | Sunnyvale Elementary | 44,345 | 337.54 | 926.82 | 25.1 | 50.6 | 30.7 | 45.6 |
| 0175119 | 0000000 | Sunol Glen Unified | 153,643 | 225.10 | 1121.48 | 33.8 | 43.7 | 29.6 | 57.7 |
| 2565896 | 0000000 | Surprise Valley Joint Unified | 789,020 | 735.13 | 0.00 | 33.8 | 26.3 | 41.9 | 39.4 |
| 1864196 | 0000000 | Susanville Elementary | 55,801 | 593.25 | 1256.40 | 30.1 | 36.8 | 37.9 | 33.3 |
| 5110512 | 0000000 | Sutter Co. Office Of Education | 135,092,424 | 485.23 | 641.39 | 4.1 | 0.7 | 8.1 | 2.2 |
| 5171449 | 0000000 | Sutter Union High | 105,940 | 142.02 | 1217.80 | 26.6 | 11.1 | 37.1 | 39.3 |
| 3768411 | 0000000 | Sweetwater Union High | | 363.83 | 721.09 | 27.5 | 14.3 | 32.9 | 27.5 |

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|---|---|---|---|---|---|---|---|---|---|
| 5071290 | 0000000 | Sylvan Union Elementary | 2,562,845 | 347.41 | 1073.67 | 29.3 | 43.8 | 36.0 | 41.5 |
| 1563800 | 0000000 | Taft City Elementary | 1,402,403 | 660.89 | 1006.03 | 29.5 | 26.1 | 33.9 | 23.4 |
| 1563818 | 0000000 | Taft Union High | | 334.56 | 836.83 | 19.1 | 9.6 | 32.3 | 22.1 |
| 3166944 | 0000000 | Tahoe-Truckee Joint Unified | 328,875 | 266.71 | 1007.36 | 25.7 | 28.5 | 27.9 | 40.1 |
| 2165482 | 0000000 | Tamalpais Union High | 1,201,782 | 124.75 | 6140.17 | 27.2 | 35.1 | 17.8 | 64.3 |
| 1563826 | 0000000 | Tehachapi Unified | 472,793 | 306.85 | 992.99 | 31.3 | 33.8 | 34.1 | 42.9 |
| 5210520 | 0000000 | Tehama Co. Office Of Education | 1,455,719 | 1037.75 | 2075.50 | 18.3 | 9.8 | 15.9 | 15.9 |
| 3375192 | 3330917 | Temecula Preparatory | 83,020 | 0.00 | 1031.41 | 14.9 | 68.0 | 18.9 | 63.2 |
| 3375192 | 0000000 | Temecula Valley Unified | 3,161,273 | 146.77 | 0.00 | 27.0 | 49.2 | 29.5 | 55.4 |
| 1965052 | 0000000 | Temple City Unified | 1,398,001 | 245.74 | 723.60 | 20.2 | 59.8 | 28.2 | 56.7 |
| 4068841 | 0000000 | Templeton Unified | 0 | 262.01 | 2175.62 | 24.2 | 33.0 | 26.0 | 46.4 |
| 5472199 | 0000000 | Terra Bella Union Elementary | 702,724 | 1224.53 | 1290.64 | 32.0 | 11.7 | 33.2 | 8.7 |
| 3467439 | 0106898 | The Language Academy Of Sacramento | 1,051,869 | 0.00 | 0.00 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1975697 | 1996693 | The School Of Arts And Enterprise | | 385.47 | 511.34 | 0.0 | 0.0 | 0.0 | 0.0 |
| 5472207 | 0000000 | Three Rivers Union Elementary | 50,111 | 615.26 | 2293.25 | 30.9 | 47.4 | 33.7 | 47.4 |
| 5472215 | 0000000 | Tipton Elementary | 126,129 | 711.70 | 763.17 | 31.7 | 32.8 | 40.3 | 21.1 |
| 1910199 | 0102020 | Todays Fresh Start School | 369,373 | 519.29 | 559.23 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1965060 | 0000000 | Torrance Unified | 145,400 | 204.65 | 1256.72 | 25.1 | 47.8 | 29.7 | 53.4 |
| 3975499 | 0000000 | Tracy Joint Unified | 5,000,986 | 201.50 | 926.54 | 27.5 | 27.1 | 32.1 | 33.1 |
| 5472223 | 0000000 | Traver Joint Elementary | 3,073,337 | 1298.71 | 1298.71 | 31.4 | 24.9 | 39.5 | 20.0 |
| 4870565 | 0000000 | Travis Unified | 271,431 | 158.08 | 761.35 | 32.0 | 41.5 | 33.8 | 47.1 |
| 3567561 | 0000000 | Tres Pinos Union Elementary | 845,863 | 208.15 | 3076.00 | 43.4 | 38.9 | 24.8 | 56.6 |
| 1263057 | 0000000 | Trinidad Union Elementary | 27,684 | 1389.35 | 4245.25 | 20.2 | 38.5 | 29.8 | 37.5 |
| 5371761 | 0000000 | Trinity Center Elementary | 152,829 | 494.81 | 1439.45 | 33.3 | 36.1 | 22.2 | 55.6 |
| 5310538 | 0000000 | Trinity Co. Office Of Education | 15,834 | 0.00 | 1000.98 | 7.4 | 1.9 | 7.4 | 5.6 |
| 5371779 | 0000000 | Trinity Union High | 26,224 | 304.65 | 0.00 | 24.2 | 18.7 | 30.5 | 38.6 |
| 3667892 | 0000000 | Trona Joint Unified | 147,144 | 1091.29 | 1533.94 | 31.0 | 17.8 | 34.3 | 31.4 |
| 3768338 | 6040018 | Tubman (Harriet) Village Charter | 381,952 | 396.69 | 706.60 | 28.6 | 25.6 | 35.7 | 34.2 |
| | | | 113,056 | | | | | | |

**Recommended for Regular Approval:** The following LEAs have submitted a correct and complete Consolidated Application, Part I, and have no compliance issues crucial to student achievement outstanding for more than 365 days. The Department recommends regular approval of these applications.

| CD Code | School Code | Local Educational Agency Name | 2003-2004 ConApp Entitlement | 2003-2004 Entitlement Per Student | 2003-2004 Entitlement Per Low Income Student | 2003 STAR Data Percent of Students Scoring At or Above: Mathematics Basic | Mathematics Advanced or Proficient | Reading Basic | Reading Advanced or Proficient |
|---|---|---|---|---|---|---|---|---|---|
| 5472231 | 0000000 | Tulare City Elementary | 5,692,493 | 724.14 | 1007.16 | 29.0 | 35.3 | 36.6 | 28.5 |
| 5410546 | 0000000 | Tulare Co. Office Of Education | | 1294.35 | 3235.88 | | | | |
| 5472249 | 0000000 | Tulare Joint Union High | 362,419 | 439.23 | 566.79 | 2.2 | 1.3 | 7.8 | 3.3 |
| 2573593 | 0000000 | Tulelake Basin Joint Unified | 1,657,933 | 958.30 | 1406.87 | 24.0 | 10.2 | 31.4 | 27.2 |
| 5510553 | 0000000 | Tuolumne Co. Office Of Education | 595,104 | 527.08 | 790.63 | 27.8 | 31.9 | 37.0 | 27.5 |
| 5075739 | 0000000 | Turlock Unified | | | | 11.0 | 2.7 | 12.3 | 8.2 |
| 3073643 | 0000000 | Tustin Unified | 6,325 | 0.00 | 0.00 | 0.0 | 0.0 | 0.0 | 0.0 |
| 5572421 | 0000000 | Twain Harte-Long Barn Union Elementary | 5,590,577 | 301.92 | 898.66 | 25.9 | 41.8 | 29.2 | 44.9 |
| 4970961 | 0000000 | Twin Hills Union Elementary | 318,872 | 547.89 | 1705.20 | 31.1 | 42.4 | 32.6 | 47.7 |
| 2966415 | 0000000 | Twin Ridges Elementary | 0 | 250.79 | 1738.00 | 25.8 | 36.7 | 19.4 | 49.3 |
| 4970979 | 0000000 | Two ROCk Union Elementary | 173,800 | 175.94 | 582.07 | 28.5 | 28.7 | 26.8 | 43.2 |
| 2365615 | 0000000 | Ukiah Unified | 326,539 | 497.96 | 1205.22 | 23.1 | 61.5 | 36.8 | 46.2 |
| 4369708 | 0000000 | Union Elementary | 3,699,212 | 568.58 | 778.95 | 26.4 | 23.2 | 32.7 | 27.9 |
| 2966407 | 0000000 | Union Hill Elementary | 83,180 | 230.08 | 1743.24 | 22.1 | 59.8 | 26.0 | 60.7 |
| 2165516 | 0000000 | Union Joint Elementary | 1,066,861 | 234.71 | 1184.71 | 23.3 | 60.9 | 26.7 | 59.6 |
| 5071134 | 6118178 | University Charter School | 174,153 | 684.47 | 13005.00 | 20.0 | 33.3 | 20.0 | 40.0 |
| 0161259 | 0130591 | University Preparatory Charter Academy | 13,005 | 36.96 | 1182.86 | 14.9 | 74.6 | 26.1 | 65.7 |
| 3968585 | 6116594 | University Public School | 8,280 | 0.00 | 0.00 | 23.9 | 35.2 | 43.7 | 28.2 |
| 3675069 | 0000000 | Upland Unified | 9,052 | 158.48 | 706.13 | 29.0 | 49.0 | 35.7 | 47.9 |
| 1764063 | 0000000 | Upper Lake Union Elementary | 3,855,360 | 312.68 | 951.71 | 24.3 | 49.5 | 34.6 | 43.4 |
| 1764071 | 0000000 | Upper Lake Union High | 55,784 | 659.74 | 917.40 | 25.6 | 21.9 | 26.0 | 25.6 |
| 4870573 | 0000000 | Vacaville Unified | 427,510 | 242.84 | 514.82 | 16.7 | 5.8 | 33.8 | 27.0 |
| 3375242 | 0000000 | Val Verde Unified | 115,834 | 288.86 | 1254.28 | 27.7 | 30.5 | 30.5 | 35.5 |
| 1965078 | 0000000 | Valle Lindo Elementary | 4,127,838 | 406.80 | 628.41 | 28.3 | 25.1 | 36.9 | 24.3 |
| 0561580 | 0000000 | Vallecito Union Elementary | 5,060,625 | 401.21 | 560.88 | 31.1 | 33.8 | 37.5 | 32.1 |
| 3768437 | 0000000 | Vallecitos Elementary | 497,503 | 520.84 | 1801.32 | 27.8 | 46.7 | 28.8 | 55.4 |
| 4870581 | 0000000 | Vallejo City Unified | 498,967 | 638.69 | 872.52 | 23.3 | 50.3 | 32.6 | 42.0 |
| | | | 159,672 | | | | | | |
| | | | 8,849,076 | 458.53 | 3946.96 | 25.4 | 20.1 | 33.6 | 25.5 |

**Recommended for Regular Approval:** The following LEAs have submitted a correct and complete Consolidated Application, Part I, and have no compliance issues crucial to student achievement outstanding for more than 365 days. The Department recommends regular approval of these applications.

| CD Code | School Code | Local Educational Agency Name | 2003-2004 ConApp Entitlement | 2003-2004 Entitlement Per Student | 2003-2004 Entitlement Per Low Income Student | 2003 STAR Data Percent of Students Scoring At or Above: Mathematics Basic | Mathematics Advanced or Proficient | Reading Basic | Reading Advanced or Proficient |
|---|---|---|---|---|---|---|---|---|---|
| 3775614 | 0000000 | Valley Center-Pauma Unified | 1,686,839 | 358.90 | 1073.05 | 28.1 | 31.3 | 29.1 | 35.6 |
| 1964733 | 6117949 | Valley Community Charter | | 270.08 | 552.44 | 31.3 | 14.5 | 36.9 | 21.8 |
| 5071324 | 0000000 | Valley Home Joint Elementary | 48,615 | 781.80 | 1501.41 | 25.7 | 41.0 | 28.5 | 41.7 |
| 1964733 | 6019715 | Vaughn Next Century Learning Center | 132,124 | 666.52 | 666.52 | 31.9 | 31.1 | 40.5 | 18.7 |
| 5610561 | 0000000 | Ventura Co. Office Of Education | 857,809 | 692.93 | 14964.67 | | | | |
| 5672652 | 0000000 | Ventura Unified | 778,163 | 360.08 | 1031.37 | 1.9 | 1.2 | 8.8 | 2.6 |
| 3910397 | 3930476 | Venture Academy | 6,389,340 | 16.34 | 50.85 | 26.1 | 39.3 | 29.0 | 43.7 |
| 3667918 | 0000000 | Victor Elementary | 5,054,074 | 533.02 | 929.91 | 11.0 | 7.2 | 23.8 | 16.1 |
| 3667934 | 0000000 | Victor Valley Union High | 7,679 | 413.60 | 760.97 | 26.9 | 40.1 | 35.4 | 33.3 |
| 1964733 | 6117048 | View Park Preparatory Accelerated Charter | 3,331,528 | 0.00 | 0.00 | 25.9 | 15.1 | 33.2 | 24.7 |
| 1964733 | 0101196 | View Park Preparatory Accelerated High School | 0 | 0.00 | 0.00 | 27.1 | 42.5 | 30.1 | 48.1 |
| 1964733 | 6121081 | View Park Preparatory Accelerated Middle | 0 | 0.00 | 0.00 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1563834 | 0000000 | Vineland Elementary | 921,185 | 1049.19 | 1077.41 | 0.0 | 0.0 | 0.0 | 0.0 |
| 5472256 | 0000000 | Visalia Unified | 14,236,808 | 571.03 | 1177.28 | 24.0 | 13.4 | 30.4 | 10.1 |
| 4269344 | 0000000 | Vista Del Mar Union Elementary | 0 | 758.23 | 1677.30 | 25.9 | 23.9 | 32.6 | 28.6 |
| 3768452 | 0000000 | Vista Unified | 10,302,859 | 434.46 | 1030.60 | 28.3 | 46.7 | 33.3 | 45.0 |
| 1062174 | 1030774 | W.E.B. Dubois Public Charter | 55,351 | 0.00 | 0.00 | 27.9 | 33.2 | 30.5 | 36.3 |
| 0761812 | 0000000 | Walnut Creek Elementary | 192,163 | 184.45 | 2775.99 | 3.0 | 0.3 | 14.0 | 2.0 |
| 1973460 | 0000000 | Walnut Valley Unified | 613,494 | 176.23 | 2044.09 | 19.6 | 68.9 | 21.6 | 68.1 |
| 3775416 | 0000000 | Warner Unified | 2,702,283 | 379.19 | 794.00 | 24.3 | 56.7 | 26.1 | 61.5 |
| 1563842 | 0000000 | Wasco Union Elementary | 118,306 | 785.77 | 889.43 | 24.3 | 14.8 | 36.5 | 29.3 |
| 1563859 | 0000000 | Wasco Union High | 2,359,666 | 512.90 | 719.59 | 28.0 | 21.6 | 29.5 | 14.0 |
| 1062513 | 0000000 | Washington Colony Elementary | 674,979 | 672.54 | 832.99 | 18.3 | 6.2 | 21.5 | 14.8 |
| 5772694 | 0000000 | Washington Unified | 328,200 | 758.00 | 1239.80 | 37.5 | 21.0 | 43.1 | 27.8 |
| 2766233 | 0000000 | Washington Union Elementary | 5,484,855 | 140.47 | 10416.31 | 27.4 | 29.2 | 35.1 | 26.3 |
| | | | 135,412 | | | 19.8 | 68.7 | 20.6 | 71.4 |

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|---|---|---|---|---|---|---|---|---|---|
| 5075572 | 0000000 | Waterford Unified | 881,993 | 501.70 | 817.42 | 23.4 | 15.5 | 30.3 | 21.4 |
| 1964733 | 6114912 | Watts Learning Center (Charter) | 104,704 | 461.25 | 542.51 | 34.7 | 34.0 | 43.5 | 40.8 |
| 4970995 | 0000000 | Waugh Elementary | 153,663 | 175.21 | 1873.94 | 20.0 | 66.4 | 23.3 | 66.5 |
| 5472264 | 0000000 | Waukena Joint Union Elementary | 132,171 | 626.40 | 852.72 | 28.7 | 12.2 | 30.4 | 17.1 |
| 5371787 | 0000000 | Weaverville Elementary | 190,338 | 420.17 | 861.26 | 24.4 | 36.5 | 31.5 | 37.4 |
| 4770482 | 0000000 | Weed Union Elementary | 19,429,991 | 1078.13 | 1617.19 | 29.3 | 26.4 | 32.0 | 27.9 |
| 0761796 | 0000000 | West Contra Costa Unified | 430,173 | 552.65 | 1125.33 | 22.7 | 20.5 | 29.6 | 22.8 |
| 1965094 | 0000000 | West Covina Unified | 2,975,036 | 282.66 | 588.88 | 27.1 | 31.8 | 35.1 | 33.2 |
| 1062174 | 1030857 | West Fresno Performing Arts Academy | 99,892 | 636.25 | 1062.68 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1062539 | 6112387 | West Park Charter Academy | 103,616 | 198.88 | 359.78 | 19.2 | 10.3 | 24.1 | 14.3 |
| 1062539 | 0000000 | West Park Elementary | 260,209 | 1334.41 | 1369.52 | 26.3 | 17.5 | 37.5 | 10.0 |
| 4971001 | 0000000 | West Side Union Elementary | 1,470,299 | 373.60 | 1546.28 | 24.3 | 49.5 | 30.6 | 45.0 |
| 3166951 | 0000000 | Western Placer Unified | 55,606 | 386.51 | 1195.37 | 29.4 | 32.3 | 33.7 | 35.0 |
| 3066746 | 0000000 | Westminster Elementary | 6,909,060 | 683.19 | 1102.63 | 28.3 | 41.0 | 36.2 | 35.2 |
| 1363230 | 0000000 | Westmorland Union Elementary | 480,373 | 1135.63 | 1135.63 | 32.5 | 11.1 | 44.6 | 15.0 |
| 1864204 | 1830132 | Westwood Charter School | 18,354 | 15.97 | 52.44 | 10.3 | 6.5 | 22.2 | 10.3 |
| 5872751 | 0000000 | Wheatland Elementary | 637,253 | 261.60 | 569.99 | 33.4 | 42.2 | 33.8 | 47.3 |
| 5872769 | 0000000 | Wheatland Union High | 218,339 | 300.74 | 634.71 | 31.5 | 21.6 | 37.9 | 37.7 |
| 4570169 | 0000000 | Whitmore Union Elementary | 3,747,661 | 1761.12 | 2138.50 | 36.0 | 28.0 | 28.0 | 28.0 |
| 1965110 | 0000000 | Whittier City Elementary | 59,878 | 674.65 | 1020.60 | 30.5 | 27.4 | 39.3 | 22.9 |
| 1965128 | 0000000 | Whittier Union High | 2,620,607 | 240.89 | 683.34 | 20.7 | 9.8 | 34.6 | 25.8 |
| 0661622 | 0000000 | Williams Unified | 645,050 | 642.10 | 757.27 | 31.2 | 25.4 | 39.6 | 19.4 |
| 2365623 | 0000000 | Willits Unified | 1,200,253 | 589.16 | 1106.56 | 25.1 | 21.3 | 28.4 | 29.3 |
| 4770490 | 0000000 | Willow Creek Elementary | 23,378 | 425.05 | 570.20 | 45.1 | 15.7 | 39.2 | 21.6 |
| 3567579 | 0000000 | Willow Grove Union Elementary | 1,318,814 | 605.20 | 1205.50 | 25.0 | 16.7 | 41.7 | 29.2 |
| 1162661 | 0000000 | Willows Unified | 18,156 | 722.64 | 0.00 | 32.7 | 30.2 | 38.8 | 34.7 |
| 4971019 | 0000000 | Wilmar Union Elementary | 1,416,955 | 427.41 | 1687.16 | 22.4 | 58.6 | 36.2 | 50.7 |
| 1965151 | 0000000 | Wilsona Elementary | 96,108 | 663.99 | 926.72 | 24.6 | 36.4 | 36.2 | 21.8 |

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|---|---|---|---|---|---|---|---|---|---|
| 4975358 | 0000000 | Windsor Unified | 1,107,251 | 240.60 | 716.67 | 26.0 | 31.7 | 27.7 | 35.2 |
| 5171456 | 0000000 | Winship Elementary | 15,666 | 290.11 | 979.13 | 20.8 | 31.3 | 37.5 | 37.5 |
| 5772702 | 0000000 | Winters Joint Unified | 905,253 | 453.76 | 949.90 | 29.0 | 25.7 | 32.6 | 26.8 |
| 2465870 | 0000000 | Winton Elementary | 1,705,071 | 950.96 | 1067.00 | 27.4 | 25.1 | 33.5 | 17.7 |
| 1965169 | 0000000 | Wiseburn Elementary | 378,210 | 195.97 | 509.73 | 33.2 | 42.8 | 38.5 | 43.0 |
| 5472272 | 0000000 | Woodlake Union Elementary | 1,485,951 | 931.22 | 1092.34 | 31.0 | 24.1 | 33.0 | 13.2 |
| 5472280 | 0000000 | Woodlake Union High | 479,727 | 593.72 | 723.57 | 17.4 | 3.5 | 30.3 | 21.5 |
| 5772710 | 0000000 | Woodland Joint Unified | 4,238,941 | 385.29 | 1087.19 | 27.0 | 24.7 | 34.0 | 31.8 |
| 4169088 | 0000000 | Woodside Elementary | 84,710 | 193.84 | 3388.40 | 15.5 | 74.5 | 12.9 | 77.9 |
| 5472298 | 0000000 | Woodville Elementary | 885,167 | 1523.52 | 1523.52 | 21.3 | 9.6 | 29.2 | 9.0 |
| 4971035 | 0000000 | Wright Elementary | 488,807 | 370.59 | 800.01 | 24.7 | 47.0 | 34.6 | 38.1 |
| 5710579 | 0000000 | Yolo Co. Office Of Education | 24,589 | 0.00 | 1026.94 | 5.6 | 1.7 | 8.4 | 3.4 |
| 2073734 | 0000000 | Yosemite Joint Union High | 223,872 | 169.86 | 0.00 | 27.9 | 23.2 | 33.0 | 47.5 |
| 4770508 | 0000000 | Yreka Union Elementary | 777,780 | 701.97 | 0.00 | 33.7 | 35.8 | 37.0 | 35.9 |
| 5171464 | 5130125 | Yuba City Charter | 5,433,485 | 244.46 | 520.41 | 26.7 | 24.6 | 34.7 | 31.8 |
| 5171464 | 0000000 | Yuba City Unified | 78,962 | 481.49 | 1009.02 | 27.9 | 33.7 | 33.4 | 32.6 |
| 5810587 | 0000000 | Yuba Co. Office Of Education | 299,174 | 587.77 | 955.83 | 6.0 | 1.6 | 15.7 | 4.1 |
| 3667959 | 0000000 | Yucaipa-Calimesa Jt. Unified | 2,083,451 | 282.32 | 884.46 | 27.1 | 29.4 | 35.8 | 38.6 |

| | |
|---|---|
| Total Number of LEAs in the report | 1165 |
| Total ConApp entitlement for districts receiving regular approval | $2,937,760,140 |
| Total ConApp entitlement for districts receiving conditional approval | $0 |
| Total ConApp entitlement | $2,937,760,140 |

**ITEM #30**

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

| **SUBJECT**<br>Mathematics and Reading Professional Development Program (AB 466) (Chapter 737, Statutes of 2001): Including, but not Limited to, Approval of Training Providers and Training Curricula. | ☒ **Action**<br>☒ **Information**<br>☐ **Public Hearing** |
|---|---|

**RECOMMENDATION**

Approve the recommended providers and training curricula for the purposes of providing professional development under the provisions of the Mathematics and Reading Professional Development Program (AB 466).

**SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION**

At the February 2002 meeting, the Board approved criteria for the approval of training providers and training curricula. The State Board has approved AB 466 training providers and training curricula at previous meetings.

**SUMMARY OF KEY ISSUES**

AB 466 established the Mathematics and Reading Professional Development Program, which provides incentive funding to districts to train teachers, instructional aides, and paraprofessionals in mathematics and reading. Once the providers and their training curricula are determined to have satisfied the State Board-approved criteria and been approved by the State Board, local education agencies may contract with the approved providers for AB 466 professional development.

The AB 466 review panel recommends approval of the following providers and training curricula:

**Sacramento County Office of Education**
Holt Rinehart & Wilson
Literature and Language Arts, grade 11

**Smar$^2$tel Learning Links, LLC**
SRA McGraw-Hill
Open Court 2002, grade 1

**Heinle/Thomson**
Heinle/Thomson
Visions, grades 9-12

## FISCAL ANALYSIS (AS APPROPRIATE)

Approval of additional AB 466 providers allows more LEAs to access training for which $31.7 million was allocated for Fiscal Year 2003-04. A similar amount of funding is anticipated for Fiscal Year 2004-05. Approval of additional providers does not affect the total dollars available.

## ATTACHMENT

None

STATE OF CALIFORNIA ARNOLD SCHWARZENEGGER, *Governor*

# CALIFORNIA STATE BOARD OF EDUCATION

1430 N Street, Suite 5111
Sacramento, CA 95814
(916) 319-0827
(916) 319-0175 (fax)

September 3, 2004

TO: Members, State Board of Education

FR: Deborah Franklin, Education Policy Consultant

RE: Item 30, Mathematics and Reading Professional Development Program (AB 466)
Approval of Training Providers and Training Curricula

Over the last few meetings, the State Board had approved a number of AB 466 providers for State Board adopted instructional materials in mathematics. Many of these approved providers are county offices of education that are working collaboratively to ensure that districts throughout the state have access to AB 466 training in mathematics.

As the county offices of education were developing AB 466 training curricula, with support from the statewide Curriculum and Instruction Steering Committee, the membership of the collaboratives expanded. The collaboratives developed the training curricula over a several month period, initially submitting just one grade for review and then submitting additional grades and county office providers as the initial submissions were approved by the State Board. The result is that not all of the county offices in each collaborative were listed as providers for all grade levels of the approved training curricula.

Two collaboratives have asked that each of the county offices in their collaborative be approved as a provider of AB 466 training for all grade levels of the training curricula developed by the collaborative. The training curricula have already been approved by the State Board.

**Board staff recommends that the State Board approve the following as AB 466 providers:**

| **Providers** | **Adopted Instructional Materials** | **Grade Levels** |
|---|---|---|
| Sacramento, Los Angeles, and San Diego County Offices of Education | Scott Foreman, California Mathematics | K-6 |
| Tulare, Fresno, Ventura, Sacramento, Los Angeles, Santa Cruz, Monterey, and Merced County Offices of Education | Harcourt School Publishers, Harcourt Math | K-6 |

**ITEM #31**

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

| SUBJECT | |
|---|---|
| Mathematics and Reading Professional Development Program (AB 466): Approve Local Education Agencies' (LEAs) Reimbursement Requests | ☒ **Action**<br>☒ **Information**<br>☐ **Public Hearing** |

### RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve reimbursement requests for the attached list of local educational agencies (LEAs) that have complied with required assurances for the AB 466 Program, pursuant to *Education Code* Section 99234(g).

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

*Education Code* Section 99234(g) stipulates that funding may not be provided to an LEA until the SBE approves the agency's certified assurances. During 2003-04 the SBE approved the required assurances when the LEA submitted a Request for Reimbursement.

### SUMMARY OF KEY ISSUES

As a condition of the receipt of funds, *Education Code* Section 99237(a) requires that an LEA submit to the SBE a statement of assurance certified by the appropriate agency official and approved in a public session by the governing body of the agency. LEAs participating in the AB 466 program provide this proof of compliance with assurances by submitting a signed application. LEAs submitting a Request for Reimbursement form additionally provide summary information regarding credentials held by each teacher who has successfully completed training.

The specific amount for each LEA will be determined by CDE staff in accordance with the established practice for this program.

## FISCAL ANALYSIS (AS APPROPRIATE)

The Legislature appropriated $31.7 million for the AB 466 program for 2003-04. Previously approved payments have fully expended the 2003-04 appropriation balance for this program. Since the appropriation balance was fully expended, LEAs were reimbursed from 2003-04 funds on a pro rata basis. Requests for reimbursement in excess of the 2003-04 appropriation will be the first claims against 2004-05 AB 466 funding. LEAs included on the attached list (training completed in 2003-04) will also be reimbursed from 2004-05 appropriated funds ($31.7 million).

## ATTACHMENT(S)

Attachment 1: Certified Assurances from LEA application (2 pages)
Attachment 2: List of LEAs submitting certification of assurance via a Request for Reimbursement Form: Fiscal Year 2003-04 (September 2004) (2 pages)

## Certified Assurances

**I hereby certify that the following assurances will be met (legal requirements):**

- The local educational agency (LEA) will contract with a training provider approved by the State Board of Education (SBE) or a California Professional Development Institute (approved by the UC system for AB 466 training) or will itself become a provider whose curriculum has been approved by the SBE to provide initial training (40 hours for teachers).
- Each student and teacher will be provided with instructional materials aligned to the State content standards in accordance with *Educational Code* (*EC*) Section 99237 (a) (3) (A) and (B) or, for 2003-04 only, *EC* 60423.
- SBE adopted or otherwise authorized instructional materials for grades 1-8 will be adopted by the LEA prior to any initial training.
- Instructional materials for grades 9-12 will be adopted by the LEAs that are aligned to the state reading and/or mathematics standards and curriculum frameworks, and certified as such by the governing board of the LEA.
- All materials for grades K-12 will be in the hands of students in the school term immediately following initial teacher training.
- Teachers who will receive training are those that provide direct instruction in mathematics, science, reading/language arts, or social science.
- Professional development for teachers will include 40 hours of initial instruction provided by an approved provider, plus 80 hours of follow-up instruction per teacher (LEA assumes responsibility for the 80 hours of follow-up instruction).
- Highest priority will be given to training teachers in low-performing schools.
- Priority will be given to training teachers as follows:
  1. Teachers who have not participated in a professional development institute covering a reading or mathematics instructional program.
  2. Teachers who have participated in a professional development institute on a reading or mathematics instructional program but have not yet received supplemental training in the specified areas (Article 3, Section 99234.5 (a) (b)).
- LEA participation in this program will be approved, in a public session, by the local governing board of this LEA applicant.
- A copy of all waivers or requests to waive any program requirements will be filed with the Waiver Office of the California Department of Education (CDE).
- Legal assurances for all programs are accepted as the basic legal condition for the operation of selected projects and programs. Copies of assurances will be retained on site.

**I further assure that the following reporting requirements will be met**:

LEA will provide all required data and reports to the CDE, including but not limited to the following:

Final Report

- Number of teachers receiving training, by credential type (Single Subject: English or Social Science; Single Subject: Mathematics or Science; Special Education; Multiple Subject: Elementary; Multiple Subject: Emergency; Single Subject Emergency: English or Social Science; Single Subject Emergency: Mathematics or Science; Single Subject Emergency: Special Education). Holders of emergency 30-day substitute teaching permits issued by the California Commission on Teacher Credentialing are **not** eligible to receive training offered pursuant to this program.
- Names of providers that received funds.
- By each provider, the number of teachers trained in mathematics and reading, respectively.
- Information on the effectiveness of the program, including (at a minimum) survey data gathered from program participants and follow-up survey data with participants' school principals.
- To the extent possible, information on the teacher retention rates as associated with this professional development program for each credential type and/or subject matter. (At a minimum, must include sample data concerning teachers who are no longer in the profession.)

LEA will respond to any additional surveys or other methods of data collection that may be required throughout the life of the program.

The following local educational agencies have submitted certification of assurance via a Signed Request for Reimbursement Form:

| COUNTY | LEA NAME | NUMBER OF TEACHERS | | | | PROVIDER | MATERIALS |
|---|---|---|---|---|---|---|---|
| | | Reading 40 Hours | Reading 80 Hours | Mathematics 40 Hours | Mathematics 80 Hours | | |
| Amador | Amador County Unified | 3 | | | | RIC San Joaquin COE | A Legacy of Literacy |
| Colusa | Maxwell Unified | 3 | | | | Calabash | A Legacy of Literacy |
| Fresno | Caruthers Unified | 1 | | | | RIC San Joaquin COE | A Legacy of Literacy |
| Fresno | Clovis Unified | 75 | | | | RIC San Joaquin COE | A Legacy of Literacy |
| Fresno | Coalinga-Huron Joint Unified | 29 | | | | RIC San Joaquin COE | A Legacy of Literacy |
| Fresno | Mendota Unified | 16 | | | | RIC San Joaquin COE | A Legacy of Literacy |
| Kern | Arvin Union Elementary | 13 | | | | RIC Los Angeles COE | A Legacy of Literacy |
| Kern | Blake Elementary | 1 | | | | RIC San Joaquin COE | A Legacy of Literacy |
| Kern | Delano Union Elementary | 43 | | | | RIC San Joaquin COE | A Legacy of Literacy |
| Kern | Mojave Unified | 7 | | | | RIC Los Angeles COE | A Legacy of Literacy |
| Kern | Rosedale Union Elementary | 11 | | | | RIC San Joaquin COE | A Legacy of Literacy |
| Los Angeles | Eastside Union Elementary | 3 | | | | RIC Los Angeles COE | A Legacy of Literacy |
| Los Angeles | Lancaster Elementary | 234 | | | | Calabash | A Legacy of Literacy |
| Riverside | Baker Valley Unified | 1 | | | | RIC San Diego COE | A Legacy of Literacy |

| COUNTY | LEA NAME | NUMBER OF TEACHERS | | | | PROVIDER | MATERIALS |
|---|---|---|---|---|---|---|---|
| | | Reading 40 Hours | Reading 80 Hours | Mathematics 40 Hours | Mathematics 80 Hours | | |
| Orange | Magnolia Elementary | 23 | | | | RIC San Diego COE | A Legacy of Literacy |
| Sacramento | Natomas Unified | 2 | | | | RIC Sacramento COE | A Legacy of Literacy |
| San Bernardino | San Bernardino City Unified | 767 | 402 | | | CORE | A Legacy of Literacy |
| San Bernardino | Victor Valley Union High | 10 | | | | Sopris West | Language! |
| San Diego | Alpine Union Elementary | 1 | | | | RIC San Diego COE | A Legacy of Literacy |
| San Diego | Chula Vista Elementary | 2 | | | | RIC San Diego COE | A Legacy of Literacy |
| San Diego | Lemon Grove Elementary | 18 | | | | RIC San Diego COE | A Legacy of Literacy |
| Santa Barbara | Guadalupe Union Elementary | 2 | | | | RIC Sacramento COE | Open Court 2002 |
| Shasta | Columbia Elementary | 8 | | | | RIC Butte COE | A Legacy of Literacy |
| Stanislaus | Keyes Union Elementary | 4 | | | | Sacramento COE | Literature and Language Arts |
| Stanislaus | Newman-Crows Landing Unified | 9 | | | | RIC San Joaquin COE | A Legacy of Literacy |
| Tulare | Pixley Union Elementary | 35 | 35 | | | Calabash | A Legacy of Literacy |
| Trinity | Cox Bar Elementary | 2 | | | | RIC Sacramento COE | A Legacy of Literacy |
| | **TOTAL** | **1,323** | **437** | | | | |

**ITEM #32**

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

| SUBJECT | |
|---|---|
| The Principal Training Program (AB 75): Approval of Local Educational Agencies (LEAs) and Consortia applications for funding | ☒ **Action**<br>☒ **Information**<br>☐ **Public Hearing** |

### RECOMMENDATION

The California Department of Education requests State Board of Education approval by name only of the attached list of LEAs and Consortia members who have submitted applications for funding under The Principal Training Program (AB 75).

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education approved criteria and requirements for The Principal Training Program applications at the February 6-7, 2002 meeting.

### SUMMARY OF KEY ISSUES

The Principal Training Program requires the State Board of Education to approve all program applicants.

### FISCAL ANALYSIS (AS APPROPRIATE)

Administration of funding is dependent upon further information to be provided by LEAs, such as names of administrator participants and number of hours in actual training. It is feasible that initial award requests will be amended throughout the three-year funding period.

Estimated State expenditures resulting from this action: $144,000.

### ATTACHMENT (S)

Attachment 1: Local Educational Agencies Recommended for State Board of Education Approval (1 Page)
Attachment 2: Consortia Members Recommended for State Board of Education Approval (1 Page)
Attachment 3: Program Summary (1 Page)

**PRINCIPAL TRAINING PROGRAM**
**Local Educational Agencies Recommended**
**For State Board of Education Approval**
**September 2004**

*Applications received during the months of June and July 2004*

| LOCAL EDUCATIONAL AGENCIES | Total Number of Site Administrators | Total Amount of State Funding Requested |
|---|---|---|
| **FRESNO** | | |
| Golden Plains Unified | 7 | $21,000 |
| **KERN** | | |
| Midway Elementary | 1 | $3,000 |
| **MENDOCINO** | | |
| Willits Unified | 3 | $9,000 |
| **SAN DIEGO** | | |
| Eagles Peak Charter | 5 | $15,000 |
| **SONORA** | | |
| Santa Rosa High, City of | 10 | $30,000 |
| Kashia Elementary | 1 | $3,000 |
| **STANISLAUS** | | |
| Keyes Union Elementary | 1 | $3,000 |
| La Grange Elementary | 1 | $3,000 |
| **VENTURA** | | |
| Oak Park Unified | 3 | $9,000 |
| Ojai Unified | 2 | $6,000 |
| **TOTAL** | **34** | **$102,000** (34 X $3,000) |

**PRINCIPAL TRAINING PROGRAM**
**Consortia Members Recommended**
**For State Board of Education Approval**
**September 2004**

*Applications received during the months of June and July 2004*

| CONSORTIA with recommended Membership | Total Number of Site Administrators | Total Amount of State Funding Requested |
|---|---|---|
| **SANTA BARBARA** | | |
| Lucia Mar Unified | 7 | $21,000 |
| Shandon Joint Unified | 2 | $6,000 |
| **SHASTA** | | |
| Corning Union High | 3 | $9,000 |
| Mineral Elementary | 1 | $3,000 |
| Weed Union | 1 | $3,000 |
| **TOTAL** | **14** | **$42,000** (14 x 3,000) |

# PRINCIPAL TRAINING PROGRAM
## Program Summary
## September 2004

**CURRENT REQUEST SUMMARY**
**Applications received in June and July 2004**

Total number of LEAs recommended for September Approval: 10

Total number of administrators: 34

Total state funds requested by Single LEAs for September approval:
(34 x $3000) $102,000

Total number of new Consortia recommended for September approval: None
(New participants added: 14) (14 x $3,000) $42,000

**Total State Funds Requested** **$144,000**
(34 LEAs; 14 new Consortium participants x $3,000)

**<u>SUMMARY TO DATE</u>**

Total number of participating LEAs
(407 Single LEA + 249 LEAs included in 20 SBE-approved Consortia): 656

Total number of administrators anticipated for program participation: 10,791

**ITEM #33**

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

| SUBJECT | |
|---|---|
| The Principal Training Program (AB 75): Approval of Training Providers | ☒ **Action**<br>☒ **Information**<br>☐ **Public Hearing** |

### RECOMMENDATION

The California Department of Education requests approval of the list of Recommended Training Providers for The Principal Training Program (AB 75).

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) approved the original criteria and requirements for The Principal Training Program applications at the February 2002 meeting.

### SUMMARY OF KEY ISSUES

The Principal Training Program requires the SBE to approve all program applicants. Applications to become SBE-approved providers are reviewed using SBE adopted criteria.

### FISCAL ANALYSIS (AS APPROPRIATE)

This item is solely for approval of training providers. Approval of the providers does not directly result in the expenditure of any funds. There are relatively minor state costs associated with the review of submissions by prospective training providers.

### ATTACHMENT (S)

Attachment 1: Principal Training Program: Recommended List of Training Providers (2 Pages)

# PRINCIPAL TRAINING PROGRAM
# RECOMMENDED LIST OF TRAINING PROVIDERS
# September 2004

## MODULE 1 – Leadership and Support of Instructional Programs

**The Achievement Council**

*Middle School Level (In partnership with Sacramento County Office of Education)*

| | |
|---|---|
| McDougal Littell | Reading & Language Arts Program (6-8) |
| Holt, Rinehart and Winston | Literature & Language Arts (6-8) |
| Prentice Hall | Timeless Voices, Timeless Themes (6-8) |
| SRA / McGraw-Hill | REACH Reading System (4-8) |
| Hampton Brown | Hampton Brown, High Point (4-8) |
| McDougal Littell | Concept & Skills (6-8) |
| McDougal Littell | Structure and Method (6-8) |
| Prentice Hall | Prentice Hall Pre-Algebra, CA Ed. (7) |
| Prentice Hall | Prentice Hall Algebra 1, CA Ed. (8) |

*High School Level (In partnership with Sacramento County Office of Education)*

| | |
|---|---|
| McDougal Littell | Reading & Language Arts Program (9-10) |
| Prentice Hall | Timeless Voices, Timeless Themes (9-10) |
| SRA / McGraw-Hill | REACH Reading System (4-8) |
| Hampton Brown | Hampton Brown, High Point (4-8) |
| McDougal Littell | Concepts & Skills (6-8) |
| McDougal Littell | Structure and Method (6-8) |
| Prentice Hall | Prentice Hall Pre-Algebra, CA Ed. (7) |
| Prentice Hall | Prentice Hall Algebra 1, CA Ed. (8) |

**Imperial County Office of Education**

*High School Level (in partnership with Stanislaus County Office of Education)*

| | |
|---|---|
| Holt, Rinehart and Winston | Literature & Language Arts (9-10) |
| SRA / McGraw-Hill | REACH Reading System (4-8) |
| McDougal Littell | Concept & Skills (6-8) |
| Prentice Hall | Prentice Hall Algebra 1, CA Ed. (8) |

*High School Level (in partnership with Sacramento County Office of Education)*

| | |
|---|---|
| McDougal Littell | Reading & Language Arts Program (9-10) |
| Hampton Brown | Hampton Brown, High Point (4-8) |

# PRINCIPAL TRAINING PROGRAM
# RECOMMENDED LIST OF TRAINING PROVIDERS
# September 2004

**Santa Barbara County Office of Education**

| | |
|---|---|
| Day 1 and Day 5 | CDE Module 1: High School Level |

*High School Level (in partnership with Stanislaus County Office of Education)*

| | |
|---|---|
| McDougal Littell | Reading & Language Arts Program (9-10) |
| Holt, Rinehart and Winston | Literature & Language Arts (9-10) |
| Prentice Hall | Timeless Voices, Timeless Themes (9-10) |
| SRA / McGraw-Hill | REACH Reading System (4-8) |
| Hampton Brown | Hampton Brown, High Point (4-8) |
| McDougal Littell | Concept & Skills (6-8) |
| Prentice Hall | Prentice Hall Pre-Algebra, CA Ed. (7) |
| Prentice Hall | Prentice Hall Algebra 1, CA Ed. (8) |

**Monterey County Office of Education**

*Middle School Level (in partnership with Stanislaus County Office of Education)*

| | |
|---|---|
| Hampton Brown | Hampton Brown, High Point (4-8) |
| McDougal Littell | Concept & Skills (6-8) |
| Prentice Hall | Prentice Hall Algebra 1, CA Ed. (8) |

*Middle School Level (in partnership with Sacramento County Office of Education)*

| | |
|---|---|
| McDougal Littell | Reading & Language Arts Program (6-8) |

*High School Level (in partnership with Sacramento County Office of Education)*

| | |
|---|---|
| McDougal Littell | Reading & Language Arts Program (9-10) |

*High School Level (in partnership with Stanislaus County Office of Education)*

| | |
|---|---|
| Hampton Brown | Hampton Brown, High Point (4-8) |
| McDougal Littell | Concept & Skills (6-8) |
| Prentice Hall | Prentice Hall Algebra 1, CA Ed. (8) |

**Contra Costa County Office of Education**

*Middle School Level*

| | |
|---|---|
| Hampton Brown | Hampton Brown, High Point (4-8) |
| McDougal Littell | Concept & Skills (6-8) |

*High School Level*

| | |
|---|---|
| Hampton Brown | Hampton Brown, High Point (4-8) |

**ITEM #34**

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

| **SUBJECT** | |
|---|---|
| Mathematics and Reading Professional Development Program (AB 466): Adopt Title 5 Regulations | ☒ **Action**<br>☒ **Information**<br>☐ **Public Hearing** |

### RECOMMENDATION

The California Department of Education recommends that the State Board of Education (SBE) consider comments received during the 45-day public comment period, at the public hearing, and during the 15-day comment period and take action to adopt the regulations.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE approved the Notice of Proposed Rulemaking, the proposed Title 5 Regulations for the Mathematics and Reading Professional Development Program (AB 466), and the beginning of the 45-day comment process at its meeting on May 12, 2004. The Public hearing was held on July 6, 2004. At the July 2004 meeting the SBE directed staff to send out revised proposed regulations with modifications requested by the SBE for a 15-day public comment period and bring the proposed revised regulations to the SBE for action at the September 2004 meeting.

### SUMMARY OF KEY ISSUES

The proposed regulations clarify the intent of the legislation and stipulate that program funding shall be limited to providing professional development to teachers, paraprofessionals, and instructional aides eligible to receive instruction as set forth in *Education Code* Section 99233 and *California Code of Regulations, Title 5*, Section 11981, in one instructional materials program per subject area (reading/language arts and mathematics) with modifications as described in Section 11985 (d) of the proposed regulations.

### FISCAL ANALYSIS (AS APPROPRIATE)

The Mathematics and Reading Professional Development Program (AB 466) is funded at the level of $31.7 million in 2003-04. The proposed regulations would not impact the amount of funding the program receives or the amount a local educational agency would receive as reimbursement for teachers, paraprofessionals, or instructional aides trained.

## ATTACHMENT (S)

Attachment 1: Revised Proposed Regulations (2 pages)
Attachment 2: Final Statement of Reasons (3 pages)

**Title 5. EDUCATION**

**Division 1. State Department of Education**

**Chapter 11. Special Programs**

**Subchapter 21. Mathematics and Reading Professional Development Program**

*Amend Sections 11981 and 11985 to read:*

**§ 11981. Teacher Eligibility.**

In addition to those identified in Education Code Section 99233, ~~(a)T~~teachers who hold a multiple-subject credential, whose primary assignment is to teach in a classroom that is not self-contained, and who are employed in a public school, will be eligible to receive instruction in mathematics if their primary teaching assignment is mathematics and/or science and may receive instruction in reading/language arts if their primary teaching assignment is reading/language arts or social science.

NOTE: Authority cited: Section 99236, Education Code. Reference: Section 99233, Education Code.

**§ 11985. Participation Requirement.**

(a) The Superintendent of Public Instruction shall award funding to local educational agencies for each participant that fully meets the hour requirements of the Mathematics and Reading Professional Development Program (Article 3, Chapter 5, of Part 65 of the Education Code [Sections 99234(h) and 99237(b)] and Subchapter 21, Chapter 11, Division 1 of Title 5, California Code of Regulations [Section 11980(c)]).

(b) Beginning in 2004-05 fiscal year, such funding shall be limited to one 120 hour sequence of professional development divided into 40 hours of initial training and 80 hours of follow-up professional development per subject area for each teacher eligible to receive instruction as set forth in Education Code Section 99233 and Title 5, California Code of Regulations, Section 11981.

(c) Beginning in 2004-05 fiscal year, such professional development funding shall be limited to one training per subject area for each paraprofessional and instructional aide eligible to receive instruction as set forth in Education Code Section 99233.

(d) Notwithstanding subdivision (b), if funding is available at the end of a fiscal year,

the Superintendent of Public Instruction shall also award funding for additional professional development training to eligible teachers if any of the following conditions applies:

(1) The local educational agency has changed its adopted instructional materials program and approved training is available for the new program.

(2) The teacher's assignment has changed.

(3) The teacher's course assignment has changed to an area in which the teacher has not previously received the applicable training.

(e) If no funding is available at the end of a fiscal year, the Superintendent of Public Instruction shall not award funding for additional professional development training pursuant to subdivision (d).

NOTE: Authority cited: Section 99236, Education Code. Reference: Sections 99234(h) and 99237(b), Education Code.

# FINAL STATEMENT OF REASONS
## Mathematics and Reading Professional Development Program (AB 466)

UPDATE OF INITIAL STATEMENT OF REASONS

The purpose for the regulations is to ensure that program funding is allocated to participating local educational agencies on an equal basis. These regulations will also assist efforts to increase the number of California teachers, paraprofessionals, and instructional aides who may receive high-quality professional development in reading/language arts and mathematics.

The regulations limit reimbursement to local educational agencies for teachers successfully completing training to one 120 hour sequence of professional development divided into 40 hours of initial training and 80 hours of follow-up professional development per subject area (reading/language arts and mathematics) for each teacher eligible to receive instruction as set forth in *Education Code* Section 99233 and Title 5, California Code of Regulations, Section 11981.

**SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE INITIAL NOTICE PERIOD OF MAY 21, 2004 THROUGH JULY 6, 2004.**

The text was made available to the public from May 21, 2004 through July 6, 2004. The Superintendent received the following comments on the modified text:

**Comment**: Sharon Van Vleck, Director, Elementary Curriculum and Rebecca Brown, Coordinator, Elementary Curriculum, Sacramento City Unified School District, and Ronni Ephraim, Chief Instructional Officer, Los Angeles Unified School District, via letter, and Sandra Lam, Teaching and Learning Department, San Francisco Unified School District, via e-mail, commented that the proposed regulations should allow local educational agencies to receive reimbursement for training the same teacher more than once, per subject area (reading/language arts and mathematics), in the following situations: if a district changes the instructional materials program, if there is a change in grade-level assignment, and if there is more than one instructional materials program assignment for teachers with a single-subject credential.

In addition, the writers recommended that the proposed changes for teachers should also apply to paraprofessionals and instructional aides.

***Response:*** *The proposed regulations were revised to allow the Superintendent of Public Instruction to award funding to local educational agencies for the provision of professional development to eligible teachers as listed below, if funding is available at the end of a fiscal year:*

1) *The local educational agency has changed its adopted instructional materials program and approved training is available for the new program;*
2) *The teacher's assignment has changed by more than two grade levels;*
3) *The teacher's course assignment has changed to an area in which the teacher has not previously received the applicable training.*

*The enabling legislation established the following prioritization for participation in the program:*

*(a) Teachers who have not participated in a professional development institute in reading or mathematics that is authorized pursuant to Article 2 (commencing with Section 99220) shall be accorded first priority for training.*

*(b) Teachers who have participated in a professional development institute in reading or mathematics that is authorized pursuant to Article 2 (commencing with Section 99220), but who have not yet received supplemental training in the areas specified in paragraph (2) of subdivision (a) of Section 99237 shall be accorded second priority for training.*

*The California Department of Education believes the intent of AB 466 is to provide training to teachers who have not had the opportunity to receive quality professional development such as that provided by AB 466 in the past, not to retrain teachers who have already had the opportunity to take advantage of AB 466 training.*

**Comment:** Dr. Louise Bay Waters, Associate Superintendent, Student Achievement, Oakland Unified School District, via letter, commented that the proposed regulations should allow local educational agencies to receive reimbursement for training the same teacher more than once per subject area (reading/language arts and mathematics), for teachers switching from an older version of a State Board of Education adopted instructional materials program to a newer version of that program.

***Response:*** *Section 11983.5 "Definition of Instructional Materials…Otherwise Authorized by the State Board of Education" (California Code of Regulations), already provides a mechanism for districts using older versions of State Board of Education adopted instructional materials to add components so that these materials can be retained and used in the classroom. Local educational agencies can then use these updated instructional materials to qualify for AB 466 reimbursement.*

**Comment Received Late:** Paramount Unified School District, no response required.

## COMMENTS RECEIVED DURING THE PERIOD THE 15-DAY NOTICE AND PROPOSED REGULATION TEXT WAS AVAILABLE TO THE PUBLIC.

The modified text was made available to the public from July 14, 2004 through July 28, 2004, inclusive. The State Board did not receive any comments on the modified text.

## ALTERNATIVES DETERMINATION.

The State Board has determined that no alternative would be more effective in carrying out the purpose for which the regulations 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.

**REGULATIONS TO BECOME EFFECTIVE UPON FILING.**

It is important that these regulations become effective as soon as possible to ensure that program funding is allocated to participating local educational agencies on an equal basis.

8-2-04

**ITEM #35**

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

| SUBJECT | |
|---|---|
| Gifted and Talented Education (GATE): Approval of Local Educational Agency (LEA) Applications for Funding | ☒ **Action**<br>☒ **Information**<br>☐ **Public Hearing** |

### RECOMMENDATION

Approve the 2004-05 LEA applications for GATE program funding. The list of LEAs recommended for approval is provided in Attachments 2-5.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) annually approves LEA applications for GATE program funding in accordance with *Education Code* (*EC*) Section 52212.

### SUMMARY OF KEY ISSUES

*EC* Section 52212 authorizes the SBE to approve LEA GATE applications for one, two, three, or five years based on the quality of the LEA GATE plans. Applications were evaluated by readers in accordance with the SBE approved *Recommended Standards for Programs for Gifted and Talented Students*.

### FISCAL ANALYSIS (AS APPROPRIATE)

The fiscal year (FY) 2004-05 state budget appropriation for the GATE program is $44,018,000. An additional $4,092,000 has been deferred to the 2005-06 fiscal year. The state funding includes $404,000 for increases in average daily attendance at a rate of .95 percent and $1,036,000 for a cost-of-living adjustment at a rate of 2.4 percent. The funding level is approximately $8.67 per average daily attendance (a.d.a.). A total of approximately 800 LEAs will be participating in the GATE program this year.

### ATTACHMENT (S)

Attachment 1: GATE Program Funding Summary (2 Pages)
Attachment 2: GATE 2004-05 1-Year Approvals (5 Pages)
Attachment 3: GATE 2004-05 2-Year Approvals (4 Pages)
Attachment 4: GATE 2004-05 3-Year Approvals (5 Pages)
Attachment 5: GATE 2004-05 5-Year Approvals (1 Page)
Attachment 6: *Recommended Standards for Programs for Gifted and Talented Students* (8 Pages)

# GATE PROGRAM FUNDING SUMMARY

The FY 2004-05 state budget appropriation for the GATE Program is $44,018,000. An additional $4,092,000 has been deferred to the 2005-06 fiscal year. Per *EC* Section 52211, LEA GATE apportionments are calculated through a funding formula that uses the prior year's statewide a.d.a. in kindergarten and grades 1-12, reported by all participating districts at the second principal apportionment, to determine the per pupil GATE funding for each LEA. LEAs with less than 1,500 a.d.a. receive $2,500 or not less than the amount received in FY 1998-99. No district receives less per a.d.a. than the amount it received in FY 1999-00. An additional deficit factor may be applied in order to align the GATE funding calculations with the state funding. The funding level is approximately $8.67 per a.d.a. An estimated 800 LEAs will participate in the GATE program this year

All LEAs new to the GATE program and ones whose approval has expired submit GATE applications to CDE in the spring. Applications are read and scored through a grant reading process by representatives from the California Association for the Gifted, LEAs, and CDE. Applications are score based upon the quality and ability of the LEAs GATE Plan to address the SBE approved *Recommended Standards for Programs for Gifted and Talented Students* (see Attachment 6). The recommended standards were adopted by the SBE in 2001.

The table below provides information regarding 360 LEAs that submitted FY 2004-05 applications. A total of 335 LEA applications are recommended for one-, two-, and three-year funding. A total of 25 LEA applications are recommended for five-year funding. Per *EC* Section 552212(b), the CDE will conduct site visits to all LEAs recommended for five year approval. It is anticipated that CDE will seek additional SBE approval for an estimated 30 LEAs at the SBE's November meeting. The additional approval will be necessary due to late or incomplete applications.

In addition, there are 409 districts with continuing applications that were previously SBE approved for two, three, and five years that will receive FY 2004-05 funding.

***LEA APPLICATIONS RECOMMENDED FOR APPROVAL***

| Attachment Number | Number of Years Approved for Funding | GATE Program Standards | Number of LEAs |
|---|---|---|---|
| 2 | One Year | Minimum | 114 |
| 3 | Two Years | Commendable | 91 |
| 4 | Three Years | Exemplary | 130 |
| 5 | Five Years | Exceeds | 25 |
| | | **Total Number of LEAs** | **360** |

# GATE 2004-05 1-Year Approvals

| County | District | District Identified GATE Students | Proposed Funding for FY 2004-05 |
|---|---|---|---|
| *Alameda* | | | |
| | Newark Unified School District | 761 | $55,615 |
| *Alpine* | | | |
| | Alpine County Unified School District | 5 | $2,322 |
| *Butte* | | | |
| | Gridley Unified School District | 220 | $14,347 |
| | Palermo Union Elementary School District | 73 | $16,843 |
| *Colusa* | | | |
| | Pierce Joint Unified School District | 20 | $9,843 |
| | Williams Unified School District | 62 | $16,843 |
| *Contra Costa* | | | |
| | Antioch Unified School District | 935 | $154,011 |
| | Canyon Elementary School District | 22 | $9,140 |
| *El Dorado* | | | |
| | Black Oak Mine Unified School District | 235 | $14,947 |
| | Camino Union School District | 70 | $3,777 |
| | Lake Tahoe Unified School District | 441 | $38,376 |
| | Placerville Union Elementary School District | 108 | $12,968 |
| | Pollock Pines Elementary School District | 69 | $9,095 |
| *Fresno* | | | |
| | Kerman Unified School District | 328 | $27,438 |
| | Laton Unified School District | 28 | $11,284 |
| | Pacific Union Elementary School District | 30 | $11,790 |
| | Parlier Unified School District | 73 | $24,637 |
| | Sierra Unified School District | 214 | $15,987 |
| | Washington Colony Elementary School District | 9 | $9,537 |
| | West Fresno Elementary School District | 50 | $16,505 |
| | Westside Elementary School District | 25 | $7,947 |
| *Glenn* | | | |
| | Hamilton Union Elementary School District | 25 | $9,934 |
| *Inyo* | | | |
| | Big Pine Unified School District | 23 | $9,934 |
| | Bishop Union Elementary School District | 50 | $16,843 |
| | Owens Valley Unified School District | 5 | $4,371 |

| County | District | District Identified GATE Students | Proposed Funding for FY 2004-05 |
|---|---|---|---|
| *Kern* | | | |
| | Bakersfield City Elementary School District | 667 | $206,614 |
| | Edison Elementary School District | 38 | $16,001 |
| | McFarland Unified School District | 156 | $20,808 |
| | Mojave Unified School District | 140 | $19,404 |
| | Rio Bravo-Greeley Elementary School District | 49 | $16,505 |
| | Southern Kern Unified School District | 221 | $23,465 |
| *Lake* | | | |
| | Konocti Unified School District | 131 | $23,675 |
| | Middletown Unified School District | 173 | $14,709 |
| | Upper Lake Union School District | 49 | $12,487 |
| *Lassen* | | | |
| | Westwood Unified School District | 49 | $12,463 |
| *Los Angeles* | | | |
| | San Marino Unified School District | 890 | $24,585 |
| | Valle Lindo Elementary School District | 79 | $16,505 |
| | William S. Hart School District | 2,213 | $138,447 |
| | Wilsona School District | 80 | $15,303 |
| | Wiseburn Elementary School District | 121 | $14,617 |
| *Madera* | | | |
| | Chawanakee Unified School District | 49 | $16,843 |
| | Golden Valley Unified School District | 48 | $19,548 |
| | Madera Unified School District | 1,072 | $124,016 |
| *Marin* | | | |
| | Kentfield Elementary School District | 100 | $9,400 |
| *Mendocino* | | | |
| | Anderson Valley Unified School District | 40 | $9,107 |
| *Merced* | | | |
| | Atwater Elementary School District | 333 | $35,410 |
| | Ballico-Cressey Elementary School District | 36 | $9,432 |
| | Delhi Unified School District | 147 | $16,736 |
| | Los Banos Unified School District | 445 | $57,343 |
| *Modoc* | | | |
| | Modoc Joint Unified School District | 50 | $16,843 |
| *Monterey* | | | |
| | Lagunita Elementary School District | 8 | $3,440 |
| | Santa Rita Union School District | 140 | $20,360 |

| County | District | District Identified GATE Students | Proposed Funding for FY 2004-05 |
|---|---|---|---|
| *Napa* | | | |
| | Pope Valley Union Elementary School District | 10 | $2,322 |
| *Nevada* | | | |
| | Nevada City Elementary School District | 783 | $14,165 |
| *Orange* | | | |
| | Magnolia Elementary School District | 58 | $47,853 |
| | Newport-Mesa Unified School District | 1,339 | $166,232 |
| *Placer* | | | |
| | Newcastle Elementary School District | 45 | $14,148 |
| | Ophir Elementary School District | 17 | $7,747 |
| | Roseville City Elementary School District | 276 | $53,996 |
| | Western Placer Unified School District | 180 | $39,462 |
| *Riverside* | | | |
| | Palo Verde Unified School District | 195 | $27,116 |
| *Sacramento* | | | |
| | Center Joint Unified School District | 438 | $42,379 |
| | Del Paso Heights Elementary School District | 35 | $15,754 |
| | North Sacramento Elementary School District | 112 | $41,194 |
| *San Bernardino* | | | |
| | Hesperia Unified School District | 2,670 | $117,789 |
| | Yucaipa-Calimesa Joint Unified School District | 413 | $68,415 |
| *San Joaquin* | | | |
| | New Hope Elementary School District | 42 | $14,148 |
| | Ripon Unified School District | 108 | $20,755 |
| *San Luis Obispo* | | | |
| | Lucia Mar Unified School District | 1,198 | $80,752 |
| | San Luis Coastal Unified School District | 759 | $57,935 |
| *San Mateo* | | | |
| | Belmont-Redwood Shores School District | 185 | $19,002 |
| | La Honda-Pescadero School District | 50 | $16,843 |
| | Pacifica School District | 353 | $24,002 |
| | San Mateo Union High School District | 1,078 | $61,240 |
| *Santa Barbara* | | | |
| | Cold Spring School District | 19 | $13,176 |
| | Hope School District | 50 | $16,843 |
| *Santa Clara* | | | |
| | Oak Grove Elementary School District | 1,244 | $87,768 |

| County | District | District Identified GATE Students | Proposed Funding for FY 2004-05 |
|---|---|---|---|
| *Santa Cruz* | | | |
| | Santa Cruz City Elementary School District | 182 | $20,109 |
| | Santa Cruz City High School District | 285 | $36,764 |
| *Shasta* | | | |
| | Anderson Union High School District | 350 | $16,616 |
| | Black Butte Union Elementary School District | 22 | $10,105 |
| | Castle Rock Union Elementary School District | 27 | $8,697 |
| | Fall River Joint Unified School District | 80 | $14,288 |
| | Shasta Union High School District | 1,948 | $37,942 |
| | Whitmore Union Elementary School District | 6 | $2,322 |
| *Siskiyou* | | | |
| | Hornbrook Elementary School District | 2 | $2,322 |
| *Sonoma* | | | |
| | Harmony Union Elementary School District | 50 | $16,843 |
| | Healdsburg Unified School District | 417 | $20,301 |
| | Kenwood Elementary School District | 26 | $9,934 |
| | Twin Hills Union Elementary School District | 52 | $16,843 |
| | Waugh Elementary School District | 50 | $15,700 |
| *Stanislaus* | | | |
| | Hickman Elementary School District | 100 | $7,610 |
| | Waterford Unified School District | 77 | $13,489 |
| *Sutter* | | | |
| | Live Oak Unified School District | 69 | $13,058 |
| | Meridian Elementary School District | 18 | $2,614 |
| | Yuba City Unified School District | 330 | $83,275 |
| *Tehama* | | | |
| | Bend Elementary School District | 7 | $3,931 |
| | Corning Union Elementary School District | 64 | $14,625 |
| | Lassen View Union Elementary School District | 30 | $2,322 |
| | Mineral Elementary School District | 3 | $2,322 |
| | Plum Valley Elementary School District | 6 | $2,322 |
| | Red Bluff High School District | 496 | $14,590 |
| | Reed's Creek Elementary School District | 24 | $7,947 |

| County | District | District Identified GATE Students | Proposed Funding for FY 2004-05 |
|---|---|---|---|
| *Tulare* | | | |
| | Exeter Union Elementary School District | 112 | $13,182 |
| | Exeter Union High School District | 42 | $11,116 |
| | Monson-Sultana Joint Union Elementary School District | 46 | $10,552 |
| | Pixley Union Elementary School District | 22 | $9,537 |
| | Porterville Unified School District | 549 | $91,465 |
| | Sundale Union Elementary School District | 18 | $5,455 |
| *Tuolumne* | | | |
| | Big Oak Flat-Groveland School District | 90 | $16,169 |
| *Ventura* | | | |
| | Mesa Union Elementary School District | 50 | $13,149 |
| | Rio Elementary School District | 90 | $29,365 |
| | Somis Union School District | 45 | $8,705 |
| *Yolo* | | | |
| | Washington Unified School District | 409 | $50,254 |
| *Yuba* | | | |
| | Plumas Elementary School District | 49 | $11,322 |

# GATE 2004-05 2-Year Approvals

| County | District | District Identified GATE Students | Proposed Funding for FY 2004-05 |
|---|---|---|---|
| *Alameda* | | | |
| | Castro Valley Unified School District | 1,809 | $61,658 |
| | San Leandro Unified School District | 1,041 | $64,554 |
| *Calaveras* | | | |
| | Bret Harte Union High School District | 50 | $16,843 |
| *Colusa* | | | |
| | Maxwell Unified School District | 36 | $12,301 |
| *Contra Costa* | | | |
| | John Swett Elementary School District | 156 | $13,607 |
| *Fresno* | | | |
| | American Union Elementary School District | 30 | $9,264 |
| | Fowler Unified School District | 32 | $16,024 |
| | Sanger Unified School District | 157 | $53,315 |
| *Humboldt* | | | |
| | Bridgeville Elementary School District | 19 | $3,485 |
| *Kern* | | | |
| | Buttonwillow Union School District | 28 | $6,358 |
| | Fruitvale School District | 78 | $23,161 |
| | Lamont Elementary School District | 154 | $20,451 |
| | Sierra Sands Unified School District | 389 | $41,966 |
| | Tehachapi Unified School District | 313 | $33,351 |
| *Kings* | | | |
| | Armona Union Elementary School District | 34 | $16,843 |
| | Corcoran Joint Unified School District | 75 | $23,452 |
| *Lake* | | | |
| | Lakeport Unified School District | 113 | $14,335 |
| *Lassen* | | | |
| | Janesville Union Elementary School District | 38 | $9,177 |
| *Los Angeles* | | | |
| | Compton Unified School District | 732 | $235,302 |
| | Culver City Unified School District | 584 | $50,351 |
| | El Segundo Unified School District | 257 | $22,991 |
| | Hacienda La Puente Unified School District | 1,402 | $180,552 |
| | Monrovia Unified School District | 412 | $49,176 |

| County | District | District Identified GATE Students | Proposed Funding for FY 2004-05 |
|---|---|---|---|
| *Madera* | | | |
| | Alview-Dairyland Elementary School District | 30 | $10,105 |
| | Chowchilla Union High School District | 35 | $16,843 |
| | Coarsegold Union Elementary School District | 75 | $16,843 |
| *Marin* | | | |
| | Dixie Elementary School District | 171 | $14,067 |
| | Larkspur Elementary School District | 48 | $16,843 |
| | San Rafael City High School District | 211 | $15,775 |
| *Mendocino* | | | |
| | Fort Bragg Unified School District | 68 | $14,735 |
| | Willits Unified School District | 149 | $15,291 |
| *Merced* | | | |
| | Dos Palos-Oro Loma Joint Unified School District | 237 | $20,100 |
| | Hilmar Unified School District | 78 | $17,855 |
| *Monterey* | | | |
| | Gonzales Unified School District | 202 | $17,632 |
| | King City Joint Union High School District | 50 | $15,940 |
| | Washington Union School District | 50 | $16,843 |
| *Nevada* | | | |
| | Pleasant Ridge Union Elementary School District | 87 | $14,180 |
| *Orange* | | | |
| | La Habra City Elementary School District | 311 | $48,845 |
| | Laguna Beach Unified School District | 345 | $20,232 |
| *Placer* | | | |
| | Foresthill Union Elementary School District | 50 | $16,843 |
| | Penryn Elementary School District | 45 | $9,432 |
| | Tahoe-Truckee Joint Unified School District | 314 | $33,040 |
| *Riverside* | | | |
| | Lake Elsinore Unified School District | 1,394 | $139,647 |
| | Murrieta Valley Unified School District | 942 | $117,070 |
| | Palm Springs Unified School District | 830 | $162,636 |
| *Sacramento* | | | |
| | Elk Grove Unified School District | 3,288 | $389,137 |
| | Folsom-Cordova Unified School District | 1,232 | $130,435 |

| County | District | District Identified GATE Students | Proposed Funding for FY 2004-05 |
|---|---|---|---|
| *San Bernardino* | | | |
| | Baker Valley Unified School District | 216 | $2,322 |
| | Bear Valley Unified School District | 234 | $24,733 |
| | Colton Joint Unified School District | 1,251 | $174,077 |
| | Rim of the World Unified School District | 414 | $41,924 |
| | San Bernardino County Office of Education | 100 | $25,784 |
| | Silver Valley Unified School District | 252 | $21,360 |
| | Trona Joint Unified School District | 15 | $2,800 |
| | Upland Unified School District | 1,104 | $91,881 |
| | Victor Valley Union High School District | 563 | $57,133 |
| *San Luis Obispo* | | | |
| | San Miguel Joint Union Elementary School District | 50 | $10,721 |
| *San Mateo* | | | |
| | Menlo Park City Elementary School District | 113 | $13,830 |
| | Redwood City School District | 482 | $60,233 |
| *Santa Barbara* | | | |
| | College School District | 50 | $16,843 |
| | Guadalupe Union Elementary School District | 113 | $15,832 |
| | Lompoc Unified School District | 384 | $85,920 |
| | Los Alamos Elementary School District | 20 | $8,345 |
| | Santa Ynez Valley Union High School District | 600 | $13,214 |
| | Solvang Elementary School District | 40 | $14,821 |
| *Santa Clara* | | | |
| | Mt. Pleasant School District | 125 | $21,581 |
| *Santa Cruz* | | | |
| | Bonny Doon Union Elementary School District | 20 | $7,947 |
| | Soquel Union Elementary School District | 269 | $15,953 |
| *Shasta* | | | |
| | Mountain Union Elementary School District | 9 | $8,742 |
| | Redding School District | 145 | $27,039 |
| *Siskiyou* | | | |
| | Bogus Elementary School District | 5 | $2,322 |
| | Butteville Union Elementary School District | 15 | $2,930 |
| | Gazelle Union Elementary School District | 5 | $2,322 |
| | Happy Camp Union Elementary School District | 9 | $2,322 |

| County | District | District Identified GATE Students | Proposed Funding for FY 2004-05 |
|---|---|---|---|
| *Sonoma* | | | |
| | Alexander Valley Elementary School District | 12 | $4,371 |
| | Cloverdale Unified School District | 128 | $13,535 |
| | Guerneville Elementary School District | 40 | $15,158 |
| | Montgomery Elementary School District | 10 | $16,843 |
| | Roseland Elementary School District | 50 | $14,677 |
| | Wilmar Union School District | 23 | $9,537 |
| *Stanislaus* | | | |
| | Keyes Union Elementary School District | 37 | $6,582 |
| | Newman-Crows Landing School District | 87 | $16,594 |
| | Salida Union Elementary School District | 137 | $23,618 |
| *Sutter* | | | |
| | Winship Elementary School District | 5 | $2,322 |
| *Tulare* | | | |
| | Burton Elementary School District | 215 | $19,932 |
| | Cutler-Orosi Joint School District | 178 | $29,859 |
| | Tulare City Elementary School District | 339 | $59,113 |
| | Woodlake Union Elementary School District | 78 | $11,982 |
| | Woodville Elementary School District | 32 | $9,095 |
| *Ventura* | | | |
| | Santa Paula Union High School District | 132 | $12,555 |
| *Yuba* | | | |
| | Wheatland Elementary School District | 59 | $11,918 |

# GATE 2004-05 3-Year Approvals

| County | District | District Identified GATE Students | Proposed Funding for FY 2004-05 |
|---|---|---|---|
| *Alameda* | | | |
| | Alameda Unified School District | 672 | $78,098 |
| | Hayward Unified School District | 1,640 | $178,733 |
| | Oakland Unified School District | 4,187 | $362,578 |
| | San Lorenzo Unified School District | 687 | $85,659 |
| *Contra Costa* | | | |
| | Knightsen Elementary School District | 42 | $8,870 |
| | Liberty Union High School District | 396 | $31,726 |
| | Mt. Diablo Unified School District | 3,609 | $274,454 |
| | Oakley Union Elementary School District | 385 | $32,553 |
| | Pittsburg Unified School District | 271 | $70,604 |
| | San Ramon Valley Unified School District | 1,398 | $163,464 |
| *Del Norte* | | | |
| | Del Norte County Unified School District | 574 | $30,370 |
| *El Dorado* | | | |
| | Gold Trail Union School District | 52 | $11,658 |
| | Latrobe School District | 59 | $15,834 |
| | Mother Lode Union Elementary School District | 105 | $11,995 |
| *Fresno* | | | |
| | Golden Plains Unified School District | 50 | $13,227 |
| | Kings Canyon Unified School District | 172 | $65,920 |
| | Kingsburg Elementary Charter School | 69 | $17,763 |
| | Mendota Unified School District | 106 | $15,414 |
| | Selma Unified School District | 584 | $43,848 |
| *Humboldt* | | | |
| | Blue Lake Union Elementary School District | 24 | $9,537 |
| | Rio Dell Elementary School District | 28 | $10,105 |
| *Kings* | | | |
| | Central Union Elementary School District | 72 | $15,123 |
| | Reef-Sunset Unified School District | 198 | $16,125 |
| *Lake* | | | |
| | Lucerne Elementary School District | 45 | $9,786 |
| *Lassen* | | | |
| | Johnstonville Elementary School District | 18 | $7,153 |
| | Susanville Elementary School District | 47 | $16,843 |

| County | District | District Identified GATE Students | Proposed Funding for FY 2004-05 |
|---|---|---|---|
| *Los Angeles* | | | |
| | Centinela Valley High School District | 1,347 | $52,493 |
| | Eastside Union School District | 130 | $17,745 |
| | El Rancho Unified School District | 517 | $92,430 |
| | Glendora Unified School District | 507 | $60,215 |
| | Gorman Elementary School District | 10 | $7,153 |
| | Hughes-Elizabeth Lakes School District | 26 | $6,736 |
| | Keppel Union Elementary School District | 85 | $21,805 |
| | Lancaster Elementary School District | 961 | $114,405 |
| | Las Virgenes Unified School District | 1,631 | $91,290 |
| | Los Nietos Elementary School District | 71 | $17,931 |
| | Lowell Joint Elementary School District | 317 | $25,326 |
| | Palmdale Elementary School District | 828 | $164,138 |
| | San Gabriel Unified School District | 489 | $42,045 |
| | Santa Monica-Malibu Unified School District | 1,854 | $94,970 |
| | South Pasadena Unified School District | 468 | $31,188 |
| | South Whittier Elementary School District | 158 | $34,851 |
| | Torrance Unified School District | 225 | $188,337 |
| | Westside Union Elementary School District | 439 | $53,445 |
| | Whittier City Elementary School District | 291 | $55,444 |
| *Madera* | | | |
| | Chowchilla Elementary School District | 50 | $11,494 |
| | Raymond-Knowles Elementary School District | 10 | $3,485 |
| *Marin* | | | |
| | Laguna Joint School District | 6 | $2,322 |
| | Lincoln School District | 6 | $2,322 |
| | Nicasio School District | 6 | $2,322 |
| | Ross Valley Elementary School District | 179 | $13,558 |
| | Sausalito Marin City School District | 25 | $3,974 |
| | Union Joint School District | 6 | $2,322 |
| *Mendocino* | | | |
| | Mendocino Unified School District | 43 | $10,964 |
| | Potter Valley Community Unified School District | 25 | $7,549 |
| *Merced* | | | |
| | Livingston Union Elementary School District | 281 | $18,504 |
| | Merced City Elementary School District | 363 | $81,002 |
| | Merced Union High School District | 2,186 | $69,483 |

| County | District | District Identified GATE Students | Proposed Funding for FY 2004-05 |
|---|---|---|---|
| *Monterey* | | | |
| | Carmel Unified School District | 154 | $16,286 |
| | Greenfield Union School District | 164 | $17,687 |
| | North Monterey County Unified School District | 675 | $38,055 |
| | Pacific Grove Unified School District | 133 | $14,760 |
| *Napa* | | | |
| | Howell Mountain Elementary School District | 11 | $2,322 |
| *Nevada* | | | |
| | Pleasant Valley Elementary School District | 50 | $16,337 |
| | Ready Springs Union School District | 35 | $14,821 |
| *Orange* | | | |
| | Brea-Olinda Unified School District | 536 | $46,680 |
| | Cypress Elementary School District | 313 | $36,826 |
| | Placentia-Yorba Linda Unified School District | 2,260 | $198,738 |
| *Placer* | | | |
| | Rocklin Unified School District | 762 | $63,877 |
| *Riverside* | | | |
| | Banning Unified School District | 351 | $33,113 |
| | Jurupa Unified School District | 1,141 | $150,937 |
| | Menifee Union Elementary School District | 316 | $40,859 |
| *San Bernardino* | | | |
| | Barstow Unified School District | 618 | $49,356 |
| | Ontario-Montclair Elementary School District | 850 | $204,469 |
| | San Bernardino City Unified School District | 3,400 | $405,050 |
| | Snowline Joint Unified School District | 204 | $47,078 |
| *San Diego* | | | |
| | Cardiff Elementary School District | 47 | $8,088 |
| | Chula Vista Elementary School District | 1,402 | $151,438 |
| | Fallbrook Union Elementary School District | 565 | $44,081 |
| | Jamul-Dulzura Union School District | 66 | $8,326 |
| *San Francisco* | | | |
| | San Francisco Unified School District | 7,910 | $407,701 |
| *San Joaquin* | | | |
| | Lammersville Elementary School District | 14 | $8,543 |
| | New Jerusalem School District | 28 | $9,605 |
| *San Luis Obispo* | | | |
| | Pleasant Valley Joint Union Elementary School District | 19 | $3,921 |
| | Templeton Unified School District | 483 | $19,984 |

| County | District | District Identified GATE Students | Proposed Funding for FY 2004-05 |
|---|---|---|---|
| *San Mateo* | | | |
| | Bayshore School District | 50 | $2,916 |
| | Brisbane Elementary School District | 50 | $14,316 |
| | Jefferson Union High School District | 600 | $43,000 |
| | San Mateo-Foster City School District | 1,032 | $76,003 |
| *Santa Barbara* | | | |
| | Los Olivos Elementary School District | 63 | $16,843 |
| | Santa Maria Joint Union High School District | 600 | $46,510 |
| *Santa Clara* | | | |
| | Campbell Union High School District | 670 | $54,632 |
| | Franklin-McKinley Elementary School District | 885 | $74,981 |
| | Lakeside Joint Elementary School District | 19 | $7,947 |
| | Luther Burbank School District | 22 | $13,477 |
| | Milpitas Unified School District | 839 | $71,811 |
| | Moreland Elementary School District | 642 | $33,476 |
| | Mountain View-Whisman School District | 405 | $34,000 |
| *Santa Cruz* | | | |
| | San Lorenzo Valley Unified School District | 482 | $23,817 |
| *Shasta* | | | |
| | Columbia Elementary School District | 47 | $15,496 |
| | Igo-Ono-Platina Union School District | 5 | $5,166 |
| | Pacheco Union Elementary School District | 49 | $16,843 |
| | Shasta Union Elementary School District | 24 | $12,632 |
| *Siskiyou* | | | |
| | Yreka Union High School District | 23 | $8,252 |
| *Solano* | | | |
| | Vallejo City Unified School District | 1,012 | $139,477 |
| *Sonoma* | | | |
| | Gravenstein School District | 147 | $16,843 |
| | Horicon Elementary School District | 8 | $7,549 |
| | Oak Grove Union Elementary School District | 73 | $16,843 |
| | Old Adobe Union Elementary School District | 74 | $15,149 |
| | Petaluma City Elementary School District | 102 | $16,014 |
| | Petaluma Joint Union High School District | 570 | $40,981 |
| | Piner-Olivet Union School District | 50 | $11,857 |
| | Wright Elementary School District | 50 | $16,843 |

| County | District | District Identified GATE Students | Proposed Funding for FY 2004-05 |
|---|---|---|---|
| *Stanislaus* | | | |
| | Chatom Union Elementary School District | 33 | $13,475 |
| | Denair Unified School District | 56 | $9,769 |
| | Empire Union Elementary School District | 256 | $31,474 |
| | Oakdale Unified School District | 368 | $35,308 |
| | Stanislaus Union Elementary School District | 158 | $24,730 |
| | Turlock Unified School District | 244 | $95,257 |
| *Sutter* | | | |
| | Browns Elementary School District | 10 | $4,357 |
| | East Nicolaus High School District | 39 | $9,135 |
| *Tehama* | | | |
| | Flournoy Union School District | 6 | $2,322 |
| | Red Bluff Union Elementary School District | 67 | $16,945 |
| | Richfield Elementary School District | 42 | $9,432 |
| *Tulare* | | | |
| | Earlimart School District | 124 | $12,433 |
| | Visalia Unified School District | 2,386 | $183,105 |
| | Woodlake Union High School District | 71 | $15,158 |
| *Ventura* | | | |
| | Fillmore Unified School District | 190 | $28,965 |
| | Hueneme Elementary School District | 681 | $65,126 |
| | Simi Valley Unified School District | 1,652 | $162,161 |
| *Yolo* | | | |
| | Esparto Unified School District | 51 | $6,056 |

# GATE 2004-05 5-Year Approvals

(Pending site validation by the Department)

| County | District | District Identified GATE Students | Proposed Funding for FY 2004-05 |
|---|---|---|---|
| *Contra Costa* | | | |
| | Moraga Elementary School District | 150 | $15,278 |
| *Los Angeles* | | | |
| | Azusa Unified School District | 559 | $92,741 |
| | Charter Oak Unified School District | 376 | $53,082 |
| | Garvey Elementary School District | 215 | $52,242 |
| | Lennox School District | 451 | $53,181 |
| | Mountain View Elementary School District | 296 | $79,179 |
| | Saugus Union Elementary School District | 662 | $76,343 |
| *Marin* | | | |
| | Reed Union Elementary School District | 38 | $10,226 |
| *Orange* | | | |
| | Buena Park School District | 233 | $44,179 |
| | Ocean View School District | 345 | $76,807 |
| *Riverside* | | | |
| | Alvord Unified School District | 671 | $141,560 |
| *Sacramento* | | | |
| | Grant Joint Union High School District | 678 | $89,468 |
| *San Benito* | | | |
| | Hollister School District | 289 | $46,640 |
| *San Joaquin* | | | |
| | Lincoln Unified School District | 411 | $65,652 |
| *San Luis Obispo* | | | |
| | Atascadero Unified School District | 660 | $42,552 |
| *Solano* | | | |
| | Travis Unified School District | 218 | $40,012 |
| | Vacaville Unified School District | 772 | $104,320 |
| *Trinity* | | | |
| | Burnt Ranch Elementary School District | 11 | $2,322 |
| | Coffee Creek School District | 2 | $2,322 |
| | Cox Bar Elementary School District | 2 | $2,322 |
| | Douglas City Elementary School District | 11 | $5,960 |
| | Lewiston Elementary School District | 7 | $2,834 |
| | Mountain Valley Union School District | 31 | $16,505 |
| | Weaverville Elementary School District | 48 | $15,496 |
| *Ventura* | | | |
| | Moorpark Unified School District | 550 | $58,701 |
| *Yuba* | | | |
| | Marysville Joint Unified School District | 628 | $70,611 |

## *Recommended Standards for Programs for Gifted and Talented Students*

***For one year approval, standards in the first column should be in place. For a two year approval, standards in both column one and column two should be in place. When standards in all three columns are in place, districts may expect a three year approval. Each level should show increasing quality.***

**Section 1: Program Design** Districts provide a comprehensive continuum of services and program options responsive to the needs, interests, and abilities of gifted students and based on philosophical, theoretical, and empirical support. **(*EC* 52205d and 52206a)**

| 1:1 The plan for the district program has a written statement of philosophy, goals, and standards appropriate to the needs and abilities of gifted learner | | |
|---|---|---|
| **Minimum Standards: One year approval**<br>**a.** The plan includes an intellectual component with objectives that meet or exceed state academic content standards.<br>**b.** The plan incorporates expert knowledge, is approved by the local Board of Education and is available.<br>**c.** The plan aligns with the available resources of the schools, staff, parents and community.<br>**d.** A GATE advisory committee representing educators, community members and parents is formed to support the needs of the program. | **Commendable Standards: Two year approval**<br>**a.** The district plan is disseminated and easily accessible to parents and the community in pamphlet, website, or other forms.<br>**b.** Participation in the program is not limited by other problems of logistics.<br>**c.** A district GATE advisory committee representing all constituents meets on a regular basis to assist in program planning and assessment. | **Exemplary Standards: Three year approval**<br>**a.** The district plan includes identification and program options in one or more of the categories of creative ability, leadership, and visual and performing arts. |
| 1:2 The program provides administrative groupings and structures appropriate for gifted education and available to all gifted learners. | | |
| **Minimum Standards: One year approval**<br>**a.** Administrative groupings and structures appropriate for gifted education may include cluster grouping, part-time grouping, special day classes, and special schools.<br>**b.** The program provides services that are an integral part of the school day.<br>**c.** The program provides for continuous progress and intellectual peer interaction.<br>**d.** The program provides for flexible grouping in the classroom to meet student needs and abilities.<br>**e.** Children in grades K-2 are served even if not formally identified. | **Commendable Standards: Two year approval**<br>**a.** A range of appropriate administrative grouping options and structure is available. At the secondary level such groupings and structures are not limited to a single type at any grade level**.** | **Exemplary Standards: Three year approval**<br>**a.** The program structure and delivery of services provide a balance between cognitive and affective learning. |
| 1:3 The program is articulated with the general education programs. | | |
| **Minimum Standards: One year approval**<br>**a.** The program provides continuity within the gifted program and with the general education program.<br>**b.** A coordinator is designated and responsible for all aspects of the program.<br>**c.** The program involves the home and community. | **Commendable Standards: Two year approval**<br>**a.** The program is planned and organized to provide articulated learning experiences across subjects and grade levels. | **Exemplary Standards: Three year approval**<br>**a.** The program is comprehensive, structured, and sequenced between, within, and across grade levels, K-12.<br>**b.** The program provides support services including counselors and consultants. |

**Section 2: Identification** The district's identification procedures are equitable, comprehensive, and ongoing. They reflect the district's definition of giftedness and its relationship to current state criteria. **(*EC* 52202: Title 5 Regulations, Section 3822)**

| 2:1 The nomination/referral process is ongoing and includes students K-12. | | |
|---|---|---|
| **Minimum Standards: One year approval**<br>**a**. All children are eligible for the nomination process regardless of socioeconomic, linguistic or cultural background, and/or disabilities.<br>**b.** The district establishes and implements both traditional and nontraditional instruments and procedures for searching for gifted students. All data is used to ensure equal access to program services.<br>**c.** Referrals are sought from classroom teachers and parents. District actively searches for referrals among underrepresented populations.<br>**d.** Students may be nominated for participation more than once.<br>**e.** All staff receive training and information about the nomination process, including the characteristics of gifted learners and have access to nomination forms. | **Commendable Standards: Two year approval**<br>**a.** Training in the identification process is provided that is specifically appropriate for administrators, teachers and support personnel.<br>**b.** The district maintains data on nominees and includes these data in reassessing students who are referred more than once. | **Exemplary Standards: Three year approval** |
| 2:2 An assessment/identification process is in place to ensure that all potentially gifted students are appropriately assessed for identification as gifted students | | |
| **Minimum Standards: One year approval**<br>**a.** A committee, including the GATE coordinator and certificated personnel , make final determinations on individual student eligibility for the program.<br>**b.** Evidence from multiple sources is used to determine eligibility and a data record or file is established for each nominee.<br>**c.** Parents and teachers are notified of a student's eligibility for program placement and are informed of the appeal process.<br>**d.** Transfer students are considered for identification and placement in a timely manner. | **Commendable Standards: Two year approval**<br>**a.** The identification tools used are reflective of the district's population.<br>**b.** The district makes timely changes in identification tools and procedures based on the most current research. | **Exemplary Standards: Three year approval**<br>**a.** Personnel trained in gifted education meet at regular intervals to determine eligibility of individual candidates.<br>**b.** The diversity of the district's student population is increasingly reflected in the district GATE population. |
| 2:3 Multiple service options are available within the gifted education program and between other educational programs. Placement is based on the assessed needs of the student and is periodically reviewed. | | |
| **Minimum Standards: One year approval**<br>**a.** Students and parents are provided information and orientation regarding student placement and participation options. Signed parent permission for participation is on file.<br>**b.** Upon parent request the district provides identification information the parent may take to a new school or district.<br>**c.** Participation in the program is based on the criteria of identification and is not dependent on the perception of a single individual. Once identified, a student remains identified as a gifted student in the district, though | **Commendable Standards: Two year approval**<br>**a.** Before any student is considered for withdrawal from the program, interventions are implemented and a meeting is held with the parents and student. | **Exemplary Standards: Three year approval** |

| | | |
|---|---|---|
| services to individuals may vary from year to year. | | |

**Section 3: Curriculum and Instruction** Districts develop differentiated curriculum, instructional models and strategies that are aligned with and extend the state academic content standards and curriculum frameworks. The differentiated curriculum is related to theories, models, and practices from the recognized literature in the field. (***EC* 52206a and 52206b**)

| 3:1 A differentiated curriculum is in place, responsive to the needs, interests, and abilities of gifted students. | | |
|---|---|---|
| **Minimum Standards: One year approval** | **Commendable Standards: Two year approval** | **Exemplary Standards: Three year approval** |
| **a.** The differentiated curriculum facilitates gifted students in their ability to meet or exceed state core curriculum and standards.<br>**b.** The differentiated curriculum provides for the balanced development of critical, creative, problem solving and research skills, advanced content, and authentic and appropriate products.<br>**c.** The differentiated curriculum focuses primarily on depth and complexity of content, advanced or accelerated pacing of content and novelty (unique and original expressions of student understanding).<br>**d.** The differentiated curriculum facilitates development of ethical standards, positive self-concepts, sensitivity and responsibility to others, and contributions to society. | **a.** The core curriculum is compacted for gifted students so that learning experiences are developmentally appropriate (not redundant) to their needs, interests, and abilities.<br>**b.** There is alignment of the differentiated curriculum with instructional strategies that promote inquiry, self-directed learning, discussion, debate, metacognition, and other appropriate modes of learning.<br>**c.** The differentiated curriculum includes learning theories that reinforce the needs, interests, and abilities of gifted students including abstract thinking and big ideas of the content area. | **a.** A scope and sequence for the gifted program articulates the significant learning in content, skills, and products within and among grade levels K-12. |
| 3:2 The differentiated curriculum for gifted students is supported by appropriate structures and resources. | | |
| **Minimum Standards: One year approval** | **Commendable Standards: Two year approval** | **Exemplary Standards: Three year approval** |
| **a.** The differentiated curriculum is scheduled on a regular basis and is integral to the school day.<br>**b.** The differentiated curriculum is taught with appropriate instructional models.<br>**c.** The differentiated curriculum is supported by appropriate materials and technology. | **a.** The structure differentiated curriculum allows for continuity and comprehensiveness of learning experiences in units and courses of study.<br>**b.** The differentiated curriculum utilizes a variety of teaching and learning patterns: large and small group instruction, homogeneous and heterogeneous grouping, teacher and student directed learning, and opportunities for independent study.<br>**c.** An extensive range of resources (including out of grade level print and non print materials) is available to augment differentiated curriculum and to supplement independent study opportunities for individual students. | **a.** The differentiated curriculum is planned both for groups of gifted learners within a grade level or class and for individual gifted learners. |

**Section 4: Social and Emotional Development** Districts establish and implement plans to support the social and emotional development of gifted learners to increase responsibility, self-awareness, and other issues of affective development. **(*EC* 52212a1)**

| 4:1 Actions to meet the affective needs of gifted students are ongoing. | | |
|---|---|---|
| **Minimum Standards: One year approval**<br>**a.** Teachers, parents, administrators, and counselors are provided with information and training regarding the characteristics of gifted learners and their related social and emotional development.<br>**b.** Gifted students are provided awareness opportunities of career and college options and guidance consistent with their unique strengths. At the secondary level this includes mentoring and pre college opportunities. | **Commendable Standards: Two year approval**<br>**a.** Teachers are trained and knowledgeable regarding social and emotional development of gifted students, and incorporate techniques to support affective learning in their classrooms.<br>**b.** Guidance and counseling services appropriate to the social and emotional needs of gifted students are provided by trained personnel. Referral services to community resources are made when appropriate. | **Exemplary Standards: Three year approval**<br>**a.** Ongoing counseling services by teachers, principals, and counselors are provided and documented as appropriate.<br>**b.** Teachers and guidance personnel are trained to collaborate in implementing intervention strategies for at-risk gifted students. Intervention options can take place in school, at home or in the community. |
| 4:2 At risk gifted students are monitored and provided support ( e.g. underachievement, symptoms of depression, suicide, substance abuse). | | |
| **Minimum Standards: One year approval**<br>**a.** Teachers are trained to recognize symptoms of at-risk behavior in gifted and talented students and to refer them to appropriate school personnel.<br>**b.** Counselors and administrators are trained to make appropriate referrals to internal and external agencies when needed.<br>**c.** Gifted students considered at-risk receive counseling and support services and are not dropped from gifted programs because of related problems.<br>**d.** Information and support are made available to parents regarding at-risk gifted students. | **Commendable Standards: Two year approval**<br>**a.** The district develops a plan for teachers to work in collaboration with guidance personnel regarding at-risk intervention strategies. | **Exemplary Standards: Three year approval**<br>**a.** At risk gifted students are provided with specific guidance and counseling services that address the related issues and problems, and include development of an intervention plan. |

**Section 5: Professional Development** Districts provide professional development opportunities related to gifted education to administrators, teachers, and staff to support and improve educational opportunities for gifted students. **(*EC* 52212a1)**

| 5:1 The district provides professional development opportunities related to gifted learners on a regular basis. | | |
|---|---|---|
| **Minimum Standards: One year approval**<br>**a.** The professional development opportunities are correlated with defined competencies for teachers of the gifted and the standards for GATE programs. The focus each year is based on a yearly assessment of the needs of teachers and of the GATE program.<br>**b.** An evaluation of outcomes obtained from professional development is conducted to determine effectiveness. Results are used to make improvements and for future planning.<br>**c.** Individuals selected to conduct inservice for teachers of gifted learners have knowledge and expertise in the area of gifted education. | **Commendable Standards: Two year approval**<br>**a.** The district encourages teachers to focus on gifted education as one of the areas of professional growth hours for credential renewal.<br>**b.** A district process to qualify teachers to teach gifted students is in place. | **Exemplary Standards: Three year approval**<br>**a.** A district professional development plan to accommodate different levels of teacher competency is in place. |
| 5:2 District personnel with direct decision-making and/or instructional responsibilities for gifted students are provided with role specific training. | | |
| **Minimum Standards: One year approval**<br>**a.** Teachers in the program have education and/or experience in teaching gifted students or are insured opportunities to gain or continue such knowledge and experience.<br>**b.** A coordinator is in place with experience and knowledge of gifted education or is ensured the opportunity to gain such knowledge.<br>**c.** Administrators, counselors, and support staff participate in professional development offerings related specifically to their roles and responsibilities in the GATE program.<br>**d.** Administrators, counselors, and support staff are encouraged to participate with teachers in the ongoing professional development program related to gifted students. | **Commendable Standards: Two year approval**<br>**a.** The district promotes the concept of teacher-to-teacher professional development in addition to contracting experts to conduct an inservice. | **Exemplary Standards: Three year approval**<br>**a.** All teachers assigned to teach gifted students are certified through a variety of formal and informal certificate programs.<br>**b.** The coordinator of the program is a specialist in gifted education with demonstrated experience and knowledge in the field.<br>**c.** Follow-up classroom support for application of activities and strategies presented during inservice or professional development are planned**.**<br>**d.** The district identifies support personnel both inside and outside the district with expertise in meeting the needs of gifted learners. |

**Section 6: Parent & Community Involvement** Districts provide procedures to ensure consistent participation of parents and community members in the planning and evaluation of programs for gifted students. **(*EC* 52205 2f)**

| 6:1 Open communication with parents and the community is maintained. | | |
|---|---|---|
| **Minimum Standards: One year approval**<br>**a.** Parents are informed of the district's criteria and procedures for identifying gifted and talented students as well as the program options and learning opportunities available. Translations are provided.<br>**b.** The district's state application is available to parents and the community.<br>**c.** GATE parents are involved in the ongoing planning and evaluation of the GATE program. | **Commendable Standards: Two year approval**<br>**a.** The district and/or school provides parents of students identified as gifted and talented with orientation and regular updates regarding the program and its implementation.<br>**b.** The products and achievements of gifted students are shared with parents in a variety of ways. | **Exemplary Standards: Three year approval**<br>**a.** Parents are involved in the development of the application and/or school site plans related to GATE programs.<br>**b.** The talents of GATE parents and other community resources supplement the core and the differentiated curriculum.<br>**c.** Partnerships between the GATE program and business and community organizations are established. |
| 6:2 An active GATE advisory committee with parent involvement is supported by the district. | | |
| **Minimum Standards: One year approval**<br>**a.** Parents participate in the district/site advisory committees. It is recommended that the committee meet at least three times a year.<br>**b.** The district Gate coordinator collaborates with the GATE advisory committee to provide parent education opportunities related to gifted education.<br>**c.** Efforts are made to insure that representation of GATE parents on the GATE advisory committee reflect the demographics of the student population. | **Commendable Standards: Two year approval**<br>**a.** A parent member of the GATE advisory committee cosigns the district's state application.<br>**b.** Parents participate in the GATE advisory committee which meets on a regular basis.<br>**c.** GATE advisory committees and/or School Site Councils are regularly informed of current research and literature in gifted education.<br>**d.** The district GATE coordinator collaborates with the district GATE advisory committee to offer professional development opportunities to staff, parents, and community members related to gifted education.<br>**e.** The district GATE coordinator and the district GATE advisory committee solicit community support. | **Exemplary Standards: Three year approval**<br>**a.** The parents of special needs students, such as gifted English language learners and gifted disabled students, participate in the district's GATE advisory committee. This may include special provisions such as changing meeting sites and times and providing transportation. |

**Section 7: Program Assessment** Districts establish formal and informal evaluation methods and instruments that assess the gifted program and the performance of gifted students (which meets or exceeds state content standards). Results of data collected, including state standardized tests, are used to study the value and impact of the services provided and to improve gifted programs and gifted student performance. **(*EC* 52212a1)**

| 7:1 The district provides ongoing student and GATE program assessment that is consistent with the program's philosophy, goals, and standards. | | |
|---|---|---|
| **Minimum Standards: One year approval**<br>**a.** All components of the program are periodically reviewed by individuals knowledgeable about gifted learners and who have competence in the evaluation process. The results are used for continuing program development.<br>**b.** The program assessment process is structured to measure the goals and standards of the program; instruments used are valid and reliable for their intended purpose.<br>**c.** The district uses multiple, traditional and nontraditional strategies to assess student performance. These include standardized and criterion referenced achievement tests, questionnaires, and performance-based measures. | **Commendable Standards: Two year approval**<br>**a.** Individuals planning and conducting the assessment activities have expertise in gifted education program evaluation.<br>**b.** The program contains a clear description of performance expectations of gifted students defined at each grade level.<br>**c.** Criteria for levels of performance or rubrics are used as part of the assessment process.<br>**d.** The assessment process includes strategies that parallel the instruction as a means to collect information about student knowledge and capability. Strategies include student inquiry, collaboration, and reflection.<br>**e**. The results of the program assessment are presented to the local Board of Education and accessible to all constituencies of the program.<br>**f.** Districts provide sufficient resources to fund program assessment. | **Exemplary Standards: Three year approval**<br>**a.** Criteria for levels of performance or rubrics are used for each assessment product, course, and/or grade level.<br>**b.** The assessment report for all educational services involving gifted students includes both strengths and weaknesses of the program and is accompanied by a plan with implications for improvement and renewal over time.<br>**c.** Districts allocate time, financial support, and personnel to conduct regular and systematic formative and summative program assessment**.** |

**Section 8: Budgets** District budgets for gifted programs support and provide for all the components of the district's GATE program and meet the related standards. **(*EC* 52209, 52212a1,2,3)**

| 8:1 The district GATE budget is directly related to the GATE program objectives with appropriate allocations. | | |
|---|---|---|
| **Minimum Standards: One year approval**<br>**a.** Gate funds and/or funding sources are used to address:<br>• professional development<br>• direct student services<br>• district level coordination<br>• GATE student identification process<br>**b.** Expenditures of state GATE funds supplement, not supplant, district funds spent on gifted learners.<br>**c.** There is a budget allocation for district GATE coordination by a single individual on a full or part time basis. When appropriate site coordinators should be included in the budget.<br>**d.** Carry-over monies are minimal and maintained within the district GATE accounts.<br>**e.** Indirect costs do not exceed state limitations. | **Commendable Standards: Two year approval**<br>**a.** Allocation for the GATE coordinator, regardless of funding source, reflects the scope and complexities of the district's size and Gate plan. | **Exemplary Standards: Three year approval**<br>**a.** The district encourages fiscal collaboration between categorical programs in order to make it possible for gifted students to benefit from more than one categorical program. |

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

| **SUBJECT** | |
|---|---|
| Assignment of Numbers for Charter School Petitions | ☒ **Action**<br>☒ **Information**<br>☐ **Public Hearing** |

## RECOMMENDATION

California Department of Education (CDE) staff recommends that the State Board of Education (SBE) assign charter numbers to the charter schools to be identified in a last minute memorandum.

## SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE is responsible for assigning a number to each approved charter petition. On the advice of legal counsel, CDE staff is presenting this routine request for a charter number as a standard action item.

Since the charter school law was enacted in 1992, the SBE has assigned numbers to 666 charter schools, including nine approved by SBE after denial by the local agencies. Of these 666 schools, approximately 515 are estimated to be operating in the 2004-05 school year.

## SUMMARY OF KEY ISSUES

The law allows for the establishment of charter schools. A charter school typically is approved by a local school district or county office of education. The entity that approves a charter is also responsible for ongoing oversight. A charter school must comply with all the contents of its charter, but is otherwise exempt from most other laws governing school districts.

*Education Code* Section 47602 requires the SBE to assign a number to each charter school that has been approved by a local entity in the chronological order in which it was received. This numbering ensures that the state is within the cap on the total number of charter schools authorized to operate. As of July 1, 2003, the number of charter schools that may be authorized to operate in the state is 750. This cap may not be waived. This item will assign numbers to additional charter schools. These charter schools were recently approved by their local boards of education and must be numbered at the September meeting in order to receive apportionment. A last minute memorandum will

## SUMMARY OF KEY ISSUES

be prepared to assign numbers to those schools. Copies of the charter petitions are on file in the Charter School Division.

## FISCAL ANALYSIS (AS APPROPRIATE)

There is no fiscal impact resulting from the assignment of numbers to recently authorized charter schools.

## ATTACHMENT(S)

A last minute memorandum will be prepared assigning numbers to these charter schools at the September 2004 meeting.

**State of California** **Department of Education**

# LAST MINUTE MEMORANDUM

**DATE:** September 2004

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

**FROM:** William J. Ellerbee, Jr., Deputy Superintendent
School and District Operations Branch

**RE:** Item No. 36

**SUBJECT:** Assignment of Numbers for Charter School Petitions

The California Department of Education recommends that the State Board of Education assign charter numbers to the charter schools identified on the attached list. These eight charter schools were recently approved by their local boards of education and must be numbered at the September meeting in order to receive apportionment.

This Last Minute Memorandum assigns numbers to eight additional charter schools, numbers 667 through 674.

Attachment 1: Assignment of Numbers for Charter School Petitions (2 Pages)

# SEPTEMBER 2004 STATE BOARD OF EDUCATION MEETING

## Assignment of Numbers for Charter School Petitions

| NUMBER | CHARTER SCHOOL NAME | CHARTER SCHOOL COUNTY | AUTHORIZING ENTITY | CHARTER SCHOOL CONTACT |
|---|---|---|---|---|
| 667 | Harvest Montessori Charter School | Solano | Dixon Unified School District | Suzanne Falzone<br>1723 Cottonwood Street<br>Woodland, CA 95695<br>(530) 666-2203 |
| 668 | California Youth Outreach | Santa Clara | East Side Union High School District | Dr. Eury Ramos<br>2029 Alum Rock Avenue<br>San Jose, CA 95116<br>(408) 272-7664 |
| 669 | California Virtual Academy | San Mateo County | Burlingame Elementary School District | James Konantz<br>2360 Shasta Way Unit B<br>Simi Valley, CA 93065<br>(805) 581-0202 |
| 670 | A. Phillip Randolph Leadership Academy Charter School | San Diego | San Diego City Schools | Ruth Barrett, J.D.<br>1986 Moss Landing<br>Chula Vista, Ca 91913<br>(619) 236-8028 |
| 671 | Summit Leadership Academy-High Desert | San Bernardino | Hesperia Unified School District | William K. Postmus<br>8241 SVL Box<br>Victorville, CA 92395<br>(760) 241-5721 |
| 672 | Century Community Charter School | Los Angeles | Lennox School District | Cynthia Amos<br>901 S. Maple Avenue<br>Inglewood, CA 90301<br>(310) 412-2286 |
| 673 | The New School | San Diego | Vallecitos School District | Sue Miller Hurst<br>1822 Orchard Wood Road<br>Encinitas, CA 92024<br>(760) 479-1832 |

| | | | | |
|---|---|---|---|---|
| 674 | Cresent View Charter High School | Fresno | Parlier Unified School District | Dr. Maria Meneses-Trejo<br>900 Newmark Avenue<br>Parlier, CA 93648<br>(559) 646-2731 |

**ITEM #37**

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

| SUBJECT | |
|---|---|
| Charter Schools: Determination of funding requests for 2003-04 (and beyond) and for 2004-05 (and beyond) for Nonclassroom-based Charters | ☒ **Action**<br>☒ **Information**<br>☐ **Public Hearing** |

### RECOMMENDATION

Approve various 2003-04 (and beyond) and 2004-05 (and beyond) determination of funding requests from charter schools pursuant to *Education Code* sections 47612.5 and 47634.2, and California *Code of Regulations*, Title 5 sections 11963 to 11963.6, inclusive, based upon the recommendations of the Advisory Commission on Charter Schools (ACCS) and the California Department of Education (CDE).

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

SB 740 enacted (possible) funding reductions for charter schools that offer nonclassroom-based instruction. Nonclassroom-based instruction occurs when a charter school does not require attendance of its pupils at the school site under the direct supervision and control of a qualified teaching employee of the school for at least 80 percent of the required instructional time. For 2003-04 and each fiscal year thereafter, the law states that funding reductions of 30 percent of qualifying charter schools' nonclassroom-based average daily attendance (ADA) shall be made unless the State Board of Education (SBE) determines that a greater or lesser percentage is appropriate for a particular charter school. Furthermore, pursuant to SB 740, a charter school is prohibited from receiving any funding for nonclassroom-based instruction unless the SBE determines its eligibility for funding.

SB 740 also established the ACCS to develop the criteria for the SBE to use in making funding determinations. The ACCS also provides recommendations to the SBE on appropriate funding determinations for nonclassroom-based charter schools and on other aspects of the SBE's duties under the Charter Schools Act.

The SBE adopted permanent regulations that became operative in November 2003 that specified the criteria that a nonclassroom-based charter school must meet in order for the SBE to determine that the school shall receive 100 percent funding. For 2003-04 and each fiscal year thereafter, the full funding criteria are that at least 50 percent of the school's public revenues must be spent on certificated employee salaries and benefits, at least 80 percent of all revenues must be spent on instruction and instruction-related costs, and the student-to-teacher ratio may not exceed the student-to-teacher ratio of the largest unified school district in the county in which the charter school is located. Schools must spend a minimum of 40 percent on certificated employee salaries and

benefits and 60 percent on instruction and instruction-related costs or the funding percentage is zero. Pursuant to the regulations, the SBE may approve a higher or lower funding level than the criteria would prescribe based upon mitigating circumstances of the school that indicate that a higher or lower funding level is appropriate.

## SUMMARY OF KEY ISSUES

The ACCS recommendations on funding determination requests for 2003-04 and 2004-05 were approved at the ACCS meeting on August 11, 2004, and are included in Attachment 1.

## FISCAL ANALYSIS (AS APPROPRIATE)

A determination of funding request approved at less than the 100 percent level may result in reduced apportionment claims to the state. The reductions in claims would result in a proportionate reduction in expenditure demands for Proposition 98 funds. All Proposition 98 funds, by law, must be expended each fiscal year. Thus, a reduction in apportionment claims may be more accurately characterized as an expenditure shift than as absolute savings under typical circumstances. In 2002-03, funding determination requests approved by the SBE at less than 100 percent resulted in over $30 million in reduced apportionment claims. The reduction in 2003-04 is expected to be smaller.

## ATTACHMENT(S)

Attachment 1: 2003-2004 and 2004-2005 Funding Determination Requests (2 pages)

## 2003-2004 and 2004-2005 Funding Determination Requests
## September 2004

### 2003-2004 (AND BEYOND)

The following determination of funding requests are recommended for approval by the State Board of Education for two years (2003-2005) at the 100 percent level. The reasons justifying a level higher than 70 percent in 2003-2004 and beyond are that (1) the school met the minimum criteria specified in regulation for the 100 percent level, and (2) the school presented sufficient evidence (taking the totality of the request into account along with any other credible information that may have been available) that the 100 percent funding determination level is necessary for the school to maintain nonclassroom-based instruction that is conducted for the instructional benefit of the student and is substantially dedicated to that function.

| Charter Number | Charter Name | 2003-2005 |
|---|---|---|
| #108 | Chrysalis Charter School | 100% |
| #335 | PAL Academy | 100% |
| #430 | Mineral Charter School | 100% |

## 2004-2005 Funding Determination Requests
## September 2004

### 2004-2005 (AND BEYOND)

The following determination of funding requests are recommended for approval by the State Board of Education for three years (2004-2006) at the 100 percent level. The reasons justifying a level higher than 70 percent in 2004-2005 and beyond are that (1) the school met the minimum criteria specified in regulation for the 100 percent level, and (2) the school presented sufficient evidence (taking the totality of the request into account along with any other credible information that may have been available) that the 100 percent funding determination level is necessary for the school to maintain nonclassroom-based instruction that is conducted for the instructional benefit of the student and is substantially dedicated to that function.

| Charter Number | Charter Name | 2004-2007 |
|---|---|---|
| #267 | Julian Charter School | 100% |
| #282 | Eagles Peak Charter School | 100% |

The following determination of funding requests are recommended for approval by the State Board of Education for one year only (2004-2005) at the 70 percent level.

| Charter Number | Charter Name | 2004-2005 |
|---|---|---|
| #013 | Options for Youth-Victory Valley | 70% |
| #105 | Options for Youth-Upland | 70% |
| #117 | Options for Youth-San Gabriel | 70% |
| #130 | Options for Youth-Burbank | 70% |
| #139 | Options for Youth-Mt. Shasta | 70% |
| #188 | Opportunities for Learning-Hacienda | 70% |
| #214 | Opportunities for Learning-Wm. Hart | 70% |
| #217 | Options for Youth-San Juan | 70% |
| #402 | Opportunities for Learning | 70% |
| #463 | Opportunities for Learning-Capistrano | 70% |

**ITEM #38**

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

| SUBJECT | |
|---|---|
| Assembly Bill 1994: Statewide Charter Schools: Approve Commencement of Rulemaking Process for Amendments to Title 5 Sections 11967, 11968, and 11969. | ☒ **Action**<br>☒ **Information**<br>☐ **Public Hearing** |

### RECOMMENDATION

Approve the commencement of the regulatory process for the proposed regulations, the Initial Statement of Reasons, and the Notice of Proposed Rulemaking, and direct staff to conduct a public hearing on the proposed regulations.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Background information, a summary of the proposed regulations and a copy of the regulations were provided to the State Board as an August Information Memorandum.

### SUMMARY OF KEY ISSUES

This item contains a copy of the proposed regulations, the Initial Statement of Reasons and the Notice of Proposed Rulemaking. Approval of this item will initiate the 45-day comment period on the regulations culminating in a public hearing on November 2, 2004.

### FISCAL ANALYSIS (AS APPROPRIATE)

The Fiscal Impact Statement will be provided as a Last Minute Memorandum.

### ATTACHMENT(S)

Attachment 1: Proposed Regulations for Statewide Charter Schools (7 pages)
Attachment 2: Initial Statement of Reasons (6 pages)
Attachment 3: Notice of Proposed Rulemaking (5 pages)

**Title 5. EDUCATION**

**Division 1. State Department of Education**

**Chapter 11. Special Programs**

**Subchapter 19. Charter Schools**

*Amend Section 11967 to read:*

**§ 11967. Appeals on Charter Petitions That Have Been Denied.**

(a) A charter school petition that has been previously denied by the governing board of a school district must be received by the county board of education ~~or the State Board of Education~~ not later than 180 calendar days after the denial. A charter school petition that has been previously denied by a county board of education must be received by the State Board of Education not later than 180 calendar days after the denial. Any petition received by the county board of education or State Board of Education more than 180 days after denial shall not be acted upon by the county board of education or State Board of Education.

(b) When filing a petition with the county board of education or the State Board of Education for the establishment of a charter school, petitioner(s) shall provide the following:

(1) A complete copy of the charter petition as denied, including the signatures required by Education Code ~~s~~Section 47605.

(2) ~~A copy~~ Evidence of the governing board's action ~~of denial of~~ to deny the petition (e.g. meeting minutes) and the governing board's written factual findings specific to the particular petition, when available, setting forth specific facts to support one or more of the grounds for denial set forth in ~~as required by~~ Education Code ~~s~~Section 47605 (b).

(3) A signed certification stating that petitioner(s) will comply ~~of compliance~~ with all applicable law.

(4) A description of any changes to the petition necessary to reflect the county ~~office~~ board of education or the State Board of Education as the chartering entity as applicable.

(c) The county board of education or State Board of Education shall deny a petition for the establishment of a charter school only if it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the grounds for denial set forth in Education Code ~~s~~Section 47605(b)(1)-(5).

(d) Not later than 60 days after receiving a complete petition package and following review of the petition ~~and a public hearing~~ at a duly noticed public meeting, ~~the~~ a county board of education shall grant or deny the charter petition. This ~~date~~ time period may be extended by an additional 30 days if the county board of education and the petitioner(s) agree to the extension.

(e) Not later than 90 days after receiving a complete petition package ~~and following review of the petition and a public hearing,~~ the State Board of Education shall schedule, at its next regular board meeting, an action item to grant or deny the charter petition. This date may be extended by an additional 30 days if the State Board of Education and the petitioner(s) agree to the extension.

(f) In considering charter petitions that have been previously denied ~~by a school district~~, the county board of education or State Board of Education ~~shall~~ are not limited to a ~~its~~ review ~~to~~ based solely on the reasons for denial stated by the school district~~, but review the charter school petition pursuant to Education Code section 47605(b)~~ or county board, as applicable.

NOTE: Authority cited: Sections 33031 and 47605(j)(5), Education Code. Reference: Section 47605(j)~~(4)~~, Education Code.

*Add Section 11967.6, 11967.7, and 11967.8 to read:*

**§ 11967.6. Submission of Statewide Charter School Petitions to the State Board of Education.**

(a) A petition to establish a statewide charter school pursuant to Education Code Section 47605.8 shall:

(1) Comply with all statutory requirements otherwise applicable to charter schools, except those relating to geographic and site limitations (See Education Code Section 47605.8)

(2) If applicable, comply with all requirements of law relative to the provision of independent study.

(A) A charter that does not expressly provide for independent study shall not be interpreted as allowing independent study beyond that which is incidental and required to address the temporary needs of particular students.

(B) If the independent study (nonclassroom-based instruction) exceeds the percentage specified in Education Code Section 47612.5, it shall be funded only in keeping with a determination of funding approved pursuant to Education Code Section 47634.2.

(3) Explicitly acknowledge that an annual independent audit of the school will be conducted in keeping with applicable statute and regulation and indicate how the school's individual sites will be appropriately included in the audit process.

(4) Incorporate a plan that provides for initial commencement of instruction in at least two sites, which shall be in at least two different school districts or two different counties. The plan for instruction shall describe how the instructional services will provide a statewide benefit, as

specified in Section 11967.6(b) that cannot be provided by a charter school operating in only one school district, or only in one county.

(5) Include an assurance that the instructional services for similar student populations described in the charter will be essentially similar at each site and, thus, that each pupil's educational experience will be reasonably the same with regard to instructional methods, instructional materials, staffing configuration, personnel requirements, course offerings, and class schedules.

(6) Describe how the statewide charter school will participate as a member of a special education local plan area, and ensure a coordinated structure for the provision of necessary programs and services specific to students with Individual Education Programs (IEPs).

(7) Demonstrated success in operating charter schools previously approved by a local school district or county governing board as evidenced by improved pupil academic data including, but not limited to, a statewide and/or similar schools ranking of 8 or higher on the Academic Performance Index, or other alternative indicators of success as defined in the alternative accountability system pursuant to subdivision (h) of Education Code Section 52052, shall be considered in determining the likelihood of a charter operator to successfully operate a charter of statewide instructional benefit.

(8) Describe how local community input for each site included in the plan was solicited (or will be solicited). Satisfaction of this paragraph shall involve the holding of at least one publicly noticed meeting for each site, with a summary of the input received at the meeting(s) being provided.

(9) Contain sufficient signatures either of parents, guardians, or of teachers in keeping with Education Code Section 47605(a)(1) for each site proposed in the first year. Sites proposed to begin initial instruction in subsequent years must provide sufficient signatures at the time the summary of input from the public meeting required under (8) of this section is provided.

(10) Include an assurance that the school district governing board, the superintendent, the county board of education, and county superintendent where each school site will be located will be notified prior to commencement of instruction.

(11) Addresses all charter elements specified in Education Code Section 47605 adapted appropriately for application at the statewide level.

(12) Contain or address any provisions or conditions specified by the State Board of Education at the time of charter approval.

(13) Contain a plan for operations of the school that describes the distinction between centralized and site level responsibilities and includes a staffing plan to implement the activities at the designated level. The plan shall address school operations including, but not limited to:

(A) Facilities and site operations,

(B) Legal and programmatic compliance,

(C) Financial administration,

(D) Governance, and

(E) Decision-making authority.

(14) Provide a list of each site that will be operated by the school that includes:

(A) A timeline for the commencement of instruction at each site. Commencement of instruction must begin during the term of the charter.

(B) The general location of each site and the school district and county in which each site is to be located.

(C) A description of the potential facilities to be used at each site.

(D) The approximate number of pupils that can safely be accommodated at each site.

(b) A “statewide” benefit shall include, but not be limited to, the following factors:

(1) Unique factors and circumstances related to the school’s educational program that would make the school better able to meet its educational mission as a statewide charter than as a district- or county-authorized charter, including specific benefits to each of the following:

(A) The pupils who would attend the school.

(B) The communities (including the school districts and the counties) in which the school sites would be located (e.g., in terms of pupil demographics and performance).

(C) The state, or to the extent applicable.

(D) The school itself (e.g., in fund raising, community partnerships, or relationships with institutions of higher education).

(2) Neither a description of administrative or operational benefit to a charter operator, nor an expression of desire by a charter operator to provide services in more than one district and county, shall be considered sufficient in and of itself to constitute a statewide benefit.

(c) A statewide charter, regardless of the number of sites, is treated as one organizational entity for all purposes, including but not limited to, compliance monitoring, data reporting and collection, student performance data, oversight, and apportionments. Each organizational entity will receive a unique County-District-School (CDS) district code. Additionally, each site will also receive a unique individual CDS school code for purposes of disaggregation of data by site and grant eligibility. For purposes of compliance monitoring and oversight, the State Board, in its

review, will look at each site's independent progress in meeting AYP and statewide growth targets.

(d) Following its submission, a petition to establish a statewide charter school may be modified or new sites proposed that were not included in the original petition only with the approval of the State Board of Education.

(e) Each statewide charter school shall provide an annual report to the State Board of Education reflecting student achievement data, performance benchmarks, and other pertinent data supporting stated charter goals.

NOTE: Authority cited: Section 33031 and 47605.8, Education Code. Reference: Sections 47612.5, 47634.2, and 47605, Education Code.

**§ 11967.7. Evaluation of Facilities for Statewide Charter Schools.**

(a) The school shall notify the California Department of Education within 60 days of proposed commencement of instruction at each site, including submission of all documentation required in Section 11967.6(a)(13). Within 30 days of the receipt of a complete and documented request pursuant to this section, the California Department of Education shall evaluate the adequacy and appropriateness of the facilities for the proposed educational program and notify the charter school and any affected local education agency of its determination. The charter school or any affected local education agency may appeal the Department's determination within 10 calendar days of the date of the determination, and the matter will be placed on the agenda of the next regularly scheduled meeting of the State Board of Education. If no action is taken by the State Board of Education, the California Department of Education's determination shall stand.

(b) A school site in its first year of operation may only commence instruction between July 1 and September 30 of that year.

NOTE: Authority cited: Section 33031 and 47605.8, Education Code. Reference: Section 47605.8, Education Code.

**§ 11967.8. Funding for Statewide Charter Schools.**

(a) A statewide charter school approved pursuant to Education Code Section 47605.8 shall be direct-funded pursuant to Chapter 6 of Part 26.8 of the Education Code (commencing with Section 47630), with the following exceptions:

(1) A statewide charter school's general-purpose entitlement pursuant to Education Code Section 47633, except that the charter school's general-purpose entitlement shall be funded entirely from state aid.

(2) A statewide charter school does not have a "sponsoring local education agency" as defined in Education Code Section 47632.

(b) The warrant for a statewide charter school shall be drawn in favor of the State Superintendent of Public Instruction and a county office of education as follows:

(1) In cooperation with the State Superintendent of Public Instruction, the State Board of Education may designate a county office of education as the office responsible for establishing the appropriate funds or accounts in the country treasury for the statewide charter school and for making the necessary arrangements for the school's participation in the State Teachers' Retirement System and/or the Public Employees Retirement System. The county office may charge the school for the actual cost of services.

(2) In designating a county office of education, the State Board shall give preference to the county office of education of the county that the charter school identifies as the principal location of its business records.

(3) If the county office of education in the county that the school identifies as the principal location of its business records declines to accept the responsibility for the statewide charter school, the State Board of Education may designate another county office of education by mutual agreement.

NOTE: Authority cited: Section 33031 and 47605.8, Education Code. Reference: Section 47632 and 47651, Education Code.

*Amend Section 11968 to read:*

**§ 11968. Maximum Number of Charters.**

(a) If a charter school, including a statewide or countywide charter school, ceases to operate ~~through~~ by voluntary surrender, revocation, or non-renewal of its charter, the charter school's number will lapse and will not be reassigned.

(b) On July 1, 1999, and on each succeeding July 1, the limit on the total number of ~~allowable~~ charter ~~petitions~~ schools authorized to operate in this state will be increased by 100.

(c) Whenever the statutory limit on the permissible number of charter schools ~~petitions~~ authorized to operate in this state is reached, requests for new numbers will be placed on a list in the order received by the State Board of Education.

NOTE: Authority cited: Sections 33031 and 47602(b), Education Code. Reference: Section 47602, Education Code.

*Amend Section 11969 to read:*

**§ 11969. Numbering of Charter School Petitions.**

~~Each charter petition granted pursuant to subdivision (j) of Section 47605 of the Education Code and each charter notice received by the State Board of Education pursuant to subdivision (i) and paragraph (5) of subdivision (j) of Section 47605 shall be given one number. For purposes of calculating the maximum total number of charter schools authorized to operate in this state, each petition shall be deemed to authorize one charter school.~~

(a) In accordance with subdivision (a) of Section 47602 of the Education Code, the California Department of Education, on behalf of the State Board of Education, shall establish and administer a numbering system to track the total number of charter schools authorized to operate in the state, based on the chronological order of the receipt of a complete charter petition and notification of charter approval by a local educational agency or, in the case of a charter petition approved by the State Board of Education, the date and time of the State Board's approval.

(b) When the State Board of Education approves a charter petition or receives notice that a charter petition has been approved by a local education agency, the State Board shall assign the school one charter number.

NOTE: Authority cited: Section 33031, Education Code. Reference: Section 47602, Education Code.

8-13-04

# INITIAL STATEMENT OF REASONS
## Statewide Charter Schools

**SECTION 11967. Appeals on Charter Petitions That Have Been Denied (Amendment)**
**SECTION 11967.6. Submission of Statewide Charter School Petitions to the State Board of Education (Addition)**
**SECTION 11967.7. Evaluation of Facilities for Statewide Charter Schools (Addition)**
**SECTION 11967.8. Funding for Statewide Charter Schools (Addition)**
**SECTION11968. Maximum Number of Charters (Amendment)**
**SECTION 11969. Numbering of Charter School Petitions (Amendment)**

## SPECIFIC PURPOSE OF THE REGULATIONS

The proposed regulations will clarify existing law with regard to the State Board of Education's process for reviewing charter petitions that have been denied by a county office of education after denial by a local school district, establish a process and criteria for State Board review and approval of charter schools of statewide interest that will operate on multiple sites, clarify the funding process to be used for statewide charter schools and clarify the State Board's process for numbering charter schools that will operate on multiple sites.

## NECESSITY/RATIONALE

AB 1994 (Chapter 1058, Statutes of 2002) amended the Charter School Act of 1992, and added *Education Code* Section 47605.8 that creates new responsibilities for the State Board to review and approve charter schools of statewide interest that propose to operate on multiple sites. *Education Code* Section 47605.8(a) requires the SBE to adopt regulations to implement this section. Finally, AB 1994 amended *Education Code* Section 47602 related to State Board numbering of charter petitions, and *Education Code* Section 47605(j) related to appeals of charter petitions that have been denied. These amendments of law require conforming and technical amendments to existing regulations.

## SECTION 11967

These amendments are necessary because, pursuant to AB 1994, *Education Code* Section 47065(j), now requires a charter petition that has been denied by a district to submit an appeal to the county board of education. Only if the county board denies the petition may the petitioners submit the appeal to the State Board. Prior to AB 1994, a petitioner for a charter denied by a district could submit an appeal directly to either the county board of education or the State Board of Education.

**Subsection (a).** The proposed amendment to subsection (a) deletes "or the State Board of Education" from the description of the first step in the appeal process. This is a conforming change to remove the option for a charter school that has been denied by a school district to submit an appeal directly to the State Board of Education. This is required because an amendment to *Education Code* Section 47065(j) now requires a charter petition to first submit an appeal to the county board of education. Only if the county board denies the petition may the petitioners submit the appeal to the State Board.

**Subsection (b).** Item (2) was deleted to recognize that the charter school appellant has no control over the action of the denying entity and therefore, should not be required to submit documents originating from the denying entity.

**Subsection (c).** This section has been revised to reflect the new sequential process of appeal form the county to the state.

**Subsection (d).** Amendment provides technical clarity.

**Subsection (e).** Amendment provides technical clarity.

**Subsection (f).** The proposed amendment to subsection (f) makes a minor and technical amendment to remove language duplicated in subsection (c).

**SECTION 11967.6**

*Education Code* Section 47605.8 creates new responsibilities for the State Board to review and approve charter schools of statewide interest that propose to operate on multiple sites. *Education Code* Section 47605.8(a) requires the SBE to adopt regulations to implement Section 47605.8.

Further, *Education Code* Section 47605.8(d) states, "The State Board of Education shall not be required to approve a petition for the operation of a statewide charter school, and may deny approval based on any of the reasons set forth in subdivision (b) of Section 47605.6." Section 47605.6(b)(6) states that the board may deny a petition on any "basis the board finds justifies the denial of the petition." The section appears to give the State Board broad authority and discretion to establish the criteria and standards for charter approval. Therefore, these regulations are necessary to establish board policy and provide clear guidance to charter petitioners.

**Subsection (a).** This subsection parallels the requirements in 5 CCR 11967 that established specific application requirements for charter petitions to the State Board. However, multi-site charters present a greater level of complexity than a single site charter. Therefore, this section establishes requirements that are similar to those for single-site charters, but modifies them to address each requirement for each site that will be operated by the charter.

Number 1 conforms to the requirement in Education Code Section 47605.8(a) that statewide charter schools comply with all statutory requirements except those related to geographic and site limitations.

Number 2 specifies limitations on the provision of independent study in a statewide charter. Since the law does not provide any flexibility for statewide charters with regard to operating independent study, it is necessary to be explicit here so that independent study providers fully understand the complexity and restrictions of operating independent study programs through a statewide charter.

Number 3 requires the scope of the charter audit to include consideration for each site. This requirement is intended to improve site level management and ensure each site of a multi-site charter is compliant.

Number 4 provides parameters for consideration of a statewide charter. For purposes of this section, a charter must provide for the instruction of pupils "at sites in more than one district or in more than one county" and must initially commence instruction at more than one site. This restriction is consistent with *Education Code* Section 47605.8(a), which requires a statewide charter to "operate at multiple sites through out the state". This section will ensure a scope of operation that is significantly different from a single site charter.

Number 5 clarifies that a multi-site school must operate essentially the same educational program at each site. This is consistent with *Education Code* Section 47602 that requires a multi-site charter that

operates different educational program to receive separate numbers by the State Board. Further, if a school were to operate significantly different educational programs at each site, it would not be able to meet the test of a single school of statewide benefit. It would be more appropriate for such an operation to seek individual charters from each local district in which it chooses to operate.

Number 6 requires specific information about the school's special education program. The provision of special education services by a single school on multiple sites through the state could be very complicated and problematic. Further, the consequences of noncompliance with special education law are potentially very serious. Therefore, requiring specific information on the school's special education program is justified.

Number 7 requires petitioners to demonstrate that they have previously operated an academically successful charter school as evidenced by a high Academic Performance Index or other indicators of success. This section will help to ensure that charter petitioners who are going to be operating multiple sites in the state have some previous successful experience. This is important because the span of oversight at the state level is much greater than at the local level and the State Board needs to have some assurance that the petitioners are reasonably able to operate a high quality academic program with minimal oversight.

Numbers 8 through 10 establish specific requirements for local input and communication about the charter. Multi-site charters submitted to the State Board could potentially bypass the traditional local consideration for a charters school. Local input for charter development and approval is a key element to the success of charter schools. Therefore, this subsection requires petition signatures, local district notification and public hearings for each site of the proposed charter. This will ensure an opportunity for local input and communication, even though the charter will be authorized at the state level.

Number 11 requires statewide charter petitions to address all of the elements in law that are required of charter petitions approved at the local level or on appeal to the State Board. This section conforms to the requirement that statewide charters meet all requirements in law except geographic and site limitations.

Number 12 requires the statewide charter petition to address any conditions adopted by the State Board at the time of charter approval. This is consistent with State Board actions and authority for charters approved on appeal. This is necessary because the required elements of the petition do not address all of the items that must be in place before a school can open (such as insurance, attendance accounting procedures, etc.). It is reasonable for the State Board to require that such provisions be in place prior to the opening of a new school.

Number 13 of this section requires information about the operation of the multi-site charter. Because of the complexity of operating at several sites, this requirement is necessary to ensure that the schools have a viable operation and administrative plan.

Number 14 requires site-specific information for each site of the multi-site school. This is similar to the site and facility information that is required of all charter schools pursuant to Education Code Section 47605(g).

**Subsection (b).** This subsection defines what is required of a petitioner to convince the State Board that the multi-site charter will be of "statewide benefit." Statewide benefit is a requirement for State Board approval. "Statewide benefit" is defined in such a way that ensures that the State Board

approval of a multi-site charter would be of greater benefit to the state as a whole, than the loss of the local benefit of approving and overseeing a charter.

**Subsection (c).** This subsection clarifies the statewide charter is to be treated as one organizational entity (similar to a school district) for all purposes and each individual site is to be treated as an individual school. This subsection is necessary to ensure that for purposes of monitoring AYP and API growth targets the State Board is able to review the progress of individual sites. This subsection will also allow individual sites to apply for grant funding that is applicable to individual schools.

**Subsection (d).** This section clarifies that a statewide charter may be modified or new sites proposed that weren't in the original petition only with the approval of the State Board. This section is intended to make clear that statewide charters may not be substantially amended without the authorization of their chartering authority (the State Board) and is consistent with *Education Code* Section 47605(a)(4), which requires a charter school seeking to add additional sites to request a material amendment to its charter from its chartering authority.

**Subsection (e).** This section provides for the submission of an annual report to the State Board by each statewide charter school regarding student performance data, performance benchmarks and other data that supports the charter. This subsection is consistent with the general authority of chartering entities to monitor the academic performance of the charter schools they approve.

**SECTION 11967.7**

This section provides technical clarity regarding the timelines by which statewide charter schools must submit documentation for each site before it can begin instruction at the site.

**Subsection (a).** This subsections specifies a time line for statewide charter schools to submit site information required under proposed Section 11967.6(a)(13) and the timeline by which the California Department of Education must evaluate the adequacy and appropriateness of the facilities. This section also requires that the California Department of Education notify the charter school and any affected local education agency of its determination and provides for a process of appeal of the determination. This section is necessary to provide for the orderly submission and review of facilities information and to allow potentially affected local education agencies an opportunity to voice their perspectives on the adequacy of the proposed site.

**Subsection (b).** This subsection specifically applies *Education Code* Section 47652(b) to statewide charter schools, which requires a charter school to commence operation no later than September 30 of the first fiscal year of operation.

**SECTION 11967.8**

This section provides technical clarity regarding the funding calculation and process for providing operational funding to statewide charter schools.

**Subsection (a).** *Education Code* Section 47605.8 establishes new authority for the State Board to authorize and oversee charters schools of statewide interest. These charter schools are not associated with any local school district. However, the charter school funding model authorized in *Education Code* Section 47633 relies on a combination of state and local revenues to fully fund a charter school's block grant. The local revenue comes from the "sponsoring local education agency" which is specifically defined in *Education Code* Section 47632(i). The sponsoring LEA is usually the school district that authorized the charter, or in the case of a charter approved on appeal, the district

that initially denied the charter. The "sponsor" is responsible for the local property tax portion of the charter school block grant. However, in the case of a statewide charter approved pursuant to *Education Code* Section 47605.8, no sponsoring LEA is identified in code. This section clarifies that for purposes of the local tax transfer, there is no "sponsoring LEA" and, therefore, the charter school block grant shall be funded entirely from state aid. Further, because there is no associated LEA in a statewide charter, this subsection also specifies that a statewide charter must be direct-funded for purposes of the charter school funding model.

The alternative to this method would be to require the "sponsor" to be "the pupil's school district of residence". This is the definition used for certain county authorized charter schools as specified in *Education Code* Section 47632(i)(4). However, the complexity in collecting and calculating this information for a charter school that may enroll students from any district in the state would be virtually impossible to administer. The resources required to attempt it would far outweigh the value of the local tax offset. Therefore, the method proposed here is the most reasonable given the lack of clear legislative direction on this issue.

**Subsection (b).** This subsection clarifies a process by which a statewide charter school becomes associated with a county office of education for purposes of receiving funding. Because there is no LEA associated with a statewide charter school, a county office must be assigned to act as the LEA for purposes of establishing funding transfers for a statewide charter school.

## SECTION 11968

These amendments are necessary to align the charter numbering process more closely with the language in *Education Code* Section 47602 as amended by AB 1994, and the amendments to Section 11969 that are proposed below.

## SECTION 11969

These amendments are necessary because, pursuant to AB 1994 amendments to *Education Code* Section 47602, the State Board must now provide a separate charter number for each site of a charter school that does not share a common educational program. This section has also been revised to more closely align the numbering process with the intent of *Education Code* Section 47602 to track the number of charters authorized to operate in the state at any given time. Finally, the subsection has been rewritten to give explicit responsibility to the California Department of Education to establish and administer a charter school numbering system on behalf of the State Board.

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

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

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

No other alternatives were presented to or considered by the State Board.

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

The State Board has not identified any alternatives that would lessen any adverse impact on small

business.

**EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS**

The proposed regulations would not have a significant adverse economic impact on any business because they only provide clarity for charter schools for the purposes of claiming K-12 average daily attendance for apportionment purposes.

STATE OF CALIFORNIA ARNOLD SCHWARZENEGGER, *Governor*

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

# TITLE 5. EDUCATION

## CALIFORNIA STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULEMAKING

## State Board Review of Multi-site Charters of Statewide Interest
## [Notice published September 17, 2004]

The State Board of Education (State Board) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

### PUBLIC HEARING

The State Board will hold a public hearing beginning at **1:30 p.m. on Tuesday, November 2, 2004**, at 1430 N Street, Room 2102, Sacramento. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The State Board requests that any person desiring to present statements or arguments orally notify the Regulations Coordinator of such intent. The State Board requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. No oral statements will be accepted subsequent to this public hearing.

### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Regulations Coordinator. The written comment period ends at **5:00 p.m. on November 2, 2004**. The State Board will consider only written comments received by the Regulations Coordinator or at the State Board Office by that time (in addition to those comments received at the public hearing). Written comments for the State Board's consideration should be directed to:

Debra Strain, Regulations Coordinator
California Department of Education
LEGAL DIVISION
1430 N Street, Room 5319
Sacramento, California 95814
E-mail: dstrain@cde.ca.gov
Telephone: (916) 319-0860
FAX: (916) 319-0155

### AUTHORITY AND REFERENCE

Authority: Sections 33031, 47602, 47605 and 47605.8, Education Code.

References: Sections 47602, 47605, 47605.6, 47605.8, 47612.5, 47632, 47634.2 and 47651, Education Code.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

This regulations packet includes six sections; three sections are amended and three new sections are added. These regulations are necessary to implement AB 1994 (Chapter 1058, Statutes of 2002) which amended and added to the Charter School Act of 1992.

The first section amends 5 CCR 11967 to conform to an amendment of Education Code Section 47605(j), which was amended to require a denied charter to appeal to the county board of education prior to appealing to the State Board of Education (SBE). Previously, a charter that was denied by a school district could appeal to either the county board or the SBE. The amendments to this section are largely technical and conforming to reflect the change in the sequence of a charter appeals.

The second section adds 5 CCR 11967.6, which is necessary pursuant to Education Code Section 47605.8(a). Education Code Section 47605.8 creates new responsibilities for the State Board to review and approve charter schools of statewide benefit that propose to operate on multiple sites. The law requires the SBE to adopt regulations to implement Section 47605.8.

Education Code Section 47605.8 states:

> "(a) A petition for the operation of a state charter school may be submitted directly to the State Board of Education, and the board shall have the authority to approve a charter for the operation of a state charter school that may operate at multiple sites throughout the state. The State Board of Education shall adopt regulations, pursuant to the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code) for the implementation of this section. Any regulations adopted pursuant to this section shall ensure that a charter school approved pursuant to this section meets all requirements otherwise imposed on charter schools pursuant to this part, except that a charter school approved pursuant to this section shall not be subject to the geographic and site limitations otherwise imposed on charter schools.
>
> (b) The State Board of Education may not approve a petition for the operation of a state charter school under this section unless the State Board of Education finds that the proposed state 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 in one county. The finding of the board in this regard shall be made part of the public record of the board's proceedings and shall precede the approval of the charter.
>
> (c) The State Board of Education may, as a condition of charter petition approval, 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. The State Board of Education may prescribe the aspects of the charter school's operations to be

monitored by the third party and may prescribe appropriate requirements regarding the reporting of information concerning the operations of the charter school to the State Board of Education.

(d) The State Board of Education shall not be required to approve a petition for the operation of a statewide charter school, and may deny approval based on any of the reasons set forth in subdivision (b) of Section 47605.6."

The SBE previously adopted regulations describing the criteria and process for SBE review and approval of charters that have been denied by local entities. They are included in 5 CCR 11967 through 11967.5.1. These existing regulations are used as a reference and basis in implementing regulation for Education Code Section 47605.8. However, Education Code Section 47605.8 creates a new type of State Board-approved charter school that requires additional considerations that are not addressed in existing regulations.

The third section adds 5 CCR 11967.7 to provide technical clarity regarding the time lines for submission of documentation on the adequacy of facilities proposed to be used for statewide charter schools and for California Department of Education to review the adequacy and appropriateness of such facilities.

The fourth section adds 5 CCR 11967.8 to provide technical clarity regarding the funding calculation and process for providing operational funding to statewide charter schools and to specify that for purposes of local tax transfers, a statewide charter does not have a "sponsoring local education agency".

The fifth section amends 5 CCR 11968 related to the number of charter schools authorized to operate in the state. These amendments are necessary to align the charter numbering process more closely with the language in Education Code Section 47602 as amended by AB 1994, and the amendments to Section 11969 that are proposed to 5 CCR 11969 below.

The last section amends 5 CCR 11969 regarding the numbering of charter petitions by the SBE. This amendment is necessary to implement an amendment to Education Code Section 47602, which was also enacted through AB 1994. This section now requires the SBE, in its charter-numbering process, to consider providing separate charter numbers to each site of a multi-site charter that offers differing educational programs. This amendment also clarifies that the California Department of Education is to establish and administer the charter numbering system on behalf of the SBE.

**DISCLOSURES REGARDING THE PROPOSED ACTION**

Mandate on local agencies and school districts: TBD

Cost or savings to any state agency: TBD

Costs to any local agency or school district that must be reimbursed in accordance with Government Code Section 17561: TBD

Other non-discretionary cost or savings imposed on local educational agencies: TBD

Cost or savings in federal funding to the state: TBD

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: TBD.

Cost impacts on a representative private person or businesses: The State Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not:

(1) create or eliminate jobs within California;
(2) create new businesses or eliminate existing businesses within California; or
(3) affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: TBD.

Effect on small businesses: The proposed amendments to the regulations do not have an effect on small businesses because the regulations only relate to local school districts and not to business practices.

## CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the State Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the State Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The State Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

## CONTACT PERSONS

Inquiries concerning the substance of the proposed regulations should be directed to:

Deborah Connelly, Education Program Consultant
California Department of Education
Charter Schools Division
1430 N Street, Room 5401
Sacramento, CA 95814
Telephone: (916) 323-2694
E-mail: dconnelly@cde.ca.gov

Requests for a copy of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other technical information upon which the rulemaking is based or questions on the proposed administrative action may be directed to the Regulations Coordinator, or to the backup contact person, Najia Rosales, at (916) 319-0860.

## AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED

## REGULATIONS

The Regulations Coordinator will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at her office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. A copy may be obtained by contacting the Regulations Coordinator at the above address.

## AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the State Board may adopt the proposed regulations substantially as described in this notice. If the State Board makes modifications that are sufficiently related to the originally proposed text, the modified text (with changes clearly indicated) will be available to the public for at least 15 days before the State Board adopts the regulations as revised. Requests for copies of any modified regulations should be sent to the attention of the Regulations Coordinator at the address indicated above. The State Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

## AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, a copy of the Final Statement of Reasons may be obtained by contacting the Regulations Coordinator at the above address.

## AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, the text of the regulations in underline and strikeout, and the Final Statement of Reasons, can be accessed through the California Department of Education's website at http://www.cde.ca.gov/re/lr/rr/.

## REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973,* the *Americans with Disabilities Act of 1990,* and the *Unruh Civil Rights Act,* any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Deborah Connelly, Charter Schools Division, 1430 N Street, Sacramento, CA, 95814; telephone, (916) 319-0217; fax, (916) 322-1465. It is recommended that assistance be requested at least two weeks prior to the hearing.

**State of California** **Department of Education**

# LAST MINUTE MEMORANDUM

**DATE:** September 1, 2004

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

**FROM:** Dr. William J. Ellerbee, Jr., Deputy Superintendent
School and District Operations

**RE:** Item No. 38

**SUBJECT:** Assembly Bill 1994 Statewide Charter Schools: Approve Commencement of Rulemaking Process for Amendments to Title 5 Sections 11967, 11968, and 11969.

The Fiscal Impact Statement, which must accompany the regulatory documentation before the SBE may approve commencement of the rulemaking process, was not available for inclusion in the original item. It is attached to this Memorandum.

Attachment 1: Economic and Fiscal Impact Statement (53 Pages) (Document not available for Web viewing.)

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

| **SUBJECT** | |
|---|---|
| Request by New West Charter Middle School to Make Material Amendments to its Charter | ☒ **Action**<br>☒ **Information**<br>☐ **Public Hearing** |

### RECOMMENDATION

Approve the California Department of Education (CDE) recommendations described in the Summary of Key Issues section of this item (beginning on page 2).

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) originally approved the charter petition for New West in December 2001, after it was denied by the Los Angeles Unified School District (LAUSD). The school had difficulties securing a facility and working out SELPA arrangements and was therefore delayed in opening for one year. New West opened in the fall of 2003 with approximately 274 sixth through eighth grade students. It came to CDE's attention in late March 2004 that the New West governing board had recently passed two resolutions making material changes to the charter without consultation with either CDE or the SBE. CDE staff directed New West not to implement any of those changes until the SBE had reviewed and approved such changes. New West has submitted a revised charter petition (Attachment 1) proposing to make numerous technical and substantive changes to the school's operations.

In addition to material changes being made to the charter without SBE approval, a number of allegations of fiscal and governing board selection irregularities were brought to the attention of CDE staff. As a result, CDE requested information and documentation regarding these issues. New West has recently submitted the requested information which has generated additional concerns and requests for information.

**SUMMARY OF KEY ISSUES**

## Charter Amendments

New West proposes to make the following changes to its charter. A summary of CDE staff recommendations follows each proposed change:

1. Add a high school component to the program in 2005 – **Recommend Denial**

2. Change the governance council structure – **Recommend Partial Approval**

3. Institute admission requirements for new applicants to the school – **Recommend Denial**

4. Add new categories of "Founders" for purposes of admissions preference – **Recommend Denial**

5. Change the name of the school to New West Charter School – **Recommend Approval**

6. Revise the charter to be consistent with proposed changes in 1-5 above, update the charter to reflect current location, revise future to present tense, and make other numerous minor edits – **Recommend Partial Approval**

CDE staff has reviewed the proposed changes to the charter and recommends the following action:

**1.** <u>Addition of a high school component in 2005</u> – **RECOMMEND DENIAL**

New West proposes to either open a high school in 2005 that would eventually serve 800 students or to expand the middle school to an additional site. Language is interjected throughout the proposed amended charter that references the high school. However, there is no detail regarding the new high school, such as a description of the educational program, location of the school, etc. The charter proposes instead to address the details by building in the same conditions of operation that were approved by the SBE for the original school. These conditions would have to be met over the course of the next year for either the high school or an expanded middle school site.

CDE staff recommends denial of the addition of a high school component and that all language related to a high school expansion be deleted from the proposed charter. This proposal appears to be premature. New West has just completed its first year of operation as a middle school, and CDE has recently reviewed the first year's STAR academic performance data. New West significantly outperformed the district in all subjects, but Algebra I and had more students scoring at proficient and above than the statewide average in all subjects but mathematics. While the test scores were for the most part very good, we don't believe one year is sufficient to judge the school's likelihood of success at operating a high school. In addition, there appear to be

**SUMMARY OF KEY ISSUES**

operational issues at the school as evidenced by the numerous complaints about the governance of the school, which CDE staff is presently reviewing. The New West charter will be up for renewal at the end of the 2005 school year. Assuming governance issues have been resolved and academic performance continues to improve, the school might want to propose the addition of grades 9-12 as part of its petition for renewal. Another year of operation as a middle school would provide the SBE with better information on the likelihood that New West could carry out a successful high school program.

In addition, the expansion to a high school appears to be driven as much by school site considerations as program considerations. New West has identified a proposed site for lease in the Sunset area of Los Angeles, which in their view would make an ideal site for a school. By New West's own admission, they are not sure whether to expand to a high school or create a second campus for the middle school. We have a number of concerns with the proposed school site: (1) the site is a long distance from the current middle school site, and it is probable that the composition of the student body of the school would change if the site is located in the Pacific Palisades area; (2) the building would need extensive renovation (estimated at $650-750,000) that would have to be funded from donations; and (3) the proposed site is on an extremely busy section of the Pacific Coast Highway making it dangerous to enter and exit the school. This entire proposal seems very premature and needs much more specificity before CDE staff would recommend approval of the site for either expansion to a high school or for a new site for the middle school.

**2.** Changes to the Governance Council structure – **RECOMMEND PARTIAL APPROVAL**

New West proposes to add a 15th member to the Governance Council that would be chosen from among standing and special committee representatives of the school. CDE staff has no problem with this proposal.

The amended charter also proposes to make teacher and other staff positions on the Governance Council voting members of the council. Currently, the Governance Council has 9 voting members and 5 non-voting members. CDE staff recommends denial of this amendment consistent with the SBE requirement for all SBE charter schools that employees of the school who sit on the governing boards be non-voting members to avoid conflict of interest issues.

In addition, CDE staff recommends that the Governance Council structure be changed to eliminate "Founders" for purposes of the membership of the council and that additional parent representatives or community members be added to the council instead. The current voting members of the governing board consist of 3 parents and 3 founders, with 2 vacant community representative positions. The purpose served by dividing the parents constituency into founders and non-founders is not clear. A certain percentage of "Founders" are given preferential admissions status because of the work, time and money they donated to see that the school

**SUMMARY OF KEY ISSUES**

opened. However, there is no reason to give founders any special status on a governing board, and in the case of New West, this has appeared to have resulted in a divided governing body. Consistent with the recommendation to eliminate "Founders" on the governing board, all reference to "Founders" in the governance section of the charter and the by-laws of the school should be deleted.

Further, CDE staff recommends that elections for the Governance Council for the upcoming year be conducted by the Executive Director of the school rather than by individual members of the governing board in an open and observed process. It appears that the election process (including organizing the election, compiling ballots and tallying them) for the first members to the governing board was conducted by one of the founders who was also running for one of the founder slots. In addition, the election process for founders was conducted differently than it was for parent representatives.

Finally, CDE recommends the SBE appoint a representative to the New West Governance Council for the next year as it is entitled to do so under law and the charter. CDE staff has received many complaints about the governing board operating in a dysfunctional manner. These complaints, in conjunction with others CDE staff is reviewing and the governing board's history of making unilateral material amendments to the charter, lead CDE staff to strongly recommend the SBE appoint a representative to the Governance Council to help maintain the focus of the council on the educational program of the school.

**3.** Institute admission requirements for new students – **RECOMMEND DENIAL**

New West proposes to require all new students who desire admission to the school to achieve a score of 300 or better on the California Standards Test in English/Language Arts and Mathematics. The admissions criteria also state that New West "occasionally requests an interview to assess an applicant's ability to handle New West's curriculum." The CDE Legal Office initially reviewed the proposed admission requirements some months ago and informally indicated that they did not appear to be discriminatory. On that basis, New West put the criteria on the school's website as part of the application process. However, we have since reviewed the school's charter, which expressly stated that there "shall be no admission criteria, testing, or other evaluation required of any applicant." Further, the school is receiving federal funding in the form of a Public Charter Schools Grant Program (PCSGP) and the Office of Civil Rights has indicated a school that receives PCSGP funding must use a lottery to admit students if the school is oversubscribed (which New West is in some grade levels).

While admission criteria are not illegal, they make more sense for a school with a specific focus, such as performing arts. In addition, these criteria would be taking into consideration student performance data that is not current for the individual student since STAR test data does not come out until middle or late August. In addition, the discretionary interview to assess an applicant's ability to perform at New

## SUMMARY OF KEY ISSUES

West is arbitrary and without any indication of what factors would lead to an interview or who would assess interview results. Moreover, admission criteria are in direct opposition to the intent of the charter school law that requires charter schools to admit all students who wish to attend the school. CDE staff believes that it is an undesirable precedent to allow SBE-approved charter schools to establish criteria that would screen out academically lower-achieving students, when those are precisely the students that are to be given priority under the law when considering whether to grant a charter.

**4.** Add new category of "Founders" for purposes of admission preferences – **RECOMMEND DENIAL**

The SBE, in its original approval of New West's charter petition, allowed the school to grant preferential treatment for admissions purposes to a certain percentage of people who had volunteered their time and money to help open the school. These are the "Founders." The charter allows for no more than 10% of total enrollment to be "Founders" children during the school's first four years of operation, with the percentage declining by 1% each year through 2010-11.

New West proposes to make two changes to the charter: (1) grant Founder status to individuals who worked to help open the school during the extra year New West took to open, and (2) create a new class of "Founders" that would work toward opening the proposed high school and who would be given preferential admissions treatment for both the middle school and high school.

CDE staff recommends that neither of New West's requests for additional "Founders" be approved. The original cutoff date by which "Founders" needed to have completed service hours anticipated New West opening in 2002. The school delayed opening for one year due to difficulty in securing facilities and a special education agreement with a SELPA. During that additional year, individuals continued to donate time and money to the school, and new people were granted "Founder" status. Because the creation of "Founder" status has been an issue in the governance of the school and additional individuals were promised "Founder" status unilaterally, we recommend this request be denied. In addition, CDE staff continues to believe that the total number of Founder's children should remain at no more than 10% of total enrollment over the next four years as the original charter states.

CDE staff recommends denial of New West's request to create a new class of "Founder" for individuals working toward opening a high school. This is in keeping with our recommendation that New West not be approved to open a high school at this time.

**5.** Change the name of the school – **RECOMMEND APPROVAL**

## SUMMARY OF KEY ISSUES

New West proposes to change the name of the school from the New West Charter Middle School to New West Charter School. CDE staff has no problem with this proposal.

**6.** Make miscellaneous changes to the charter – **RECOMMEND PARTIAL APPROVAL**

New West proposes to make numerous changes to the charter to conform to the proposed amendments described in 1-5 above, to reflect the fact that the school is open now, and to make other minor edits. With the following exceptions, CDE staff recommends approval of the proposed changes to the charter:

- Changes that do not conform to State Board action on 1-5.
- Page 17 – Limits on the Charter – the first paragraph should remain in the charter and the second paragraph should be deleted.
- Page 45 – Accountability for the Educational Program – the last sentence should be deleted. The SBE, not the Governance Council has the final approval over material revisions to the education program.
- Page 55 – Membership – language related to Permit With Transfer (PWT) parents should not be deleted in case LAUSD decides in the future to work with New West to transfer some of the district's PWT students to New West.
- Page 57 – the language that was deleted stating that the Advisory Board is subject to laws governing open meetings; public records and confidentiality should be added back.
- Page 70 – School Capacity – the strike out in the first sentence should be removed and language referring to "any other conditions of approval required by the SBE" should remain in the charter.
- Page 72 – Admission and Enrollment Preferences – the third bullet should remain as it was originally and the fourth bullet creating a new admission preference should be deleted.
- Page 96 – Renewal of the Charter – the charter states that New West will submit a request to renew the charter 4 months prior to the charter expiration date. CDE staff suggests that date be amended to require the renewal to be submitted 6 months before the expiration date rather than 4 months because both the Advisory Commission on Charter Schools and the SBE must review the renewal request and neither body meets on a monthly basis.

Finally, we note that pages 13, 34, and 35 reference the creation of an International Studies program and the application for a $750,000 grant from a foundation for the program; however, there is no indication whether this is a major change in emphasis of the educational program and, therefore, a material change to the charter. References to the International Studies program should be deleted in the charter until New West submits specific information on the program and proposed charter amendments aligned with the new program for approval by the SBE.

## SUMMARY OF KEY ISSUES

### Allegations of Financial and Governing Board Irregularities

Based on information CDE staff had received from numerous individuals at New West regarding financial and governing board election irregularities, we asked New West to provide information on the following issues:

- A loan from the Governance Council Chairman to New West
- The Affinity Bank account used for fundraising money
- Irregularities in the selection of governance council members

CDE staff in the Audits and Investigations Office has done a preliminary review of the information submitted by New West and has identified a number of concerns that merit a request for further documentation. Concerns raised by Audits and Investigations and Charter School Division staff include:

- The original loan is only signed by the governing board chairman, who is also the payee on the line of credit.
- The revised loan does not appear to have been approved by the Governance Council. Resolution No. 2004-18 only directs New West's Director/Principal to work out a schedule of repayments. Further, it is unclear whether the Governance Council chairman participated in the discussion or voted on this resolution. The resolution indicates no abstentions.
- The work order provided for the construction company (Golden Star Construction) that did the renovations to the school facility to open the school was not signed by anyone, calls to the phone number resulted in a voicemail recording with no company or individual's name, and a telephone information search revealed no telephone number for the business name.
- Many of the governing board resolutions contain hand written alterations that were not initialed or dated. No signed updated documents have been provided.
- Significant amounts of money were transferred from the school's bank accounts on several occasions with no documentation to support the transfers, including wire transfers of $170,000 and checks written to individuals. There was no second signature on any of the checks.
- The governing board chair was the sole signer on all checks regardless of amount, although the Board Resolution No. 2004-23 and the Business Management Plans and Systems – Overview require two signatures for any check over $2,500.
- The governing board chair was responsible for organizing the governing board member election, compiling the ballots, and tallying them at the same time he was running as a candidate. In addition, the election for "parent" representatives to the board was treated in a different manner

## SUMMARY OF KEY ISSUES

than the election for "founders."

The Audits and Investigations Office has recommended that additional information be provided by New West, including:

- Supporting invoices for goods or services in excess of $5,000 including wire transfers
- Subcontract agreements, if any, for purchases in amounts of $5,000 or more
- Any competitive bids for construction
- A signed agreement/work order with Golden Star Construction
- Updated and signed governing board resolutions
- Approved governing board meeting minutes for the resolutions submitted in response to the documentation request
- Signed loan documents from Pacific Western Bank

Until CDE staff has an opportunity to review the additional information, which will be requested by letter to the Executive Director of New West, we have no recommendations at this time.

## FISCAL ANALYSIS (AS APPROPRIATE)

There could be a minor fiscal impact to CDE and the SBE if the charter changes are approved. CDE would be responsible for ensuring that New West meets conditions of approval that would likely be adopted by the SBE if it approves the charter petition as proposed. CDE would continue to be responsible for the same level of oversight as currently provided. The school would incur greater costs for adding a 9-12 component to the program; however, the school would also receive increased funding as a result in an increase in ADA.

## ATTACHMENT(S)

Attachment 1: Draft of May 14, 2004 Amended Charter for New West Charter School (91 pages)

**Draft of May 14, 2004**

# Amended Charter

**for**

# New West Charter School

## Charter Number 431

## July 1, 2003 - June 30, 2006

**Approved by Action of the**

## California State Board of Education

**July 14, 2004**

**under the**

## Charter Schools Act of 1992

**California Education Code 47600 et seq.**

**Original Charter Petition approved by the**
**State Board of Education on December 5, 2001**
**(see final state-approved charter document of January 15, 2002)**

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VIII. New West Business Plan

# Charter for New West Charter School

**July 1, 2003 - June 30, 2006**

## Mission Statement

The mission of New West Charter School is to provide an academically rigorous, highly individualized education for 21st Century middle and high school students (grades 6-12). In the decades to come, personal success requires increasingly high levels of competency, independence, and self-reliance in an ever changing, ever more complex society, no matter whether individuals choose to manage their own businesses, sell their own services, work within public or private organizations, or raise families whose children face the same challenges. New West meets its duty to produce competent, independent, self-reliant students by creating a learning environment that promotes academic excellence and strong character development as the antecedents for continued success in high school and college programs. New West's vision includes commitment to:

- A rigorous core curriculum that provides a strong foundation in reading and language arts, mathematics, science, and history and social science, supplemented with diverse enrichment opportunities in world languages, visual and performing arts, physical education and health, and information technology;
- A robust program of community service and extracurricular activities designed to have maximum synergy with the academic program;
- Clearly defined and closely monitored performance standards that assure progress toward the school's educational goals in full compliance with all applicable state standards;
- A cooperative community of parents and educators that shares responsibility for the school's governance, operation, and educational program in the best interests of the school's students;
- Small school size (200 students or less per grade level) with classes as small as resources permit (25 students or less per class); and
- A personal learning environment that both encourages and challenges each student according to his or her ability through differentiated instruction within an integrated curriculum.

New West serves students of diverse cultural, ethnic, and socioeconomic backgrounds from throughout greater Los Angeles whose families share the common goal of creating a strong, unified educational milieu for their children. New West's educational culture fosters high academic achievement through high expectations, genuine accountability, and individualized attention both at home and in school. This home/school collaboration enables students to become competent, self-motivated, lifelong learners who have a clear sense of their individual worth and their responsibilities to society.

## AMENDED CHARTER PETITION

The original Charter Petition for New West Charter School (New West), under the name of New West Charter Middle School, was unanimously approved by the California State Board of

Education (SBE) on December 5, 2001, under the Charter Schools Act of 1992 [Education Code 47600 et seq.] (sections of the California Education Code are referenced in brackets). New West opened on September 7, 2003, with about 275 students enrolled in grades 6-8 at its middle school campus on Pico Boulevard in West Los Angeles. This Amended Charter Petition of May 14, 2004, is being submitted by New West's Governance Council to the SBE through the California Department of Education (CDE). This amended charter provides updated information about the school as it is currently operating (e.g., school site and school size). Many changes are simple editorial revisions in language that reflect the school as actually being open rather the prospect of it opening sometime in the future (e.g., change "the school will be . . ." to "the school is . . ."). More important are some material changes to the original charter document that require approval by the SBE (e.g., including high school grades and/or adding an additional site for the proposed high school or enlarged middle school, changes to the Governance Council, extension of founder status to volunteers working to open the high school, and changes in criteria for admission based on minimum grade level proficiency standards set by the SBE). The amended charter requires New West to submit detailed educational, business, and facility plans for the proposed high school and/or additional school site before enrolling students in grades 9-12 and/or commencing instruction at a new site. New West's educational program, with respect to philosophy, goals, and implementation of the school's curriculum, remains unchanged. The revisions included in this Amended Charter Petition were approved by consensus of the New West Governance Council on May 10, 2004, for submission to the SBE.

## ENDORSEMENTS OF THE ORIGINAL CHARTER PETITION

The original Charter Petition submitted to the Los Angeles Unified School District (LAUSD) in 2000 and later approved by the SBE in 2001 was endorsed by:

- Four hundred ten (410) parents who were meaningfully interested in having their children attend New West. This number of signatures far exceeded the legal requirement for parent signatures [Education Code 47605(a)(1)(A)].
- Five (5) credentialed teachers who were meaningfully interested in teaching at New West. This number of signatures met the legal requirement for teacher signatures [Education Code 47605(a)(1)(B)].

The signatories to the original charter petition authorized the three Founders listed below to negotiate any amendments to the charter document necessary to secure approval by the SBE:

- David Eagle, Parent and Chair, Executive Board of the Organizing Committee.
- Dr. Gene Albrecht, Parent and Co-Chair, Executive Board of the Organizing Committee.
- Judith Bronowski, Parent and Co-Chair, Executive Board of the Organizing Committee.

## DESCRIPTION OF THE SCHOOL

### I. History

Parents in the Brentwood-Pacific Palisades area of Los Angeles have been at the forefront of charter school reform since 1993. The combined efforts of parents and educators resulted in the creation of the Palisades Charter Schools Complex in 1995 – a group of neighborhood schools (5 elementary, 1 middle, and 2 high schools) in the LAUSD. However, these schools were so-called "Dependent Charters" on which the LAUSD places many financial, management, and curricular restrictions on their operations, governance, and educational programs. Many parents, especially those with children in the elementary schools, felt these constraints reduced their charter schools to little more than regular public schools within the LAUSD. Local parents did not see their local

charter schools taking full advantage of the opportunity for innovation and reform that is the spirit of the charter schools movement. Of particular concern was the perception that Paul Revere Charter Middle School was not fulfilling its obligation to stimulate, encourage, and embrace the involvement of parents as valued participants and partners in the school's operation and educational process. As parents seeking excellence in public education gain experience in all the mandates of the charter school movement — shared school governance, educational program design, research into innovative ideas, and local accountability for educational outcomes — they felt that only a direct funded ("fiscally independent") charter middle school could take advantage of the freedom and flexibility granted by California's Charter Schools Act.

The idea of starting a new charter school, as an alternative to the existing middle school, came from a small, ad hoc group of very involved parents led by David Eagle and Judith Bronowski. These parents were interested in continuing, at the middle school level, the advances in educational quality that rejuvenated the neighborhood elementary schools. The ad hoc committee formulated a survey to determine the level of community interest in having a choice of public middle schools, and what characteristics should distinguish that new charter middle school. The consensus among parents was that, for their children, they wanted a smaller, less overwhelming school (600 versus 2200 students), with smaller class size (25 students, or less, per classroom). Just as important was a rigorous and challenging curriculum, individualized attention that addresses the needs of all children, a real gifted/talented program, a service component to build students' sense of community and societal responsibility, and opportunity and encouragement for parental involvement and shared stakeholder governance.

Some 800 surveys were distributed to the parents of 3rd, 4th, and 5th grade students at 4 of the 5 elementary schools within the Palisades Charter Complex. People expressed a sincere interest in having a choice in middle school opportunities by returning more than 350 surveys. Several "town hall" meetings were held to discuss the possibilities and prospects for a new middle school. From those meetings came the New West Charter School Development Group that grew to more than 160 people, representing diverse cultural and socio-economical backgrounds, who volunteered to serve on committees to design New West from the ground up. Planning for the new school was carried forward through an Organizing Committee with an Executive Board chaired by David Eagle that oversaw more than a dozen committees staffed by volunteer members of the Development Group. A $35,000 Charter School Planning Grant from the California Department of Education (March 2000) and a $10,000 Walton Family Foundation Charter School Planning Grant (July 2000) were awarded to New West to support the initial costs of school development. New West was incorporated as a public nonprofit educational entity in 2000.

The charter petition to establish New West as a charter middle school was denied by the Board of Education of the Los Angeles Unified School District (LAUSD) on August 8, 2000. The Los Angeles County Board of Education (Los Angeles County Office of Education) subsequently denied a revised petition on January 9, 2001. New West then submitted its charter petition to the SBE through the CDE pursuant to Education Code Section 47605(j)(1). On June 7, 2001, the SBE passed a motion indicating its intent to approve the Charter in September or October 2001 provided certain conditions were met having to do with addressing the concerns of the SBE/CDE, and working collaboratively with the LAUSD to see if the school district wished to reconsider its earlier denial. On November 26, 2001, the LAUSD indicated that it was not interested in reconsidering the New West charter petition. On December 5, 2001, the SBE unanimously approved the New West charter petition and assigned the school charter number 431, subject to the conditions specified in the original chart (see *General Provisions of the Charter. Section III. Conditions of Approval* in the final state-approved charter document of January 15, 2002).

Efforts to open New West in September 2002 were thwarted by difficulty in securing an appropriate site for the middle school campus and prolonged negotiations with LAUSD regarding SELPA membership required to meet New West's special education needs. SELPA membership in

LAUSD's SELPA was finally worked out by May 1, 2003. Later that month, with approval from the CDE, New West signed a long-term lease on a former furniture auction house on Pico Boulevard in West Los Angeles. The architectural design and structural engineering work for renovating the building were donated pro bono by architect Jennifer Wen and structural engineer Jeff Guh. Jennifer Wen and David Eagle volunteered their time and effort as project managers during an expedited construction schedule that completely renovated the inside of the building in three months over the summer of 2003. At the same time, Dr. Donald Gill, New West's Founding Director/Principal worked with founding parents to hire teachers and staff and make other arrangements for opening the school. The middle school site was dedicated on September 7, 2004, and greeted about 275 students the next day in grades 6-8 for the commencement of classes.

## II. Facilities

New West's middle school campus is located at 11625 Pico Boulevard, which is centrally located on the Westside of Los Angeles. The campus is in a mixed commercial area with easy accessibility near major thoroughfares and a few blocks from the intersection of the I-10 and I-405 freeways. The school is a few blocks south of Stoner Avenue Park and a mile north of Mar Vista Park, two city recreational centers that New West is planning to use for its PE program and athletic activities. It is a few blocks from Richland Avenue Elementary School, a LAUSD campus with which New West is building a collaborative relationship in terms of tutoring elementary students and use of garden space for science projects and after school programs.

The building that houses New West, which was built in 1947, is a self-contained structure with two floors. Floor space includes about 10,000 square feet on the first floor and 5,000 square feet on the second floor. After a complete redesign and renovation of its interior, the building is now configured for optimum use as a modern school complete with 11 classrooms, administrative offices, library space, art area, new student and adult restrooms, substantive open space for student interactions, conference area, and faculty and parent volunteer work areas. The substantial capital improvements include full ADA access (a lift provides second floor access), wireless internet access, video security system, fire/life safety upgrades, energy saving lighting, and new, efficient HVAC equipment. With the exception of new student desks and lockers, almost all interior furnishing were obtained as donated excess inventory from local businesses and law firms. The smaller of the two parking lots is used primarily as a lunch area, while the larger parking lot is used for off-street drop-off in the morning, pick-up in the afternoon, and PE and recess during the rest of the day. Parking is readily available on the streets surrounding the school. Considering that New West's goal of class sizes no greater than 25 students/room, the site accommodates about 275 students total.

## III. Staff

The number and kinds of staff employed at New West varies depending on the level of funding received by the school from different sources and the programs such funding supports. Currently, for the 2003-04 school year, New West's middle school employees include (full-time unless noted):

- Director/Principal.
- Facilities manager.
- Administrative assistant/office manager.
- Mediation and Discipline Advisor (part-time).
- Two (2) office assistants.
- Ten (10) credentialed classroom teachers .
- Two (2) credentialed special education resources teachers.
- Three non-credentialed elective teachers (part-time: Spanish, drama, and movies).
- Three (3) non-credentialed physical education teachers (part-time).

- Two (2) (9instructional aides (part-time).
- Plant manager (part-time).

New West contracts with outside companies for the following services:

- Business affairs (accounting, payroll, and other financial services).
- Janitorial and maintenance services.
- After school program.
- Special education services outside the expertise of the school's resource teachers.
- Legal affairs.

The number of employees in future years will depend on the availability of funds, numbers of students, and programmatic needs. The services of parents and community volunteers are intended to provide enrichment programs, extracurricular activities, and at least one adult volunteer in each classroom for at least part of each day. Parents volunteer substantial time and expertise to assist in other aspects of the school's day-to-day and long-term operation (e.g., room parents, traffic control, lunch monitors, clerical help, newsletter, grant writing, admissions).

### IV. Grants

New West successfully competed for grants and other funding to cover initial planning and start-up costs for the new school. Current and pending grants and loans include:

- Planning Phase Charter School Start-Up Grant, California Department of Education: $35,000, awarded March 2000.
- Charter School Planning Grant, Walton Family Foundation, Inc.: $10,000, awarded July 2000.
- Implementation Grant, California Department of Education: $400,000, awarded in June 2003.
- Personal loan from David Eagle for start-up costs: $275,000 in June 2003.
- Charter School Revolving Loan Fund, California Department of Education: $250,000, awarded in June 2003.
- Friends of New West Charter School Greening and Beautification Project, Neighborhood Matching Fund, City of Los Angeles: $10,000, awarded May 2004.
- Grant for International Studies Program, S. Mark Taper Foundation, Los Angeles: $750,000 (invited grant submitted April 2004 for December 2004 funding).

## GENERAL PROVISIONS OF THE CHARTER

New West is applying to amend its Charter to fulfill the intent of the California Legislature in establishing the Charter Schools Act [Education Code 47601]. Charter schools are meant by law to provide opportunities for teachers, parents, pupils, and community members to maintain a school that operates independently from the existing school district structure. This independence allows New West to accomplish the following as a charter school [Education Code 47601(a)-(g)]:

- Maintain and further improve a high level of student learning.
- Increase learning opportunities for all students, with special emphasis on expanded learning experiences for the entire diversity of students ranging from those who are identified as academically low achieving to those who are identified as highly gifted.
- Encourage the use of different, innovative, and enhanced teaching methods.

- Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program.
- Provide parents with opportunities to be involved in their children's education.
- Be accountable for meeting measurable pupil outcomes and using performance-based accountability systems to measure student success.
- Provide vigorous competition within the public school system that stimulates improvements in all public schools.

## I. Name of the School

The official name of the school shall be New West Charter School. The school's Governance Council shall have the right to change the school's name at any time for any reason. New West shall inform the SBE when, and if, the school changes its name.

## II. Chartering Authority and Supervisory Oversight

The State Board of Education (SBE) shall be the chartering authority for New West. With regard to supervisory oversight, the SBE shall have the right to designate an Oversight Agent to ensure the fundamental, continuing interests of the SBE with regard to New West implementing the Charter as approved by the SBE, obeying all laws applicable to charter schools, operating prudently, and providing a sound educational program. It is anticipated that the Oversight Agent will be staff within the CDE operating under the direction of the State Superintendent of Public Instruction, but the SBE may designate another party of its choice as the Oversight Agent. The Oversight Agent shall be the principal point of contact for New West regarding the implementation of the Charter, operation of the school and its educational program, reporting requirements, oversight responsibilities, and other matters that may arise. New West shall work cooperatively with the Oversight Agent to facilitate the SBE in meeting its legal obligations for oversight and supervision as the school's chartering authority. The meaning of "supervisory oversight," as used in Section 47613.7 of the Education Code, shall be determined by the SBE in accordance with the Charter Schools Act (e.g., see the SBE directive titled *State Board of Education-Approved Charter Schools: Expectations for Oversight and Supervision* and *Duties of Charter School and Oversight Agent*). New West shall pay for the costs of supervisory oversight to the extent required by the Charter Schools Act (see *Provisions Related to Charter School Funding. VI. Oversight Costs*)[1].

## III. Conditions of Approval for Adding High School Grades and/or New School Site

New West currently operates as a middle school on a small campus that can accommodate about 275 students in grades 6-8. Beginning in September 2005, New West anticipates expanding its middle school to the 600 students allowed by the charter and/or adding high school grades (9-12) for a maximum of 800 students in high school. These expansion efforts will require additional school sites to accommodate the enlarged middle school and/or proposed high school. New West shall meet the same conditions for enlarging its middle school, starting its high school, and/or opening new school sites for the middle and high schools as were imposed by the SBE regarding the opening of New West as a middle school (see final state-approved charter document of January 15, 2002). The following requirements shall be satisfied by New West (dates refer to the year New West intends to commence instruction at a site in September of that year):

[1] References to the "SBE" in the Charter refer to, as may be appropriate in different circumstances, the State Board of Education, the Executive Director of the SBE, the California Department of Education, the SBE's designated Oversight Agent, or any of these entities acting jointly.

1. Not later than July 1, New West shall submit to the SBE documentation of adequate insurance coverage for the enlarged middle school, proposed high school, and/or any new school site, including liability insurance, which shall be based on the type and amount of insurance coverage maintained in similar settings.
2. Not later than July 1, New West shall either (a) accept an agreement with the SBE (administered through the CDE) to be the direct oversight entity for the enlarged middle school, proposed high school, and/or any new school site, specifying the scope of oversight and reporting activities, including, but not limited to, adequacy and safety of facilities; or (b) enter into an appropriate agreement between New West, the SBE (as represented by its Executive Director), and an oversight entity pursuant to Education Code Section 47605(k)(1) regarding the scope of oversight and reporting activities, including, but not limited to, adequacy and safety of facilities.
3. Not later than May 15, New West shall submit to the SBE either written verification from a special education local plan area (SELPA) that the enlarged middle school, proposed high school, and/or any new school site are (or will be at the time students are being served) participating in the SELPA, or an agreement between a SELPA and New West that describes the roles and responsibilities of each party and that explicitly states that the SELPA considers New West's students to be students of the school district in which the school is physically located for purposes of special education programs and services (which is the equivalent of participation in the SELPA).
4. Not later than May 15, New West shall submit to the SBE a high school educational plan, including but not limited to, a description of the curriculum and identification of the basic instructional materials to be used, plans for professional development of instructional personnel to deliver the curriculum and use the instructional materials, identification of specific assessments that will be used in addition to the results of the Standardized Testing and Reporting (STAR) program in evaluating student progress, and a budget which clearly identifies the core program from enrichment activities and reflects only those loans, grants, and lines of credit (if any) that have been secured by New West.
5. Not later than June 1, West shall submit for review and approval by the Executive Director of the SBE in consultation with the State Superintendent of Public Instruction, the specific means to be used for high school student attendance accounting and reporting.
6. Not later than May 1, shall present to the SBE a lease agreement (or comparable document) identifying any new school site for at least the first year of the school's operation and evidence that the facility is adequate for the school's needs as an enlarged middle school or proposed high school.
7. Not less than 30 days prior to the opening of any new school site for an enlarged middle school or proposed high school, New West shall present evidence to the SBE that the school's new facilities been cleared for student occupancy by all appropriate local authorities. For good cause, the Executive Director of the SBE may reduce this requirement to fewer than 30 days, but may not reduce the requirement to fewer than 10 days.
8. Not later than June 1, New West shall present to the SBE a final charter that includes all provisions and/or modifications of provisions that reflect and otherwise address all concerns identified by CDE staff regarding an enlarged middle school, a proposed high school, and/or any new school site.
9. In the final charter presented pursuant to condition (8), New West shall resolve all provisions related to legal issues in keeping with the direction of the SBE's Chief Counsel.

It is the intent of the SBE that satisfaction of these requirements shall be determined by the SBE's Executive Director in consultation with the State Superintendent of Public Instruction (as represented by appropriate staff of the CDE). In each case that the requirements specify an action to be taken by the petitioners, it is the intent of the SBE that the Executive Director's review and

approval or disapproval will be completed within 15 days of the action being taken and appropriately reported by the petitioners. If the Executive Director determines that a requirement has not been satisfied, then New West shall not be authorized to commence instruction of high school students (grades 9-12) and/or occupy a new school site for either the enlarged middle school or proposed high school.

If the New West high school is not operational by September 30, 2006, the conditional approval of the amended charter petition by the SBE to offer instruction for grades 9-12 and/or occupy a new school site for the high school is terminated.

The SBE recognizes that the LAUSD is subject to consent decrees affecting the operation of its schools (including, but not limited to, consent decrees pertaining to the cases known as Chanda Smith, Crawford, and Rodriguez). If the New West site(s) is (are) physically located within the LAUSD, then New West shall comply with these consent decrees if and to the extent the decrees are determined by the court or other competent authority to be applicable to the school.

## IV. Role of the Charter

This Charter constitutes a binding contract between New West and the SBE. The charter document is meant to be a performance-based agreement covering those terms and conditions that are required by law as well as those aspects of the relationship between the school and the SBE that require clarification. New West shall first consult with the SBE about matters that may arise that are not covered by the Charter. Any dispute between New West and the SBE about the terms and conditions of the Charter, the meaning of the Charter Schools Act, or the applicability of local, state, and federal laws to charter schools shall be settled according to the dispute resolution process described under *General Provisions of the Charter: Section XIII.N.2. Disputes between the School and the Chartering Authority.*

## V. Limits on the Charter

New West shall be permitted to offer instruction to students in grades 6-12 at several school sites in the West Los Angeles area as may be necessary to accommodate the maximum number of students specified in *General Conditions of the Charter. Section VII. Limits on School Size*. New West shall not operate an adult school, children's center, or independent study programs.

## VI. Term of the Charter

The term of the Charter shall begin on July 1, 2003, and shall expire on June 30, 2006.

## VII. Limits on School Size

New West shall limit school size to 600 students total for middle school (grades 6-8) and 800 students total for high school (grades 9-12). The actual number of enrolled students in any school year will depend on the availability of appropriate school sites for the middle and high school campuses.

## VIII. Legal Status of the School

The school shall operate as a California Nonprofit Public Benefit Corporation, known as the New West Charter School, formed and organized pursuant to the Nonprofit Public Benefit Corporation Law (Part 2 commencing with Section 5110 of Division 2 of Title 1 of the Corporations Code), as allowed by the Charter Schools Act [Education Code 47604(a)]. The SBE shall not be liable for the debts or obligations of New West [Education Code 47604(c)].

The Governance Council of New West shall also serve as the corporation's Board of Directors, which shall include a single, representative appointed by the SBE [Education Code 47604(b) and 41365(f)(2)] (see *General Provisions of the Charter: Section XIII.D.1. Governance Council)*. The SBE shall be notified of any changes in the membership of the Governance Council.

The school shall operate according to the Corporate Bylaws of New West Charter School, which shall be consistent with the terms of the Charter, the Charter Schools Act, and all other applicable laws. In any instance in which the provisions of the Corporate Bylaws are in conflict with provisions of the Charter, the provisions of the Charter shall control. The SBE shall be provided a copy of New West's Corporate Bylaws and the SBE shall be informed of any changes made to the Corporate Bylaws by the Governance Council.

New West, as a charter school, is part of the Public School System, as defined in Article IX of the California Constitution [Education Code 47615(a). New West, as a charter school, is under the jurisdiction of the Public School System and the exclusive control of the officers of the public schools, as provided in the Charter Schools Act [Education Code 47615(b)].

## IX. School Site and Educational Facilities

New West shall work collaboratively with the SBE in exercising its right as a charter school to rent, lease, or purchase a school site(s) of its choosing for conducting its educational operations. In choosing a school site, New West shall consider the nature of the neighborhood and neighboring properties with regard to appropriateness for educational activities. New West shall have the right to construct, reconstruct, demolish, remodel, alter, or add to buildings or other facilities at its school site(s) in any way, provided that the school conforms to all city, county, and state building codes, health laws, safety regulations, and educational standards applicable to charter school facilities. New West shall allow the SBE to inspect its campus(es) and any of its school buildings or other facilities at any time.

New West shall keep the SBE informed, on a timely basis, with regard to site selection for an enlarged middle school, proposed high school, and/or any new construction or remodeling of existing facilities. For any site to be occupied by New West, the school shall take the following steps to satisfy the SBE that the site is educationally appropriate and safe for occupancy and continued operation of the school:

- New West shall provide the SBE with copies of all relevant documents that specify the terms and conditions of rental, lease, or purchase agreements related to New West's choice of a school site (see *General Provisions of the Charter. Section III. Conditions of Approval*).
- New West shall provide the SBE with information about the site, including but not limited to the age and history of buildings, tenants of the site if shared with others, planned use of the space for educational purposes, emergency routes, traffic flow, parking, student drop-off zones, campus security, and separation of students from other tenants or neighboring properties.
- New West shall provide structural plans and architectural drawings of the site, including planned alterations or new construction, for inspection and comment by the SBE with regard to size and arrangement of rooms, number and placement of bathrooms, ADA accessibility, entrances and exits, width of hallways, lighting, signs, safety, and security.
- New West shall provide the SBE with the report of a licensed structural engineer certifying that the facility is constructed to local building code standards and that the building is sufficiently structurally sound to be used by a county superintendent of schools for the operation of a community school.
- New West shall conduct a parking and traffic safety study whose purpose is to address the adequacy of the school's drop-off and pick-up areas and procedures including the potential need for adult monitors to manage the safety of students entering and leaving the school grounds.

- New West shall create a school security plan including containment of students, access to the school site (e.g., through stairwells or other entry points), separation from other tenants of the site and neighboring properties, emergency plans and exit routes, and signage.
- New West shall consider any site review recommendations made by the SBE regarding the school site and school facilities, and shall be bound by such recommendations as required by the Charter Schools Act, by the conditions of approval by the SBE, by the terms of the oversight agreement between the SBE and New West, and by applicable building, health, safety, or educational laws relating to charter school facilities.
- New West shall provide the SBE with a Certificate of Occupancy issued by the department of building and safety not less than 30 days before commencing educational operations (see *General Provisions of the Charter. Section III. Conditions of Approval*).
- New West shall notify the SBE immediately if the school is cited at any time by any government agency (e.g., Cal OSHA or the Fire Marshall) for noncompliance with building, health, or safety regulations.
- New West shall demonstrate to the SBE that the costs of the school's facility, including alterations or new construction, can be accommodated within the school's budget.
- New West shall irrevocably instruct the owners of leased or rented property to notify the SBE if rental or lease agreements are terminated.

New West shall provide the SBE, as soon as possible after selection of its school site(s) but not later than May 1 of the year that New West plans to commence instruction at a site, with all the information that the SBE deems necessary to evaluate the appropriateness of the site for school's educational operations (see *General Provisions of the Charter. Section III. Conditions of Approval*). The SBE shall make a written determination about the appropriateness of the school site within 15 days of having received all the information it requires. If the SBE identifies deficiencies in the school site(s), then New West shall have the opportunity to correct the problems and resubmit for SBE approval of the school site(s). Under no circumstance shall New West be allowed to begin educational operations at a school site before all of the preceding conditions have been met to the satisfaction of the SBE.

## X. School Founders

The Founders of New West are parents from the Westside of Los Angeles who are interested in promoting educational reform in the best interests of their children and the children of others residing throughout the greater Los Angeles area. Status as a New West Founder shall be determined solely by the amount of time and effort that a parent volunteers during the planning and implementation stages leading to the opening of New West's middle school and/or high school. The main requirements of the Founder's Agreement (see Appendix V) are 100 hours of documented volunteer service and a continuum of service on one or more school committees. Monetary pledges or contributions of material goods shall not be considered in any way toward establishing founder status. Besides the inherent benefits of volunteerism in the best interests of children and the community, the primary reward for Founders is admission preference to New West's middle school or high school for their children (not to exceed 10% of enrollment) (see *General Provisions of the Charter: Section XIII.H.3. Admission and Enrollment Preferences*). The following policies and practices shall govern Founder status at New West:

- Founder status is meant for parents who are interested in having their children attend New West at some future time.
- Founders must be the parent(s) or the legal guardian(s) of students who are given admission preference as the children of Founders.
- The number of Founders shall be proportionately limited by the total number of their children who plan to enroll at New West. The number of Founders' children shall not exceed 10% of

the total number of children enrolled in New West's middle school and high school at any one time during the school's first four years of operation (i.e., 2003-04 through 2006-07 school years). For 2007-2012, the percentage shall decrease by 1% per year (i.e., 9% for 2007-08, 8% for 2008-09, 7% for 2009-2010, 6% for 2010-2011, and 5% for 2011-2012). Thereafter, beginning in 2012-13, New West shall not offer any preference in admission for the children of Founders.

- Status as a Founder shall include those persons who completed all requirements of the Founder's Agreement before the middle school commenced classes in September 2003 or before the high school commences classes in September 2005
- Middle school Founders must meet both of the following standards: (1) accumulate 50 hours of volunteer service by the date in the Spring of 2003 when admissions are determined for the 2003-04 school year, and (2) surpass 100 hours of volunteer service by the first day of classes for the 2003-04. Volunteers who do not reach both these levels of service shall not be considered eligible for Founder status and their children shall not be allowed to enroll under Founder status.
- High School Founders must meet both the following standards: (1) accumulate 50 hours of volunteer service by the date in the Spring of the year when 12$^{th}$ grade is added at the time admissions are determined for that next school year, and surpass 100 hours of volunteer service by the first day of classes for the year 12$^{th}$ grade is added.
- Perspective parents who volunteered 50 hours or more during New West's first year of operation, and prior to March 20, 2004 shall be permitted to complete their 100 hours of service anytime during the 2004-2005 school year up until July 1, 2005 and will then be considered Founders eligible for admission preference to middle school and/or high school.
- Perspective parents who volunteered 50 hours or more prior to March 20, 2004 and who's children did not get admitted by the lottery and who are currently on the waiting list for admission for September 2004, shall have their children admitted to the middle school provided they agree to complete their 100 hours of volunteer service to the school by December 31, 2004. Once they have completed their volunteer service these parents shall be considered Founders.
- The accumulation of volunteer hours toward Founder status and the awarding of Founder status shall cease on the first day of classes for the school year in which the first students in grades 9-12 are admitted to the school.
- Volunteers shall document and report the activities and amounts of volunteer time to be used toward meeting the requirements of the Founder's Agreement.
- The Executive Board shall issue a letter that vests Founder status on each parent who has met all requirements of the Founder's Agreement.
- New West's Executive Board shall keep a list of Founders' children who are scheduled to enroll at New West each academic year based on their ages as of the commencement of classes for 2003-04. The numbers of Founders' children anticipated in each class in each year shall be made available to prospective volunteers so that they may assess the likelihood of becoming a Founder before committing to help open New West.
- Founders' children shall comply with the same admission criteria, application deadlines, and conditions of enrollment as other students wishing to attend New West.
- New West's Executive Board shall be solely responsible for resolving disputes about interpreting or applying these policies or any other aspect related to Founder status.

## XI. Charter School Organizations

New West shall maintain a membership in the California Charter Schools Association (CCSA), or another similar organization, for the purpose of both promoting the charter model of school reform generally and enhancing New West's effectiveness as a charter school specifically. New West will send at least one teacher, administrator, or Governance Council member to CCSA's annual meeting. The school's teachers, administrators, and Governance Council members are encouraged to attend workshops held by organizations such as the Charter Schools Development Center, Institute for Education Reform, California State University, Sacramento California. New West will schedule on-campus seminars to keep its community of parents and educators informed about the evolving principles and practices of charter schools.

## XII. Equal Rights Statement

New West, as a charter school, is specifically barred from racial, sexual, or ethnic discrimination in any aspect of its operation [Education Code 235]. New West shall be nonsectarian in its programs, admission policies, employment practices, and all other operations [Education Code 47605(d)(1)]. New West shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, national origin, or disability in any aspect of its operation, educational program, or dealings with students, parents, and employees [Education Code 47605(d)(1) and California Constitution, Article 1, Section 31].

## XIII. Required Elements of the Charter

### A. Educational Program

New West took a benchmarking approach to the development of its educational program for the middle school that opened in September 2003. Specifically, New West Founders worked with educational researchers, using California Department of Education statistics, to identify the five highest performing middle schools in the state that serve similar populations of students as anticipated will enroll at New West. New West formed an Educational Study Panel to site visit each of these five schools to gather detailed information about curriculum, assessments, budgetary options, school organization, and other aspects of those schools' educational programs. Additionally, the study panel sought the advice of several educational consultants and middle school principals of high-performing schools. The information gathered by the Educational Study Panel was used to formulate the operational details of New West's educational program. Thus, New West's educational program for the middle school is based on "best practices" synthesized from the different programs, methods, and strategies of those middle schools that the Educational Study Panel found to be most successful as a model to fulfill New West's educational mission. The educational program for the middle school is presented in the document "New West Charter Middle School Educational Plan" that was approved by SBE in May 2002 as a condition for opening New West in September 2003.

Naturally, it is to be expected, even encouraged, that New West's education program will evolve over time as the school's educators, parents, and Founders determine that it would be best to add, delete, or revise various policies, procedures, or practices in the best interests of the school's students. Accordingly, the Educational Study Panel will be continued in future years as a part of the school's Curriculum Committee. New West intends to continue learning from other successful schools as well as from its own experiences in order to maintain and further improve a high level of student learning.

With regard to the proposed high school, New West will adopt the same benchmarking, best-practices approach to developing an educational program for grades 9-12. New West shall provide the SBE with a comprehensive outline of its high school program and budget for

comment and approval by the SBE before the school begins educational operations. The information provided to the SBE for review and comment shall include:

- Brief report by the Educational Study Panel on the results of the school's benchmarking approach to developing the high school's educational program (see beginning of this section).
- General overview of the curriculum including specific classes to be taught, course descriptions, curricular schedule, and school calendar for grades 9-12.
- Reasonably comprehensive descriptions for each grade level of the core curricular areas listed in *General Provisions of the Charter. Section XIII.A.6. Core Curriculum* organized by curricular and instructional design elements (i.e., instructional objectives, instructional design, instructional delivery, differentiation, assessment, and instructional materials as discussed in *General Provisions of the Charter. Section XIII.A.5. Curricular and Instructional Design*).
- Reasonably comprehensive descriptions of how the school will help all high school students meet the school's desired exit outcomes for academic excellence, character development, and life skills as discussed in *General Provisions of the Charter. Section XIII.B. Measurable Student Outcomes*, including students who are academically low achieving (see *General Provisions of the Charter. Section XIII.A.11*), students who are gifted (*Section XIII.A.12)*, students who are English language learners (*Section XIII.A.13)*, and students who have special needs (*Section XIII.A.14*).
- Reasonably comprehensive descriptions of the schedule and types of assessments to be used to monitor a high school student's progress toward meeting the "benchmark skills" (i.e., promotion standards) that students must demonstrate to progress through the continuum of skill and grade levels (see *General Provisions of the Charter: Section XIII.A.18. Grading System and Report Cards*; *Section XIII.A.19. Student Promotion and Retention Policy*; *General Provisions of the Charter. Section XIII.B. Measurable Student Outcomes*; and *Section XIII.C. Evaluating Student Performance*).

New West shall provide the SBE with this comprehensive outline of the school's educational program for the high school grades as soon as possible but not later than May 15 of the year that New West plans to commence instruction (see *General Provisions of the Charter. Section III. Conditions of Approval*). The SBE shall make a written determination about the soundness of the educational program within 15 days of having received all the information it requires. If the SBE identifies deficiencies in the educational program, then New West shall have the opportunity to correct the problems and resubmit for SBE approval of the educational program. Under no circumstance shall New West be allowed to begin educational operations at its high school site before the SBE is satisfied with the school's educational program.

### 1. Students to Be Served

New West will provide for the free, nonsectarian, public education of all middle school and high school students in grades 6-12 who desire a broad and comprehensive foundation in reading and language arts, mathematics, science, and history and social science supplemented by a variety of enrichment programs in the visual and performing arts, world languages, health and physical education, and extracurricular activities designed to enhance the core curriculum. New West's educational program focuses on middle school students who want to develop the skills, knowledge, and attitudes that prepare them to be successful in college preparatory courses at the high school level, and high school students who seek to be successful in college. The school, which is open to any student who wishes to attend, enrolls a multi-cultural, multi-ethnic, socioeconomically diversified student body without respect to race, sex, color, ethnicity, national origin, or disability. New West promotes the school's philosophy and vision throughout the greater

Los Angeles area to attract students and families who share the school's core beliefs about quality education, home/school/community partnership, and shared local control of the school's operation and educational program. For geographic reasons, most New West students come from Westside neighborhoods served by the Los Angeles Unified School District LAUSD (primarily), Beverly Hills Unified School District, Culver City Unified School District, Inglewood Unified School District, and Santa Monica-Malibu Unified School District. New West's educational program addresses students of all abilities — ranging from those who require remedial attention to the high proportion of gifted and talented children who graduate from the local public and private elementary schools — in a manner that meets the individual needs of each student. Special emphasis is placed on remediation through expanded learning experiences for academically low achieving students. New West has a full service special education program that provides all special needs children with an appropriate education in a least restrictive environment that assures students with disabilities have full access to the school's educational program to the same extent as students without disabilities (see *General Provisions of the Charter. Section XV. Special Education*).

## 2. What It Means to Be an "Educated Person"

The process of education is the development of knowledge and cognitive abilities, physical and interpersonal skills, emotional and attitudinal predispositions, and character formation and work habits. New West recognizes that the domain of education is broader than formal schooling. Accordingly, New West integrates the formal schooling that takes place within its walls with a broader perspective in order to equip students to live — and continue to learn — in an increasingly complex and information-rich modern world. Thus, New West has the objective of enabling students to become self-motivated, competent, and lifelong learners.

New West students works with parents, teachers, and community members to become actively involved in their own learning, both in determining the nature of their educational endeavors and in being active participants in their learning experiences. At New West, middle school and high school students develop their abilities to think about and discuss ideas and issues critically, and to question and inquire about the world around them. They understand the rigors of mathematical proof and how to apply the scientific method of investigation. They remain intellectually flexible. They are able to analyze and understand complex systems. They learn to think holistically, abstractly, and creatively. They understand how to set and achieve goals in a variety of situations. They learn to reason critically and creatively. They communicate with clarity, focus, and understanding of the audience they are addressing. These skills can be acquired because of the abilities of carefully selected teaching professionals who use teaching materials and methods appropriate for communicating the thought processes and philosophy to which New West subscribes.

Students at New West develop academic and social skills appropriate for an ever-changing, globally interconnected, multicultural, and multiethnic world. New West recognizes that society in the new century is an informational society requiring high levels of literacy, clarity of thinking skills, and increased abilities to process information. Indeed, so much information is available and accessible in today's world that New West students must learn not only to access information, but also to use, filter, and critically analyze that information. In addition, New West graduates must have a concept of themselves as being part of a larger, interconnected system of life in which national and global interdependence continues to increase as technology becomes more powerful, accessible, convenient, and complex. They are, therefore, as part of their New West

experience, involved in meaningful, productive, flexible, and adaptive learning, with the purpose of their public school education being the development of genuine learning skills. Graduates of New West will know how to live and learn in this new and ever-changing world.

Students at New West learn to be proactive in their social behavior and choices. They are able to act ethically and to take responsibility for their own actions. They are able to work and live harmoniously with others in a multicultural and multiethnic world. They are able to understand and relate to the complexity of the natural environment in which they live. They are able to see the possibility of continuity within change and, with their awareness of the integrity of the system of life always lively at any level of their activity, they are able to interact with their natural and human environments in which they find themselves in ways that are flexible, purposeful, and creative.

## 3. How Learning Best Occurs

New West recognizes that learning best occurs when children are immersed in a culture of education that both challenges and nurtures their development as individuals. Teachers, parents, and community members must create a shared culture — an environment that is unified by the high value placed on education. In the culture New West seeks to create, education is not merely a stage to be traversed on the route to adult status, but rather a lifelong perspective that knits together the home, the school, and the community.

Thus, within the educational culture provided by teachers, parents, and community, New West believes students learn best when:

- They become an integral part of a strong educational value system that pervades their home, their school, and their community.
- They are provided with developmentally appropriate challenges to grow both intellectually and emotionally.
- They are provided opportunities to develop multiple dimensions of intelligence and competencies.
- They are intrinsically motivated by the process of learning as facilitated by a constructive educational environment and flexible curriculum adaptive to the needs of individual students.
- They are respected for and encouraged to develop their individual learning styles.
- They are active participants in the educational program through hands-on lessons, an integrated curriculum, and thematic and project-based learning.
- They are encouraged to extend their core learning in reading and language arts, mathematics, science, and history and social science through enrichment activities in the visual and performing arts, world languages, technology, and physical education.
- They are engaged in collaborative and cooperative learning encounters with their peers under the guidance of knowledgeable adults.
- They are engaged in the mastery of facts and in the application of their accumulated factual knowledge to real life situations.
- They have opportunities to demonstrate personal competence and integrity as contributing members of the community.
- They are equipped to develop an understanding of and respect for individual and cultural differences as well as an ability to deal with those differences in a responsible and mature manner.

- They appreciate the interdependence among peoples, which reinforces their ability to empathize with and demonstrate compassion toward others.
- They accept the challenge of transitioning from one language to another, and develop strong English language skills in the most positive and timely manner possible, with the help of skilled teaching staff.

## 4. Educational Philosophy

New West uses a common curriculum (for each grade level/course) and a common set of assessments that are aligned with the curriculum. The curriculum is aligned with state content standards. The primary assessment tools are of three types: standardized tests, curriculum-specific tests, and ongoing performance assessments that used to continuously monitor progress of each student's learning. New West places a heavy emphasis on teacher learning as well as student learning.

Teacher learning, like that of students, primarily takes place at the school, in the context of the specific standards, curriculum, and assessments being used. The school week is organized to give teachers regular, ongoing opportunities to collaborate in the improvement of teaching and learning at the school. Recent research supports this kind of teacher learning as the most effective way to attain long-term gains in student achievement.

### a. An Integrated School Curriculum

A sound educational methodology begins with recognition of the limitations of past practice. Knowledge has traditionally been organized and presented to students through specialized subject areas that contain much that is known about the world and how to understand it. New West begins with the presupposition that presenting knowledge as a set of separate, discrete blocks is not an optimal method of engaging the attention or fostering the intellectual and personal development of middle school students. New West believes it is essential to add another approach — "integrated curriculum that will present knowledge as a more integrated whole in order to show how the various parts fit together."[2]

An integrated curriculum enables teachers and students at New West to concentrate intensively on the skills needed to learn as well as the content of the individual subjects. A pedagogy that features an integrated approach not only increases students' mastery of the material, it furthers the development of their reasoning, logic, and analytic skills. A synergistic program of community service enables students to reinforce their academic achievements by putting their knowledge to practical use.

New West's middle school educational methodology addresses itself directly to the question "what does it mean to be an educated person in the 21st Century?"[3] A meaningful and qualitative educational program must address itself to all aspects of a student's personal development. It must impart not only a set of core intellectual skills but also a sense of values including a commitment to function as a responsible member of a civic community. As educated persons of the 21st Century, graduates of New West will have strong concepts of themselves as self-motivated, competent, and

[2] For an excellent statement of this research, see J. Beane, "The School: The Natural Home of Integrated Curriculum" in Educational Leadership (Volume 49, Issue 2, October 1991).

[3] We have been much influenced by the report of the Carnegie Council on Adolescent Development, Turning Points: Preparing American Youth for the 21st Century (New York: Carnegie Corporation, 1989).

lifelong learners. They will have academic and social skills appropriate for an increasingly technological, ever-changing, globally inter-connected, multicultural world.

The educational program at New West also addresses the development of intuitive and inter-personal skills that will allow New West graduates to behave responsibly and prudently, as they become proactive in their social behavior and social choices. New West students will have gone far toward the development of a normative understanding of the need to treat those they meet in life as individuals and not as members of a particular gender, ethnic, cultural or language group. Only by developing this understanding will they be able to work and live harmoniously with others in a multicultural and multiethnic world.

### b. Personalized Learning Environment

New West emphasizes the individual student through its small school and small class size. New West will further reduce effective class size, as funding permits, by utilizing trained teaching aides, parent volunteers, and Scholars-in Residence working under the direction of classroom teachers, to provide help as necessary to insure the progress of each student to meet individual needs. Individual needs will also be met by having students be "mobile" by moving through the school day among classrooms and sub-groups that best suit their proficiency in a particular subject, and by having students participate in remedial programs during and after school as may be required. Through these methods, New West expects to promote academic achievement for all students ranging from those who are low achieving to those who are highly gifted.

### c. Diversity of Learning Styles

Students are best served by classroom teaching that recognizes the many facets of learning, the variety of learning styles (e.g., oral, visual, or kinetic), and the diversity of abilities among students. Students deserve an educational curriculum and an educational methodology that enable them to master a heterogeneous subject matter in a manner that fosters a devotion to education as a lifelong process. Students further need an educational approach that assigns high priority to problem solving, critical thinking, and the development of oral, written, and artistic communication. Students need and deserve the opportunity to develop fully the skills at which they individually excel, whether they are verbal, quantitative, analytic, social, performing, or visual talents, while at the same time realizing their maximum potential in other skill areas.

### d. Self-Actualizing Students

New West’s educational environment begins with the question: what will it take to give New West’s students the very best chance to become self-actualizing, reasonable, proficient, and caring adult members of society? New West’s answer begins with the proposition that students deserve the deepest possible investment that educators and parents can make in terms of psychological, material, and intellectual resources.

### e. Social Awareness

Students in the middle school and high school years benefit greatly from the opportunity to participate in extracurricular social activities that foster the values of cooperation and of sharing responsibility. To nurture this dimension of students’

development, New West provides numerous social forms of participation such as after-school clubs, athletics, and programs. The local community is especially rich in parents who are involved in the arts, media, journalism, science, technology, business, medicine, and law. Parental involvement will make this dimension of New West's educational program especially rich.

### f. Recognition for Educators

Fundamental to the New West venture are well-qualified teachers whose professional morale is buoyed by the personal esteem and appreciation of parents whose children they teach. Teachers must be treated as valued professionals whose knowledge of the educational process, derived through long and ongoing training in how to accomplish the best, is the absolute prerequisite for the success of New West. Teacher morale must be further reinforced by providing structured and fully regularized opportunities for teachers to make their own professional inputs into the educational curriculum and they way it is taught. Educational research has shown that the teachers whose students perform best are those who have the critically important educational opportunity of small classes. Teachers must also have available a full range of modern amenities including audio-visual services and high capacity connections to internet technology. Most importantly, teachers must enjoy the supportive assistance of parent volunteers, teaching aides, and Scholars-in-Residence (see *General Provisions of the Charter: Section XIII.A.10. Scholars-in-Residence Program*). New West shall conduct an annual survey of faculty, staff, and volunteers regarding the school's educational program with an emphasis on how the school might be improved to better fulfill its Mission Statement. An analysis of the survey shall be published as part of the school's annual Programmatic Performance Report (see *General Provisions of the Charter. XIII.I.2*).

### g. Parental Involvement

New West believes that close, strong, on-going collaboration between parents and educators is the single most important determinant of student success. To that end, each parent of a New West student will be encouraged to commit time and effort to the school. Parents are asked to contribute their personal and professional skills on a volunteer basis in the classroom to achieve New West's goal of personalized instruction. The goal is to have home, school, and community viewed as three facets of a single, seamless educational value system. To this end, New West shall have an agreement that outlines what is expected of parents with respect to participating in their children's education (see *General Provisions of the Charter: Section XIII.D.5.c. Home-School Contract*).

### h. Mutual Accountability

People perform best when they know most clearly what is expected of them, as well as the consequences of meeting (or failing to meet) those expectations. Everyone in the New West community has a hand in determining the school's academic and behavioral standards, and stakeholders join together in monitoring individual and collective progress at the school. The feeling New West fosters is one of *ownership* — it should be second nature for every member of the school's community to think of New West as "*my* school."

### i. Some Specific Program Goals

The following perspectives serve as a useful summary of objectives that guide New West's philosophy of middle school and high school education.

- New West, in striving for innovation and excellence in education, shall use the California state content standards for reading and language arts, mathematics, science, and history and social science as a "floor" or "foundation" on which to build, not a "ceiling" for which students must strive.
- New West shall provide greater learning opportunities for its students through small class size and, possibly, longer school days or a longer school year.
- New West shall emphasize "individualized" learning throughout the school, through differentiated instruction that maximizes the exceptional abilities of each student, allowing them to excel or remediate as necessary.
- New West shall celebrate a strong partnership between students, parents, teachers, administrators, staff, and community members.
- New West shall emphasize multi-disciplinary studies in a curriculum that takes a traditional, rigorous approach to all subjects.
- New West shall encourage students to be innovative and high achieving — i.e., the "leaders of tomorrow" — with confidence, diplomacy and integrity.
- New West shall develop a gender-neutral curriculum to support all students' access, real and perceived, to all aspects of school life.
- New West shall promote a broad program of enrichment and extracurricular activities designed to complement the school's curriculum.
- New West shall implement a system of individual accountability to measure student achievement and collective accountability to measure the school's progress toward its educational goals.
- New West shall utilize portfolio collections of student work evaluated according to school-wide rubrics for monitoring student progress.
- New West shall have a collegial system, utilizing Faculty Mentors for advising students.
- New West shall employ credentialed/certificated teachers, who shall be chosen for their demonstrated excellence in their fields of study, their ability to work collaboratively, their excitement about the prospect of ongoing professional development, and their commitment to the opportunities available to charter schools.
- New West shall have teaching aides, parent volunteers, and "Scholars-in-Residence" to help in the classroom, to offer enrichment and extracurricular experiences, and to help inspire and model a love of learning in the school's students.
- New West shall expect parent participation as one of the cornerstones of its educational program.
- New West shall promote community involvement in the school and require student involvement in the community.

## 5. Curricular and Instructional Design

New West's central focus in curricular development is aligning and integrating state content standards, state curriculum frameworks, the school's desired exit outcomes,

multiple measures of assessment, and relevant classroom instructional methods and materials. New West organizes the design and implementation of its educational program around the following curricular and instructional dimensions applied to each of the core academic content areas discussed in the next section:

- **Instructional Objectives.** Define what is taught and learned (i.e., the state content standards for each area of the curriculum as identified by subject in the next section).
- **Instructional Design.** Strategically select and sequence information to be taught, including what to teach, when to introduce skills and concepts, how to select examples, how to integrate standards, and how to teach for transference and generalization.
- **Instructional Delivery. Establish** procedures and strategies for teachers to develop students' skills and knowledge, including what teachers and students do (e.g., modeling, pacing, reinforcement, questioning, corrections, feedback) and the structure of delivery (e.g., teacher demonstration or modeling, guided practice, peer-mediated instruction, and independent practice and application).
- **Differentiation. Establish** procedures and strategies for students with special academic, emotional, or physical needs, for students who are advanced learners, and for students who are English language learners, including decisions about modification of materials and the pacing of content and objectives.
- **Assessment.** Three critical purposes should be addressed: entry level assessment for instructional planning (i.e., how to determine skill levels through meaningful indicators of proficiency prior to instruction); monitoring student progress toward the instructional objective (i.e., how to determine student progress on skills and concepts during instruction); and post-test assessment toward learning standards (i.e., how to determine the teaching effectiveness and student proficiency after instruction).
- **Instructional Materials.** Establish criteria for selecting instructional materials that: have an appropriate sequencing of content, skills, and strategies; provide an adequate number and range of examples; address prerequisites for learning through a sufficient review of previously taught content, skills, and strategies; and include assessment tasks that parallel the content to be mastered.

## 6. Core Curriculum

The primary resources for determing the detailed content and scheduling of the curriculum for core disciplines shall be:

- State curriculum frameworks developed by the California Curriculum Development and Supplemental Materials Commission and adopted by the California State Board of Education.
- State content standards developed by the California Commission for the Establishment of Academic Content and Performance Standards (Academic Standards Commission) and adopted by the California State Board of Education pursuant to the Leroy Greene California Assessment of Academic Achievement Act [Education Code 60600 et seq.].
- State content standards developed by the California Department of Education as part of the Challenge School District Initiative for School District Reform.

These state curriculum frameworks and state content standards, as cited individually below, are incorporated by reference as part of the Charter. New West uses these frameworks and standards as the baseline control for assessing the school's curriculum. New West will incorporate revised versions of the state curriculum frameworks and state

content standards as they become available. The sections below outline some of the fundamental principles that guide the school's curriculum.

### a. Reading and Language Arts

With regard to the basic tenets for teaching reading and language arts in grades 6-12, New West will:

- Make reading and language arts exciting, relevant, and fun!
- Present an effective reading and language arts curriculum using the grade-level considerations, instructional strategies, and assessment guidelines outlined in *Reading/Language Arts Framework for California Public Schools: Kindergarten through Grade Twelve* (California Department of Education, 1999).
- Cover the grade-level curricular content specified in *English-Language Arts Content Standards for California Public Schools: Kindergarten through Grade Twelve* (California Department of Education, 1998).
- Emphasize content and learning experiences in reading and language arts that allow students to develop the skills, knowledge, and attitudes necessary to meet the measurable student outcomes for critical thinking and core academics listed in Table 2 under *General Provisions of the Charter: Section XIII.B. Measurable Student Outcomes*.
- Emphasize reading and language arts as central to all academic subjects for obtaining and communicating information.
- Teach fiction and non-fiction writing.
- Set high standards for fundamental spelling and grammar skills.
- Teach students strong, fundamental skills for researching information, taking notes, organizing ideas, developing an outline, using the dictionary, and editing and revising.
- Develop oral communication skills through group discussions and classroom presentations.
- Expose students to the different modes of written expression, from poems to movie scripts, as well as the diversity of literature through time and across cultures.
- Develop the mechanics of creative writing, journalism, business communication, and scientific writing.
- Recruit a cadre of Writers-in-Residence (e.g., volunteers who professionally rely on reading and language arts such as authors, journalists, and screen writers from the community) who want to participate in classroom teaching, supervise projects, and give "Master Classes" such as creative writing as part of the school's enrichment and extracurricular educational program.

### b. Mathematics

With regard to the basic tenets for teaching mathematics in grades 6-12, New West will:

- Make mathematics exciting, relevant, and fun!
- Present an effective mathematics curriculum using the grade-level considerations, instructional strategies, and assessment guidelines outlined in *Mathematics Framework for California Public Schools: Kindergarten through Grade Twelve* (California Department of Education, 1999).

- Cover the grade-level curricular content specified in *Mathematics Content Standards for California Public Schools: Kindergarten through Grade Twelve* (California Department of Education, 1999).
- Emphasize content and learning experiences in mathematics that allow students to develop the skills, knowledge, and attitudes necessary to meet the measurable student outcomes for critical thinking and core academics listed in Table 2 under *General Provisions of the Charter: Section XIII.B. Measurable Student Outcomes*.
- Emphasize fluency with traditional (abstract) mathematical concepts, statistics, and computation skills.
- Employ innovative and interactive teaching methods that have proved most effective in teaching mathematics including its relevance as a life skill for everyday living.
- Use a serial approach to the continuum of mathematics to provide the necessary building blocks for deeper conceptualization.
- Integrate mathematics with scientific quantification to emphasize the interrelationships among math, science, and technology.
- Use the computer as integral part of the study of mathematics.
- Recruit a cadre of Mathematicians-in-Residence (e.g., accountants, engineers, and other community volunteers who use mathematics on a daily basis) who want to participate in classroom teaching, supervise projects, and give "Master Classes" as part of the school's enrichment and extracurricular educational program.

### c. Science

With regard to the basic tenets for teaching science in grades 6-12, New West will:

- Make science exciting, relevant, and fun!
- Present an effective science curriculum using the grade-level considerations, instructional strategies, and assessment guidelines outlined in *Science Framework for California Public Schools: Kindergarten through Grade Twelve*, (California Department of Education, 1990; a revised curriculum framework for science is expected to be completed in 2001).
- Cover the grade-level curricular content specified in *Science Content Standards for California Public Schools: Kindergarten through Grade Twelve* (California Department of Education, 2000).
- Emphasize content and learning experiences in science that allow students to develop the skills, knowledge, and attitudes necessary to meet the measurable student outcomes for critical thinking and core academics listed in Table 2 under *General Provisions of the Charter: Section XIII.B. Measurable Student Outcomes*.
- Develop a traditional and an integrated science program that combines the core sciences of biology, physics, and chemistry, each year.
- Teach students to understand and intuitively use the scientific method: identify a problem and pose relevant questions, state a hypothesis, conduct an experiment, understand the variables, analyze the data, and reach a conclusion or solution that serves as the hypothesis for the next round of inquiry.

- Compensate for traditional gender bias experienced by girls in science, which becomes especially prevalent at the middle school level, by choosing teachers and textbooks that make scientific knowledge and inquiry exciting to all students.
- Study science in a global context that addresses environmental issues and their social implications.
- Introduce the basic concepts of physics and chemistry so that students may develop an early appreciation for these subjects.
- Teach science and mathematics as co-operative and closely integrated subjects.
- Use the computer as an integral part of science and technology for information retrieval, data acquisition, scientific analysis, and communication of results.
- Take science field trips that integrate with the curriculum and enrich the appreciation for science and technology.
- Engage students in Science Portfolio Projects and Science Fair Projects that are accomplished on site with the help of “tutors”, “volunteer” parents, and “service learning component” high school and college students.
- Recruit a cadre of Scientists-in-Residence (e.g., volunteer professional scientists and engineers from the community) who want to participate in classroom teaching, supervise projects, and give “Master Classes” as part of the school’s enrichment and extracurricular educational program.

### d. History and Social Science

With regard to the basic tenets for teaching history and social science in grades 6-12, New West will:

- Make history and social science exciting, relevant, and fun!
- Present an effective history and social science curriculum using the grade-level considerations, instructional strategies, and assessment guidelines outlined in *History-Social Science Framework for California Public Schools: Kindergarten through Grade Twelve*, (California Department of Education, 1997; a revised curriculum framework for history and social science is expected to be completed in 2002).
- Cover the grade-level curricular content specified in *History-Social Science Content Standards for California Public Schools: Kindergarten through Grade Twelve* (California Department of Education, 2000).
- Emphasize content and learning experiences in history and social science that allow students to develop the skills, knowledge, and attitudes necessary to meet the measurable student outcomes for critical thinking and core academics listed in Table 2 under *General Provisions of the Charter: Section XIII.B. Measurable Student Outcomes*.
- Treat a thorough knowledge of geography as fundamental to understanding the flow of history, the interrelationships among the world’s peoples, and man’s interaction with the natural world.
- Study the contributions of scientists, writers, explorers, composers, artists, leaders, and keepers of the cultural heritage in perspective to their time and place in history.
- Present historical material through many mediums: performance, literature, historical letters and other primary sources, art, biography and historical account.

- Develop in students a global perspective on the diversity of cultures, and the dignity of the individual by using comparative philosophy, ethics, religion, economic systems and government, as well as foods, fashions and the arts, to sensitize students to the world around them and the diversity families they live among.
- Teach cultural diversity, both ancient and modern, through studying archeology, anthropology, history, and geography.
- Seek a grant to create an International Studies Program that interrelates language and cultural studies to all other subjects studied at New West.
- Recruit a cadre of Scholars-in-Residence (e.g., community volunteers who are historians or social scientists) who want to participate in classroom teaching, supervise projects, and give "Master Classes" such as archeology or religions of the world as part of the school's enrichment and extracurricular educational program.

### e. World Languages

With regard to the basic tenets for teaching world languages in grades 6-12, New West will:

- Make learning a second language exciting, relevant, and fun!
- Present an effective world languages curriculum using the grade-level considerations, instructional strategies, and assessment guidelines outlined in *Foreign Language Curriculum Framework K-12* (California Department of Education, 2001).
- Cover the grade-level curricular content specified in *Foreign Language Standards: Draft Interim Content and Performance Standards* (California Department of Education, 1995; revised content standards for foreign languages are expected to be completed in 2003) and *Standards for Foreign Language Learning: Preparing for the 21st Century* (American Council on the Teaching of Foreign Languages, 1995).
- Emphasize content and learning experiences in world languages that allow students to develop the skills, knowledge, and attitudes necessary to meet the measurable student outcomes for critical thinking and core academics listed in Table 2 under *General Provisions of the Charter: Section XIII.B. Measurable Student Outcomes*.
- Take advantage of developing brain pathways at an early enough age to make language acquisition easy, and to use the learning of languages to open new pathways in the brain.
- Offer several choices in second languages, modern and classical, such as Spanish, French, Chinese, Japanese, or Latin, as feasible.
- Use the study of language to help develop international competence by increasing students' awareness and appreciation of other cultures and beliefs.
- Teach world languages in an immersion program if possible.
- Establish a language lab to promote language acquisition.
- Use an integrated approach in which reading and the language arts facilitate and reinforce language fluency.
- Study great books in their original languages.

- Seek a grant to create an International Studies Program that interrelates language and cultural studies to all other subjects studied at New West.
- Recruit a cadre of Linguists-in-Residence (e.g., community volunteers fluent in languages other than English) who want to participate in classroom teaching, supervise projects, and give “Master Classes” as part of the school’s enrichment and extracurricular educational program.

### f. Visual and Performing Arts

With regard to the basic tenets for teaching the visual and performing arts in grades 6-12, New West will:

- Make learning about the visual and performing arts exciting, relevant, and fun!
- Present an effective visual and performing arts curriculum using the grade-level considerations, instructional strategies, and assessment guidelines outlined in *Visual and Performing Arts Framework for California Public Schools: Kindergarten through Grade Twelve* (California Department of Education, 1996; a revised curriculum framework for visual and performing arts is expected to be completed in 2003).
- Cover the grade-level curricular content specified in *Challenge Standards for Student Success: Visual and Performing Arts* (California Department of Education, 1998) and *National Standards for Arts Education: What Every Young American Should Know and Be Able to Do in the Arts* (Consortium of National Arts Education Associations, 1994)
- Emphasize content and learning experiences in the visual and performing arts that allow students to develop the skills, knowledge, and attitudes necessary to meet the measurable student outcomes for critical thinking and core academics listed in Table 2 under *General Provisions of the Charter: Section XIII.B. Measurable Student Outcomes*.
- Treat the visual and performing arts as an integral component of a balanced liberal arts education.
- Implement the visual and performing arts as a comprehensive, curriculum-based educational component, designed to introduce art, music and culture, both in the classroom setting, and in combination with multiple museum and concert visits.
- Incorporate in the curriculum slide-illustrated and music-recording discussions, as well as studio art, music, and performance experiences.
- Study the visual and performing arts from both historical (classical) and contemporary (multi-media, digital arts) perspectives.
- Train teachers through intensive professional development workshops to use the visual and performing arts as a way of studying and communicating about core academic subjects.
- Recruit a cadre of Artists-in-Residence (e.g., artists, musicians, and actors from the community) who want to participate in classroom teaching, supervise projects, and give “Master Classes” as part of the school’s enrichment and extracurricular educational program.

### g. Physical Education and Health

With regard to the basic tenets for teaching physical education and health in grades 6-12, New West will:

- Make physical education and health exciting, relevant, and fun!
- Present an effective physical education curriculum using the grade-level considerations, instructional strategies, and assessment guidelines outlined in *Physical Education Framework for California Public Schools: Kindergarten through Grade Twelve* (California Department of Education, 1994; a revised curriculum framework for physical education is expected to be completed in 2002).
- Cover the grade-level curricular content specified in *Challenge Standards for Student Success: Physical Education* (California Department of Education, 1998) and *Moving into the Future: National Standards for Physical Education: A Guide to Content and Assessment* (National Association for Sport and Physical Education, 1995).
- Develop an effective health curriculum using the grade-level considerations, instructional strategies, and assessment guidelines outlined in *Health Framework for California Public Schools: Kindergarten through Grade Twelve* (California Department of Education, 1994; a revised curriculum framework for physical education is expected to be completed in 2001).
- Cover the grade-level curricular content specified in *Challenge Standards for Student Success: Health Education* (California Department of Education, 1998).
- Provide a physical education program that offers both individual and team sports including volleyball, soccer, basketball, baseball, softball, track, dance, gymnastics, and other physical activities that promote fitness, teamwork, and individual abilities.
- Focus on issues of good-sportsmanship, maintaining a healthy body, and performing at their personal best in an atmosphere of fun.
- Have students learn and apply good physical, social, and emotional health concepts related to healthy nutrition, substance abuse, sex education, and other issues.
- Recruit a cadre of Coaches-in-Residence (e.g., community members with special athletic talents or coaching experience) who want to participate in physical education instruction, supervise sports, and give “Master Classes” as part of the school’s enrichment and extracurricular educational program.

## 7. Instructional Materials

New West shall continuously evaluate from year-to-year the instructional materials used in its educational program. New West relies on the professional judgment of its teachers to select educational materials that best meet the needs of students at the different grade levels. Educational materials are selected from state-adopted lists to be sure that they reflect state content standards for reading and language arts, mathematics, science, and history and social science. New West shall include professional development time for teachers to learn how best to use the selected instructional materials in the curriculum. New West shall plan ahead to insure sufficient textbooks, workbooks, computer software, and other instructional materials for all enrolled students. New West will print its own report cards and purchase assessment tools such as testing texts and state and national standardized testing materials as needed.

## 8. Community Service Learning Component

To further prepare students for life and work in the often-bewildering universe of the 21st Century, New West shall seek out community relationships that provide additional learning opportunities through civic, charitable, social, or environmental involvement. Educational research has conclusively demonstrated the remarkable educational synergy between service activity and the student's educational attainment.[4] School teachers who have embraced service learning as an instructional methodology stress the remarkable compatibility between educational achievement and service activity. Leading educational researchers have also established that a service activity can constitute a vital component of a middle school curriculum.[5] Useful strategies for incorporating a community service-learning component into New West's curriculum are outlined in *Service Learning Standards: Draft Interim Content and Performance Standards* (Superintendent's Challenge Initiative, California Department of Education, 1995). The *Challenge Toolkit*, which is part of the State Superintendent of Public Instruction's Challenge Initiative, includes a service-learning component that outlines the principles of community service learning and describes model projects. An integral part of the community learning component of the curriculum is the Scholars-in-Residence Program that brings knowledgeable parents and community members to campus to participate in various aspects of New West's educational program (see *General Provisions of the Charter: Section XIII.A.10. Scholars-in-Residence Program*).

## 9. Enrichment and Extracurricular Programs

New West shall implement an extensive program of in-school enrichment programs and after-school extracurricular activities. The purpose of these programs shall be to supplement and complement classroom instruction in the core academic areas, and to provide ancillary experiences for students that broaden their skills, knowledge, and attitudes in areas not addressed by New West's formal curriculum. The nature and schedule of activities will vary as parents come and go, as community members volunteer their time, as the educational needs of classroom teachers evolve, and as the interests and talents of the student body change from year to year. The enrichment and extracurricular programs are presented or supervised by the Enrichment and Extracurricular Activities Committee.

## 10. Scholars-in-Residence Program

New West's Scholars-in-Residence Program supplements and complements the core instructional program taught by the school's credentialed teachers. Scholars-in-Residence include: parents, interested community members, or hired part-time teachers, who are, for example, authors, journalists, or screen writers (Writers-in-Residence), accountants or engineers (Mathematicians-in-Residence), historians or social scientists (Scholars-in-Residence), scientists or engineers (Scientists-in-Residence), fluent in a foreign language (Linguists-in-Residence), artists, musicians, or actors (Artists-in-Residence), and athletes or coaches (Coaches-in-Residence). These people, who are experts through education, training, professional practice, or avocation, inspire and model the love of learning and high achievement. The intent is to have a substantive number of volunteer educators who can be called on to participate in classroom activities and

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[4] See, for example, Ron Schukar, "Enhancing the School Curriculum through Service Learning" in Theory into Practice (Summer 1997, Vol. 36, Issue 3).

[5] P. Hurd, J. T. Robinson, M.C. McConnell, and N.M. Ross, The Status of School and Junior High School Science (Boulder [CO]: Biological Sciences Curriculum Study. 1981).

supervise projects under the direction of the classroom teachers, and to offer “Master Classes” as part of the school’s enrichment and extracurricular educational program.

## 11. Academically Low Achieving Students

New West shall have the goal of increasing learning opportunities for all students, with special emphasis on expanded learning experiences for students who are identified as academically low achieving. The initial component of New West’s program for low-achieving students shall be early identification of students with deficiencies in any academic subject but especially mathematics, reading, and written expression. New West shall notify parents of low-achieving students so that they can be actively involved in the development and implementation of remediation of their children’s academic deficiencies. Students at risk of failing to meet state adopted standards applicable to charter schools, or who are at risk of retention, shall receive extra attention in and outside the classroom. Raising the proficiency of academically low-achieving students usually involves some combination of differentiated instruction (see the next section), required supplemental education classes after school, on weekends, and/or during the summer, and at-home remedial work. Emphasis is on methods that allow low-achieving and at-risk students to gain new knowledge, learn new strategies for acquiring information and solving problems, and enhance their perspective on the value and excitement of learning.

Professional development for New West’s teachers shall include specific training in recognizing academically low-achieving students, understanding how they can be helped to raise their achievement levels, and applying appropriate methodologies including differentiation in the classroom. The school’s role shall include counseling parents about parenting styles that foster high educational expectations of children, the cognitive and socio-emotional needs of low-achieving children, and strategies to use at home to reinforce and extend the remedial efforts being made at school.

## 12. Gifted and Talented Students

New West shall address the needs of gifted and talented students whose learning characteristics, thinking aptitudes, and abilities differ significantly from those of their same-aged peers. New West shall develop differentiated learning environments in which gifted and talented students can acquire skills and understanding at advanced ideological and creative levels matching their potentials. Differentiated instruction shall include complexity (making connections or seeing relationships), acceleration (advanced content through curriculum compacting), novelty (introducing new areas of study), and depth (exploring a subject in greater depth). Differentiation involves lessons, discussions, and approaches that involve the whole class, flexible groups within a class with students changing groups to be taught at the appropriate level, tiered lessons that have specific learning objectives aligned to the needs of individual students, or clustering of students in special classes. Assessment and identification of gifted and talented students shall be based on intellectual, creative, academic, or leadership ability and achievement, talent in the visual and performing arts, or other criteria that the school finds appropriate.

Professional development for New West’s teachers shall include specific training in recognizing gifted and talented students, understanding what differentiated instruction is, and applying differentiation in the classroom. The school’s role shall include counseling parents about parenting styles that support giftedness, the cognitive and socio-emotional needs of high-achieving children, and strategies to use at home to reinforce and extend differentiated experiences at school. The Governance Council shall approve policies and procedures for identifying gifted and talented students. The Governance Council shall

also be responsible for approving programs and services provided to gifted and talented students that reflect any applicable laws governing charter schools.

New West believes that differentiated instruction according to the abilities and achievement levels of individual students is the appropriate methodology for addressing the needs of all students from the lowest achieving to the most highly gifted. Differentiation provides a richer, more meaningful learning experience for all students by insuring that instruction is individually tailored to engage each student to fully achieve their potential. Consistent, frequent use of differentiation over time raises achievement levels of all students in the class.

## 13. English Language Learners

Learning best occurs for English language learners when there is a program for English language development that assists, encourages, and motivates students in successfully achieving English language proficiency at the fastest possible rate. Such a program includes structured immersion instruction for English learners, such as specially designed academic instruction in English and sheltered English strategies to ensure access by English language learners to the full range of educational opportunities that New West envisions for all its students.

New West shall adopt the goals of the LAUSD Master Plan for the Education of English Language Learners as a model for providing opportunities for all students to become bilingual-biliterate adults. New West's program allows English language learners to achieve the following:

- Self-esteem and pride in one's language and culture and the ability to relate positively to all cultural groups.
- Academic achievement in all subject areas.
- Academic proficiency in all dimensions of the English language.

The Governance Council shall approve policies and procedures for identifying students in need of English language development. The Governance Council shall also be responsible for approving programs and services for English language development that reflect any applicable laws governing charter schools.

## 14. Students with Disabilities

New West shall be fully inclusive in providing all special needs students with a free and appropriate education (FAPE) in a least restrictive environment as an integral part of New West's educational culture (see *General Provisions of the Charter. XV. Special Education*). New West's approach to special education shall be an extension of the school's mission to have "a personal learning environment that both encourages and challenges each student according to his or her ability through differentiated instruction within an integrated curriculum" (see *Mission Statement*). New West shall have a full service special education program based on the following values and goals:

- New West shall embrace the diversity of students as individuals and guarantee the right of each student to equity and access to New West's educational opportunities.
- New West shall act as the advocate of each student who requires individualized attention to participate fully in New West's educational program.
- The unique instructional needs of students shall be identified early and accurately, followed by regular, ongoing reassessments of those needs and the school's success in providing for them.

- Students with disabilities, to the greatest extent possible, shall be integrated with non-disabled peers into New West's educational environment that spans a home-school-community continuum of educational experiences, and includes the full range of academic, non-academic, and extracurricular activities.
- The individualized education plan (IEP) of each student shall focus on obtaining powerful, positive results through collaborative partnerships that involve the student, the student's parents, teachers, special education personnel, and school and SELPA administrators.
- The IEP shall be formulated in ways that allow the student with disabilities to meet or exceed New West's high standards for academic excellence, character development, and lifelong learning (see Table 2), and prepare the student to continue these skills at a college preparatory high school.
- Students with disabilities shall be taught or served by fully qualified teachers and special education personnel capable of meeting their needs.
- Regular classroom teachers shall include special education issues as a regular part of their professional development efforts in order to better identify, assess, understand, and serve students with disabilities.
- New West shall base its special education program on research and best practice, and shall have a Special Education Policy Committee to monitor and revise the school's policy and programs accordingly.
- New West shall conform to all federal and state laws in its decisions, programs, and actions to guarantee special needs students with a free and appropriate public education (FAPE).

## 15. Faculty Mentor Program for Student Counseling

Each student at New West shall be assigned a Faculty Mentor when the student first enrolls at the school. The Faculty Mentor shall be a full-time educator at the school. The mentor and student meet on a regular basis throughout the three years of middle school and the four years of high school to evaluate the student's progress and discuss any academic or personal difficulties that the student may be having. The Faculty Mentor closely monitors the development of each student while at the same time serving as an advocate who the student can trust to discuss problems and prospects that may arise at school.

## 16. Instructional Time, Daily Class Schedule, and School Calendar

New West shall exceed the minimum legally permissible amounts of instruction during each school year for each of the grades 6-12:

- 180 days [Education Code 46200].
- 54,000 minutes [Education Code 46201(a)(3)(C) and 47612.5(a)(1)].

Providing that these minimal requirements are met, New West reserves the right to determine the length of its school year, the length of its school day, the total number of instructional days, the total number of its instructional minutes, the hours of its daily operation, and other parameters of its instructional calendar to best fulfill its educational program in the best interests of its students. The final school calendar, daily instructional schedule, and program for extended day activities shall be set before the beginning of each school year.

New West anticipates modeling its school calendar after the LAUSD LEARN Instructional School Calendar to be consistent with other schools of the Palisades

Complex. The calendar has 180 instructional days with 380 instructional minutes four days each week and 260 minutes one day each week for a total of 63,840 instructional minutes per school year. Additionally, provided resources and/or volunteers are available, New West envisions extended day, after-school enrichment, extracurricular, and remedial instruction activities lasting 60-180 minutes depending on the activity and daily school schedule. The calendar includes 9 “pupil free days” scattered throughout the year and 38 “pupil free afternoons” on Wednesdays when students are dismissed 140 minutes early. This pupil free time can be used by New West’s instructional staff for classroom preparation, curriculum development, professional development, staff meetings, and other activities relevant to the school’s educational program.

The daily class schedule anticipated for New West will have school beginning at about 8:00 AM and ending at about 3:30 PM except for early (about 1:00 PM) dismissal on Wednesdays. The morning session will be devoted to core curriculum in reading and language arts, mathematics, science, and history and social science taught in the student’s home classroom. There will be a 30-minute lunch recess and several 10 minute between-class breaks throughout the day. The afternoon session will have three 50 minute class periods for teaching a variety of courses that will be scheduled from one to four times each week. Some of the afternoon classes will be required of all students (i.e., physical education and computer science) and others will be scheduled and staffed to best meet the needs of individual students (i.e., world languages, visual and performing arts, enrichment classes, remedial classes in the core curriculum subjects, advanced classes for gifted students, and English language development for English language learners). An after school, extended day program will offer a variety of learning opportunities that complement and supplement the school’s basic educational program. Some of these extended day classes may be required of certain students (e.g., remedial instruction for low-achieving students or English language classes for English language learners) but most will be optional (e.g., enrichment “Master Classes” such as music, art, or languages taught be scholars-in-residence, extracurricular activities such as computer club, chess club, or drama supervised by scholars-in-residence, or athletic activities). New West will also make its facilities available after school for school related activities such as homework and class projects. Meetings between teachers and students for the Faculty Mentor Program will probably also be conducted during after school hours.

## 17. Attendance

New West shall develop an attendance policy that maximizes both student learning and the revenues available for the school’s education program based on average daily attendance (ADA) rates. Regular, continuous attendance shall be one of the school’s academic expectations of its students. Suspension or expulsion of students with continued attendance problems shall be governed by New West’s discipline policy that includes counseling of students and parents, progressive intervention and remediation, and due process procedures (see *General Provisions of the Charter: Section XIII.J. Discipline Policy including Suspension or Expulsion of Students*).

New West shall develop an attendance accounting system that complies with all state laws and regulations applicable to charter schools regarding attendance records, attendance reports, attendance audits, and ADA accounting, auditing, and certification for the purpose of apportioning school funding. New West shall maintain written contemporaneous records that document all student attendance and shall make these records available for audit and inspection [Education Code 47612.5(a)(2)]. The Fiscal Manager/Assistant Director is responsible for programmatic as well as day-to-day management of all attendance functions for New West. Student attendance is recorded daily by hand on attendance cards filled out by classroom teachers. Administrative staff

then transfers attendance information from the daily attendance logs to the school's student information system as part of each student's permanent record. The hand written daily attendance logs are archived for future auditing purposes. The student information system is used to generate attendance summaries and reports required for school funding apportionments or other uses (see *General Provisions of the Charter: Section XIII.A.23. Student Information System*). New West shall develop its attendance reporting system prior to the school commencing instructional operations based on the policies, practices, and procedures used by other charter schools.

## 18. Grading System and Report Cards

New West shall have a grading system and report cards as a means of monitoring student progress toward achieving the school's desired classroom-level, grade-level, and exit outcomes, and as a means of communicating levels of achievement to students and their parents. The report cards shall reflect:

- Progress at each grade level toward meeting New West's graduation standards for academic excellence (critical thinking and core academics), character development (personal qualities), and lifelong learning (interpersonal and life skills) as described in Table 2 under *General Provisions of the Charter: Section XIII.B. Measurable Student Outcomes*.
- Competency with respect to grade-level state content standards for the core curriculum in reading and language arts, mathematics, history and social science, and science as adopted by the State Board of Education pursuant to Education Code Section 60605 [Education Code 47605(c)(1)] (see "Core Academics" in Table 2).
- Competency with respect to grade-level state content standards for the supplemental enrichment curriculum in world languages, visual and performing arts, and physical education and health (see "Core Academics" in Table 2).
- English language development (ELD) scores that measure the achievement of English language learners toward English language competency.
- Progress in remedial study for low-achieving students participating in the schools intervention program.
- Performance with respect to world languages, visual and performing arts, information sciences, physical education and health, and other individualized parts of each student's curriculum.
- Development grade-level appropriate work and study habits as well as learning and social skills.
- Evaluation of the community service component of each student's educational program.
- Recognition for participating in enrichment and extracurricular activities.
- Modifications appropriate for students with identified special needs as recommended by the student's IEP Team.

New West anticipates adopting the LAUSD elementary grading system in which academic achievement scores indicate progress toward meeting school and state learning standards (e.g., 1=not proficient, unable to meet the standard; 2=partially proficient, partially meets the standard, 3=proficient, meets the standard; 4=advanced, exceeds the standard). Students will also be graded for their effort toward meeting academic achievement standards (e.g., 1=poor; 2=inconsistent; 3=consistent; and 4=strong). The same four-level assessment will be used for reporting work and study habits and for learning and social skills. English language learners will be graded in their advancement

toward meeting state ELD standards in reading, writing, listening, and speaking (e.g., 1= limited progress; 2=partial progress; 3=average progress; 4=advanced progress; 5=met ELD standards). The assessment instruments used to determine student scores are given in Table 2 under *General Provisions of the Charter: Section XIII.B. Measurable Student Outcomes*.

New West anticipates issuing report cards four times per year (see Proposed Instructional School Calendar in Appendix VI). The first reporting period, which will cover only four weeks of classes (18 school days), will allow early identification of low-performing and high-performing students who will require differentiated instruction to best meet their education needs. The second reporting period will end before the Winter recess (52 school days), the third reporting period will end before Spring Recess (52 school days), and the fourth reporting period will cover the end of the school year (58 school days).

## 19. Student Promotion and Retention Policies

New West will establish a baseline performance level for each student, upon admission to the school, based upon, but not limited to, standardized test scores from the last grade attended before entering New West (usually grade 5), student transcripts from the previous year (usually grade 5), testimonials submitted on behalf of the student, and grade 6 classroom proficiency testing of review materials that will take place at New West during the first weeks of school that comprise the first, early evaluation period upon which the first report card is based. This baseline will become part of the student's permanent record.

New West's policy regarding the promotion and retention of pupils shall be compatible and integrated with state standards. New West promotion standards shall be compatible with the entrance expectations of Palisades Charter High School, as well as other local public, private, and parochial high schools, to create a seamless matriculation to the next level of education. New West's promotion standards shall be based on progress toward attaining the skills, knowledge, and attitudes discussed in the next section under *Measurable Student Outcomes*. Measures for evaluating student progress towards New West's graduation standards are discussed below under *General Provisions of the Charter: Section XIII.C. Methods for Assessing Student Outcomes*. New West shall not endorse or practice a policy for grade-level advancement based on "social promotion."

New West's promotion and retention policy will be modeled after the basic elements specified in Education Code Section 48070.5. The policy shall include but not necessarily be limited to the following key points:

- The student's teacher(s) and Faculty Mentor will base the criteria for promotion and retention on a combination of statewide achievement tests (CST and CAT-6), student classroom grades accounted for in report cards, written evaluations and testimonials, and other authentic indicators of academic achievement as indicated in Table 2.
- With respect to standardized achievement tests, the required levels of proficiency set by New West for promotion to the next grade level will meet the minimum levels required for satisfactory performance established by the State Board of Education.
- Levels of proficiency in reading and language arts, and mathematics, will be given the greatest weight in determining whether to promote or retain students.
- All student records will be accessible for inspection by request from a student's parents.
- Students at risk of being retained will be identified as early in the school year as practicable to allow the greatest amount of time possible for intervention and

remediation of weaknesses (e.g., as indicated on the Instructional School Calendar in Appendix VI, the first report card of the year will be issued after just 18 days of school).

- The parents of students at risk of being retained will be notified as early in the school year as practicable and they will be given the opportunity to consult with the educators who will be responsible for the decision to retain or promote.
- There will be a process available to parents to appeal the promotion or retention of students with the burden on the parents to show why the school's decision is in error.
- Intervention and opportunities for remedial instruction will be provided to students who are recommended for retention or who are identified as being at risk for retention.

## 20. Professional Development for Educators

Professional development, which can be simply described as a lifelong commitment to professional competency, shall be a cornerstone in the educational foundation of New West. New West shall have the expectation that its educators be enthusiastic about professional development just as the school has the educational objective for its students to become self-motivated, competent, lifelong learners. Continued, sustained professional development and advancement shall be important criteria in yearly evaluations of the instructional staff with regard to salary and promotion.

New West shall make appropriate allocations in its instructional calendar to provide time for professional development. The modified LEARN calendar and the daily instructional schedule that New West anticipates adopting includes nine pupil free days and 38 Wednesdays afternoons for professional development activities. The Director/Principal and the Staff Development Committee of the Governance Council shall be responsible for planning and monitoring professional development activities of the school's instructional staff. Faculty will be encouraged to attend professional conferences, to schedule on-campus workshops and seminars, to confer with other middle school educators, and to meet with elementary and high school faculties to address seamless transitions between schools. Professional development will include time and opportunity for New West faculty to learn about new curricular materials that are adopted for use by the school. Most important, however, is for New West to provide time for its teachers to engage in critical reflection, to learn about pertinent educational issues, and to collaborate with colleagues through formal and informal discussions that will sustain the school's reform efforts. It is through professional development that new teaching methods, new educational interventions, and new innovative programs will be implemented and integrated into New West's educational program.

## 21. Accountability for the Educational Program

New West's Curriculum and School Programs Committee, which shall have administrators, teachers, and parents as members, shall be accountable for the development of the school's educational program (see *General Provisions of the Charter: Section XIII.D.4. Governance Council Committees)* including selection of books and curricular materials (see *General Provisions of the Charter: Section XIII.A.7. Instructional Materials)*, measurable student outcomes (see *General Provisions of the Charter: Section XIII.B. Measurable Student Outcomes*), and methods for assessing student outcomes (see *General Provisions of the Charter: Section XIII.C. Methods for Assessing Student Outcomes*). New West may rely on the experience of its educators and parents, the educational literature, visits to other schools by the Educational Study Panel, and advice of educational experts and consultants, including instructional experts of the CDE, as may

be appropriate to provide guidance about various aspects of the school's educational program. The Governance Council shall have final authority to approve all aspects of the educational program including all material revisions to the educational program that may be required over time.

### 22. Transportation

New West shall not be responsible for providing transportation between students' homes and the school's campus. Transportation for New West students with special education needs shall be provided as allowed by the applicable SELPA (see Table 3 under *General Provisions of the Charter: Section XV.B. Special Education Policies, Procedures, and Practices*). The cost of transporting LAUSD Permits with Transportation (PWT) students to New West shall be the sole responsibility of the LAUSD. New West shall work cooperatively with the LAUSD in recruiting PWT students from selected schools in a way that maximizes the number of PWT students but minimizes the transportation costs to the district.

### 23. Student Information System

New West shall maintain a computerized Student Information System (SIS) to manage all student records including enrollment information, demographic information, emergency information, attendance, class schedules, grades, report cards, state standardized test results, disciplinary actions, and any other information that may be relevant about student activity at the school. The SIS provides data that can be used in a variety of ways including evaluation of student academic progress, ADA accounting, school surveys, the annual programmatic audit, and retrospective studies and prospective projections that may relate to the operation of the school and its academic programs.

### 24. Matriculation to High School

Students graduating from New West will be prepared in terms of academic excellence, character development, and life-long learning skills to continue their education at a rigorous, college preparatory high school. It is anticipated that most New West graduates will matriculate to New West's high school, the Renaissance Academy, or Palisades Charter High School in the LAUSD as either neighborhood residents or charter students. Other students will continue at the public school nearest their home (e.g., University High School in the LAUSD or Santa Monica High School in the Santa Monica-Malibu Unified School District), at a local parochial school (e.g., St. Monica Catholic High School in Santa Monica), or at one of the many local private schools (e.g., Archer School, Brentwood School, or Crossroads School). Acceptance at any of these public, parochial, or private schools is dependent on the specific and enrollment policies of those schools.

Palisades Charter High School, a large LAUSD campus, recently attained its independent charter status from the LAUSD. Additionally, The Renaissance Academy, a new, small, independent, high school chartered by the LAUSD, plans to open its doors in the Pacific Palisades area. New West will negotiate with both of schools to allow New West to serve as a "feeder school" whose 8th grade graduates are given admission preference for high school.

## B. Measurable Student Outcomes

New West shall require that students graduating from grade 8 will have attained the general goals for academic excellence, character development, and life skills that are outlined below in *Table 2: Student Exit Outcomes and Assessment Methods*. More specifically, with respect to academic excellence, measurable student outcomes (graduation standards) at New West shall include competency in the school's rigorous core curriculum that shall be aligned to

state content standards for reading and language arts, mathematics, science, and history and social science as adopted by the State Board of Education pursuant to Education Code Section 60605 [Education Code 47605(c)(1)] (the state standards for each content area are identified in *General Provisions of the Charter: Section XIII.A.6. Core Curriculum*). These graduation standards shall be compatible with entrance expectations at New West's high school, the Renaissance Academy, Palisades Charter High School, and other local public, private, and parochial schools.

The school's desired exit outcomes (i.e., Table 2) and the state's mandated content standards are the primary factors that drive curricular development at New West. Accordingly, over time, New West's curriculum will evolve incrementally as the school refines its student outcomes and adjusts to any changes in state content standards that may become applicable to charter schools.

New West's graduation standards presume the satisfactory progress of students through a continuum of skill and grade levels. Accordingly, New West's exit outcomes will be further subdivided into a list of the specific content and "classroom-level" skills that are taught in each subject area and grade. These specific grade and skill-level criteria will be based on the California grade-level state content standards for reading and language arts, mathematics, science, and history and social science. Additionally, there will be a similar breakdown of "benchmark" skills (i.e., promotion standards) that students must demonstrate at various points throughout their enrollment at New West to progress to each consecutive grade or skill level. These specific classroom-level and benchmark skills will be incorporated into New West's report cards (see *General Provisions of the Charter: Section XIII.A.18. Grading System and Report Cards*). Methods for assessing the exit outcomes and successive subject area/grade level criteria in measurable terms are outlined in the next section (see *General Provisions of the Charter: Section XIII.C.1. Evaluating Student Performance*).

Exit outcomes, grade-level content, criteria for classroom-level skills, and benchmark standards for students with special needs will be adapted as appropriate according to a student's Individualized Educational Program. Additionally, New West will adopt reading and language arts standards for students with limited English proficiency (LEP) consistent with the English Language Development standards mandated by state law [Education Code 60811].

**Table 2. Student Exit Outcomes and Assessment Methods.** Assessment methods: ST=standardized tests, P=portfolios, OE=observation/evaluation, SE=self-evaluation, IC=in class tests and quizzes, GP=group projects, CS=community service, STPS=student, teacher, parent surveys.

| Exit Outcomes for Students Graduating from New West's Middle School and High School | Assessment Methods |
|---|---|
| **ACADEMIC EXCELLENCE** | |
| • **Critical Thinking** | |
| – Observational Skills: Students will demonstrate their ability to see and convey findings using all their senses, to consider their audience and choose appropriate communication mediums, and to recognize the depth and breadth needed to get their message across effectively. | ST, P, OE, SE, GP |
| – Analytical and Reasoning Skills: Students will demonstrate their ability to analyze information and provide accurate details in an | ST, P, OE, SE, IC, GP, CS |

| Exit Outcomes for Students Graduating from New West's Middle School and High School | Assessment Methods |
|---|---|
| organized manner, make fair comparisons, find distinguishing characteristics and put things to the test in a rational way. | |
| – Decision Making Skills: Students will demonstrate their ability to evaluate options through the filter of their core ethical values, determine the significance to them personally, and predict the impact their choices will have on themselves and others. | P, OE, SE, STPS |
| • **Core Academics** | |
| – Reading and Language Arts: Students will demonstrate mastery in reading, writing, listening, speaking and presentation skills, in multiple forms of expression, with communication skills appropriate to the setting and audience; and will comprehend and critically interpret multiple forms of expression, including literature from various time periods and cultures. | ST, P, OE, SE, IC, GP |
| – Mathematics: Students will demonstrate the ability to reason logically and to understand and apply mathematical processes and concepts, including those within arithmetic, algebra, geometry, etc. | ST, P, OE, SE, IC |
| – Science: Students will demonstrate their ability to successfully utilize scientific research and inquiry methods to understand and apply major concepts underlying various branches of science, which may include physics, chemistry, biology, astronomy, and earth sciences. | ST, P, OE, SE, IC, GP |
| – History and Social Science: Students will understand and apply civic, historical and geographical knowledge in order to serve as responsible citizens in today's world of diverse cultures. | ST, P, OE, SE, IC, GP |
| – World Languages: Students will communicate and interact effectively in at least one language in addition to their native language and they will understand key aspects of the culture of the second language. | ST, P, OE, SE, IC, GP, CS |
| – Visual and Performing Arts: Students will develop an appreciation for the arts, and self and group expression in the various visual and performing arts. | OE, SE |
| **CHARACTER DEVELOPMENT** | |
| • **Personal Qualities** | |
| – Respect: Students will demonstrate their respect for others by being tolerant of differences, using good manners, being considerate of the feelings of others, and dealing peacefully with anger, insults and disagreements. | OE, SE, STPS |
| – Caring: Students will show they care by being kind, compassionate, expressing gratitude, forgiving others and | OE, SE, STPS |

| Exit Outcomes for Students Graduating from New West's Middle School and High School | Assessment Methods |
|---|---|
| helping people in need. | |
| – Trustworthiness: Students will build a good reputation by being honest, reliable, and loyal, and having the courage to do the right thing. | OE, SE, CS, GP, STPS |
| – Fairness: Students will demonstrate fairness by being open-minded, listening to others, not taking advantage of others, not blaming others carelessly, and by playing by the rules, taking turns and sharing. | OE, SE, STPS |
| – Responsibility: Students will always do their best and demonstrate accountability for their choices by doing what they are supposed to do, persevering, using self-control, being self disciplined, thinking before they act and considering the consequences. | OE, SE, CS, GP, STPS |
| – Adaptability: Students will demonstrate their ability to embrace change, challenge assumptions, consider different angles, make speculations about all sorts of possibilities, and fully pursue their natural curiosity. | P, OE, SE, STPS |
| – Creativity: Students will demonstrate their ability to use their imagination to create visionary ideas, consider "What if . . . ?" scenarios operate from their "gut" level and make remote connections between seemingly unrelated ideas or things. | P, OE, SE, STPS |
| – Citizenship: Students will demonstrate good citizenship by doing their share in making their school, community, and larger society better by cooperating with others, staying informed and voting, being a good neighbor, obeying laws and rules, respecting authority, and protecting the environment. | OE, SE, CS, GP, STPS |
| **LIFELONG LEARNING** | |
| • **Interpersonal Skills** | |
| – Team Player: Students will participate effectively in a team, demonstrating their ability to share responsibility, divide work and to make an individual contribution to group efforts. | OE, SE, STPS |
| – Teaching: Students will demonstrate an individual ability to teach others. | OE, SE, STPS |
| – Leadership: Students will demonstrate their ability to communicate ideas effectively to justify their position, persuade others, and responsibly challenge existing procedures and policies. | OE, SE, STPS |
| – Negotiation: Students will demonstrate their ability to work toward agreements involving the exchange of resources and | OE, SE, STPS |

| Exit Outcomes for Students Graduating from New West's Middle School and High School | Assessment Methods |
|---|---|
| resolving different interests and opinions. | |
| – Diversity: Students will demonstrate their ability to work well with individuals from diverse backgrounds. | OE, SE, STPS |
| • **Life Skills** | |
| – Fitness and Wellness: Students will develop healthy lifelong habits and a balanced approach to physical fitness, nutrition, emotional stability and positive social relations. | OE, SE, STPS |
| – Technology: Students will develop competency in information technology and will learn to critically evaluate all aspects of the technology. | OE, SE, GP, P, STPS |
| – Consumer Responsibility: Students will critically evaluate the nature and impact of available goods and services and begin to make responsible choices. | OE, SE, GP, P, STPS |
| – Time Management: Students will select goal-relevant activities, set priorities, allocate time and prepare and follow schedules. | OE, SE, IC, ST, STPS |

## C. Methods for Assessing Student Outcomes

### 1. Evaluating Student Performance

New West will use multiple measures of student achievement to assess individual student progress and to facilitate continuous program evaluation (see Assessment Methods in Table 2). The overall goal of New West's assessment procedures will be to monitor the progress of individual students toward attaining the academic excellence, character development, and life-long learning skills necessary to continue their education at a rigorous, college preparatory high school or college/university. Progress toward attaining the graduation skills, knowledge, and attitudes listed above in Table 2 will be evaluated on an ongoing basis in each class through each grade level by compiling a comprehensive, longitudinal learning record for each student. This record of achievement will be based upon a variety of assessment methods including but not limited to conventional standardized test results, student portfolios of work accomplished, authentic written observations and evaluations by teachers, written self-evaluations by students, classroom tests and quizzes, presentations of group projects, written evaluations of community service efforts, and student, teacher, and parent surveys. These assessments will be aligned and integrated with state grade-level curriculum frameworks, state grade-level content standards, and New West's graduation standards as specified in Table 2.

During the school year, student achievement will be regularly monitored through the use of curriculum-based measures. Progress toward mastering state content standards and meeting the student exit outcomes of Table 2 will be evaluated using classroom-level assessments aligned to the school's curricular standards as appropriate for each grade-level and content area. Each fall, during the abbreviated first reporting period, students will be tested in the core content areas using standardized performance assessments. These fall assessments will be studied by grade-level teacher groups to determine individual student strengths and weaknesses. These results will allow for the identification

of students who require, for example, differentiated gifted instruction or remedial intervention in the form of in-class attention or after-school tutorials. The standardized performance assessments will be repeated in the Spring during the fourth reporting period to assess student progress and identify students who may require remedial instruction during the summer.

New West, in designing and implementing its student assessment program, will use established scoring criteria and cross-validation of different measures and different evaluators to enhance the validity, reliability, and objectivity of non-quantitative assessment measures of student work such as portfolios and subjective evaluations by teachers. Likewise, in evaluating the more subjective outcomes such as citizenship and leadership, New West will adhere to school-wide rubrics that can be applied as fairly and consistently as possible to all of the school's students. However, since many educational experts regard such rubrics as faulty and unreliable, New West will constantly monitor the efficacy of its non-quantitative measures for assessing student outcomes.

Individual classroom teachers shall be primarily accountable for assessing their students' achievements with regard to classroom-level work and state content standards. Teachers will be given time to meet on a regular basis to review student work and discuss the efficacy of the curriculum-based performance assessments. Faculty Mentors, who shall consult with the teachers who are most familiar with a students work, will be primarily responsible for grade-level assessments and progress toward fulfilling the skills, knowledge, and attitudes required for graduation. Teachers and Faculty Mentors may request other participants in a student's educational program to provide grades, evaluations, or other assessments as may be appropriate for their instructional role. Teachers will be given time to meet on a regular basis to review student work and to establish performance standards.

Student progress toward achieving the school's desired classroom-level, grade-level, and exit outcomes will be communicated to students' parents by means of report cards and regular conferences with the student's teachers and Faculty Mentor. The exact format of the classroom-level and grade-level assessment tools, and parent-mentor conferences will be developed by New West educators prior to the school commencing instructional operations. The grading system and report cards are described above under *General Provisions of the Charter: Section XIII.A.18.*

Assessment methods for students with special needs will be adapted as appropriate according to a student's Individualized Educational Program. Additionally, New West will administer the English Language Development test to assess the English fluency of all students whose primary language is not English [Education Code 60810]. New West's Director/Principal and its Student Success Committee of the Governance Council will be available to explore solutions to problems or situations that may interfere with an individual student's ability to attain the skills, knowledge, and attitudes expected of New West students.

## 2. Statewide Standardized Assessments

New West shall administer to it students all tests required by state law that are applicable to charter schools. New West shall administer, in the same manner as other public schools, the statewide student assessments that are part of the Standardized Testing and Reporting Program (STAR) pursuant to Education Code Section 60605 [Education Code 47605(c)(1)]. New West shall certify, as a condition of apportionment of state funding [Education 47612.5(a)(3)], that its students have participated in the state testing programs that may be required in the future under the STAR Program [Education

Code 60600 et seq.]. Currently, these state-wide standardized tests are the California Standards Test (CST) and the California Achievement Test (CAT-6).

New West will use CST results as one of the multiple measures for assessing individual student achievement. New West will require that students meet the minimum levels for satisfactory performance established by the State Board of Education for promotion to the next grade. CST results will also be one factor in determining whether students are eligible for New West's remedial or gifted instructional programs. The results of standardized tests shall not be used as the basis for assigning grades in any content area on a student's report card.

New West anticipates using a second standardized testing procedure, such as STEPS, for the purpose of cross-validation with the CST and CAT-6 to better characterize student strengths and weaknesses. New West will continue over time to examine and refine its methods for assessing student outcomes to reflect the school's mission and any changes in statewide student assessments authorized in statute that may become applicable to charter schools.

### 3. Evaluating School Performance

The primary measures of New West's overall school performance shall be the CST average tests scores and the Academic Performance Index (API), which is a key part of the Public Schools Accountability Act of 1999 [Education Code 52056(a)]. The API is a single numeric score between 200 and 1000 that reflects a school's overall annual performance on the CST. The API score is used to assign a decile ranking that summarizes each school's performance relative to all schools statewide and to the 100 schools with the most similar demographic characteristics. API scores and rankings are also disaggregated for numerically significant subgroups of a school's student body based on gender, ethnicity, and socioeconomic status. The State Board of Education has adopted an API of 800 as the interim statewide target indicating a high level of performance to which all schools should aspire.

New West shall use the API as its principal external benchmark to track the success of the school's educational efforts from year to year in comparison with other middle schools. Besides striving for the highest possible "all schools" and "similar schools" API ranking, New West will compare itself to the local public middle schools with which it most directly "competes." These "all school," "similar school," and "local school" comparisons will include analyses by numerically significant demographic subgroups (i.e., gender, ethnicity, and socioeconomic status). The school API and subgroup API's for New West and local middle schools will be tracked longitudinally (i.e., evaluate the same-aged student cohorts at the successive grade levels) and cross-sectionally (i.e., evaluate successive student cohorts passing at the same grade level). Additionally, New West will analyze the school's classroom and grade-level CST and CAT-6 results and content cluster results. These analyses will be used to determine if New West's educational program is working equally well in all content areas for all groups of students or if some adjustments are required.

New West shall hold itself accountable for meeting the annual API growth targets established by the State Board of Education for the school as a whole and for each numerically significant subgroup of students. The annual growth target is 5% of the difference between the school's API and the interim statewide performance target of 800. To be in compliance with statewide performance expectations, New West must meet 80% of the established API growth targets for each of the numerically significant subgroups. New West anticipates it will compete for the Governor's Performance Award Program for schools that meet or exceed their API growth targets. However, if New West should fail to

meet its API growth targets, then the school shall convene its Curriculum and Schools Program Committee, its Educational Study Panel, and its Governance Council to develop a plan for improvement of student performance that exceeds the API targets for improvement by under-performing schools.

New West expects to be a high-performing school. However, as a start-up charter school, New West does not have readily available baseline data on student performance to use as a control when evaluating the success of the school's overall performance in educating its students during its first few years of operation. Moreover, with admission open to any student who applies, New West does not have any reliable, a priori information as to the achievement levels of the students who will enroll from year to year. Accordingly, New West shall make special efforts to evaluate and document objective levels of academic performance when students first enroll in New West (see *General Provisions of the Charter: Section XIII.A.19. Student Promotion and Retention Policy*).

The primary baseline data for entering students will be their history of standardized CST scores. From the students' grade 5 test results, New West will use established formulas to calculate overall and subgroup API scores for incoming grade 6 students. This baseline information on entering students will allow for an assessment of how successful New West is in building on the prior academic development of students who will come from a variety of elementary school settings.

## D. Governance Structure

### 1. Governance Council

#### a. Duties

New West shall have a 15 person Governance Council that shall be the chief decision-making body for the school. As specified in the following section, the Governance Council shall have 10 members who are not employees of the school and 5 members who are employees of the school. The employee members of the Council shall be permitted to participate and vote on all matters except those involving personnel, employment policies, financial matters affecting salaries and benefits, and other issues where there may be a conflict of interest.

The Governance Council shall also serve as the Board of Directors of New West, the California Nonprofit Public Benefit Corporation that operates the school. New West employees, including the Director/Principal, the teachers, and the non-instructional staff, may serve on the Governance Council (Board of Directors) and as corporate officers as allowed by New West's Corporate Bylaws and laws governing California nonprofit public benefit corporations. The Governance Council shall be governed in its operations and its actions by the Corporate Bylaws of New West Charter School, which shall be consistent with the terms of the Charter, the Charter Schools Act, and all other applicable laws.

The Governance Council shall have sole authority, consistent with the SBE conditions of approval and the oversight agreement between the SBE and New West, for all aspects of the school's operation and educational program including, but not limited to, the development and implementation of policies related to curriculum, enrichment and extracurricular educational activities, student evaluation, personnel, professional development, budget and finance, facilities and maintenance, admissions, scheduling, community relations, classroom usage, use of the school site, safety, discipline, proposals for charter revision and renewal, dispute resolution, and interactions with the SBE.

The Governance Council shall be responsible for electing the Officers of the Corporation as allowed by the Corporate Bylaws. These officers shall be:

- President (Executive Officer), who shall normally be the Director/Principal.
- Secretary, who shall normally be the chief administrative assistant.
- Chief Financial Officer, who shall normally be the Fiscal Manager/Assistant Director.
- Chair of the Governance Council, who shall be elected from the voting members of the Governance Council.

The Governance Council shall employ the necessary administrative staff and vest those staff with the authority necessary to operate the school in accordance with the Charter.

The Governance Council shall operate according to New West's Corporate Bylaws. In general, the Governance Council will conduct its business by consensus but shall employ Robert's Rules of Order and take formal votes on issues as the need arises. The transaction of any business, except adjournment, shall require a quorum defined as at least one-half of the 15 Governance Council positions listed below under *General Provisions of the Charter: Section XIII.D.1.b. Membership* (i.e., 8 representatives), including alternate representatives who are filling in for an absent representative at a Governance Council meeting. The Governance Council shall conduct its business on the basis of published agenda and keep appropriate records of all its actions. All teachers, parents, and community members are encouraged to attend Governance Council meetings but only voting members of the Governance Council can vote. The Governance Council shall normally meet monthly but may convene more frequently as necessary to conduct its business. The Governance Council is subject to all laws that govern open meetings, public records, and confidentiality (see *General Provisions of the Charter. Section XVII. Open Meetings, Public Records, and Confidentiality*).

Elected alternate representatives, only when filling in for an absent Governance Council representative, shall have the right to participate in all council business except matters pertaining to any revision of the corporate bylaws and any nomination, appointment, or election of Governance Council members by the Governance Council itself as may be allowed by the corporate bylaws.

Members of the Governance Council, including alternates, shall excuse themselves from participating in discussions and decisions about matters that may involve actual or potential conflicts of interest (see *General Provisions of the Charter: Section XVIII. Conflict of Interest Policy)*. Such conflicts may arise whenever a council member may either receive some advantage or suffer some disadvantage because they have personal, business, or monetary interests in a matter before the Governance Council. Governance Council members shall either excuse themselves voluntarily or be excused by a majority of voting representatives if the Governance Council determines that there is an actual or potential conflict of interest, which may be brought to the attention of the Governance Council by any person.

### b. Membership

The Governance Council shall include 15 voting members and 9 alternate members representing the school's various constituencies as follows:

- The Director/Principal, who shall be appointed by the Governance Council and who will have the Fiscal Manager/Assistant Director serve as her/his alternate.

- Three Founders and two alternate Founder representatives, who shall be elected from and by the founding parents of the school. The Founder representatives shall be voting members of the Governance Council.
- Three parents and two alternate parent representatives, who shall be elected from and by parents whose children are enrolled in the school.
- Three teachers and two alternate teacher representatives, who shall be elected from and by the credentialed, full-time teachers employed at the school.
- One staff employee and one alternate staff representative, who shall be elected by the full-time non-instructional employees of the school.
- The Chair of the New West Committee Council (NWCC), who will have the NWCC Co-chair serve as her/his alternate. The Chair and Co-chair of the NWCC shall be elected by committee members of the NWCC from among parents who have children enrolled in the school. The elected Chair and Co-chair shall be presented to the Governance Council for approval.
- Two community representatives, one with experience in education and the other with experience in business, and one alternate community representative with either expertise, who shall be selected by the majority vote of the Governance Council from volunteers who express an interest in the school and are not Founders, parents of children enrolled at the school, or employees of the school.
- One representative of the SBE appointed by the SBE.

The election of Governance Council members, or changes in the composition of the Governance Council, may not violate New West's Corporate Bylaws that state "interested persons" (e.g., employees or other persons compensated by New West, or their relatives) shall not constitute more than 49% of the persons serving on the Governance Council.

Elected and appointed members of the Governance Council shall serve two-year terms except for the NWCC representative, who shall serve a one-year term unless re-elected by the NWCC and approved by the Governance Council. Elections of Founder, parent, and teacher council members will alternate with one Founder, two parents, and one teacher elected one year and two Founders, one parent, and two teachers elected the next year. In the school's first year of operation, one Founder, two parents, and one teacher will be elected to one-year terms, and two Founders, one parent, and one teacher will be elected to two-year terms. Elected alternates to the council shall become full representatives if a regular member should step down during the school year. Election or appointment of Governance Council members may be done as needed at any time during the school year to replace representatives and alternates to the Governance Council. The SBE shall be notified of any change in membership of the Governance Council.

## 2. Executive Committee

New West shall have an Executive Committee comprised of the Director/Principal, one teacher elected yearly by and from the teachers who are members of the Governance Council, and the Chair of the Governance Council. Vacancies on the Executive Committee shall be filled immediately. The Executive Committee shall:

- Chair and set the agenda for Governance Council meetings.
- Deal with routine matters not requiring the attention of the full Governance Council or its committees.
- Refer issues to the Governance Council or its committees as may be appropriate.

The Executive Committee is meant to be operational in nature rather than a deliberative, decision-making body. It may not establish school policy or exercise the authority of the Governance Council with respect to material issues concerning the school's operation nor the terms and conditions of the Charter. The Executive Committee will normally meet weekly but may convene more or less frequently as necessary to conduct its business.

### 3. Advisory Board

New West may have an Advisory Board comprised of four distinguished members of the community representing the public and/or private sectors of education, business, and government. The purpose of the Advisory Board is to provide advice, expertise, and resources related to charter schools, middle school education, the SBE, fund raising, community relations, and other areas relevant to the success of the school. The Executive Committee and/or the Governance Council's committees may consult with the Advisory Board or its members when appropriate. The Governance Council shall select the Advisory Board from applications received or solicited by the school. The Advisory Board, which will be kept informed of school activities and issues on a regular basis, will meet with the Governance Council not less than once each school year.

### 4. Governance Council Committees

#### a. Role of Committees in School Governance

The work of the Governance Council normally shall be accomplished through the activities, reports, and recommendations of its various standing and ad hoc committees working through the New West Committee Council and its chair, who is a member of the Governance Council. Issues arising before the Governance Council are normally referred to the Committee Council and/or directly to an appropriate committee for consideration and the formulation of recommendations and resolutions that shall be presented in writing to the Governance Council for final approval. No committee may exercise the authority of the Governance Council. All teachers, parents, and community members are encouraged to attend any committee meeting that is of interest to them. All standing committees of the Governance Council are subject to all laws that govern open meetings, public records, and confidentiality (see *General Provisions of the Charter. Section XVII. Open Meetings, Public Records, and Confidentiality*).

#### b. Standing and Special Committees of the Governance Council

New West shall have a standing committee known as the New West Committee Council (NWCC), which shall be comprised of the chairs of the other standing and special committees of the Governance Council. The chair and co-chair of the NWCC, working with the council itself, shall be primarily responsible for managing and coordinating the activites of the school's various committees as well as acting as the liaison between the Governance Council and the schools committees. The Governance Council may from time to time establish and/or abolish such standing and special committees, as it may desire. The standing committees shall include but not be limited to the following functions at the school:

- Admissions and enrollment
- School calendar
- Budget, finance, and audit
- Grants and fund-raising

- Curriculum and educational programs
- Enrichment and extracurricular activities
- Special education and student success
- Facilities, maintenance, and site use
- Health and safety
- Parent resources
- Personnel and hiring
- Staff development
- Community relations
- Racial and ethnic diversity
- Dispute resolution

### c. Committee Membership

The standing committees shall have both parent and teacher representation as appropriate and necessary with the mutual understanding that parents will normally carry the burden of committee work whenever possible and appropriate. Committee membership is also open to the non-instructional staff, the non-credentialed instructional staff, and community members. Committee membership and committee chairs shall be open to all interested persons regardless of Governance Council membership except each voting council member shall be on at least one standing committee. The Director/Principal shall be an *ex officio* member of each standing committee. The Chair of the Committee Council shall assure that each standing committee has a chair or co-chairs at all times who will staff the committee, organize meetings, and report to the Governance Council as necessary.

## 5. Parental Involvement

### a. Role of Parents in Operating the School

The success of New West is dependent on local school control through shared governance between the educators and the parents who have a vested interest in the school. A meaningful partnership involves the Director/Principal and the teachers being responsive to the concerns of parents about the educational program of the school. In turn, parents have the responsibility to respect the professional experience and expertise of the Director/Principal and the teachers. While parents will be involved in all levels of decision-making at New West through their elected representatives and committee work, their primary role in operating the school will be to assist, enhance, facilitate, and extend the ability of the educational staff to conduct the school's educational activities. Such parental involvement has the significant advantage of relieving teachers from many of the administrative details of operating the school so that they can devote their time, energy, and expertise to classroom teaching, curriculum, and professional development. Parents will also continue their primary responsibility for planning, organizing, and conducting the broad range of enrichment and extracurricular activities made available to students at New West. New West shall conduct an annual parent satisfaction survey regarding the school's educational program with an emphasis on how the school might be improved to better fulfill its Mission Statement. An analysis of the survey shall be published as part of the school's annual Programmatic Performance Report (see *General Provisions of the Charter. XIII.I.2*).

### b. Parent Teacher Association (PTA)

New West will encourage establishment of a school PTA chapter that is a recognized local unit of the California State PTA, a branch of the National PTA. The primary role of the PTA will be to promote educational programs, conferences, committees, projects, and programs for parents, teachers, and the general public that: (I) address the educational needs of all children and youth in the schools, (ii) assist parents in developing the skills they need to nurture children; (iii) promote parent and public involvement in schools and communities; and (iv) assist teachers in working with parents and community.

### c. Home-School Contract

A central tenet of New West's philosophy is that students are best able to reach their full potential when there is a high level of involvement by their parents in their education. Moreover, research has shown that stakeholder involvement is important to the success of a program and to the satisfaction of the participants. Accordingly, part of the school's educational plan will be an agreement between parents and the school — known as the Home-School Contract — whose intent is to encourage parental involvement and cooperation that will, in turn, ensure success of the school's educational program. Such a contract is designed to empower parents with respect to their children's education by strengthening the partnership among parents, students, and teachers.

Another tenet of the school's philosophy is that parents choose to send their children to New West because they have high expectations of the school and the benefits that they and their children will receive. In turn, the school has high expectations of parents to contribute to the team effort needed to fulfill those expectations. Excellence in a charter school cannot be accomplished nor maintained without the active participation of the parents of enrolled students.

A third tenet of the school's philosophy regarding parental involvement is that diversity in the parent population is a great strength that improves the educational program for all. Parents have different philosophies and approaches to their involvement in their children's education outside of school. Likewise, parents may contribute in many different ways to the collective responsibility of running a charter school and making its educational program a success. Recognizing that each parent, like each child, is unique in terms of background, experience, and ability, parents are asked to contribute to the school's success by volunteering their skills, time, and resources to the extent that they are able above the minimum requirements of the Home-School Contract.

The Home-School Contract, which is to be signed at the beginning of each year or whenever a new student is enrolled, shall include for each family the following requirements of the parent(s) or the guardian(s) who have children enrolled in New West:

- Read the Charter to understand the educational plan of the school, the school's operation, and the roles, rights, and responsibilities of parents and their children.
- Attend a mandatory orientation meeting to learn about charter schools, the school's educational program, the Home-School Contract, and ways in which parents can contribute to the success of both their child and the school.
- Complete and return all forms, questionnaires, and other requests for information that may be required by the school as approved by the Governance Council.

- Ensure the completion of homework and class projects.
- Reinforce at home the importance of education on a daily basis and discuss with each child what was taught at school.
- Assure that each child arrives at school on time, dressed appropriately, and ready to learn.
- Understand and reinforce the Student Conduct Code.
- Attend two parent-teacher conferences each year for each child.
- Attend Back-to-School Night and Open House each year.
- Keep informed about the school by reading the school's newsletter and reading the materials distributed in the weekly folders sent home with each student.
- Attend at least two parent education evenings each year that deal with the school's curriculum, child development, parenting skills, and other topics relevant the education of their children.
- Participate as a family in extracurricular school events such as book fairs, plays, talent shows, festivals, and fund raising activities.
- Volunteer at least eight hours per semester during school hours, weekends, or evenings to participate in a school project, event, or classroom activity in addition to the other requirements of the contract.
- Self-report their compliance with the terms of the contract using the forms provided by the school.

Agreement to the contract by parents (or guardians) shall be one of the terms of admission and enrollment each year for students who want to attend New West. The Home-School Contract shall be made available to the parents of prospective students as part of the admission application packet so that students and parents can make informed judgments whether they can fulfill the terms of the agreement. Parents of new students must return the signed contract with the other enrollment forms. For returning students, the Home-School Contract shall be made available to parents in sufficient time for the contract to be signed and returned prior to the first day of each school year. The contract shall include a form, known as the "Volunteer Sheet," on which parents will specify their areas of interest and the ways they intend to fulfill the volunteer requirement. The back of the signature page included in each student's weekly folder shall be printed with a form that allows parents to monitor voluntarily their progress in fulfilling the provisions of the Home-School Contract.

The Parent Resources Committee of the Governance Council shall be responsible for administering the Home-School Contract, counseling parents who may be substantially non-compliant, and considering exceptions in the form of reduced requirements for parents whose particular circumstances may include transportation difficulties, single-parent households, financial hardship, physical disability, employment, or other special situations. Policies regarding non-compliance with and exceptions to the Home-School Contract shall be equally and consistently applied to all parents in a manner that is nondiscriminatory, provides due process protections, and preserves the privacy and confidentiality rights of students and parents. Disputes involving the Home-School Contract shall be mediated first by the Parent Resources Committee before involving the school's dispute resolution procedures.

## E. Staff Employment

All persons working at the school shall be employees of the Nonprofit Public Benefit Corporation known as New West Charter School (see *General Provisions of the Charter: Section VIII. Legal Status of the School*). The New West Governance Council, whose members also serve as the corporation's Board of Directors, and the school's Personnel Committee shall have sole authority for making all decisions about the employment of all persons working at the school. These responsibilities include establishing job descriptions, qualifications, and selection procedures, determining the terms and conditions of employment including salary and benefits, interviewing and hiring personnel, determining job assignments, and evaluating, promoting, and terminating the school's employees.

New West personnel shall not be employees of any school district, although school district personnel may elect to take a charter school leave if allowed by their collective bargaining agreements and/or district personnel policies (see *General Provisions of the Charter: Section XIII.M. Leave of Absence to Work at a Charter School*). New West personnel will not be covered by any collective bargaining agreements between any school district and its employee unions, although New West employees have the right to join or form employee organizations (see *General Provisions of the Charter: Section XIII.O. Employee Collective Bargaining Rights*). A school district shall not require any of its employees to work at New West [Education Code 47605(e)].

All new employees of the school and all employees of any entity that has a contract with New West who will have any contact with the school's students must submit to a criminal background check including the submission of fingerprints for the purpose of obtaining a criminal record summary as described in Section 44237 of the Education Code [Education Code 47605(b)(5)(F) & 45125.1(a)]. The person being investigated shall pay the costs of fees and processing charges related to the criminal background check and fingerprinting. The Director/Principal shall be responsible for ensuring that the providers used by the school to do the criminal background check and fingerprinting meet the standards of the California Department of Justice. No person who has been convicted of a violent or serious felony shall be hired by New West or employed by any entity on a contract basis to work at the school site [Education Code 44830.1(a), 45122.1(a), & Sections 45125.1].

### 1. Director/Principal

The Director/Principal of New West shall be the chief academic and financial officer responsible for both day-to-day and long-term operation of the school. The broadly defined duties of the Director/Principal shall include but not be limited to the following:

- Implement the Charter and its philosophies and practices.
- Participate in the governance of the school.
- Oversee the school's curriculum and academic policies.
- Prepare and manage the school's budget.
- Supervise the preparation of the annual Financial Audit and Programmatic Performance Report.
- Represent the school in fund-raising efforts including grant applications and solicitations for support from private and public entities.
- Interact with the SBE, local private and public schools, charter school organizations, and the community on matters related to the school's operation and educational program.

- Serve as an ombudsperson to investigate, mediate, or otherwise resolve complaints and problems that may arise between students, teachers, staff, parents, and community members.
- Evaluate the job performance of all school employees on a yearly basis.
- Communicate with all stakeholders on a regular basis.
- Manage the school on a daily basis.

### a. Qualifications

The Governance Council shall determine the qualifications of the Director/Principal based on the school's needs at the time it is necessary to fill the position. In general, New West will expect its Director/Principal to have the following abilities, experiences, and attitudes:

- Bachelor of Arts, Bachelor of Science, or equivalent degree.
- Obtained or working toward an advanced graduate degree.
- A visionary who is on the cutting edge of educational reform.
- Creative and innovative in his/her approach to education.
- Fluent with current educational theory and curriculum development.
- Knowledgeable about and supportive of charter schools.
- Demonstrated leadership and decision-making skills.
- Demonstrated managerial skills to include goal setting, budget control, team building, and corrective action.
- Demonstrated ability to collaborate with parents, students, staff, and the community.
- Demonstrated teacher advocacy skills.
- Demonstrated accountability and communication skills.
- Ability to demonstrate skills in utilizing "broad vision."
- Demonstrated ability to work with special education, low achieving, and gifted/talented students.
- Specific abilities to fulfill the Director/Principal duties described above.

### b. Selection

The Governance Council shall determine the selection process for hiring a new Director/Principal. The Governance Council may take into consideration the established policies and procedures of various school districts for selecting principals but shall not be bound by them.

### c. Evaluation

The Governance Council shall conduct written performance evaluations of the Director/Principal on an annual basis. Part of the evaluation shall be based on progress toward meeting specific goals established each year for the Director/Principal by the Governance Council. The Governance Council shall provide an opportunity for comments from parents, teachers, staff, and community members as part of its information gathering process.

## 2. Teachers

Teachers shall be primarily responsible for developing, planning, and implementing the school's educational program in the classroom. In addition to their classroom instructional role, the broadly defined duties of the teachers shall include but not be limited to the following:

- Understand the Charter and its philosophies and practices.
- Participate in the governance of the school.
- Involve themselves individually and collaboratively in professional development activities that advance their skills, knowledge, and attitudes in the best interests of themselves, their students, and the school.
- Work with the school's varied stakeholders in support of the home-school-community continuum of educational culture that the school holds as one of its central tenets.
- Participate in the school's fund-raising activities including grant applications and solicitations for support from private and public entities.
- Serve as the advocate of their students in promoting a learning environment that allows each student to fulfill their potential in terms of academic achievement and social development.

### a. Qualifications

All teachers employed at New West who are primarily responsible for classroom instruction in the core academic areas of reading and language arts, mathematics, science, and history and social science shall be required to hold a Commission on Teacher Credentialing Certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold by state law [Education Code 47605(1)]. These documents, which shall be provided by prospective employees at the time they apply for work at New West, shall be confirmed for validity by the Director/Principal before a teacher is hired. Teacher credentials shall be maintained on file at the school and shall be subject to periodic inspection by the SBE. New West will provide the SBE with copies of credentials whenever a new teacher is hired or there is a change in the credentials of a currently employed teacher (e.g., a teacher changes from emergency to full certification).

In general, New West will expect its teachers to have the following abilities, experiences, and attitudes:

- Bachelor of Arts, Bachelor of Science, or equivalent degree.
- Demonstrated excellence as a teacher including knowledge of the subject matter they teach.
- Creative and innovative in his/her approach to education.
- Fluent with current educational theory and curriculum development.
- Knowledgeable about and supportive of charter schools.
- Ability to work collaboratively with other educators in interdisciplinary units.
- Desire to work with parents and community members to strengthen the home-school-community union to envelop students with a continuum of educational culture.
- Willingness to be responsible and accountable for the performance of their students.
- Ability to present materials in ways that attract and hold students' attention.

- Understanding of different student learning styles and how to adapt their teaching styles to them.
- Ability to assess student growth in a variety of ways (e.g., standardized tests, classroom exams, presentations, projects, and portfolios).
- Ethical and compassionate behavior with respect to their interactions with students especially but also parents, other educators, and community members.
- Demonstrated ability to work with special education, low achieving, and gifted/talented students.
- Specific abilities to fulfill the teacher duties described above.

### b. Selection

A Teacher Selection Committee shall be appointed by the Governance Council to interview, evaluate, and select each new teacher to be employed at New West. The committee shall consist of the Director/Principal, teachers, and parents.

### c. Evaluation

The Principal/Director shall evaluate teachers annually, the results of which shall be shared with the Personnel Committee and summarized for the Governance Council. New West shall develop a written teacher assessment tool based in part on the California Standards for the Teaching Profession (California Commission on Teacher Credentialing, 1997). Part of the self-assessment tool will reflect a set of Professional Standards that New West will formulate to make explicit the expectations of teachers to support and implement the goals and objectives of the Charter. Other parts of the teacher assessment tool will include self-evaluation, peer-evaluation, and opportunity for comments from parents, staff, and community members. Teachers shall be required to maintain a Professional Growth File that documents all evidence of professional growth and excellence including in-service classes, courses, conferences, committee work, peer coaching, curriculum development, and pupil progress.

## 3. Non-Credentialed Instructional Staff

The Personnel Committee, in collaboration with the Director/Principal, shall be responsible for supervising the non-credentialed instructional staff needed to carry out the school's educational program. The non-credentialed instructional staff may include, but are not limited to the following positions: teaching aides; art and music instructors; world language instructors; physical education and health instructors; remedial, gifted, and talented instructional specialists that work under the supervision of credentialed teachers; instructors for enrichment, extracurricular, and community service activities; and Scholars-in-Residence. Some of these non-credentialed staff members will normally hold part-time or full-time paid positions, others may be retained on a contract basis, and others will be volunteers, depending on the needs and resources of the school.

New West shall have the flexibility intended by the Legislature with respect to the qualifications and experience of its non-credentialed staff who are involved in non-core, non-college preparatory instruction at the school [Education Code 47605(l)]. Wherever possible, depending on the fiscal resources and needs of the school, New West will fill these positions with credentialed teachers on a part-time or full-time basis. When this is not possible, the non-credentialed instructional staff will normally have an undergraduate degree, be working toward their degree, or have at least five years of experience in an area of expertise related to the position they will fill. New West will develop, as needed,

the job descriptions, job qualifications, selection processes, and evaluation tools appropriate for the different kinds and levels of non-credentialed instructional staff that may be used to supplement the school's core academic program taught by the school's full-time credentialed teachers. Non-credentialed staff may assist credentialed teachers but they shall not be assigned primary responsibility for teaching core academic subjects nor shall they be counted when calculating class size and student:teacher ratios.

### 4. Non-instructional Staff

The Director/Principal shall be responsible for supervising the non-instructional staff needed by the school to staff its operations (e.g., administrative assistants, secretaries, custodial staff, and food services workers). New West will develop, as needed, the job descriptions, job qualifications, selection processes, and evaluation tools appropriate for the different kinds and levels of non-instructional staff that may be employed at the school. Minimum requirements for office and clerical staff will include, but not be limited to, computer skills (including working knowledge of word processing, spreadsheets, data base programs, accounting software, and internet communication management), written and verbal communication skills, and filing and organizational abilities. The Director/Principal shall develop a written evaluation procedure for assessing the performance of non-instructional staff on a yearly basis.

### 5. Personnel Policies

New West shall develop written personnel policies, including employment contracts and an employee handbook, before June 1, 2002. New West will not hire any employee until the SBE has had an opportunity to review and comment on these documents. Changes to the school's personnel policies shall require Governance Council approval.

New West anticipates being competitive with local public and private schools in terms of salary schedules, work schedules, health benefits, retirement benefits, vacation, sick leave, absences with replacement pay, and opportunities for on-job training and professional development. New West anticipates that some administrators and instructional staff will be issued contracts while other administrators, instructional staff, and non-instructional staff will be at-will employees. New West personnel policies and procedures shall include, but not necessarily be limited to, the following elements:

- **Job descriptions:** qualifications including abilities, experiences, and attitudes; education levels and credentials/licenses; broadly defined duties and responsibilities; professional development requirements; agreement to work to fulfill the principles and practices of the Charter; participate in school governance, including election to the Governance Council and serving on school committees, as an integral part of employment.
- **Hiring:** recruiting; interviewing; job offers and acceptances; soliciting references; verification of degrees, credentials, licensure, and previous employment; criminal background checks; initiating employment; and orientation of new employees.
- **Employment status:** exempt (salaried) versus non-exempt (hourly) employment; contract versus at-will employment; full-time versus part-time employment; employees versus independent contractors; tenure, notice periods, and procedural protections; eligibility for benefits; outside employment; rights of parent and community volunteers; right to unionize (see *General Provisions of the Charter. Section XIII.O. Employee Collective Bargaining Rights*).
- **Compensation:** salary and hourly pay schedules; overtime work and compensatory leave time; incentives and bonuses; supplemental compensation for special duties.

- **Time and attendance:** work day, work week, and work year; break and lunch periods; pay periods; time sheets; unauthorized lateness and attendance.
- **Insurance benefits:** health and dental insurance; life insurance; accidental death and dismemberment insurance; short-term and long-term disability insurance; workers compensation insurance; unemployment compensation; coordination of benefits.
- **Retirement benefits:** see *General Provisions of the Charter. Section XIII.K. Staff Retirement Benefits*.
- **Holidays:** national, religious, and personal holidays; eligibility, scheduling, and accrual of vacation days.
- **Sick leave:** eligibility, amount, duration, return to work, and accrual; integration with disability policy.
- **Leave of absence:** eligibility, terms, and durations related to personal, bereavement, family medical (illness, pregnancy, care of a family member), educational, military, and jury duty leaves; unauthorized absences.
- **Health and safety issues:** smoke-free, alcohol-free, drug-free policy; immunizations, vaccinations, and health testing (e.g., tuberculosis); blood-born pathogens; child neglect and abuse reporting; first-aide and emergency response training.
- **Employee Conduct:** interactions with students, parents, and staff members; dress and appearance; punctuality.
- **Performance evaluation:** frequency, format, and standards of evaluations; observation of performance; employee participation; persons responsible for evaluations of different employees.
- **Professional development**: professional development portfolios; participation, expectations, and requirements; reimbursement and time-off.
- **Non-harassment:** prohibiting, reporting, investigating, and remediating verbal, physical, and sexual harassment of employees, students, and parents.
- **Non-discrimination:** see *General Provisions of the Charter. Section XII. Equal Rights Statement.*
- **State and federal workplace law:** employees protected by state and federal laws and regulations regarding civil rights (e.g., age discrimination, disability, and equal pay legislation) and workplace practices (fair labor standards, family and medical leave, extended insurance coverage, retirement benefits, and occupational safety and health standards).
- **Reimbursements:** travel (transportation, lodging, meals); school use of personal automobiles; telephone expenses; school supplies; other professional expenses; school credit cards.
- **Conflict of interest:** see *General Provisions of the Charter: Section XVIII. Conflict of Interest Policy*.
- **Employment records:** contents of personnel files; access to, use of, and release of personnel information; privacy and confidentiality.
- **Grievance procedures:** see *General Provisions of the Charter: Section XIII.N.2. Disputes Arising with the School*.
- **Collective bargaining rights:** see *General Provisions of the Charter. Section XIII.O. Employee Collective Bargaining Rights.*

- **Discipline:** grounds for discipline; progressive discipline policy including demotion and termination; relationship to performance evaluation; appeal and due process rights.
- **Termination of employment:** voluntary resignation; retirement; death; involuntary termination including non-renewal of contract, termination of at-will employment, elimination of position, or immediate discharge for cause; exit interview; return of school property; employment references.
- **Receipt of personnel manual:** agreement that the employee handbook is not a contract and that New West shall at all times retain the unilateral right to modify, clarify, supplement, or eliminate any portion of the employee handbook.

## F. Health and Safety

The Health and Safety Committee shall formulate and enforce the health, safety, and risk management policies, procedures, and practices of New West Charter School. New West shall engage appropriate inspectors, consultants, contractors, or other professionals from public agencies or private companies when their expertise is required to inspect, evaluate, and/or correct health and safety conditions at the school. The practices and procedures to be followed at the school shall include but are not limited to the following requirements:

- All students, school employees, and volunteers who help at the school shall provide records documenting those immunizations required by law including tuberculosis testing.
- All school employees and volunteers who help at the school shall submit to a criminal background check and furnish a criminal record summary as described under *General Provisions of the Charter. Section XIII.E. Staff Employment.*
- The administrative and instructional employees of the school shall be instructed on a regular basis of their duty as mandated child neglect and abuse reporters.
- Regular school-wide drills shall practice the school's plans for response to natural disasters and emergencies, including fires and earthquakes.
- All administrative, instructional, and staff employees shall be trained in emergency response, including appropriate "first responder" training or its equivalent.
- The school, under the direction of the Facilities, Maintenance, and Site Use Committee, shall have a regular program for inspecting the school's building and grounds to identify and correct safety and health hazards including those related to auxiliary services such as food services, custodial services, maintenance, landscaping, and hazardous materials.
- The school's buildings and other facilities shall be inspected on a regular basis by the Fire Marshal.
- The school's buildings and other facilities shall be certified to be free of substantial seismic and toxic hazards.
- The school's buildings and other facilities shall meet the requirements of the Americans with Disabilities Act.
- The school's buildings and other facilities shall comply with state and federal workplace health and safety standards.
- The school's playground and athletic facilities shall meet local, state, and federal safety codes.
- The school shall have an acceptable use policy that requires responsible use of computers for educational purposes and protects students from inappropriate, offensive computer accessible information from the internet or elsewhere.

- The school's campus shall be maintained as a drug, alcohol, and tobacco free environment.
- The school shall have a traffic policy that ensures the safety of students arriving at and leaving school.
- The Director/Principal, a teacher, or the school nurse may administer prescription drugs and other medicines to students during school hours, provided that they have the written consent of the parents, they have written instructions from a physician, and they have been trained in administering the drug or medicine.
- The school shall have a zero tolerance policy with respect to violence and the possession of firearms or other weapons on campus by students, employees, parents, or visitors.

New West shall provide upon request from the SBE copies of its health, safety, and risk management policies as well as reports related to inspecting, evaluating, and/or correcting health and safety conditions at the school.

## G. Racial and Ethnic Balance

New West shall encourage an integrated, multiethnic student body by providing a rich and diverse multicultural educational environment in which students are encouraged to reach their full academic potential regardless of race, color, ethnicity, or national origin. New West shall implement a recruitment strategy whose goal is achieving a racial and ethnic balance among its students that is reflective of the general population residing in Los Angeles. The means to enhance the racial and ethnic balance of the school's student body include, but are not necessarily limited to, the following:

- Maintain an Ethnic and Racial Diversity Committee of parents, educators, and community members as a standing committee of the Governance Council to oversee New West's efforts in recruiting a wide diversity of students and ensuring a supportive environment for students of all backgrounds while attending the school.
- Follow an application, admissions, and enrollment policy that incorporates a timeline allowing for a broad-based recruiting effort (admission will be by lottery if applications exceed the available space).
- Distribute informational materials about New West to a broad variety of community groups and agencies that serve the various racial and ethnic groups represented in the anticipated attendance area of the school.
- Request principals of geographically proximate elementary schools on the Westside of Los Angeles to send home to parents of fifth grade students information provided by New West about its programs and admissions.
- Conduct an outreach program of informational meetings, coordinated with New West open houses, at public elementary schools on the Westside of Los Angeles to inform parents in underrepresented communities of the educational opportunities available at New West.
- Provide informational materials, recruitment brochures, and applications in English and Spanish, and arrange simultaneous English ↔ Spanish translations at informational meetings about New West (translations to other languages will be provided as the need arises).
- Establish formal, ongoing, long-term "little sister" relationships with nearby public elementary schools whose over-crowded student bodies are comprised of primarily minority or socioeconomically disadvantage students. New West will work with both school administrators and parent led groups (e.g., the PTA) at the "little sister" schools. The LAUSD has already agreed to facilitate the recruitment of students and has

recommended six elementary schools in West Los Angeles with which New West might establish mutually beneficial relationships[6].

- Give admissions preference to students who qualify under LAUSD's Permits with Transportation (PWT) program (up to 33% of the school's enrollment; see *General Provisions of the Charter. Section XIII.H.3. Admission and Enrollment* Preferences). New West shall work cooperatively with the LAUSD to negotiate an agreement for recruiting PWT students from selected schools (e.g., from the little sister schools) in a way that maximizes the number of PWT students but minimizes the transportation costs to the district. The LAUSD shall be solely responsible for all transportation costs of PWT students.
- Solicit additional public and private funding to provide transportation and other support services that will facilitate interested graduates of these "little sister" schools to continue their education at New West (e.g., the Optimist Club has already expressed an interest in funding such a program).
- Consult with knowledgeable professionals, who specialize in public relations with underrepresented communities, about other strategies to ensure the racial and ethnic diversity of the school's student body.
- Discuss with the LAUSD the possibility of participating in the LAUSD's Capacity Adjustment Program (CAP) if the school is at less than full capacity. The assignment of CAP students to New West would be governed by a separate "CAP Student Memorandum of Understanding" mutually agreed to by New West and the LAUSD.
- Include a section in the school's annual Programmatic Performance Report that summarizes the racial, ethnic, and socioeconomic balance of New West's student body and reviews the specific actions taken by New West to achieve and maintain diversity in its student population (see *General Provisions of the Charter. Section XIII.I.2*).

Any effort made by New West to enhance the racial and ethnic diversity of its student body must comply fully with all laws that prohibit discrimination against individuals or groups of individuals (see *General Provisions of the Charter. Section XII. Equal Rights Statement*).

## H. Admission and Enrollment

The Governance Council shall determine all policies, processes, and procedures governing application, admission, and enrollment at New West. All students attending New West must follow the application, admission, and enrollment policies of the school. A student who is already enrolled in New West shall have the right to continue attending the school until the student graduates from high school unless the student voluntarily withdraws, is expelled, or is required to withdraw for one of the reasons cited under *General Provisions of the Charter. Section XIII.J. Discipline Policy including Suspension or Expulsion of Students*.

The application packet for admission to New West shall include information that allows students and parents to be informed about the school's operation as a charter school, its middle school or high school educational programs, the academic and behavioral expectations of students, and the rights and responsibilities of students and parents who wish to become part of the New West family. The application packet shall include the following information specific to the middle school or high school:

[6] See letters of July 20, 2000, and January 8, 2001, from LAUSD Deputy Superintendent Merle Price to New West regarding Broadway, Brockton, Charnock, Coeur D'Alene, Richland Avenue, and Nora Sterry Elementary Schools. In May 2001, New West held meetings with parent groups at Brocton and Coeur D'Alene Elementary Schools, and will initiate meetings at the other schools during the 2001- 2002 school year.

- A brief description of what charter schools are and how they differ from regular public schools.
- New West's *Mission Statement* and a summary of the school's educational philosophy (see *General Provisions of the Charter: Section XIII.A.4*).
- Information about New West's Director/Principal, the school's instructional staff, and members of the Governance Council.
- A description of New West's educational program including a school calendar, daily schedule, core curriculum, enrichment and extracurricular programs, attendance expectations, grading policy, testing and evaluation procedures, promotion and retention policy, and graduation standards (exit outcomes) (see *General Provisions of the Charter. Section XIII.A. Educational Program*).
- An overview of the academic performance of students who have attended New West (e.g., CST, CAT 6, and API results).
- A description of New West's shared governance structure and how the school encourages parental involvement (see *General Provisions of the Charter: Section XIII.D. Governance Structure* and *Section XIII.D.5. Parental Involvement*).
- A copy of the Home-School Contract with a prominent statement that exceptions to the provisions of the contract may be allowed on a case-by-case basis in the form of reduced requirements for parents whose particular circumstances may include transportation difficulties, single-parent households, financial hardship, physical disability, employment, or other special situations (see *General Provisions of the Charter: Section XIII.D.5.c*).
- A listing of the rights and responsibilities of New West parents and teachers (see *General Provisions of the Charter: Section XIV. Educational Rights and Responsibilities*).
- Descriptions of admission criteria, admission and enrollment preferences, admission lottery and admission priority, conditions of enrollment, and consequences of misrepresenting admission and enrollment information (see following sections).
- A prominent statement that New West operates under oversight of the SBE but is exempt from most laws and regulations governing public schools (e.g., building safety and minimum school day requirements).
- A prominent statement that the school district in which a student resides (not the SBE) has the responsibility for the public education of a student who voluntarily withdraws or is expelled from New West.

### 1. School Capacity

The Governance Council shall have the authority, consistent with its Charter, to determine the size and grade-level breakdown of New West's student body subject to the limits specified in *General Provisions of the Charter. VII. Limits on School Size*. The determination of school capacity shall be based on the school's academic program, the school's fiscal viability, the educational needs of currently enrolled students, the capacity of the school site, and the level of interest shown by students who want to attend the school. As currently planned, the enrollment at New West shall be no more than 600 students in middle school and 800 students in high school, but the Governance Council shall have the right to determine if fewer students that can be accommodated at its school site(s) on a year-by-year and grade-by-grade basis (see Table 2 under *General Provisions of the Charter: Section VII. Opening of the School*). Determinations of class size and student:teacher ratios shall be based only on credentialed teachers.

## 2. Admission Criteria

New West shall be open to all students at the appropriate grade levels for middle school (grades 6-8) and high school (grades 9-12). New West shall be open to all students without regard for the place of residence of students or parents within California. Admission to New West shall be determined solely by the preferences given in the next section. The only requirement is that students wishing to attend New West must follow the school's admission procedures with respect to completing applications and enrollment forms by the announced deadlines. Application deadlines, which will normally be in April for admission the following September, shall be coordinated with local public and private schools to give students and their parents opportunity to consider the full range of educational opportunities available to them. Late applications for admission shall result in loss of admission and enrollment preferences as listed below. Late return of enrollment packets following notification of admission shall result in loss of place on the admission priority list discussed below.

New West shall not charge an application fee nor shall it charge tuition [Education Code 47605(d)(1)]. New West shall not require or solicit any monetary contribution, pledge, or promise as a condition for application, admission, enrollment, or participation in any of the school's regular educational activities. New West shall be nonsectarian in its admission and enrollment policies and shall not discriminate against any student on the basis of ethnicity, national origin, gender, or disability [Education Code 47605(d)(1)]. New West does have certain requirements of parents and students that must be satisfied when a student is enrolled in the school (see *General Provisions of the Charter: Section XIII.H.5. Conditions of Enrollment*).

The only academic requirement for admission is that applicants must be working at a basic level of proficiency in the grade in which they are enrolled at the time of application (e.g., grade level work in 5th grade at their current school when applying for 6th grade at New West). This is necessary to ensure that applicants have the necessary skills and background reading, writing, and mathematics to be successful in the high-performing educational program that New West is building. New West shall use a two step process to determine grade level proficiency:

- California Standards Test Results. About 98% of public school students participate in California Standardized Testing and Reporting (STAR) Program. This state-wide testing is usually done in the spring semester with results mailed to parents the following August. New West uses the most recent available test results, which are typically the tests taken the prior school year (e.g., New West bases 6th grade admission on 4th grade tests because the 5th grade test results are not available until after the admission process is completed). The California Standards Test (CST) is a part of STAR that measures a student's progress toward mastering California's academic content standards (the California Achievement Test, or CAT-6, which is a nationally standardized test of student performance). With regard to test performance in reading, English language arts, and mathematics, the SBE is required by law to "identify and establish the level of performance that is deemed to be the minimum level required for satisfactory performance in the next grade" [Education Code 60648]. Typically, the minimum standard set by the SBE is a score of 350 ("Proficient" and "Advanced" performance levels) on both the English-Language Arts and Mathematics sections of the CST. New West requires a slightly lower standard of minimum grade level proficiency of CST scores of 300 or greater ("Basic" performance level and above). Lower scores (<300 in the "Below Basic" and "Far Below Basic" categories) indicate that an applicant is not prepared to be successful with New West's middle school or high school curriculum. Special education students

may substitute their 2003 California Alternate Performance Assessment (CAPA) results for the CST. Applicants from private and parochial schools, who do not have STAR results, may submit other standardized tests taken within the last year that can be used to evaluate grade level progress (e.g., ISEE, ERB, and Stanford/9).

- Full Academic Record. If an applicant does not have acceptable CST scores (>300), then New West looks at the applicant's full academic record to judge grade level proficiency. This evaluation considers the combination of standardized test scores (CST and CAT-6), report cards, and teacher and administrator recommendations. Parents may submit other information and records useful for assessing their child's grade level abilities (e.g., assessment tests administered by the applicants school, classroom work, special projects, portfolios, additional letters of recommendation, and reports regarding any special needs that a student may have). New West occasionally requests an interview to assess an applicant's ability to handle New West's curriculum.

Applicants are removed from consideration for admission if they do not meet New West's criteria for minimum grade level proficiency. Parents are informed of this decision in writing and given an opportunity to submit additional information and/or meet with the Director/Principal to discuss their child's academic progress and ability to perform successfully at New West.

## 3. Admission and Enrollment Preferences

New West shall admit and enroll all students who meet the school's admission criteria who wish to attend the school provided that the school's capacity at each grade level is not exceeded [Education Code 47605(d)(2)(A)]. Classes at each grade level will be filled according to the following order of preferences for students who are either continuing enrollment or being admitted for the first time (listed in declining order of priority) [Education Code 47605(d)(2)(B)]:

- Presently enrolled students who plan to continue attending the school.
- A limited number of students who are the children of Founders who worked to open the school[7]. The conditions for attaining Founder status and the maximum number of Founders' children enrolled at any time are specified in *General Provisions of the Charter: Section X. School Founders*.
- Students with siblings who are continuing their enrollment at New West or who graduated from New West.
- Applicants with siblings who have been admitted to New West. This category is meant to insure that all children from the same family who apply to New West at the same time are granted admission if one child is admitted (e.g., twins applying to the same grade or brother and sister applying to different grades).
- Students participating in the LAUSD Permits with Transportation (PWT) program provided that the LAUSD arranges and pays for transportation for the PWT students who wish to attend New West. The number of PWT students shall not exceed 33% of the school's total enrollment at any time unless there are open seats in which case New West shall accept PWT students beyond the 33% mark until the school reaches its attendance capacity. PWT students must follow the normal application and enrollment procedures by the announced deadlines.
- All other students who wish to attend the school.

[7] Preference for a limited number of children of founders of a school is an acceptable exception to lottery admissions (see Nonregulatory Guidance: Public Charter Schools, Office of Elementary and Secondary Education, U.S. Department of Education, December 2000, p. 5).

### 4. Admission Lottery and Admission Priority

If the number of students who wish to attend New West exceeds the school's capacity, then the admission of new students shall be determined solely by a separate public random drawing for each grade level with consideration given for the admission preferences listed in the previous section [Education Code 47605(d)(2)(B)]. New West shall maintain an admission priority list of the order in which applicants to each grade level in each admission preference category were selected in the admission lottery. The order of admission of students at any time during a school year shall be based solely on the order of applicants on the admission priority list. Admission shall be based solely on a first-come first-served basis if New West determines that space still exists at any grade level after the admission priority list has been exhausted.

### 5. Conditions of Enrollment

New West shall have the following requirements that must be met by each student and/or their family before beginning classes at the school:

- Completed enrollment forms including emergency information cards.
- Records documenting immunizations required by law including tuberculosis testing.
- Home-School Contract signed by the student's parents (see *General Provisions of the Charter: Section XIII.D.5.c*).
- School records and test results indicating that the student has graduated from grades 5-11, depending on the grade the student will be entering at New West.

### 6. Misrepresentation of Admission and Enrollment Information

New West shall have the right to require the immediate withdrawal from school of any student whose parents misrepresent their legal status as guardians, their place of residence, or any other material information on any school document, including but not limited to admission and enrollment forms, when such misrepresentations, whether intentional or not, provide some unfair advantage in gaining admission to New West.

## I. Annual Audits and Reports

New West shall draft annual written reports as part of the schools accountability responsibilities with regard to the school's operation and educational program. The reports shall be made available to New West's stakeholders, to the SBE, and to the public at large. The Financial Audit, the Programmatic Performance Report, and the School Accountability Report Card discussed in the following three sections shall collectively serve as the Annual Report to the Governance Council required by the Corporate Bylaws.

### 1. Financial Audit

New West, through its Budget, Finance, and Audit Committee of the Governance Council, shall appoint an Audit Subcommittee to oversee the selection of an independent auditor and the completion of an annual audit of the school's financial affairs. The auditor, who will be an independent certified public accountant, will use generally accepted accounting principles, generally accepted auditing standards, and the audit guide issued by the Controller of the State of California. The auditor will prepare a report, in a format acceptable to the SBE that will include: actual and revised budget figures; projected revenues, expenditures, and fund balances; audited financial statements consistent with Standardized Account Code Structure; and review the school's internal controls. To the extent required under applicable federal law, the audit scope will be expanded to include

items and processes specified in any applicable Office of Management and Budget Circulars. The audit will also verify the accuracy of the school's attendance and enrollment accounting practices. The school's Audit Subcommittee shall review any audit exceptions or deficiencies and report to the Governance Council with recommendations on how to resolve them.

New West shall forward a copy of the independent financial audit to the SBE and CDE by December 15 following the close of the fiscal year. The school shall also report to the SBE regarding how audit exceptions and deficiencies have been or will be resolved by the school to the satisfaction of the SBE according to an agreed-upon timeline. The SBE shall report back to the school in writing on a timely basis any concerns it may have about the school's financial audit or the school's remediation efforts to correct audit exceptions and deficiencies.

## 2. Programmatic Performance Report

The Director/Principal of New West shall be responsible for compiling data and writing an annual Programmatic Performance Report that summarizes information about the school's operation and educational program during the previous school year. It is anticipated that the annual report will be completed within six months after the last scheduled day of the previous school year. The Director/Principal shall present the report to the Governance Committee for approval along with recommendations for changes in the school's educational program or operation to correct deficiencies or make improvements, as may be need from year to year.

New West and the SBE shall work jointly to develop mutually agreeable content, evaluation criteria, timelines, and processes for the Programmatic Performance Report. The report shall include, but not necessarily be limited to, the following information about the previous school year:

- An analysis of the school's student body including enrollment projections and demographic data about racial, ethnic, and socioeconomic diversity.
- A summary of specific actions taken by New West to achieve and maintain diversity among the school's students.
- An analysis of student attendance and enrollment records used to calculate Average Daily Attendance for funding and other determinations.
- An analysis of the school's Academic Performance Index (API).
- A subject-by-subject analysis of the school's standardized test results.
- Overviews of student performance including data on the number of students who are not promoted, require remedial attention, or are gifted or highly gifted.
- A summary of the programs and resources made available to meet the special education needs of the school's students.
- An overview of student conduct including the number of students suspended or expelled from the school.
- An overview of the school's admissions practices including data on the number of applications, admissions offered, and students actually enrolled, and information about the school's specific efforts to recruit and maintain an ethnically, racially, and socioeconomically balanced student body.
- The number of administrators, teachers, non-credentialed instructional staff, and non-instructional staff working at the school and their qualifications.
- A summary of the professional development activities of the school's teachers.

- A summary of the school's annual review process for evaluating the performance of the school's employees.
- A summary of major decisions and policies established by the Governance Council.
- A summary of parent involvement in the school's governance, operation, and educational program.
- An analysis of the school's annual survey of faculty, staff, and volunteers regarding the school's educational program that focuses on areas in need of improvement.
- An analysis of the results of the school's annual parent satisfaction survey regarding the school's educational program that focuses on areas in need of improvement.
- A summary of health and safety issues that affected the school's students and employees.
- An overview of the school's physical facilities including plans for changes or additions to the buildings or playgrounds at the school site.
- A summary of the school's effort in involving the community as a partner in its governance, operation, and educational program.
- A review of the effectiveness of the school's internal and external dispute mechanisms and data on the number and resolution of disputes and complaints.
- A summary of liability incurred by the school in any aspect of its operation.
- Other information regarding the educational program and the administrative, legal, and governance operations of the school relative to compliance with the terms of the Charter.
- Other financial data, attendance reports, and analyses that enable the SBE to meet its legal requirements with respect to charter schools.
- A copy of the School Accountability Report Card (see next section).

New West shall forward a copy of the Programmatic Performance Report to the SBE. The SBE shall report back to the school in writing on a timely basis any concerns it may have about the school's operation or educational program. Any disputes arising from the Programmatic Performance Report about the school's operation, educational program, or compliance with the Charter shall be settled through the dispute resolution process described under *General Provisions of the Charter: Section XIII.N.2. Disputes between the School and the Chartering Authority*.

### 3. School Accountability Report Card

New West shall prepare each year a School Accountability Report Card to inform the parents of enrolled students, parents of prospective students, teachers, staff, and the community at large about conditions and progress being made at the school. The Report Card, which may be based on information summarized from the Annual Programmatic Performance, shall be made available publicly within six months after the last scheduled day of the previous school year. The Report Card shall be presented in an easily understandable format that allows the school community to assess the significance of the information presented. New West shall not be bound by the statute applicable to regular schools and school districts in deciding the specific content and format of the Report Card [Education Code 33126, 35256, and other relevant sections], but shall be free to develop a Report Card that reflects the school's own accountability and communication needs. The Report Card, which shall not present information for individual students, shall include information for the school as a whole, for different grade levels, and for subgroups of the school's student body based on gender, ethnicity, and socioeconomic status. When

relevant and appropriate, information shall be presented so as to allow comparisons with legal requirements, with results of prior years, and with results for other public middle schools including individual schools located near New West, averages for nearby school districts, and statewide averages. New West's Report Card shall include but not be limited to the following kinds of information:

- Demographics of the student body.
- Standardized test scores and the results of other statewide assessments.
- API statistics including similar schools rankings and growth targets.
- Application and admission statistics.
- Attendance statistics.
- Graduation, promotion, and retention statistics.
- Number of students suspended or expelled.
- Number of instructional minutes and number of instructional days.
- Membership of the Governance Council.
- Number and qualifications of administrative personnel.
- Number and qualifications of the credentialed teachers.
- Number and qualifications of the non-credentialed instructional staff.
- Number and duties of non-instructional staff.
- Changes to the school's facilities.
- Summary of the core curriculum.
- Summary of the enrichment curriculum and extracurricular activities.
- Summary of revenues and expenses.

## J. Discipline Policy including Suspension or Expulsion of Students

New West shall develop, periodically review, and enforce a comprehensive set of student discipline policies. The Governance Council shall approve the discipline policies, and any material revisions to them, before they take affect. The policies, which shall be in place before the school opens, will be printed and distributed as part of the school's student handbook. The policies shall clearly describe the school's expectations of its students regarding attendance, school behavior, dress, mutual respect, substance abuse, violence, safety, and work habits. Students and their parents shall be required to verify that they have reviewed and understood the policies at the beginning of each school year.

New West's discipline policy for students shall involve both zero tolerance offenses and progressive disciplinary consequences including, but not limited to, verbal warnings, written warnings, loss of privileges, isolation in a supervised area, detention during or after school, notices to parents by telephone or letter, parent conferences, suspension, expulsion, and required withdrawal from the school. Student misconduct includes the following conduct when the conduct is related to school activity or attendance regardless of when the misconduct occurs and regardless of whether the conduct occurs on or off the school's grounds (the usual consequences of student misconduct are given in parentheses):

- Threatened, attempted, or caused physical injury to another person (zero tolerance leading to immediate suspension followed by expulsion).
- Willfully used force or violence against another person except in self-defense (zero tolerance leading to immediate suspension followed by expulsion).

- Harassment, hate crimes, or other acts based on sex, race, or ethnicity (zero tolerance leading to immediate suspension followed by expulsion).
- Possessed, sold, or furnished a firearm, knife, explosive, or other dangerous weapon (zero tolerance leading to immediate suspension followed by expulsion).
- Possessed, used, sold, furnished, or been under the influence of any controlled substance, alcoholic beverage, or other intoxicant of any kind (zero tolerance leading to immediate suspension followed by expulsion).
- Stolen, attempted to steal, received, or otherwise been involved in the theft of personal or school property (zero tolerance leading to immediate suspension).
- Vandalized or otherwise purposefully damaged or destroyed school property (progressive discipline, suspension, expulsion, or required withdrawal from the school depending on seriousness and duration of misconduct).
- Committed an obscene act or engaged in habitual profanity or vulgarity (progressive discipline, suspension, expulsion, or required withdrawal from the school depending on seriousness and duration of misconduct).
- Disrupted school activities or willfully defied the valid authority of school personnel (progressive discipline, suspension, or required withdrawal from the school depending on seriousness and duration of misconduct).
- Failure to abide by the terms of a written remediation agreement drafted in response to repeated behavioral problems (suspension or required withdrawal from the school).
- Violation of the student honor code with respect to academic activities (progressive discipline, suspension, or required withdrawal from New West depending on seriousness and duration of misconduct).

The discipline policies of New West shall provide students and their parents with an opportunity for due process. Due process shall include the following:

- A fair, impartial investigation of alleged student misconduct
- Written notice to the student’s parents when discipline involves more than a verbal warning.
- An opportunity for the student and the student’s parents to respond to charges of misconduct and subsequent disciplinary measures.
- An opportunity for the student and the student’s parents to work cooperatively with the school to formulate consequences and corrective actions appropriate for the misconduct.
- The right of parents to request intervention by the Student Success Committee when chronic disciplinary problems are impeding a student’s school performance.
- Access to the school’s procedures for resolving disputes arising within the school including a hearing before the Principal/Director, appeal to the Executive Committee, and appeal to the Governance Council, whose decision shall be final.

Any student who repeatedly violates the school's behavioral expectations shall be required to attend a meeting with the school's staff and the student's parents. The school shall prepare a specific, written remediation agreement outlining future student conduct expectations, timelines, and consequences for failure to meet the expectations which may include, but are not limited to, suspension, expulsion, or required withdrawal from the school. The Director/Principal may, pursuant to the school's adopted policies, discipline, and ultimately suspend, or expel, or require withdrawal from the school for students who fail to comply with the terms of a remediation agreement.

New West's discipline policy regarding suspension, expulsion, and required withdrawal from the school shall include the following steps:

- Notification of the Director/Principal by school staff that a student has had conduct warranting suspension/expulsion/required withdrawal (and immediate notification of law enforcement agencies if there is danger to others).
- Immediate removal of the offending student to the school office or other supervised area.
- Preliminary determination by the Director/Principal that a student should be suspended/expelled/required to withdraw from the school.
- Immediate notification of the parents to remove the student from the school grounds and not return until notified of the student's right to return.
- Written notice, within two days of the Director/Principal's preliminary determination, to the student and her/his parents regarding the reason for the suspension/expulsion/ required withdrawal, the school's disciplinary procedures, due process rights, and the date, time, and place of the suspension/expulsion hearing.
- A suspension/expulsion hearing, within one week of the written notice, before a three person student conduct panel chosen by the chair of the Student Success Committee from members of the committee and attended by the student, the student's parents, and other's who may be involved in the event(s) with an opportunity to present evidence and hear witnesses.
- A written decision that describes the course of action chosen by the student conduct panel and that is communicated to the student through the student's parents, copied to the Governance Council, and placed in the student's file.
- Appeal rights to the rights to the Executive Committee and the Governance Council as allowed by the school's internal dispute resolution procedure (see *General Provisions of the Charter. Section XIII.N.1. Disputes Arising within the School*).

A student who is expelled or required to withdraw from New West loses her/his right to attend the school as a continuing student. If a student is expelled or required to withdraw from the school, then New West shall immediately notify the school district in which the student resides. New West shall work cooperatively with that school district to assist with the educational placement of the student in an appropriate setting as fast as is practical given the particular circumstances of the student. However, the school district of residence, not New West or the SBE, has full responsibility for the continued public education of the student. New West shall report to schools where the student might attend all incidents of violent behavior, criminal misconduct, and other serious offenses that are a threat to students or school personnel. The school will notify the SBE of any expulsions or required withdrawals and will include suspension, expulsion, and required withdrawal data in its annual performance report.

Special procedures apply to disciplining a student with disabilities. In a matter involving a student who has an IEP, New West shall follow legally mandated procedures for student discipline, suspension, expulsion, and required withdrawal from the school. In particular, a student with an IEP has the right to have the IEP team review the student's current educational program and recommend a behavior support plan to remedy discipline problems within the context of the student's special needs. In general, New West may suspend, expel, or require withdrawal of the student only if an IEP team meeting is held, the team determines that the misconduct was not caused by, or was not a direct manifestation of, the pupil's identified disability, and the team determines that the pupil had been appropriately placed at the time the misconduct occurred. The IEP team shall be responsible for determining alternative education settings that enable the student to continue to participate in general education, although in another setting, and to receive services that enable the student to meet the goals of his/her IEP while addressing the behavior that is the subject of the discipline.

## K. Staff Retirement Benefits

New West shall offer retirement benefits to all of its full-time administrative, instructional, and staff employees. The Governance Council shall offer at its discretion some combination of a school sponsored retirement plan, the federal social security program, the Public Employees' Retirement System (PERS), and/or the State Teacher's Retirement System (STRS). If New West chooses to make STRS available, all employees of the school who perform creditable service shall be entitled to have that service covered as described in Education Code Section 47611(a). New West shall inform all applicants for positions within the school about each of the following [Education Code 47611(b)]:

- The retirement system options available at the school, including but not limited to whether coverage under STRS or PERS, or both, is available.
- Accepting employment at New West may exclude the applicant from further coverage in the applicant's current retirement system, depending on the retirement options offered by the school.

## L. Public School Attendance Alternatives

New West is a public school of choice that does not have a defined attendance area but is available for all students who wish an alternative to attending their local neighborhood public school that serves grades 6-12. Students have the right to attend their neighborhood public school according to the regulations and practices of the school district in which they reside.

If a student withdraws or is expelled from New West, then the school district in which the student resides shall work with the student's parents to find a place for the student in another public school that is as near as possible to the student's place of residence in accordance with the established enrollment and transfer policies of that school district. It should be understood that the district in which the student resides has full responsibility for the continued public education of any student who withdraws or is expelled from New West.

## M. Leave of Absence to Work at a Charter School

Employees of school districts or educational agencies other than the SBE shall be governed by their employer's personnel policies and/or labor union agreements with respect to leaves of absence to work at New West.

## N. Dispute Resolution Processes

### 1. Disputes Arising within the School

New West shall develop policies and processes for resolving internal complaints, conflicts, and disputes that may involve the school and its various stakeholders, including prospective students and their families. The detailed, written, internal dispute resolution process shall be prepared and submitted to the SBE for review and comment by September 30, 2004. The Dispute Resolution Committee of the Governance Council shall be responsible for administering and monitoring the internal dispute resolution process. Changes and revisions to the process shall not take effect until approved by the Governance Council. The following general principles shall govern all levels of New West's internal dispute resolution process:

- Emphasis on written school policies, dispute resolution training, and open, honest, collegial communications to avoid misunderstandings and conflicts between or among students, parents, teachers, administrators, staff, and community members.
- Provisions for notification, participation, and due process for all parties involved in a dispute.

- Assurances of fair, equitable, unbiased treatment of all parties involved in a dispute without fear of retaliation.
- Investigation, hearing, and resolution of disputes in a timely manner with provisions for appropriate remedies if a problem is discovered.
- Guarantees of privacy and confidentiality with respect to public release of information regarding personal information, personnel files, student records, and other sensitive matters.
- Adherence to the school's conflict of interest policy that requires persons to refrain from participating in mediating or resolving a dispute when they are personally involved or have a self-interest in the outcome of the dispute.
- Alternative procedures when appropriate or required by law such as for disputes involving special education, expulsion of students, or termination of staff, or disputes involving someone who would otherwise serve as a facilitator in the dispute resolution process (e.g., complaints about the Director/Principal would bypass that person and be handled by the Executive Committee).
- Requirements that the school's stakeholders must follow the specified steps in the internal dispute resolution process rather than contacting people inappropriately or settling grievances via ad hoc methods of their own choosing.
- Review and revision of the internal dispute resolution process annually to ensure its efficacy and responsiveness to the school's stakeholders.

New West anticipates using a hierarchical approach to settling internal disputes that involves the following sequential levels of resolution:

- **Personal interaction**. The parties directly involved in the dispute shall make good faith efforts to resolve the problem through direct, open discussions among themselves.
- **Peer mediation.** The Dispute Resolution Committee will appoint and arrange for dispute resolution training for student, parent, teacher, and staff mediators, who will be available to facilitate informal resolution of conflicts among peers not settled by personal interactions.
- **Supervisory intervention.** Disputes not resolved through peer mediation will be referred to an appropriate, non-involved, or next-most-responsible person. For example, a teacher will handle disputes among students, another mutually agreeable teacher will handle disputes between a student and a teacher, the Director/Principal will handle disputes among parents, among teachers, or between teachers and parents, and the teacher or parent member of the Executive Board will handle disputes between parents or teachers and the Director/Principal. The intent is to handle disputes reaching this level through intervention and mediation in way that encourages informal resolution before invoking the following levels of dispute resolution.
- **Director/Principal.** Disputes not resolved informally must be submitted in writing with all available documentation to the Director/Principal, who shall provide copies of the complaint to all involved parties within three days. The Principal/Director shall usually hear the dispute directly, but may refer it to a Governance Council committee that is better able to seek a resolution (e.g., a complaint about unsafe school conditions might be referred to the Health and Safety Committee, or a complaint about a teacher's classroom performance might be referred to the Personnel Committee). The Director/Principal shall investigate the complaint, interview involved parties, accept written statements and documentation from the involved parties, and

take other steps that may be necessary to reach a fair, impartial conclusion about the dispute. The Director/Principal shall render her/his decision in writing within seven days as to the resolution of a dispute and possible remedies, and communicate the decision to all involved parties.

- **Governance Council committees.** The Director/Principal may refer disputes to the Dispute Resolution Committee or another Governance Council committee for resolution. The Dispute Resolution Committee may hear the dispute directly or it may refer the dispute to another Governance Council committee that is better able to seek a resolution. The Director/Principal shall inform all parties to the dispute in writing within seven days as to which committee will handle the dispute and the process that will be followed to resolve the dispute. The committee handling the dispute shall investigate the complaint, interview involved parties, accept written statements and documentation from the involved parties, and take other steps that may be necessary to reach a fair, impartial conclusion about the merits of the complaint. Resolutions of disputes and remedies, when appropriate, shall be rendered in writing within 14 days to the Director/Principal who shall immediately communicate the committee's conclusion to the involved parties.
- **Executive Committee.** Any person who is a party to a dispute has 14 days to appeal the determination of the Director/Principal or a Governance Council committee to the Director/Principal, who shall refer the dispute to the Executive Committee and provide copies of the appeal to all involved parties with seven days of receiving the appeal. The appeal shall be in writing and include all available documentation about the dispute. The Executive Committee may decide to uphold the judgment of the Governance Council committee without further deliberations, it may decide to hear the appeal itself, it may decide to refer the appeal directly to the full Governance Council, or it may decide to refer the appeal back to a Governance Council Committee for further deliberation. Decisions by the Executive Committee on the merits of an appeal shall be made only after all parties have had an opportunity to express their views on the dispute in person at a hearing attended by all parties and/or in writing that will be shared among all parties. The decision of the Executive Committee shall be made in writing within 14 days of receiving the appeal and communicated immediately to all parties by the Director/Principal.
- **Governance Council.** Any person who is a party to a dispute has 14 days to appeal the determination of the Executive Committee to the Director/Principal, who shall refer the appeal to the Governance Council and provide copies of the appeal to all involved parties within seven days of receiving the appeal. The appeal shall be in writing and include all available documentation about the dispute. The Governance Council shall appoint an ad hoc committee of five impartial members to hear the appeal. Parties to the dispute shall have an opportunity to express their views on the dispute in person at a hearing attended by all parties and/or in writing that will be shared among all parties. The decision of the ad hoc committee shall be made in writing within 30 days of receiving the appeal and communicated immediately to all parties by the Director/Principal. The determination of the ad hoc committee shall be the school's final decision on the dispute.

The SBE, at its discretion, shall refer all complaints regarding any aspect of the school's operation, for which there appears to be no implication regarding the SBE's fundamental interest, to the school's Director/Principal for resolution in accordance with the school's adopted internal dispute resolution policies. The SBE agrees not to intervene in any dispute unless the matter directly relates to one of the reasons specified in law for which a charter may be revoked or has a clear, significant, material implication regarding the SBE's fundamental interest as the chartering entity. The SBE shall have the right, as

part of its supervisory responsibilities as the chartering authority, to investigate disputes arising within the school.

### 2. Disputes between the School and the Chartering Authority

New West recognizes that because the SBE is not a local education agency, the SBE may choose to resolve a dispute directly instead of pursuing the dispute resolution process specified in the Charter. New West also acknowledges that the SBE may include any specific provisions it deems necessary and appropriate, and that the SBE has a right, at its discretion, to take other appropriate action in accordance with Education Code Section 47604.5 and any pertinent regulations.

New West and the SBE agree that the best defense against disagreements is open, collegial discussions between their staffs to try to resolve the matter in dispute at the earliest possible moment. If resolution of a dispute cannot be reached by mutual agreement of the staffs of New West and the SBE, then the staffs shall submit their viewpoints in writing to both the Director/Principal of New West and the designated representative of the SBE, who shall meet to try to reach an equitable resolution. If the dispute still cannot be resolved, then the Governance Council of New West and the SBE shall each appoint one or more representatives who shall meet to try to settle the disagreement. If the dispute involves some question about the implementation of the Charter or one of the other reasons for which New West's Charter may be revoked [Education Code 47604.5 and 47607(b)], then the SBE shall inform New West in writing of the violation that is alleged to have occurred (see *Provisions Related to Changing the Charter. Section IV. Revocation of the Charter*). New West shall have 30 days to cure the violation before the matter is referred to the SBE for action. With regard to any dispute between the New West and the SBE over the meaning of any provision of the Charter, New West may seek to amend or revise the Charter as allowed by the Charter Schools Act [see *Provisions Related to Changing the Charter. Section I. Amendments and Revisions to the Charter*). Nothing in this dispute resolution process is meant to prevent the SBE or New West from seeking judicial review of any issue that cannot be settled by other means.

### 0. Employee Collective Bargaining Rights

New West shall be the exclusive public employer of all of the school's employees for the purposes of the Educational Employment Relations Act as specified in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code [Education Code 47611.5(b)]. This part of state law deals with the right of public school employees to join organizations of their own choice, to be represented by the organizations in their professional and employment relationships with public school employers, to select one employee organization as the exclusive representative of the employees in an appropriate unit, and to afford certificated employees a voice in the formulation of educational policy.

## XIV. Educational Rights and Responsibilities

New West believes that a strong, collaborative partnership among students, teachers, and parents provides the foundation for an educational culture that enhances the learning experience of all students. Inherent in this educational partnership are both rights and responsibilities.

### A. Rights and Responsibilities of Students

- Access to a free, nonsectarian public education without regard to race, sex, color, ethnicity, national origin, or disability.

- Learn in a safe, clean, orderly, nurturing educational environment that encourages and challenges students to reach their maximum potential as educated people.
- Develop skills and abilities in reading and language arts, mathematics, science, and history and social science that provide a strong foundation to become self-motivated, competent, life-long learners.
- Participate fully in the core academic curriculum as well as differentiated instruction, homework assignments, community service projects, enrichment and extracurricular activities, special education, and remedial learning opportunities as may be appropriate for their individualized study plans.
- Behave appropriately and maintain high ethical and moral standards, including honesty, respect, courtesy, and kindness in all their interactions with parents, teachers, administrators, staff, community members, and other students.
- Participate in the governance (e.g., student council) and operation (e.g., school work days or fund-raising activities) of the school as appropriate for middle school students.
- Understand and follow the student code of conduct including the student honor code.
- Support the educational philosophy, ideals, principles, and practices of the school as set forth in the school's Charter.
- Display a sense of pride and ownership in the success of the school.

### B. Rights and Responsibilities of Parents

- Participate in their children's learning on a day-to-day basis.
- Promote the positive character development of their children.
- Ensure that their children complete homework assignments and participate in school activities.
- Act as their children's advocate in seeking their children's fullest educational development as individuals.
- Contribute time and/or money to school activities and programs.
- Participate in the school's governance, its operations, and the design and implementation of its educational program.
- Support the educational philosophy, ideals, principles, and practices of the school as set forth in the school's Charter.
- Display a sense of pride and ownership in the success of the school.

### C. Rights and Responsibilities of Educators

- Create an exciting, stimulating, and challenging learning environment for each child using a wide variety of learning experiences and teaching methods.
- Teach the adopted curriculum with appropriate consideration for the learning abilities and accomplishments of each student.
- Evaluate student success in meeting measurable student outcomes by using approved performance-based accountability systems.
- Address the learning potentials of all students as individuals who may range in ability from those who are low achieving to those who are highly gifted.
- Communicate with parents about the achievements of their children as well as provide advice about how their children may become more successful.

- Participate in professional enrichment, training, and collaboration to improve their own abilities as well as the school's capacity for providing a quality education to all students.
- Encourage and contribute to volunteerism by parents and community members who wish to contribute to the school.
- Participate in the school's governance, its operations, and the design and implementation of its educational program.
- Support the educational philosophy, ideals, principles, and practices of the school as set forth in the school's Charter.
- Display a sense of pride and ownership in the success of the school.

## XV. Special Education

### A. Legal Status of New West for Special Education Purposes

New West shall investigate, with the advice and assistance of the SBE, the various alternative arrangements that may be allowed by law for the funding and delivery of special education services in the best interest of the school and its students [e.g., Educational Code 47640 et seq.]. New West anticipates meeting its special education needs as a Local Educational Agency (LEA) participating in one of the Special Education Local Plan Areas that operate near the school (hereafter referred to simply as New West's SELPA). New West shall provide the SBE with written verification of membership in a SELPA not later than May 15, 2002 (see *General Provisions of the Charter. Section III. Conditions of Approval*).

New West shall prepare an application for LEA status with the Southwest SELPA, the Tri-Cities SELPA, the LAUSD SELPA, and/or another SELPA within Los Angeles County. Based on preliminary discussions with the LAUSD, it may be possible for New West to participate in the LAUSD SELPA by special arrangement to be negotiated as a regular school responsible for funding and delivering its own special education services. New West will contract with Total Education Solutions (TES) of Pasadena, California, or a similar agency with expertise in special education matters, as consultants to develop New West's application and negotiate with SELPA's for membership. New West shall keep the SBE informed on a regular basis in writing about its efforts to join a SELPA. New West shall provide the SBE with full written documentation about arrangements it may make to fulfill its special education responsibilities, including changes or revisions that may be made in the future. The SBE shall have the right to deny, restrict, or require changes in New West's participation in special education arrangements that do not comply with state and federal special education laws and regulations applicable to charter schools. New West shall not commence educational operations unless the school has made arrangements and presented plans for special education funding and services that meets the approval of the SBE.

### B. Special Education Policies, Procedures, and Practices

New West shall follow the policies, practices, and procedures of the SELPA in which New West participates in all matters related to special education including participation in mediations. In doing so, New West shall comply with all state and federal law regarding its obligation to special education students. In particular, New West shall be assertive in ensuring that students with exceptional needs and their families are provided the full protection to which they are entitled as provided by provisions of the Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and federal regulations relating thereto. These protections include, but are not limited to, the following:

- Students with exceptional needs shall be identified, located, and appropriately evaluated in a nondiscriminatory manner.
- Students with exceptional needs have the right to a free and appropriate public education (FAPE) in the least restrictive environment pursuant to an individualized education program (IEP) developed by representatives of New West and its SELPA in partnership with the student's parents.
- Students with exceptional needs and their parents shall receive prior notification whenever New West or its SELPA intends or refuses to initiate the evaluation of the student.
- Whenever New West or its SELPA intends to change the educational placement of a student with exceptional needs, the student and the student's parents may review the contents of any records or other materials used to make educational decisions regarding the student.
- Students with exceptional needs have due process protections, including the protection of seeking redress in the courts.

New West and its SELPA shall work together to develop a school process that brings together the student, the student's parent, and school and special education personnel to address any problems that interfere with the student's success in school. New West's goal and values with respect to including special education as part of New West's educational program are discussed earlier (see *General Provisions of the Charter: Section XIII.A.14. Students with Disabilities*). With respect to disputes that may arise between parents and New West about the special education needs of a student, New West shall have processes for mediation and dispute resolution that are consistent with applicable laws and the practices of the school's SELPA. The special education components of New West's educational program shall address, but not be limited to, the key factors given in Table 3. New West shall follow the its SELPA's established, best-practice policies and procedures with regard to the school's compliance with the components and factors given in Table 3.

New West shall offer a special education program that provides a full continuum of services and program options to students with disabilities. Whenever appropriate, students with disabilities will be educated in the least restrictive environment provided by the general education classes at New West. As appropriate, a student's IEP may include one or more of the following levels of intervention (from least to most restrictive):

- General education classes with consultation in the form of guidance and support for the teacher, modification of the curriculum, teaching modalities, or the classroom environment, positive behavioral interventions, and other accommodations that can be accomplished by the regular teacher in the classroom to address the special needs of a student with a disability (e.g., preferential seating and group assignments, supplementary or alternative teaching aids or materials, alternative or modified assignments, more time to complete tasks, exemption from some activities, computer access, alternative ways of responding such as oral instead of written communication, change of teachers for particular subjects, and accommodations in testing).
- General education classes with designated instruction and services to assist a student with a disability function and succeed in the classroom (e.g., services to address language and speech development and remediation, hearing impairments, vision impairments, adapted physical education, physical and occupational therapy, and psychological disturbances).
- General education classes supplemented by a resource specialist program that provides additional instruction and services in and/or out of the classroom focused on a student's disability.

- General education and special day classes to meet the needs of a student whose disability does not allow participation in general education classes for the full school day.
- Special day classes that provide a specialized setting and instructional staff for the education of a student whose disability does not allow them to participate in general education classes.

If the disability of a student, by its nature or severity, precludes educational instruction on the New West campus, then New West shall participate in making special arrangements for that student's education. It may be necessary to arrange for and/or fund the disabled student to attend a special public or non-public school appropriate for the student's disability, or provide educational services in the home or hospital for a student whose medical or emotional condition prevents them from attending school.

New West shall also provide related services that are necessary to support and assist the student in benefiting from the IEP. Related services include audiology, psychological services, physical therapy, occupational therapy, medical services for diagnostic purposes, therapeutic recreation, social work services, speech and language services, parent counseling and training, and transportation. Related services also include assistive technologies in the form of equipment or products that increase, maintain, or improve the functional capabilities of students with disabilities (e.g., computers, magnifiers, and hearing and communication devices).

The instructional staff needed for New West's special education program will depend on the number of students with disabilities, the nature of the disabilities, and the kinds of services required to fulfill New West's obligation to provide a free and appropriate education in the least restrictive environment. Typically, for assessments and IEP services, New West expects to require the following special education professionals on a part-time or fulltime basis: one or more resource specialist educators, a psychologist, a behaviorist trained in behavior management, an audiologist, a physical therapist, an occupational therapist, a nurse, a social worker, and special education aides to assist in implementing the IEP's of some students with disabilities. The special education staff, who shall be required to have the appropriate, required certifications, licensure, and experience, may be New West employees, employees of the school's SELPA, consultants, independent contractors, and/or personnel provided through private agencies such as Total Education Services (Pasadena, California), which already provides special education services to many successful charter schools.

New West anticipates contracting with TES to provide a full-service special education program for eligible students enrolled at New West. TES services will include the following (see their letter of May 29, 2001, for more details):

- Compliance Review: develop plans and procedures for the collection, review, maintenance, and audit of records; monitor and schedule evaluations and reassessments; identify necessary special education services needed at New West.
- Evaluations/Assessment: arrange for licensed/credentialed personnel to conduct initial evaluations and reassessments to determine student's level of functioning for development or reevaluation of the student's IEP.
- IEP Development: provide administrative services to develop IEP's for eligible students, attend IEP meetings, and write IEP progress and annual reports.
- Special Education Services: provide a full continuum of required special education services to eligible students, including: review of IEP plans and student records; testing to establish baseline and progress data; establishment of individual goals and objectives; qualified, experienced personnel as required to provide individual, small group, and integrated (full-inclusion) services; and consultation with parents, teachers, and administrators.

New West will work with TES to integrate staffing, service delivery, inclusion practices, and other aspects of the special education program with the philosophical orientation and mission of the school.

The Special Education Policy Committee of the Governance Council shall have oversight responsibility for overall programmatic monitoring of the school's policies and procedures related to the funding and delivery of special education services at New West. A student's IEP team shall have full responsibility for determining the specific educational plan best suited to the needs of that student. The Student Success Committee shall be available when there are concerns about the needs of an individual student, including mediation of disputes related to the identification, evaluation, or educational placement of a student with a disability. The school's discipline policy shall provide accommodations for students with identified disabilities, including the development of a behavior support plan and review of the student's IEP (see *General Provisions of the Charter. Section XIII.J. Discipline Policy including Suspension or Expulsion of Students*). The school's dispute resolution process for grievances involving students with special needs shall be adapted to conform to the laws and regulations applicable to special education and the practices of the SELPA.

**Table 3. Components to Be Used in Formulating New West's Special Education Program.**

| Component | Key Factors |
|---|---|
| **SEARCH AND SERVE ACTIVITIES**<br><br>Examples are:<br>• Pre-referral intervention plan.<br>• Student Success Committee.<br>• Identification of new students with pre-existing or active IEPs. | • Procedures for searching for each child with a disability in need of special education.<br>• Methods for communicating to parents that special education and related services are provided at no cost to them.<br>• A team comprised of the student, the student's parents, and school personnel (i.e., the IEP Team) is responsible for identifying the student's needs and developing the plan that enables the student to be successful. |
| **REFERRAL PROCESS**<br><br>Examples are:<br>• How students will be referred for an individualized assessment.<br>• Explanation of the Assessment Plan. | • The referral process is a formal, ongoing review of information related to students who are suspected of having disabilities and who show potential signs of needing special education and related services.<br>• The referral for assessment process includes looking at student screening information and making a decision about whether or not to conduct a formal educational assessment.<br>• The parents of a student may make a referral for an evaluation and must receive a response from the school within 15 days.<br>• The assessment plan describes the types |

| Component | Key Factors |
|---|---|
| | and purposes of the assessments that may be used to determine eligibility for special education and related services. |
| **ASSESSMENT PROCESS**<br><br>Examples are:<br>• Methods for generating and gathering assessment data.<br>• Processing the assessment data for the IEP. | • Assessment involves gathering information to determine the student's disability, eligibility for services, and the nature and extent of the required services.<br>• Assessments may include individual testing, observations, interviews, and review of school records, reports, and work samples.<br>• Assessment guidelines include parental consent, evaluation in all areas related to the suspected disability, multiple assessments without cultural, racial, or gender bias, and a multidisciplinary Guidance Team that includes a teacher knowledgeable in the disability. |
| **INDIVIDUALIZED EDUCATION PROGRAM (IEP) PROCESS**<br><br>Examples are:<br>• Conduct of the IEP meeting.<br>• Composition of the IEP Team. | • Every student who is assessed must have an IEP to discuss assessment results, determine eligibility, and, if eligible, specify the nature and extent of required special education and related services.<br>• Students should attend the school they would attend if they were not in special education, unless the IEP waives this requirement for stated reasons.<br>• Membership on the IEP Team shall include the student's parents, the school administrator, the current teacher, and other invited persons such as those who assessed the student<br>• A SELPA special education representative will be invited to all IEP meetings held at the school, including any meeting at which a student with disabilities is being considered for special education services at another public school location or for non-public school placement. |
| **DUE PROCESS AND PROCEDURAL SAFEGUARDS** | • Parent must be informed of their due process rights to protect the rights to which they are |

| Component | Key Factors |
|---|---|
| Examples are:<br>• Process for informally resolving parental concerns.<br>• Procedure for parents to file for a due process shearing.<br>• Procedure for parents to file a complaint with the SELPA or CDE. | entitled under federal, state, and judicial mandates regarding special education.<br>• Parents must give consent for an initial evaluation and initial placement, must be notified of any change in placement before it occurs, and must be invited with other members of the IEP Team to conferences and meetings to develop the student's IEP.<br>• Parents have the right to initiate a due process hearing to challenge a decision regarding the identification, evaluation, or educational placement of their child. |
| **SPECIAL EDUCATION INSTRUCTIONAL STRATEGIES PROGRAM STRATEGIES**<br>Examples are:<br>• Provisions for the "least restrictive environment."<br>• Program options.<br>• Transportation.<br>• Teacher training.<br>• Student outcomes. | • A student with an IEP has the right to be educated with non-disabled peers to the maximum extent appropriate.<br>• Because each student may require a different program or combination of programs, the IEP should be built around the student's specific needs.<br>• The continuum of program options, which shall be considered from least to most restrictive: general classes to RSP/SDC/special schools/centers to non-public/home to hospital/state/residential.<br>• There must be qualified personnel to deliver the services prescribed by the IEP and a structure for personnel planning to focus on in-service to meet the needs of students with disabilities.<br>• Transportation may be required for some students between home and instructional facilities for regular and special education programs and activities. |

## C. Special Education Funding

In administering the local operation of its special education plan, New West shall receive an equitable share of special education funding and services consisting of either, or both, of the following:

- State and federal funding provided to support special education instruction or designated instruction and services, or both, provided or procured by the school for its students [Education Code 47646(b)(1)].

- Any necessary special education services, including administrative and support services and itinerant services, that is provided by the SELPA on behalf of students with disabilities enrolled in New West [Education Code 47646(b)(2)].

New West is responsible for contributing to its SELPA an equitable share of its charter school block grant funding to support the SELPA's special education instruction and services, including, but not limited to, special education instruction and services for pupils with disabilities enrolled in New West [Education Code 47646(c)]. New West anticipates that it may be interested in the possibility of providing some or all of its own special education services in which case special cost sharing arrangements would have to be made with the school's SELPA. New West anticipates negotiating each year with its SELPA a "Special Education Memorandum of Understanding" that defines the role of both New West and its SELPA regarding fiscal accountability, participation of the school in the SELPA's special education programs, and provision of special education services to the school.

### D. Compliance with the *Chanda Smith* Consent Decree

The LAUSD and its SELPA are subject to the terms and conditions of the *Chanda Smith* Consent Decree regarding special education. If the school is physically located within the boundaries of the LAUSD, then New West shall comply with the Chanda Smith Consent Decree if and to the extent that the decree is determined by the court or other competent authority to be applicable to New West (see *General Provisions of the Charter. Section III. Conditions of Approval*). New West shall comply with all state and federal laws, rules, and regulations regarding its obligations to special education students. To the degree that a court, or a federal or state agency, finds New West out of compliance with the *Chanda Smith* Consent Decree because of its actions, the school is solely responsible for all costs, fees (including attorney's fees), or other remedies associated therewith.

## XVI. School Inquiries and Inspection

New West, as a public institution, shall accommodate reasonable requests for information about its operation as required by applicable state laws. New West shall follow all applicable laws regarding the confidentiality of the records of individual students, parents, and employees. Visits to the school site by members of the public shall require prior approval by the Director/Principal of New West, who shall consider the health and safety of students and employees as well as disruption to the school's educational program before granting access.

New West shall promptly respond to all reasonable inquiries, including, but not limited to, inquiries regarding its financial records, from the SBE or from the Superintendent of Public Instruction [Education Code 47604.3]. The SBE may inspect or observe at any time any part of the school including its facilities, records, teaching programs, extracurricular activities, or any other part of its operation [Education Code 47607(a)].

## XVII. Open Meetings, Public Records, and Confidentiality

New West shall abide by all laws that govern public agencies generally with regard to open meetings and public records (e.g., the Public Records Act [Government Code Section 6250 et seq.] and the Ralph M. Brown Act [Government Code Section 54950 et seq.]).

New West shall respect the privacy of its students and employees by maintaining policies on confidentiality of private information that the school is legally entrusted to hold (e.g., Family Educational Records and Privacy Act). Specifically, the Director/Principal shall be responsible for a records management policy that covers the creation, maintenance, and destruction of student and employee records as required by law. Access to and disclosure of private information shall be limited to those persons who have a legal right to inspect and review documents (e.g., parents may

inspect their own children's school files, or employees may inspect their own personnel files) or to those who need access to documents in the course of the school's normal operation (e.g., Director/Principal or Governance Council ). Basic information about students that usually appear in class rosters (e.g., names, ages, grade levels, addresses, and phone numbers) may be shared within the school's community of staff, parents, and students for internal school purposes but will not be distributed to any outside person or organization. Complaints about the contents of student or employee records, the accuracy of information, or violations of privacy shall be handled through the school's internal dispute resolution process.

## XVIII.Conflict of Interest Policy

New West shall have a written policy to limit actual or potential conflicts of interest that may arise in operating the school when the personal or professional interests of a stakeholder affect her/his ability to put the welfare of the school before personal benefit. The conflict of interest policies shall apply to Governance Council representatives, Executive Committee members, committee members, administrators, teachers, staff, parents, community members, and any other person or party who participates in the school's operation and educational program, all of whom will be asked to agree in writing to uphold the policy. New West anticipates modeling its conflict of interest policy on the advice and examples provided in Frank Martinelli's *Creating an Effective Charter School Governing Board* (Charter Friends National Network, 2000). The four essential elements of the conflict of interest policy shall be:

- **Full Disclosure.** Stakeholders shall make known any potential or actual conflict of interest.
- **Abstention from Discussion and Decision Making.** Stakeholders who have an actual or potential conflict of interest shall not participate in discussions or votes on matters related in any way to the area of conflict.
- **Abstention from Decision-Making.** Stakeholders who have an actual or potential conflict of interest shall not be substantively involved in decision-making on matters related in any way to the area of conflict.
- **Violation of Policy.** Violations of the conflict of interest policy can be reported by anyone and shall be referred to the school's dispute resolution procedures.

## XIX. Exemption from Laws Governing School Districts

New West shall comply with all terms set forth in its Charter, with the provisions of the Charter Schools Act, and with other laws that may be applicable to charter schools. Otherwise, New West is exempt from laws governing school districts [Education Code 47610].

## XX. Impact Statement

Appendix VII provides the operations and impact statement required by law [Education Code 47605(g)]. This statement provides information regarding the proposed operation and potential effects of New West Charter School, including the facilities to be utilized by the school (see *Description of the School. Section II. Facilities* and Appendix IV), the manner in which administrative services of the school are to be provided (see *Provisions Relating to Charter School Funding: Section VII. Business Management*), and potential civil liability effects (see *Provisions Relating to Charter School Funding: Section VIII. Liability*), if any, upon the school and upon the SBE.

# PROVISIONS RELATED TO CHARTER SCHOOL FUNDING

## I. Charter School Funding

New West is entitled by law to full and fair funding as provided in the Charter Schools Act [Education Code 47615(a)(3)] and that this entitlement, by law, shall be liberally construed [Education Code 47615(b)]. Furthermore, it is the intent of the California Legislature that New West shall be provided with operational funding that is equal to the total funding that would be available to a similar school district serving a similar pupil population in terms of numbers of students by grade level and proportion of economically disadvantaged pupils [Education Code 47630(a) & 47632]. The SBE shall not be responsible for providing "up front money" of any kind to fund New West's planning and implementation costs associated with starting the school. The SBE shall not be responsible for providing supplemental operational funding to New West beyond that which the school is entitled to by law. Adult school and children's center funding shall not be available to New West unless the school submits appropriate revisions to its Charter.

New West shall be "funded directly," which means that the school shall receive all funding that the school is eligible to receive directly through appropriate funds or accounts established in the county treasury by the Superintendent of Schools of Los Angeles County [Education Code 47651(a)(1)]. Direct funding shall apply to all funding New West is eligible to receive including, but not limited to, the school's general-purpose entitlements, its categorical block grant, other state and federal categorical aid, and lottery funds [Education Code 47651(b)]. New West understands that operational funding will be limited until the school enrolls students and commences instructional operations. At that time, in its first year of operation, New West shall be eligible to receive funding for the advance apportionments based on an estimate of average daily attendance as allowed by law [Education Code 47652].

New West shall have the right to use its general-purpose entitlement and its categorical block grant for any public school purpose determined by the Governance Council [Education Code 47633(c) & 47634(i)]. The Governance Council shall determine the use of all other funding received by New West in accordance with the specific conditions, requirements, and limitations, if any, which may be placed on the use of funds received from different sources.

## II. Grants, Loans, and Indebtedness

New West, through its nonprofit public benefit corporation, shall have the right to apply for grants from foundations, corporations, and local, state, and federal agencies. With respect to applications for state and federal categorical programs (e.g., programs funded through the federal government's Improving America's Schools Act), New West shall be deemed a school district for the purposes of determining eligibility unless otherwise provided by the Charter Schools Act [Education Code 47636(a)(1)]. New West shall be solely responsible for completing its own applications and meeting all requirements of the funding agency related to programmatic and fiscal eligibility, accounting, and reporting.

New West, through its nonprofit public benefit corporation, shall have the right to incur financial obligations in the form of loans, bonds, letters of credit, long-term debt, and rentals, leases, or acquisitions of real estate. New West shall provide the SBE with full financial documentation regarding any such financial transactions in a timely fashion that allows the SBE to evaluate the agreements prior to their execution. The SBE shall not be liable for the debts or obligations of New West because the school has elected to operate as nonprofit public benefit corporation [Education Code 47604(c) and 41365(f)(2)] (see *General Provisions of the Charter. Section VIII. Legal Status of the School*). New West shall include in all financial documents a prominent statement that the school's nonprofit public benefit corporation shall be solely responsible for any liability that may arise from the school's financial transactions.

New West received from the State Treasurer a loan from the Charter School Revolving Loan Fund [Education Code 41365]. As a start-up charter school operated by a nonprofit public benefit corporation, the loan is directly to New West [Education Code 41365(b) and 41365(f)(1)]. New West shall use the loan only for startup costs to meet the purposes of the Charter as granted by the SBE

[Education Code 41365(b)]. New West shall repay principal and interest on the loan in amounts specified by the Charter Schools Act [41365(e) and 41366.5] and as agreed upon with the CDE. In the case of default on the loan, New West shall be solely liable for repayment of the loan [Education Code 41365(f)(2)].

New West's anticipates using a line of credit from an appropriate financial institution to provide working capital to open the school under the Core Curriculum Budget of the Business Plan (see Appendix VIII). New West shall provide the SBE with a copy of any letter of credit that it obtains for use in financing the operation or educational program of the school.

## III. Compliance with the *Rodriguez* Consent Decree

The LAUSD is subject to the terms and conditions of the *Rodriguez* Consent Decree regarding the equitable distribution of resources if the school is physically located within the boundaries of the LAUSD to the extent that the decree is determined by the court or other competent authority to be applicable to New West (see *General Provisions of the Charter. Section III. Conditions of Approval*). To the degree that a court, or a federal or state agency, finds New West out of compliance with the *Rodriguez* Consent Decree because of its actions, the school is solely responsible for all costs, fees (including attorney's fees), or other remedies associated therewith.

## IV. Funding by Other Persons or Organizations

New West, as a charter school, has the right by law to accept grants, funding, or other assistance from private persons and organizations to operate the school [Education Code 47603]. Furthermore, as a Nonprofit Public Benefit Corporation, New West has the right to both solicit and administer funds in any way that is compatible with applicable laws governing such institutions. The parents, teachers, and administrators of New West shall be proactive in seeking such assistance to advance the educational goals of the school. New West will encourage parent contributions to help fund the school's educational programs but shall not require any monetary contribution as a condition for application, admission, enrollment, or participation in any of the school's regular educational activities. New West shall have sole discretion with respect to the use of funds or other assistance made available to the school by private persons or organizations.

## V. Financial Projections

The Business Plan for New West, which was included with the original charter petition as Appendix VIII, provided a preliminary financial prospectus that included a financial summary, a 5-year budget summary, a proposed first-year operational budget (including startup costs), a 5-year budget projection, and a 3-year cash flow [Education Code 47605(g)]. A similar plan shall be submitted to the SBE for the proposed high school.

Additionally, on a continuing basis, New West shall provide the SBE with a preliminary budget for the forthcoming year and interim biannual financial projections that certify the school is able to meet its financial obligations for the remainder of the fiscal year and for the subsequent two fiscal years. New West shall have the right to change its business plan at any time as needed to reflect the school's circumstances with regard to its operational budgets and financial projections. Changes to the Business Plan shall not be considered a material revision of the provisions of the charter petition that requires approval by the SBE.

## VI. Oversight Costs

The SBE may charge for the costs of supervisory oversight of New West not to exceed 1 percent of the school's revenue [Education Code 47613(a)].

## VII. Business Management

New West has the right to provide its own, to contract for, or to otherwise arrange administrative services, including but not limited to accounting, budgeting, payroll, purchasing, grants and donations, inventory, employee benefits, and personnel [Education Code 47613(d)]. New West anticipates hiring a Fiscal Manager/Assistant Director who shall be responsible for the school's financial operation including budgeting, accounting, and accounts payable. New West shall be responsible for the school's personnel services and payroll processing. New West will be responsible for arranging for such services as fingerprinting and criminal record processing, PERS/STRS processing if employees elect to participate in those systems, and standardized test processing. New West shall have reasonable plans and systems to manage its business affairs efficiently and effectively including reasonable internal controls to ensure sound financial practices and clear delineations of responsibility.

## VIII. Liability

The SBE shall not be liable for the debts or obligations of New West Charter School [Education Code 47604(c)]. New West shall hold harmless and indemnify the SBE, including its officers and employees, from every liability, claim, or demand that may be made by reason of:

- Any injury to person or property sustained by the school's officers or employees or by any person, firm, or corporation employed directly or indirectly by the school in connection with the school's function as a charter school.
- Any injury to person or property sustained by any person, firm, or corporation caused by any act, neglect, default, or omission of the school, its officers, employees, or agents.
- The furnishing or use of any copyrighted or uncopyrighted composition, or patented or unpatented invention.

## IX. Insurance

New West shall be responsible for arranging and paying for its own insurance coverage. New West shall submit documentation of adequate insurance coverage to the SBE not later than September 1 of each year, including liability insurance, which shall be based on the type and amount of insurance coverage maintained in similar settings (see *General Provisions of the Charter. Section III. Conditions of Approval*). New West shall maintain minimum combined single limit coverage of $5 million for general, auto, director's and officer's liability, and employment practices liability. The SBE shall be named as an additional insured or an additional covered party on all insurance policies. New West shall secure and maintain the following forms of insurance at its own expense:

- Property insurance to cover at least 80% of property value at replacement costs for losses sustained by any real or personal property of the school from theft, fire, and other causes usually covered by property insurance (property coverage).
- Comprehensive bodily injury, property damage, and general liability insurance to protect the school's assets in the event that it is sued or found liable for some debt, wrong, or injury to persons or property (general liability coverage including options for employees and volunteers as additional insured, sexual abuse coverage, educator's professional liability, corporal punishment, employee benefits liability, automobile liability, student accident coverage, and general liability broadening endorsement).
- Staff and directors errors and omissions insurance to cover these persons from personal liability arising from their work at or involvement in the school, its operation, and its educational program (directors and officers liability coverage).

- Fidelity bond insurance, with minimum coverage of $50,000 per occurrence, to cover school employees and parent volunteers who are responsible for school funds, equipment, supplies, and other assets (crime coverage).
- Workers compensation and unemployment insurance as required by state and federal laws.

These insurance policies shall not be suspended, canceled, reduced in coverage or limits, or non-renewed except after thirty days prior written notice by FAX or certified mail to the SBE. New West shall irrevocably instruct its insurance carriers to notify the SBE directly and immediately should there be any cancellation or change in coverage.

### X. Legal Services

New West shall be responsible for retaining and funding legal services as may be required from time to time in the operation of the school. In general, when needed, New West will seek legal counsel familiar with charter schools, charter school laws, and public education. All decisions with regard to legal services and legal proceedings shall be the sole responsibility of New West's Governance Council. New West shall provide the SBE with copies of the complaints or other legal documents whenever the school becomes involved in a lawsuit or other legal proceedings as either plaintiff or defendant.

### XI. Closure of the School

If New West ceases operation for any reason, including but not limited to failure to renew the Charter, dissolution of the Charter, or revocation of the Charter, then the SBE shall have the right to close the school, to assume management of the school, or to take other actions the SBE may deem appropriate for the circumstances. Any unencumbered funds provided to New West from public agencies shall revert to the SBE upon the school's closure. Any other assets of the school shall remain the property of the corporation to be disposed of as allowed by Corporate Bylaws of New West Charter School. If New West initiates plans to close the school, then New west shall immediately notify students, parents, the CDE, the SBE, and the Los Angeles County Office of Education of its intentions. New West shall establish a process for the transfer of student information and records to the students' districts of enrollment eligibility or other schools to which students will transfer. The SBE shall not be liable for the debts or obligations of the school if it closes [Education Code 47604(c)].

## PROVISIONS RELATED TO CHANGING THE CHARTER

### I. Amendments and Revisions to the Charter

New West may make other material revisions to the Charter at any time but only with the approval of the SBE [Education Code 47607(a)(1)]. Petitions to the SBE for material revisions to the Charter shall be governed by the standards and criteria specified in Section 47605 of the Charter Schools Act [Education Code 47607(a)(2)].

### II. Renewal of the Charter

The Charter of New West Charter School shall expire on June 30, 2006. The Charter granted by the SBE may be granted one or more subsequent five-year renewals by the SBE upon petition by the school [Education Code 47607(a)(1)]. Renewal of the Charter shall be governed by the standards and criteria in Section 47605 of the Charter Schools Act [Education Code 47607(a)(2)] or other charter school laws in effect at the time of renewal. New West shall plan to submit to the SBE its petition for renewal of the Charter at least four months prior to the end of the Charter on June 30,

2006. New West shall have the right to request from the SBE a renewal of the Charter at any time prior to its expiration.

## III. Dissolution of the Charter

New West may elect to relinquish its Charter at any time before the end of its term in 2006, provided that dissolution of the Charter does not cause closure of the school in the middle of a school year. Dissolution of the Charter shall require all of the following affirmations taken in the order given:

- A two-thirds majority vote (>66.7%) by written ballot of all voting members of the Governance Council.
- A simple majority vote (>50%) by written ballot of all full-time credentialed teachers.
- A simple majority vote (>50%) by written ballot of all parents who respond to a school-wide referendum on charter dissolution.
- Approval by the SBE.

New West shall notify the SBE of any proposal to relinquish the Charter. The SBE shall have the right to take actions as may be appropriate if the Charter is relinquished (see *Provisions Related to Charter Funding. Section XIII. Closure of the School*).

## IV. Revocation of the Charter

The State Board of Education, based upon the recommendation of the Superintendent of Public Instruction, may take appropriate action, including, but not limited to revocation of the Charter, when the State Board of Education finds any of the following [Education Code 47604.5]:

- Gross financial mismanagement that jeopardizes the financial stability of New West.
- Illegal or substantially improper use of school funds for the personal benefit of any officer, director, or fiduciary of New West Charter School.
- Substantial or sustained departure from measurably successful practices such that continued departure would jeopardize the education development of the school's students.

The SBE, as the charter-granting entity, may revoke New West's Charter if it is found that the school did any of the following [Education Code 47607(b)]:

- Committed a material violation of any of the conditions, standards, or procedures set forth in the school's Charter.
- Failed to meet or pursue any of the pupil outcomes identified in the school's Charter.
- Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement.
- Violated any provision of law.

Prior to revocation, the SBE shall notify New West of any violation that might lead to charter revocation. The SBE shall give New West a reasonable opportunity to cure the violation, unless the SBE determines, in writing, that the violation constitutes a severe and imminent threat to the health or safety of the school's students [Education Code 47607(c)].

## V. Severability

The terms of the Charter are severable. In the event that any of the charter provisions are determined to be unenforceable or invalid for any reason, the remainder of the Charter shall remain in effect, unless mutually agreed otherwise by the SBE and the Governance Council of New West. The SBE and New West agree to meet to discuss and resolve any issues or differences relating to invalidated provisions in a timely, good faith fashion.

**ITEM #40**

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

| **SUBJECT**<br>English Learner Advisory Committee: Appointment of Members. | ☒ **Action** |
|---|---|
| | ☒ **Information** |
| | ☐ **Public Hearing** |

**RECOMMENDATION**

Appoint members of the English Learner Advisory Committee.

**SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION**

On December 9, 1999, the State Board of Education (State Board) established the English Learner Advisory Committee. The role of the ELAC is to provide the State Board with information, guidance, and advice on issues related to English learners.

**SUMMARY OF KEY ISSUES**

The term of office for the ELAC members was initially set for three years. Each State Board member recommended an individual to serve on the ELAC, with the Board President appointing the committee chair. The full Board voted to appoint the members and to fill vacancies as they arose. Because the term of office of the initial ELAC members was not staggered, the terms of all ELAC members expired in December 2003.

In May 2004, the State Board revised the appointment process to allow for staggered terms of office and appointed five members. In July 2004, the State Board appointed two members. To have a full committee of 11 members, an additional four members need to be appointed. Once additional members are appointed, the Board President will determine the term of office, either two or three years, for the newly appointed members.

**Nominee for Appointment:**

Linda Gonzales has been a bilingual teacher, principal, and district superintendent. In addition to her expertise in curriculum and instruction, she has experience in teaching English learners and implementing dropout prevention programs and parent education programs. She served as Chair of the ELAC for three years. She has also served on the board of the California Latino Superintendent Association.

## FISCAL ANALYSIS (AS APPROPRIATE)

The ELAC meets at the direction of the State Board, no more than three times a year. The ELAC members are not paid, but are reimbursed for travel expenses. Historically, travel expenses have been minimal.

## ATTACHMENT

Information on the additional nominees, if any, will be provided at the September 2004 meeting.

STATE OF CALIFORNIA ARNOLD SCHWARZENEGGER, *Governor*

# CALIFORNIA STATE BOARD OF EDUCATION

1430 N Street, Suite 5111
Sacramento, CA 95814
(916) 319-0827
(916) 319-0175 (fax)

September 3, 2004

TO: Members, State Board of Education

FR: Deborah Franklin, Education Policy Consultant

RE: Item 40, English Learner Advisory Committee: Appointment of Members

At the September 2004 meeting of the State Board of Education, you will be asked to take action to appoint additional members to the English Learner Advisory Committee (ELAC). Information about ELAC nominee Linda Gonzales was provided in the Item 40 agenda materials.

Below is information about three additional nominees for the ELAC. If the State Board acts to appoint the four nominees at the September meeting, the ELAC will have all 11 members. According to State Board policy, the Board President will then select a chair of the Committee and also determine the length of terms for the 11 members (either two or three years to establish staggered terms).

**Guillermo Gomez** is an Elementary Content Expert with the Los Angeles Unified School District. He has been a bilingual teacher, a literacy trainer, and an English language development instructor with the California Youth Authority. In his current assignment, Mr. Gomez designs ongoing support for English learners, develops training for parental involvement, and provides technical support to reading coaches.

**Anita Guzman-Turner** is a sixth grade teacher in Elk Grove Unified School District. She is on the district's Language Arts Steering Committee and has served on English learner and leadership committees. A former dancer with the Ballet Folklorico Tepatitan, she is a member of the Hispanic Chamber of Commerce.

**Aida Molina** is an administrator with the Bakersfield School District. She administers reading grants and supports principals, coaches, and teachers in the area of literacy. Ms. Molina has also been an elementary school principal, a district bilingual lead teacher, and a bilingual teacher in elementary grades. She is a member of the Association of California School Administrators and the California Association of Bilingual Education.

**ITEM #41**

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

| SUBJECT | |
|---|---|
| Legislative Update: Including, but not limited to, information on legislation. | ☒ **Action**<br>☒ **Information**<br>☐ **Public Hearing** |

### RECOMMENDATION

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

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The August informational memorandum provided an update of legislative measures that fall under the six SBE adopted principals.

### SUMMARY OF KEY ISSUES

The legislative measures presented include bills that fall under the six SBE adopted principles and bills that members of the board have requested be included in the update. The first attachment is an update of legislative measures provided to the SBE in the August memorandum. Many of these measures have changed significantly and will include detailed descriptions as appropriate. The status of all measures will be reflected after the summary. The second attachment is an update of the measures requested by board member Glee Johnson during the May 13, 2004, board meeting.

The scheduled adjournment, sine die, for the 2003-2004 Legislative Session is August 31, 2004. The 2005-2006 legislative session will convene on December 6, 2004. The Governor has until September 30, 2004, to sign or veto bills passed by the legislature and in his possession on or before September 1, 2004.

### FISCAL ANALYSIS (AS APPROPRIATE)

The fiscal impact is noted in the attached legislative update.

### ATTACHMENT(S)

Attachment 1: Legislative update (4 pages)
Attachment 2: Legislative updates requested by members (1 page)
After August 31, 2004, the bills will be updated and provided as a last minute memorandum.

# Legislative Update

## 1. Preserve the existing assessment system including the Standardized Testing and Reporting (STAR) Program, the California High School Exit Exam (CAHSEE), and the California English Language Development Test (CELDT).

**SB 1448 (Alpert): STAR reauthorization**
As amended, July 28, 2004, this bill, sponsored by the Superintendent of Public Instruction, extends the repeal date of the act to January 1, 2011, changes the Norm Referenced Test from grades three and eight to grades three and seven. Extends sunset of second grade testing to July 1, 2007. Requires the State Department of Education (SDE) to use designated federal funds to develop and adopt a primary language test that is aligned to academic content standards for reading/language arts and mathematics, in the primary language of the greatest number of limited-English-proficient (LEP) pupils enrolled in the public schools.

This measure was heard off the floor and passed the Assembly Appropriations Committee with a vote of 14-3 on July 28, 2004, and was passed on the Assembly Floor with a vote of 68-6 on July 28, 2004. The bill also passed off the Senate Floor for concurrence with a vote of 39-0. The measure was enrolled to the Governor on August 2, 2004, and he has 12 days to sign the bill.

**AB 2413 (Diaz): English Learners: Testing**
As proposed to be amended, this bill will be the clean up vehicle for SB 1448. This measure will apply the primary language assessment appropriation and development and testing to the 2011 sunset date. In addition, AB 2413 makes technical clarifying changes to the Education Code section relating to program preparation for statewide pupil assessments and makes clarifying changes to the use of the augmented California Standardized Tests by institutions of higher education.

This measured passed the Senate Appropriations Committee on August 4, 2004.

**AB 921 (Firebaugh): English language learners**
AB 921 requires the SBE to only seek a waiver from the federal government requiring California to add reading and writing assessments in grades K and 1.

This bill passed the Senate Appropriations Committee on August 4, 2004.

***SPI has removed sponsorship and support of this measure as amended.***

**2. Maintain the accountability system, making only those minor conforming changes necessary to comply with the No Child Left Behind (NCLB) Act.**

**SB 1419 (Vasconcellos): School accountability: Opportunity to Learn Index** This bill creates the Opportunities for Teaching and Learning (OTL) index as a component of the Public School Performance Accountability Program (E.C.52051).
This measure was placed on the Assembly Appropriations Committee suspense file on August 4, 2004.

**AB 1846 (Goldberg): NCLB**
This bill would designate the Superintendent of Public Instruction as the “state educational agency” that carries out the provisions of NCLB. Under NCLB the "the state educational agency" is responsible for all decision-making, including implementation, submission of the state plan, application of federal funds, and reporting requirements related to NCLB. Currently, the SBE serves as the state education agency.

This bill passed the Senate Education Committee 9-0 on June 24, 2004, and awaiting a vote on the Senate floor.

**AB 2066 (Steinberg): Program Improvement Districts**
AB 2066 authorizes the California Department of Education (CDE) to provide support for districts in Program Improvement (PI), as required by NCLB. CDE is seeking legislative support to appropriate the federal set-aside for PI districts, districts at risk of PI identification, districts with large numbers and/or percentages of PI schools, and for county offices of education to support districts and schools.

This bill was placed on the Senate Appropriations Committee suspense file on August 4, 2004

**3. Encourage more submission of instructional materials by publishers that will meet California's rigorous requirements**.

**SB 1405 (Karnette): High School Reform-instructional materials**
This bill, sponsored by the Superintendent of Public Instruction, would improve high school instructional materials by creating a standards map matrix to identify materials aligned to California’s world-class standards.

This measure placed on the Assembly Appropriations Committee suspense file on August 4, 2004.

**SB 1380 (Escutia): Instructional Materials**
This bill requires the State Board of Education (SBE) to annually solicit recommendations from school districts regarding the adoption of instructional materials, and requires the SBE to adopt recommended instructional materials unless the SBE, within 90 days, makes written factual findings that the instructional materials fail to meet certain criteria.

This bill was placed on the Assembly Appropriations Committee suspense file on August 4, 2004.

**4. Safeguard the academic content standards as the foundation of California's K-12 educational system**.

**AB 2744 (Goldberg): Testing: Content Standards**
This bill would remove the authority of the State Board of Education to modify proposed content and performance standards. This bill would also allow the Superintendent of Public Instruction to appoint content standards review panels in each subject area to review content standards every 2 years prior to the adoption of curriculum for each subject area. The membership of the panel shall consist of 60 percent teachers, each review panel shall review the content standards and shall revise the standards as the panel deems necessary. CDE testified in opposition of this measure on August 4, 2004 in the Senate Appropriations Committee.

This measure was placed on the Senate Appropriations Committee suspense file on August 4, 2004.

**5. Strengthen coordination between K-12 and higher Education.**

**SB 905 (Chesbro): Educational Enrichment**
As amended, June 24, 2004, this bill revises the current law on educational enrichment as it relates to concurrent enrollment of pupils in high school and community college. This bill makes changes to current law by eliminating specified requirements for and restrictions upon the admission of K-12 students to a community college summer session as special part-time or full-time students.

This measure was placed on the Assembly Appropriations Committee suspense file on June 30, 2004.

**SB 1795 (Alarcon): Pupil preparation**
This bill establishes legislative intent that all high school students be enrolled in a standards-based rigorous curriculum by 2012, and authorizes the State Superintendent of Public instruction to define a “standards-based rigorous curriculum” with the cooperation of an advisory panel.

This measure was placed on the Assembly Appropriations Committee suspense file on August 4, 2004.

**6. Encourage only high-quality charter schools.**

**AB 1860 (Reyes): Charter Schools**
This bill makes several changes to charter school law. This measure was amended in the Senate Education Committee to delete all provisions related to the petition process and signature requirements.

The measure will contain the following provisions:

- Require charter schools to comply with the Public Records Act and Brown Act for public meetings.
- Clarify how annul audits are to be performed.
- Prohibit charter schools from expelling students solely on the basis of their academic achievement.
- Require charter schools to notify the district and county office of education of a student's residence if the child drops out or is expelled from the school.

This measure was placed on the Senate Appropriations Committee suspense file on August 4, 2004.

**SB 1617 (Ducheny): Charter Schools**
The author's intent is to have programs for high school dropouts, regardless of their age, to earn their diploma. The author and supporters stated that while the SBE has authority to define "satisfactory progress" for continuing education students in regulations, it overstepped its boundaries when it restricted enrollment in a charter school to continuously enrolled students age 19-22.

SB 1617 would allow students, who may or may not have been continuously enrolled, ages 19 years and older to enroll in a charter school. This measure specifies that ADA for students age 19-20 would be apportioned at the charter school ADA rate, and for students 21 years or older at the adult education rate. The measure "grandfathers" students enrolled in charter school prior to January 1, 2005, to apportionments at the charter school ADA rate as long as the student remains continuously enrolled.

The bill was placed on the Assembly Appropriations Committee suspense file on August 4, 2004.

**SB 1423 (Brulte): Charter Schools**
Exempts a charter school authorized by Riverside Unified School District and operated in cooperation with the Riverside Community College District from several charter requirements. It would indefinitely exempt the program from the requirement that students over age 19 must be continuously enrolled in the charter school and make satisfactory progress toward a diploma in order to generate ADA. It would exempt the program from the requirement that teachers in charter schools to hold a certificate, permit, or other document that a teacher in the public schools is required to hold until the program sunsets July 1, 2010.

This measure was placed on the Assembly Appropriations Committee suspense file on August 4, 2004

# Legislative Updates Requested by Board members

**SB 1510 (Alpert): Categorical education reform**
As amended June 30, 2004, this bill makes various changes to the school funding process and would move, effective 2005-06, various K-12 funding programs into block grants that share similar characteristics.

This measure was placed on the Assembly Appropriations Committee suspense file on August 4, 2004.

**AB 1650 (Simitian): Teacher support and development**
Categorical Block Grant, Teacher Support and Development Act of 2003. Establishes the Teacher Support and Development Act of 2003 (TSD block grant) by consolidating and streamlining 13 of existing K-12 teacher support and development programs into a formula-based block grant. The SPI would calculate the amount of the TSD block grant awarded to each school district. The provisions of this bill become operative on July 1, 2005.

This bill was placed on the Senate Appropriations Committee suspense file on August 4, 2004.

**AB 1897 (Reyes): School District Governing Boards**
Would require school district governing boards that maintain one or more high schools to appoint to its membership one or more preferential voting pupil members. The governing board would be required to continue to grant each pupil member "preferential voting privileges," meaning a formal expression of opinion that is recorded in the minutes and cast prior to the official vote of the governing board.

This measure was placed on the Assembly Appropriations Committee suspense file on June 28, 2004.

**ITEM #42**

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

| SUBJECT | |
|---|---|
| Environmental Effect of Proposed Formation of Wiseburn Unified School District from Wiseburn Elementary School District and a Portion of Centinela Valley Union High School District in Los Angeles County | ☒ **Action**<br>☒ **Information**<br>☒ **Public Hearing** |

### RECOMMENDATION

Adopt a Negative Declaration (Attachment 1), which indicates no environmental effect.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has not heard this issue previously. The issue was on the May 2004 agenda but was removed at the request of Wiseburn Elementary School District (ESD). It was again on the July 2004 agenda but was removed at the request of Centinela Valley UHSD, with concurrence by Wiseburn ESD. The attachments in this item are identical to the attachments contained in the July 2004 agenda item.

### SUMMARY OF KEY ISSUES

Six years ago, the California Resources Agency adopted new guidelines that exempted school district organizations from the California Environmental Quality Act (CEQA) process. Those guidelines were invalidated in a recent appellate court ruling (Communities for a Better Environment v. California Resources Agency, Court of Appeal, Third Appellate District, Case No. C038844) and the original guidelines, which included school district organizations as projects under CEQA, were reinstated.

The SBE is the lead agency for all aspects of school district unifications, including the reinstated CEQA review process. Pursuant to past practice, California Department of Education (CDE) staff conducted an initial study (Attachment 2) and determined that there would be no significant adverse effect on the environment as a result of forming the Wiseburn Unified School District. A copy of the Negative Declaration and initial study was been filed with the State Clearinghouse for state agency review. Also, a legal notice of the public hearing has been published in a local newspaper of general circulation. Any comments received by CDE will be forwarded to the SBE or presented verbally at the public hearing.

## FISCAL ANALYSIS (AS APPROPRIATE)

There is no fiscal effect to adopting the Proposed Negative Declaration.

## ATTACHMENT(S)

Attachment 1: Proposed Negative Declaration (1 Page)

Attachment 2: Environmental Checklist Form (8 Pages)

# PROPOSED NEGATIVE DECLARATION

1. Name, if any, and a brief description of project: **Formation of Wiseburn Unified School District**, which is a unification of the existing Wiseburn Elementary School District and corresponding geographical portion of Centinela Valley Union High School District.
2. Location: **Los Angeles County**
3. Entity or person undertaking project: **California State Board of Education**

The California State Board of Education, having reviewed the Initial Study of this proposed project, and having reviewed the written comments received prior to the public meeting of the State Board of Education, including the recommendation of the California Department of Education's staff, does hereby find and declare that the proposed project will not have a significant effect on the environment. A brief statement of the reasons supporting the State Board of Education findings is as follows: **The unification itself will not involve or cause physical changes to the existing environment. Merely changing the political boundaries governance structure, and/or the name of a school district will not have an environmental impact**.

The California State Board of Education hereby finds that the Negative Declaration reflects its independent judgment.

A copy of the Initial Study may be obtained at the California Department of Education, 1430 N Street, Suite 3800, Sacramento, CA 95814. Telephone: (916) 322-1468.

The location and custodian of the documents and any other material which constitute the record of proceedings upon which the California State Board of Education based its decision to adopt this Negative Declaration are as follows:

California Department of Education
1430 N Street, Suite 3800
Sacramento, CA 95814
Telephone: (916) 322-1468

# ENVIRONMENTAL CHECKLIST FORM

1. Project title: Formation of Wiseburn Unified School District

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, 916 322-1468

4. Project location:

Wiseburn School District, serving Cities of El Segundo and Hawthorne, parts of unincorporated Los Angeles County

5. Project sponsor's name and address:

Tony Nakamura, Chief Petitioner, 5524 W. 124th St., Hawthorne, CA 90250; John Peterson, Chief Petitioner, 5315 W. 124th Pl., Del Aire, CA 90250; Lydia Rodriquez, Chief Petitioner, 5164 W. 131st St., Hawthorne, CA 90250

6. General plan designation: N/A 7. Zoning: N/A

8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)

Change of local governmental structure from elementary/high school districts to unified district

9. Surrounding land uses and setting: (Briefly describe the project's surroundings)

Cities of El Segundo, Inglewood, Hawthorne, Lawndale, Torrance, and unincorporated Los Angeles County; five current school districts – Centinela Valley Union High School District, Hawthorne Elementary School District, Lawndale Elementary School District, Lennox Elementary School District, Wiseburn Elementary School District

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreements.)

None

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially significant Impact” as indicated by the checklists on the following pages.

- ☐ Land Use and Planning
- ☐ Population and Housing
- ☐ Geological Problems
- ☐ Water
- ☐ Air Quality
- ☐ Transportation/Circulation
- ☐ Biological Resources
- ☐ Energy and Mineral
- ☐ Hazards
- ☐ Noise
- ☐ Mandatory Findings of
- ☐ Public services
- ☐ Utilities and Service
- ☐ Aesthetics
- ☐ Cultural Resources
- ☐ Recreation

**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 DECLA-RATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project.

Signature Date: 10/1/03

Printed name: Larry Shirey For: California State Board of Education

## EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Potentially Significant Unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 1 5063(c)(3)(D). Earlier analyses are discussed in Section XVII at the end of the checklist.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated. See the sample question below. A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

7) This is only a suggested form, and lead agencies are free to use different ones.

**Sample Question:**

| Issues (and Supporting Information Sources): | **Potentially** *Significant Impact* | Potentially Significant Un Mitigation Incorporated | *Less than Significant Impact* | *No Impact* |
|---|---|---|---|---|
| *Would the proposal result in potential impacts involving:* | | | | |
| a) Landslides or mudslides? (1, 6) | ☐ | ☐ | ☐ | ☒ |

(Attached source list explains that 1 is the general plan, and 6 is a USGS topo map. This answer would probably not need further explanation.)

## ENVIRONMENTAL IMPACTS:

| | **Potentially** *Significant Impact* | *Potentially Significant Unless Mitigation Incorporated* | *Less than Significant Impact* | *No Impact* |
|---|---|---|---|---|
| **I. LAND USE AND PLANNING.** *Would the proposal:* | | | | |
| a) Conflict with general plan designation or zoning? | ☐ | ☐ | ☐ | ☒ |
| b) Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project? | ☐ | ☐ | ☐ | ☒ |
| c) Be incompatible with existing land use in the vicinity? | ☐ | ☐ | ☐ | ☒ |
| d) Affect agricultural resources or operations (e.g., impacts to soils or farmlands, or impacts from incompatible land uses)? | ☐ | ☐ | ☐ | ☒ |
| e) Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)? | ☐ | ☐ | ☐ | ☒ |
| **II. POPULATION AND HOUSING.** *Would the proposal:* | | | | |
| a) Cumulatively exceed regional or local population projections? | ☐ | ☐ | ☐ | ☒ |
| b) Induce substantial growth in an area either directly or indirectly (e.g., projects in an undeveloped area of major infrastructure)? | ☐ | ☐ | ☐ | ☒ |
| c) Displace existing housing, especially affordable housing? | ☐ | ☐ | ☐ | ☒ |
| **III. GEOLOGIC PROBLEMS.** *Would the proposal result in or expose people to potential impacts involving:* | | | | |
| a) Fault rupture? | ☐ | ☐ | ☐ | ☒ |
| b) Seismic ground shaking? | ☐ | ☐ | ☐ | ☒ |
| c) Seismic ground failure, including liquefaction? | ☐ | ☐ | ☐ | ☒ |
| d) Seiche, tsunami, or volcanic hazard? | ☐ | ☐ | ☐ | ☒ |
| e) Landslides or mudflows? | ☐ | ☐ | ☐ | ☒ |
| f) Erosion, changes in topography or unstable soil conditions from excavation, grading, or fill? | ☐ | ☐ | ☐ | ☒ |
| g) Subsidence of land? ☐ | ☐ | ☐ | ☒ | |
| h) Expansive soils? | ☐ | ☐ | ☐ | ☒ |
| i) Unique geologic or physical features? | ☐ | ☐ | ☐ | ☒ |
| **IV. WATER.** *Would the proposal result in:* | | | | |
| a) Changes in absorption rates, drainage or surface runoff? | ☐ | ☐ | ☐ | ☒ |
| b) Exposure of people or property to water related hazards such as flooding? | ☐ | ☐ | ☐ | ☒ |
| c) Discharge into surface waters or other alteration of surface water quality | | | | |

| | | | | |
|---|---|---|---|---|
| (e.g., temperature, dissolved oxygen or turbidity? | ☐ | ☐ | ☐ | ☒ |
| d) Changes in the amount of surface water in any water body? | ☐ | ☐ | ☐ | ☒ |
| e) Changes in currents or course/direction of water movements? | ☐ | ☐ | ☐ | ☒ |
| f) Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or through substantial loss of groundwater recharge capability? | ☐ | ☐ | ☐ | ☒ |
| g) Altered direction or rate of flow of groundwater? | ☐ | ☐ | ☐ | ☒ |
| h) Impacts to groundwater quality? | ☐ | ☐ | ☐ | ☒ |
| i) Substantial reduction in the amount of groundwater otherwise available for public water supplies? | ☐ | ☐ | ☐ | ☒ |
| **V. AIR QUALITY.** *Would the proposal:* | | | | |
| a) Violate any air quality standard or contribute to an existing or projected air qualify violation? | ☐ | ☐ | ☐ | ☒ |
| b) Expose sensitive receptors to pollutants? | ☐ | ☐ | ☐ | ☒ |
| c) Alter air movement, moisture, or temperature, or cause any change in climate? | ☐ | ☐ | ☐ | ☒ |
| d) Create objectionable odors? | ☐ | ☐ | ☐ | ☒ |
| **VI. TRANSPORTATION/CIRCULATION.** *Would the proposal result in:* | | | | |
| a) Increased vehicle trips or traffic congestion? | ☐ | ☐ | ☐ | ☒ |
| b) Hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | ☐ | ☐ | ☐ | ☒ |
| c) Inadequate emergency access or access to nearby uses? | ☐ | ☐ | ☐ | ☒ |
| d) Insufficient parking capacity onsite or offsite? | ☐ | ☐ | ☐ | ☒ |
| e) Hazards or barriers for pedestrians or bicyclists? | ☐ | ☐ | ☐ | ☒ |
| f) Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | ☐ | ☐ | ☐ | ☒ |
| g) Rail, waterborne or air traffic impacts? | ☐ | ☐ | ☐ | ☒ |
| **VII. BIOLOGICAL RESOURCES.** *Would the proposal result in impacts to:* | | | | |
| a) Endangered, threatened or rare species or their habitats (including but not limited to plants, fish, insects, animals, and birds? | ☐ | ☐ | ☐ | ☒ |
| b) Locally designated species (e.g., heritage trees)? | ☐ | ☐ | ☐ | ☒ |
| c) Locally designated natural communities (e.g., oak forest, coastal habitat, etc.)? | ☐ | ☐ | ☐ | ☒ |
| d) Wetland habitat (e.g., marsh, riparian, and vernal pool)? | ☐ | ☐ | ☐ | ☒ |
| e) Wildlife dispersal or migration corridors? | ☐ | ☐ | ☐ | ☒ |

**VIII. ENERGY AND MINERAL RESOURCES.** Would *the proposal:*

| | | | | |
|---|---|---|---|---|
| a) Conflict with adopted energy conservation plans? | ☐ | ☐ | ☐ | ☒ |
| b) Use nonrenewable resources in a wasteful/inefficient manner? | ☐ | ☐ | ☐ | ☒ |
| c) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State? | ☐ | ☐ | ☐ | ☒ |

**IX. HAZARDS.** *Would the proposal involve:*

| | | | | |
|---|---|---|---|---|
| a) A risk of accidental explosion or release of hazardous substances (including, but not limited to, oil, pesticides, chemicals, or radiation)? | ☐ | ☐ | ☐ | ☒ |
| b) Possible interference with an emergency response plan or emergency evacuation plan? | ☐ | ☐ | ☐ | ☒ |
| c) The creation of any health hazard or potential health hazard? | ☐ | ☐ | ☐ | ☒ |
| d) Exposure of people to existing potential health hazards? ☐ | ☐ | ☐ | ☒ | |
| e) Increased fire hazard in areas with flammable brush or trees? | ☐ | ☐ | ☐ | ☒ |

**X. NOISE.** *Would the proposal result in:*

| | | | | |
|---|---|---|---|---|
| a) Increases in existing noise levels? | ☐ | ☐ | ☐ | ☒ |
| b) Exposure of people to severe noise levels? | ☐ | ☐ | ☐ | ☒ |

**XI. PUBLIC SERVICES.** *Would the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas:*

| | | | | |
|---|---|---|---|---|
| a) Fire protection? | ☐ | ☐ | ☐ | ☒ |
| b) Police protection? | ☐ | ☐ | ☐ | ☒ |
| c) Schools? | ☐ | ☐ | ☐ | ☒ |
| d) Maintenance of public facilities, including roads? | ☐ | ☐ | ☐ | ☒ |
| e) Other government services? | ☐ | ☐ | ☐ | ☒ |

**XII. UTILITIES AND SERVICE SYSTEMS.** *Would the proposal result in a need for new systems or supplies, or substantial alterations to the following utilities:*

| | | | | |
|---|---|---|---|---|
| a) Power or natural gas? | ☐ | ☐ | ☐ | ☒ |
| b) Communications systems? | ☐ | ☐ | ☐ | ☒ |
| c) Local or regional water treatment or distribution facilities? (*) | ☐ | ☐ | ☐ | ☒ |
| d) Sewer or septic tanks?☐ | ☐ | ☐ | ☒ | |
| e) Storm water drainage?☐ | ☐ | ☐ | ☒ | |
| f) Solid waste disposal? | ☐ | ☐ | ☐ | ☒ |

| | | | | |
|---|---|---|---|---|
| g) Local or regional water supplies? | ☐ | ☐ | ☐ | ☒ |

**XIII. AESTHETICS.** *Would the proposal:*

| | | | | |
|---|---|---|---|---|
| a) Affect a scenic vista or scenic highway? | ☐ | ☐ | ☐ | ☒ |
| b) Have a demonstrable negative aesthetic effect? | ☐ | ☐ | ☐ | ☒ |
| c) Create light or glare? | ☐ | ☐ | ☐ | ☒ |

**XIV. CULTURAL RESOURCES.** *Would the proposal:*

| | | | | |
|---|---|---|---|---|
| a) Disturb paleontological resources? | ☐ | ☐ | ☐ | ☒ |
| b) Disturb archaeological resources? | ☐ | ☐ | ☐ | ☒ |
| c) Have the potential to cause a physical change which would affect unique ethnic cultural values? | ☐ | ☐ | ☐ | ☒ |
| d) Restrict existing religious or sacred uses within the potential impact area? | ☐ | ☐ | ☐ | ☒ |

**XV. RECREATION.** *Would the proposal:*

| | | | | |
|---|---|---|---|---|
| a) Increase the demand for neighborhood or regional parks or other recreational facilities? | ☐ | ☐ | ☐ | ☒ |
| b) Affect existing recreational opportunities? | ☐ | ☐ | ☐ | ☒ |

**XVI. MANDATORY FINDINGS OF SIGNIFICANCE.**

| | | | | |
|---|---|---|---|---|
| a) Does the project have potential to degrade quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare/endangered plant/animal or eliminate important examples of the major periods of California history or prehistory? | ☐ | ☐ | ☐ | ☒ |
| b) Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? | ☐ | ☐ | ☐ | ☒ |
| c) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects) | ☐ | ☐ | ☐ | ☒ |
| d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | ☐ | ☐ | ☐ | ☒ |

## XVII. EARLIER ANALYSES.

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case a discussion should identify the following on attached sheets:

a) **Earlier analyses used.** Identify earlier analyses and state where they are available for review.

b) **Impacts adequately addressed.** Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

c) **Mitigation measures.** For effects that are "Less than Significant with Mitigation Incorporated," describe the mitigation measures which are incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

* Project is a governance change for a local education agency and will have no negative environmental effect

**Authority:** Public Resources Code Sections 21083 and 21087.
**Reference:** Public Resources Code Sections21080(c), 21080.1, 21083, 21083.3, 21093, 21094, 21151; *Sundstrum* v. *County of Mendocino,* 202 Cal.App.3d 296 *(1988); Leonoff v. Monterey Board of Supervisors,* 222 Cal.App.3d 1337 (1990).

**ITEM #43**

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

| SUBJECT | |
|---|---|
| Proposed Formation of Wiseburn Unified School District from Wiseburn Elementary School District and a Portion of Centinela Valley Union High School District in Los Angeles County | ☒ **Action**<br>☒ **Information**<br>☒ **Public Hearing** |

### RECOMMENDATION

The recommendation of the California Department of Education (CDE) depends upon action taken by the State Board of Education (SBE) on a waiver submitted by the Wiseburn Elementary School District (ESD), which would have property owners in the Wiseburn ESD area retain current levels of responsibility for the repayment of existing bonded indebtedness of the Centinela Valley Union High School District (UHSD) upon successful formation of a Wiseburn Unified School District (USD). If the SBE approves this waiver, CDE recommends adoption of a resolution (Attachment 2) to approve the petition to form a new unified (K-12) school district from Wiseburn ESD and a portion of Centinela Valley UHSD in Los Angeles County, and establish the election area for the unification proposal as the Wiseburn ESD. If the SBE does not approve this waiver, CDE recommends adoption of a resolution (Attachment 8) to approve the petition to form a new unified school district from Wiseburn ESD and a portion of Centinela Valley UHSD, and establish the election area for the unification proposal as the Centinela Valley UHSD.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has not heard this issue previously. The issue was on the May 2004 agenda but was removed at the request of Wiseburn ESD. It was again placed on the July 2004 agenda but was removed at the request of Centinela Valley UHSD, with concurrence by Wiseburn ESD. The attachments to this item are identical to the attachments contained in the July 2004 agenda item.

### SUMMARY OF KEY ISSUES

The action to form a Wiseburn USD was initiated pursuant to *Education Code* Section 35700(a), which requires a petition signed by at least 25 percent of the registered voters residing in the territory proposed for reorganization.

The Los Angeles County Office of Education (LACOE) analyzed the effects of the proposed unification on the nine required conditions for approval listed in *Education Code* Section 35753(a). This analysis, which is included as Attachment 3, determined

## SUMMARY OF KEY ISSUES

that eight of the nine conditions are substantially met, and that the remaining condition (equitable distribution of property) is met if the election area for the unification proposal includes the entire Centinela Valley UHSD. The Los Angeles County Committee on School District Organization (LACC) determined that the proposed unification failed to substantially comply with two of nine conditions of *Education Code* Section 35753(a). However, the LACC voted 4-3 to recommend approval of the petition. The LACC then voted to recommend expanding the election area to the entire Centinela Valley UHSD.

The Centinela Valley UHSD is in opposition to the proposal. Wiseburn ESD has taken a position in support of the proposal.

California Department of Education (CDE) staff found that all conditions of *Education Code* Section 35753(a) are substantially met and recommends that the SBE approve the proposal. Staff also finds that current conditions warrant expanding the election area to the entire Centinela Valley UHSD. The unification would remove 40 percent of the assessed valuation of the high school district and no high school facilities, resulting in no transfer of liability for the high school district's outstanding bonded indebtedness. This situation would significantly reduce the high school district's bonding capacity and significantly increase the tax rate for property owners in the high school district.

Wiseburn ESD has submitted a waiver request to the SBE that, if approved, would require that property owners in the proposed Wiseburn USD retain responsibility for their current levels of repayment of the high school district's outstanding bonded indebtedness. Thus, tax rates for property owners in the remaining Centinela Valley UHSD would not increase as a result of the removal of the assessed valuation of Wiseburn ESD from the high school district. Under the conditions of this waiver, staff recommends that the election area for the unification proposal remain the Wiseburn ESD.

Staff's analysis is provided as Attachment 1. A resolution approving the petition and setting the election area as the Wiseburn ESD is provided for the SBE's consideration as Attachment 2. An alternate resolution approving the petition and setting the election area as the entire Centinela Valley UHSD is provided as Attachment 8.

## FISCAL ANALYSIS (AS APPROPRIATE)

CDE staff estimates that revenue limit funding for a Wiseburn USD will increase 10 percent over the blended revenue limit generated by the elementary students of Wiseburn ESD and the secondary students residing in the Wiseburn portion of Centinela Valley UHSD. We estimate this will increase state General Fund revenue limits by about $1 million. Note these are Proposition 98 expenditures.

## ATTACHMENT(S)

Attachment 1: Report of Required Conditions for Reorganization (26 Pages)

Attachment 2: Proposed Approval Resolution (1 Page)

## ATTACHMENT(S)

Attachment 3: Report to the Los Angeles County Committee on School District Organization Concerning the Proposed Formation of a Wiseburn Unified School District (24 Pages) (This attachment is not available for web viewing. A printed copy is available for viewing in the State Board of Education Office).

Attachment 4: Racial and Ethnic Report (6 Pages) (This attachment is not available for web viewing. A printed copy is available for viewing in the State Board of Education Office).

Attachment 5: Condition 6 Review of Proposal to form Wiseburn Unified School District from Wiseburn Elementary School District and a Portion of Centinela Valley Union High School District in Los Angeles County (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 6: Proposal to form Wiseburn Unified School District from Wiseburn Elementary School District and a Portion of Centinela Valley Union High School District in Los Angeles County (3 Pages) (This attachment is not available for web viewing. A printed copy is available for viewing in the State Board of Education Office).

Attachment 7: Criterion #9 Report (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 8: Alternate Approval Resolution (1 Page)

Attachment 9: Alternate Resolution (1 Page)

Attachment 10: Presentation to SBE (5 Pages) (This attachment is not available for web viewing. A printed copy is available for viewing in the State Board of Education Office).

# PROPOSED FORMATION OF WISEBURN UNIFIED SCHOOL DISTRICT FROM WISEBURN ELEMENTARY SCHOOL DISTRICT AND A PORTION OF CENTINELA VALLEY UNION HIGH SCHOOL DISTRICT IN LOS ANGELES COUNTY

# REPORT OF REQUIRED CONDITIONS FOR REORGANIZATION

## 1.0 RECOMMENDATION

Staff recommends approval of the proposal to form a Wiseburn Unified School District (USD) from territory of the Wiseburn Elementary School District (ESD) and the corresponding portion of Centinela Valley Union High School District (UHSD). This recommendation is based on the analysis of required legal conditions (*Education Code*[1] Section 35753). Staff finds that all of the nine conditions are substantially met by the proposal.

Staff's recommendation for the election area for the unification proposal is dependent upon State Board of Education (SBE) action on a waiver submitted by Wiseburn ESD to have property owners in the Wiseburn USD area retain current levels of responsibility for the repayment of existing bonded indebtedness of the Centinela Valley UHSD upon successful formation of Wiseburn USD. If the SBE approves this waiver, the California Department of Education (CDE) recommends the SBE establish the election area for the unification proposal as the Wiseburn ESD (Attachment 2). If the SBE does not approve this waiver, CDE recommends the SBE establish the election area for the unification proposal as the Centinela Valley UHSD (Attachment 8). The proposal would remove approximately 40% of the assessed valuation (and only 15% of the high school enrollment) of the Centinela Valley UHSD. This shift of assessed valuation would reduce future bonding capacity for the high school district while significantly increasing the financial responsibility of property owners in the remaining (non-Wiseburn) area of the district to repay current outstanding bonded indebtedness. It is staff's opinion that these factors represent a significant impact on the remaining Centinela Valley UHSD. Approval of the waiver would eliminate the increased financial responsibility to property owners in the remaining Centinela Valley UHSD.

A resolution containing these recommendations is included as Attachment 2.

## 2.0 BACKGROUND

A petition proposing the formation of a new unified school district from the territory of the current Wiseburn ESD and the corresponding portion of Centinela Valley UHSD, signed

[1] All subsequent statutory references are to the *Education Code* unless otherwise indicated.

by at least 25% of the registered voters within Wiseburn ESD, was submitted to the Los Angeles County Office of Education (LACOE) on November 9, 2001. On December 4, 2001, pursuant to Section 35704, the Los Angeles County Superintendent of Schools found the petition to be sufficient and signed as required by law.

In addition to Wiseburn ESD, there are three other component school districts within Centinela Valley UHSD: Hawthorne, Lawndale, and Lennox. Centinela Valley UHSD has three comprehensive high schools, none of which are located within the boundaries of Wiseburn ESD.

LACOE analyzed the effects of the proposed unification on the nine required conditions for approval listed in *Education Code* Section 35753(a). This analysis determined that eight of the nine conditions are substantially met, and that the remaining condition (equitable distribution of property) is met if the election area for the unification proposal includes the entire Centinela Valley UHSD.

At a March 1, 2002, deliberation meeting, the Los Angeles County Committee on School District Organization (LACC) heard the recommendations of the LACOE (Attachment 3). The LACC found that two of the Section 35753(a) conditions were not substantially met. Despite finding two of the nine conditions not substantially met, the LACC recommended approval of the unification proposal on a 4-3 vote. The LACC further recommended that the election area be expanded to the entire Centinela Valley UHSD.

## 3.0 REASONS FOR THE UNIFICATION

The chief petitioners cite the following reasons for the proposed Wiseburn USD:

(a) A desire to establish a unified school district that will be responsive to the unique needs of the Wiseburn student population to have safe, small, academically successful schools.
(b) A desire to provide a coordinated sequential educational program from preschool through twelfth grade.
(c) A belief that unification will increase collaboration among elementary staff, secondary staff, and the community in the pursuit of national, state, county and local educational agencies.
(d) A desire for a unified educational system whereby educational expectations and accountability are driven by a single board of trustees and a single administration representing the Wiseburn community.
(e) A belief that unification will provide a more effective use of district resources.
(f) A desire to establish a high school to serve the Wiseburn community.

## 4.0 POSITIONS OF SCHOOL DISTRICTS

### 4.1 Centinela Valley Union High School District

Centinela Valley UHSD opposes the proposal, primarily because the district believes

the proposal fails to meet the following three conditions of Section 35753(a).

Condition 4: The reorganization of the districts will not promote racial or ethnic discrimination or segregation.
Condition 6: The proposed reorganization will not significantly disrupt the educational programs in the proposed districts and districts affected by the proposed reorganization and will continue to promote sound education performance in those districts.
Condition 9: The proposed reorganization will not cause a substantial negative effect on the fiscal management or fiscal status of the proposed district or any existing district affected by the proposed reorganization.

### 4.2 Wiseburn Elementary School District

The Wiseburn ESD supports the proposal, finding that the proposal meets all conditions of Section 35753(a) and that "creation of such a district will provide enhanced continuity and articulation and will enrich the educational lives of children from the Wiseburn community."

## 5.0 SECTION 35753 CONDITIONS

The SBE may approve proposals for the reorganization of districts if the SBE has determined the proposal substantially meets the nine conditions in Section 35753. Those conditions are further clarified by Section 18573, Title 5*, California Code of Regulations (CCR)*.

For its analysis of the current proposal, staff reviewed CDE studies of specific issues related to the proposal and the following information provided by LACOE:

(a) Petition for the proposed Wiseburn USD, including maps of the area.

(b) "Feasibility Study of the Proposed Reorganization and Creation of the Wiseburn Unified School District" prepared by LACOE, May 1, 2002.

(c) Minutes and audiotapes of the LACC public hearings and meetings.

(d) Various letters and reports in support of and opposition to the proposed unification.

(e) Miscellaneous related reports.

Staff findings and conclusions regarding the Section 35753 and Title 5 conditions follow:

## 5.1 The new districts will be adequate in terms of number of pupils enrolled.

Standard of Review

It is the intent of the State Board of Education that direct service districts not be created which will become more dependent upon county offices of education and state support unless unusual circumstances exist. Therefore, each district affected must be adequate in terms of numbers of pupils, in that each such district should have the following projected enrollment on the date the proposal becomes effective or any new district becomes effective for all purposes: Elementary district, 901; high school district, 301; unified district, 1,501. (Section 18573(a)(1)(A), Title 5, *CCR*)

County Committee Evaluation/Vote

The report prepared by LACOE for the LACC (hereinafter referred to as "feasibility study") indicates that the petition meets this requirement (Attachment 3, page 10). The LACC voted unanimously (7-0) that this criterion is substantially met.

Staff Findings/Conclusion

As stated previously, a new unified district is adequate in terms of number of pupils if projected enrollment is 1,501 or greater on the date the new district becomes effective for all purposes. Enrollment must be 301 for high school districts. The table below depicts historical and projected enrollment in the two affected districts from the 1998-99 to the 2007-08 school years. If voters at a November 2004 election approve the proposal for Wiseburn USD, the new unified district would be effective for all purposes on July 1, 2005. Projected enrollments for the proposed Wiseburn USD are included in the table, beginning with the 2005-06 school year.

*Historical and Projected Enrollments*

| Year | Wiseburn ESD Area | | Proposed Wiseburn USD | Centinela Valley UHSD |
|---|---|---|---|---|
| | K-8 Students | 9-12 Students | | |
| 1998-99 | 1,712 | 293 | | 6,595 |
| 1999-00 | 1,724 | 287 | | 6,766 |
| 2000-01 | 1,739 | 282 | | 6,917 |
| 2001-02 | 1,817 | 271 | | 7,053 |
| 2002-03 | 1,930 | 254 | | 7,476 |
| *2003-04** | *2,018* | *256* | | *7,760* |
| *2004-05** | *2,098* | *277* | | *8,244* |
| *2005-06** | *2,222* | *300* | *2,522* | *8,415* |
| *2006-07** | *2,332* | *330* | *2,661* | *8,732* |
| *2007-08** | *2,467* | *347* | *2,814* | *8,975* |

** Projections*
Source for Historical Enrollment: California Basic Educational Data System [CBEDS] and Centinela Valley UHSD

In the last year for which CBEDS data is available (2002-03), Wiseburn ESD had a total enrollment of 1,930 K-8 students. Centinela Valley UHSD had a 9-12 enrollment of 7,476 students in 2002-03. Of that total secondary enrollment, 254 students lived within the boundaries of Wiseburn ESD.

Enrollment (K-12) in the proposed Wiseburn USD is projected to be 2,522 in 2005-06, while projections for Centinela Valley UHSD show a 9-12 enrollment of 8,415. Currently, about 28% of Wiseburn ESD's enrollment resides outside the boundaries of the district but attend the district through interdistrict transfer. A significant number of commercial and industrial firms are located within the boundaries of Wiseburn ESD and that district historically approves interdistrict transfers to allow parents employed at these firms to enroll their children in the schools close to where they work. Enrollment projections in the above table do not include any potential high school student enrollment through interdistrict transfers. However, high school enrollment could increase significantly if interdistrict attendance at the secondary level approaches the level that exists in the elementary school district.

Staff 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 Section 18573(a)(2), Title 5, *CCR*, should be considered to determine whether a new district is organized on the basis of substantial community identity: isolation; geography; distance between social centers; distance between school centers; topography; weather; community, school and social ties; and other circumstances peculiar to the area.

County Committee Evaluation/Vote

The feasibility study reports that the Wiseburn ESD is comprised of unincorporated areas of Los Angeles County and portions of the cities of Hawthorne and El Segundo. LACOE further notes that, although the proposed new unified district is not located within a single municipality, residents in the area receive services from many common public service providers, share common social and community centers, and frequent common business establishments. (Attachment 3, page 13)

The feasibility study concludes that the proposal substantially meets this condition.

The LACC voted unanimously (7-0) that this condition is substantially met.

***Staff Findings/Conclusion***

As is the case in most relatively compact urban/suburban settings, the Title 5 criteria of isolation, geography, and weather are not applicable to the analysis of substantial community identity. No further discussion of these criteria is warranted, as they cannot be used to define community identity in this particular reorganization proposal.

The new unified district would correspond to the boundaries of an existing elementary school district. Therefore, separate and distinct educational communities already exist. In the past, the elementary school district within the high school district has played an important role in establishing the community identity of the area. The new unified district should continue that role. Similarly, the remaining Centinela Valley UHSD would share common boundaries with its three other component elementary districts.

Staff finds that the districts would be organized on the basis of a substantial community identity since the proposed Wiseburn USD and the remaining Centinela Valley UHSD would correspond to existing school district boundaries.

**5.3 The proposal will result in an equitable division of property and facilities of the original district or districts.**

Standard of Review

To determine whether an equitable division of property and facilities will occur, the California Department of Education reviews the proposal for compliance with the provisions of Education Code sections 35560 and 35564 and determines which of the criteria authorized in Section 35736 shall be applied. The California Department of Education also ascertains that the affected districts and county office of education are prepared to appoint the committee described in Section 35565 to settle disputes arising from such division of property. (Section 18573(a)(3), Title 5, *CCR*)

County Committee Evaluation/Vote

The feasibility study (Attachment 3, page 12) addressed the following issues in its analysis of division of property and facilities:

(a) Property, Funds, and Obligations

There is no Centinela Valley UHSD real property located within the boundaries of the proposed Wiseburn USD. Thus, the Wiseburn USD would not take ownership of any Centinela Valley UHSD school sites.

The feasibility study does not address the division of all other property, funds, and obligations (except bonded indebtedness) of the Centinela Valley UHSD.

(b) Bonded Indebtedness

Voters in the Centinela Valley UHSD approved $59 million in general obligation bonds in March 2000. At the time of the LACOE study, the district had issued $18.8 million to fund ongoing facility projects and planned to issue the remaining bonds in April 2002 ($23 million) and January 2003 ($17.2 million). Since there are no Centinela Valley UHSD school facilities or property located within the boundaries of the proposed unified district, the property owners within the Wiseburn USD would drop any liability for the bonded indebtedness of Centinela Valley UHSD.

Voters in Wiseburn ESD approved bonds at March 1997 and June 2000 elections. At the time of the LACOE study, the district had fully issued its $39.1 million in approved bonds. Liability for this bonded indebtedness would remain with the property owners within the current Wiseburn ESD if the unification proposal is approved.

The LACOE study notes that the proposed unification would remove approximately 40% of the assessed valuation from Centinela Valley UHSD, which would result in a corresponding 40% reduction in the district's bonding capacity. This reduction would leave Centinela Valley UHSD with a bonding capacity of about $53.4 million. Thus, the district would exceed its bonding capacity if the district issues all $59 million in voter approved bonds. Based on 2001-02 information, the Los Angeles County Auditor-Controller estimates that this condition would remain for about six years until property values appreciate.

(c) Student Body Funds

The feasibility study notes that a share of student body funds at Centinela Valley UHSD schools would transfer to the proposed Wiseburn USD. This share would correspond to the proportion of high school students transferring to the new unified district.

As noted earlier, the proposed unification would result in the reduction of approximately 40% of the assessed valuation of the Centinela Valley UHSD. Since no secondary school facilities would transfer to the Wiseburn USD, none of the responsibility for the high school district's outstanding bonded indebtedness would transfer to the new unified district. As a result, property owners in the remaining Centinela Valley UHSD would absorb a significant increase in tax rates to support the district's bonded indebtedness ($18.8 million) that existed in 2001-02. That tax rate would increase to a much greater degree if the district issues all $59 million of its general obligation bonds.

Because the proposed unification would increase tax rates for the property owners in the remaining Centinela Valley UHSD, LACOE recommends that this condition is substantially met only if the election area for the unification proposal is expanded to include all of the voters in the Centinela Valley UHSD (thus allowing these voters an

opportunity to vote on an issue that would result in increased tax rates for property owners in the area).

The LACC voted 4-3 that this criterion is not substantially met.

Staff Findings/Conclusion

Department staff finds that existing provisions of the *Education Code* may be utilized to achieve equitable distribution of property, funds, and obligations of Centinela Valley UHSD, and concludes that this condition has been substantially met. Staff further recommends the following:

(a) All assets and liabilities of the Centinela Valley UHSD shall be divided based on the proportionate average daily attendance (ADA) of the high school students residing in the areas of the two districts on June 30 of the school year immediately preceding the date on which the proposed unification becomes effective for all purposes. (Section 35736)
(b) Student body property, funds, and obligations shall be divided proportionately, except that the share shall not exceed an amount equal to the ratio which the number of pupils leaving the schools bears to the total number of pupils enrolled; and funds from devises, bequests, or gifts made to the organized student body of a school shall remain the property of the organized student body of that school and shall not be divided. (Section 35564)
(c) As specified in Section 35565, disputes arising from the division of property, funds, or obligations shall be resolved by the affected school districts and the county superintendent of schools through a board of arbitrators. The board shall consist of one person appointed by each district and one by the county superintendent of schools. By mutual accord, the county member may act as sole arbitrator; otherwise, arbitration will be the responsibility of the entire board. Expenses will be divided equally between the districts. The written findings and determination of the majority of the board of arbitrators is final, binding, and may not be appealed.

Staff disagrees with the LACOE recommendation that this condition is met only if the election area for the unification proposal is expanded to include the entire Centinela Valley UHSD. The issue of expanding the election area will be addressed more fully later in this report.

## 5.4 The reorganization of the districts will not promote racial or ethnic discrimination or segregation.

**Standard of Review**

In Section 18573(a)(4), Title 5, *CCR*, the State Board of Education set forth five factors to be considered in determining whether reorganization will promote racial or ethnic discrimination or segregation:

*(a) The current number and percentage of pupils in each racial and ethnic group in the affected districts and schools in the affected districts, compared with the number and percentage of pupils in each racial and ethnic group in the affected districts and schools in the affected districts if the proposal or petition were approved.*

*(b) The trends and rates of present and possible future growth or change in the total population in the districts affected, in each racial and ethnic group within the total district, and in each school of the affected districts.*

*(c) The school board policies regarding methods of preventing racial and ethnic segregation in the affected districts and the effect of the proposal or petition on any desegregation plan or program of the affected districts, whether voluntary or court ordered, designed to prevent or alleviate racial or ethnic discrimination or segregation.*

*(d) The effect of factors such as distance between schools and attendance centers, terrain, geographic features that may involve safety hazards to pupils, capacity of schools, and related conditions or circumstances that may have an effect on the feasibility of integration of the affected schools.*

*(e) The effect of the proposal on the duty of the governing board of each of the affected districts to take steps, insofar as reasonably feasible, to alleviate segregation of minority pupils in schools regardless of its cause.*

County Committee Evaluation/Vote

The following table presents a summary of the 2001-02 ethnic enrollment data presented in the feasibility study (Attachment 3, page 14):

*Ethnic Enrollment in Affected Districts*

| | **Minority Students** | **White Students** |
|---|---|---|
| Centinela Valley UHSD | 6,617 (95.0%) | 347 (5.0%) |
| Centinela Valley UHSD students within Wiseburn area | 208 (77.9%) | 59 (22.1%) |
| Wiseburn ESD | 1,309 (72.1%) | 507 (27.9%) |

Source: Ethnic profile information provided by districts

As depicted in the previous table, 95 percent of the students enrolled in Centinela Valley UHSD are minority students and almost 78 percent of the high school students who reside within the area of Wiseburn ESD are minority students. In the Wiseburn ESD, 72.1 percent of the K-8 students are minority.

The following table compares the percent of minority students in both districts before the proposed unification with the percent after the unification.

*Percent Minority Students in Affected Districts*

| | **Minority Students** | **White Students** |
|---|---|---|
| Before Unification | | |
| Centinela Valley UHSD | 6,617 (95.0%) | 347 (5.0%) |
| Wiseburn ESD | 1,309 (72.1%) | 507 (27.9%) |
| After Unification | | |
| Centinela Valley UHSD | 6,409 (95.7%) | 288 (4.3%) |
| Wiseburn USD | 1,517 (72.8%) | 566 (27.2%) |

For both districts, the proposed unification would cause less than a one percent increase in the minority student population.

LACOE finds that both affected districts currently have a majority of minority students and the proposed reorganization would have little effect on that status. The unification would increase minority student enrollment in each district by less than one percent. Therefore, LACOE recommends that this condition is substantially met.

The LACC voted 6-1 that this condition is substantially met.

Staff Findings/Conclusion

The CDE's Office of Equal Opportunity (OEO) provides support to the CDE review of reorganization proposals. The OEO report on this proposal is Attachment 4 to the Board item.

OEO analyzed the five factors set forth in Section 18573 of Title 5*, California Code of Regulations* in light of information provided in the feasibility study. Findings are further compared to California Basic Educational Data System (CBEDS) information on file with the CDE.

(a) Racial and Ethnic Enrollment: Analysis by District and School

OEO analyzed current school populations (from 2002-03 CBEDS) in the Wiseburn ESD and the Centinela Valley UHSD. OEO found that the minority student population of Wiseburn ESD is 73.0 percent of the total school population. OEO also found that the student population of Centinela Valley UHSD is 95.2 percent minority.

OEO notes that the schools directly affected by the proposal are the high schools since the proposed unification would not cause movement of any K-8 students from one school to another. Currently, three high schools (Hawthorne High, Lawndale High, and Leuzinger High) serve high school students residing in Wiseburn ESD territory. The proposed unification increases the percentage of minority students in these three schools by 0.6 percent.

The vast majority of the Wiseburn ESD area high school students (234 out of 254) attend Hawthorne High School. Removing these 234 students from Hawthorne High increases the percentage of minority students in this school from 94.4 percent to 95.9 percent.

(b) Racial and Ethnic Enrollment: Trends and Rates of Change

OEO charted K-12 racial/ethnic student enrollment growth for five years for the two affected school districts. The percentage of minority students in Wiseburn ESD increased from 61 percent to 73 percent over the five-year period. Minority student enrollment slightly increased from 94.2 percent to 95.2 percent in Centinela Valley UHSD.

(c) School Board Policies: Desegregation Plans and Programs

There are no current court-ordered desegregation plans or programs in any of the affected districts.

(d) Factors Affecting Feasibility of Integration

No information was provided to identify any specific effects of factors such as distance from schools, attendance areas, or geographic features on the feasibility of integration.

(e) Duty of School to Alleviate Segregation

OEO notes that the governing board of each affected school district has a duty to alleviate segregation, regardless of the cause. This duty would be reflected in the policies of any newly created school district.

OEO finds the net effect of this proposal to be that both the Wiseburn USD and

Centinela Valley UHSD would be minority majority districts, and therefore finds that it appears to be in substantial compliance with Section 35753(a)(4).

To provide further support for the OEO report, staff also calculated enrollment projections for minority students in the affected districts. The following table summarizes these projections for each district both before and after the proposed unification.

*Current and Projected Percentages of Minority Students*

| | **Centinela Valley UHSD (before)** | **Centinela Valley UHSD (after)** | **Wiseburn ESD (before)** | **Wiseburn USD (after)** |
|---|---|---|---|---|
| 2002-03 CBEDS | 95.2% | 95.8% | 73.0% | 73.6% |
| Projections | | | | |
| 2003-04 | 95.9% | 96.4% | 74.7% | 75.6% |
| 2004-05 | 96.3% | 96.8% | 76.6% | 77.5% |
| 2005-06 | 96.7% | 97.1% | 78.0% | 79.1% |
| 2006-07 | 97.0% | 97.4% | 79.5% | 80.5% |
| 2007-08 | 97.2% | 97.6% | 80.9% | 81.8% |

As can be seen in the above table, the proposed unification is projected to have little effect on the percentage of minority students attending either of the affected districts. By 2007-08, the proposed unification would increase the percentage of minority students in Centinela Valley UHSD by 0.4 percent as a result of the unification and the percentage of minority students in Wiseburn USD would increase to 0.9 percent above the percentage in Wiseburn ESD.

Staff agrees with the LACOE feasibility study, the LACC findings, and the OEO recommendation that this condition is substantially met. The proposed unification will not substantially promote racial or ethnic segregation or discrimination in any affected district.

**5.5 The proposed reorganization will not result in any substantial increase in costs to the state.**

Standard of Review

*Education Code sections 35735 through 35735.2 mandate a method of computing revenue limits without regard to this criterion. Although the estimated revenue limit is considered in this section, only potential costs to the state other than those mandated by sections 35735 through 35735.2 are used to analyze the proposal for compliance with this criterion.*

County Committee Evaluation/Vote

The feasibility study includes a calculation of the projected revenue limits for the proposed Wiseburn USD. Based on these calculations, unification of the Wiseburn ESD will increase the revenue limit for that area by 10 percent. (Attachment 3, page 18)

The LACC voted unanimously (7-0) that this condition is substantially met.

Staff Findings/Conclusion

Should the proposed unified district become effective for all purposes, the revenue limit will be calculated by staff in the CDE Principal Apportionment Unit using information submitted by the LACOE based on second prior fiscal year data (2003-04 for a July 1, 2005 effective date), including any adjustments for which the proposed district may be eligible. Staff estimates that revenue limit funding will increase by approximately 10 percent as a result of formation of the new unified district. As stated previously, increases in revenue limit funding due to reorganization are not considered to be increased costs to the state since these funding increases are statutorily capped.

State costs for transportation, categorical programs, regular programs, and special education should not be affected significantly by the proposed reorganization since, typically, funding for these programs would follow the students.

Staff agrees with the conclusion of the feasibility study that the proposal substantially meets this condition.

**5.6 The proposed reorganization will not significantly disrupt the educational programs in the proposed districts and districts affected by the proposed reorganization and will continue to promote sound education performance in those districts.**

Standard of Review

The proposal or petition shall not significantly adversely affect the educational programs of districts affected by the proposal or petition, and the California Department of Education shall describe the districtwide programs, and the school site programs, in schools not a part of the proposal or petition that will be adversely affected by the proposal or petition. (Section 18573(a)(5), Title 5, *CCR*)

County Committee Evaluation/Vote

The LACOE feasibility study (Attachment 3, page 19) projected that, should the proposed unification occur, Centinela Valley UHSD would lose 288 high school students to the new unified school district by 2003-04. The study also notes that projected annual enrollment would mitigate that student enrollment loss so that the actual loss of students in the first year of the reorganization would be 184 students. The loss of students would result in a revenue limit decrease of approximately $975,000. However, this would be a one-year revenue loss because the high school district's enrollment is projected to increase above the pre-unification level in the subsequent year. Since the revenue loss is projected to be for only one year and the Centinela Valley UHSD would have sufficient notice to adjust staffing levels, LACOE finds that the proposed unification would not have a significant negative effect on the fiscal status of the high school district.

As noted previously, LACOE calculates that the Wiseburn USD revenue limit would be 10 percent greater than the blended revenue limit of Wiseburn ESD and Centinela Valley UHSD. The resultant revenue limit would be greater than similar sized unified districts.

LACOE concludes that the remaining Centinela Valley UHSD and the Wiseburn USD would have adequate enrollment to generate necessary revenues to continue to support educational programs and therefore recommends that this condition is substantially met.

The LACC voted 4-3 that this condition is substantially met.

Staff Findings/Conclusion

The Evaluation and Analysis Unit in CDE's Policy and Evaluation Division (PED) provides support in reviewing the educational implications of school district reorganization proposals. To assess the educational impacts of the proposed reorganization, PED staff reviewed the feasibility study and materials submitted by the petitioners and districts. A report prepared by PED (Attachment 5) finds any loss of Centinela Valley UHSD students due to the proposed unification would result in only temporary disruptions to the high school district's educational program. Hawthorne High School would experience the greatest loss of students (approximately nine percent of the student population and 12 percent of the schools AP program enrollment). Hawthorne also is identified as Program Improvement (PI) under federal No Child Left Behind (NCLB) mandates and, therefore, it must take certain corrective actions, which includes offering parents the option to transfer their students to a non-PI school.

Based on the data analyzed and the changes facing Hawthorne High School regardless of reorganization, PED concurs with the LACOE recommendation that this condition is substantially met.

The following sections provide a review of data and issues that are either contained in the PED report or are included in this section to complement the PED report.

(a) Performance Indicators

The California Academic Performance Index (API) provides a means to compare the performance of schools and districts in the state. NCLB requires schools to meet certain criteria to make Adequate Yearly Progress (AYP). A summary of these performance indicators is incorporated into the following table for all schools in the two affected districts.

*2002-03 Performance Indicators*

| *School* | **2002-03 API Growth** | **Met API Growth Target?** | **Met AYP Criteria?** |
|---|---|---|---|
| **Centinela Valley UHSD** | | | |
| Hawthorne High | 523 | Yes | No |
| Lawndale High | 574 | Yes | Yes |
| Leuzinger High | 516 | Yes | No |
| **Wiseburn ESD** | | | |
| Anza Elementary | 832 | Yes | Yes |
| Burnett Elementary | 777 | Yes | Yes |
| Cabrillo Elementary | 798 | Yes | Yes |
| Dana Middle | 715 | Yes | Yes |

(b) English Learner Students

The state Language Census collects the number of English Learner (EL) students (formerly known as Limited-English-Proficient or LEP), and other related data. The following table aggregates the 2002-03 Language Census data for schools in the affected school districts and projects the effect of the proposed unification on EL student population.

*English Learner (EL) Students by School District*

| **District** | **Student Population** | **EL Student Population** | **% EL Students** |
|---|---|---|---|
| Wiseburn ESD | 1,930 | 197 | 10.2% |
| Centinela Valley UHSD | 7,476 | 2,150 | 28.8% |
| After Successful Unification* | | | |
| Wiseburn USD | 2,184 | 223 | 10.2% |
| Centinela Valley UHSD | 7,222 | 2,124 | 29.4% |

* Numbers of transferred EL high school students are based on the percentage of EL students in Wiseburn ESD.

Based on the estimates in the above table, the proposed unification would remove 26 EL students from Centinela Valley UHSD and place them in the Wiseburn USD. This loss of 26 EL students, in conjunction with the loss of 254 total secondary students, would increase the percentage of EL students in Centinela Valley UHSD from 28.8 percent to 29.4 percent.

(c) Annual CalWORKs[2] Data Collection

The annual CalWORKs (formerly known as AFDC) data collection gathers information including the number of CalWORKs children residing in the school attendance area and the number of students enrolled in free or reduced-price meal programs. The following table presents this 2002-03 information for the schools in affected districts and projects the effect of the proposed unification on these student populations.

*CalWORKs Students and Students in Free or Reduced Price Meals Program by District*

| District | % CalWORKs Students | % Students in Meals Program |
|---|---|---|
| Wiseburn ESD | 1.8% | 38.4% |
| Centinela Valley UHSD | 12.9% | 51.0% |
| After Successful Unification* | | |
| Wiseburn USD | 1.8% | 38.4% |
| Centinela Valley UHSD | 13.3% | 51.5% |

* Transferred high school students are based on the percentage of the appropriate student population in Wiseburn ESD.

Based on the estimates in the above table, the proposed unification would remove five CalWORKs students and 98 students in the Meals Program from Centinela Valley UHSD and place them in the Wiseburn USD. These losses of students, in conjunction with the overall loss of 254 secondary students, would increase the percentage of CalWORKs students in Centinela Valley UHSD from 12.9 percent to 13.3 percent and would increase the percent of students in the Meals Program from 51.0 percent to 51.5 percent.

(d) High School Flexibility

Approximately two-thirds of the unified school districts in California have only one high school. Although staff agrees with LACOE that unified districts with a single, small high school can offer an effective and balanced educational program, transition from a district with multiple high schools to a district with a

[2]California Work Opportunity and Responsibility to Kids – a product of the Welfare to Work Act of 1997.

single high school does offer some disadvantages. As noted by LACOE, the new unified district will be unable to offer the breadth and depth of the Centinela Valley UHSD educational program. Staff reassignments are difficult, if not impossible, in a district that has only one school for a particular grade level. Similarly, students who would benefit from placement in a different environment will have nowhere to transfer within the district.

Staff agrees with the PED report and with the LACOE feasibility study that this condition is substantially met by the unification proposal. Although a district with a single small high school does not appear to be ideal, it is certainly possible that the single high school can offer a comprehensive secondary education program. Both districts will have enough enrollment to generate sufficient revenue to operate the educational programs.

Because the demographics of Wiseburn ESD are somewhat different that the demographics of the high school district, the unification could pull from Centinela Valley UHSD proportionally (1) more students with higher test scores, (2) fewer EL students, (3) fewer CalWORKs students, and (4) fewer students in the Meals Program. Although, these numbers are disproportional to the demographics of the Centinela Valley UHSD, the numbers of students should not be great enough to significantly increase the proportion of students requiring special opportunities and services in the high school district.

As a note, staff questions whether a significant number of students currently attending the Centinela Valley UHSD would leave that district if the proposed unification were successful. Many students (especially juniors and seniors) probably would be reluctant to transfer from schools that they are already attending if the new unified district opens a new high school. These students could attempt to obtain interdistrict transfers to remain in their current schools. Moreover, most newly unified districts typically begin the first year of operation serving only ninth graders (or ninth and tenth graders). Additional grades levels are added in subsequent years. The Education Code allows new unified districts five years to serve all students who are residents of the district. Thus, it is the opinion of staff that concerns about loss of students for Centinela Valley UHSD likely will not be significant issues for the proposed unification.

For the above reasons, staff recommends that Condition 6 is substantially met.

**5.7 The proposed reorganization will not result in a significant increase in school housing costs.**

<u>County Committee Evaluation/Vote</u>

The feasibility study reports that, although no high school facility exists within the boundaries of the proposed Wiseburn USD, there is a seven acre school site owned by the elementary district that can be converted to high school purposes. The study

further reports that a park and gymnasium located next to the school property could be used for school purposes. At the time of the LACOE study, Wiseburn ESD was leasing this school site to other agencies.

LACOE finds that a Wiseburn USD would have the option to lease portable classrooms through the State Relocation Classroom Program to house high school students on the property owned by the elementary district. The cost to place 14 portable classrooms (not including any necessary site improvement cost prior to this placement) is estimated to be $186,300. LACOE determines that this expenditure does not represent a significant increase in school housing costs and, as a result, recommends that this condition is substantially met. (Attachment 3, page 21)

The LACC voted 7-0 that this condition is substantially met.

***Staff Findings/Conclusion***

The CDE's School Facilities Planning Division (SFPD) provides support to the CDE review of reorganization proposals. The SFPD report is Attachment 6 to this Board item. Based on analysis of information available, SFPD makes the following findings:

- The new site would need 15 portable classrooms to accommodate 400 students. The site proposed for the high school by Wiseburn ESD contains 16 original classrooms and nine to 11 portable classrooms, which can house up to 729 students under state standards.
- State guidelines recommend 19.2 acres for a school site housing 400 high school students. At seven acres, the proposed site is 36% of state standards. In order to use the adjacent park and gymnasium to provide adequate physical education for high school students, the new district would need to execute joint-use agreements with the local park district.
- Bonding capacity for the Wiseburn area would increase 100% because of unification. The increased bonding capacity would enable the new district to pursue local funding and the district could be eligible for funding from the State School Facilities Program should it need to construct new permanent buildings on the proposed site, or acquire land and build a new high school.

SFPD generally concurs with the LACOE report that the proposed new unified district has the operational capacity to house the projected high school enrollment, assuming that the site proposed for high school students is feasible and legally acceptable (i.e., conforms with Title 5). SFPD does caution that, should the facility fail to comply with Title 5 requirements, there may be a significant increase in costs to provide appropriate facilities.

SFPD recommends a cost analysis to evaluate the cost of replacing portable classrooms with permanent buildings. As a general rule, SFPD supports the use of portable buildings on a temporary basis until permanent buildings can be provided.

Given these considerations, staff agrees with the finding of the LACC that this condition is substantially met.

**5.8 The proposed reorganization is not primarily designed to result in a significant increase in property values causing financial advantage to property owners because territory was transferred from one school district to an adjoining district.**

County Committee Evaluation/Vote

The feasibility study identified no evidence that the proposal is primarily designed to increase property values in the territory proposed for reorganization and recommends that this condition is substantially met. (Attachment 3, page 22).

The LACC voted unanimously (7-0) that this condition is substantially met.

Staff Findings/Conclusion

No evidence was presented to indicate that the proposed formation of the Wiseburn USD 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 could be the primary motivation for the proposed unification. Staff concludes this condition has been substantially met.

**5.9 The proposed reorganization will not cause a substantial negative effect on the fiscal management or fiscal status of the proposed district or any existing district affected by the proposed reorganization.**

County Committee Evaluation/Vote

The LACOE feasibility study projected that, should the proposed unification occur, Centinela Valley UHSD would lose 288 high school students to the new unified school district by 2003-04. The study also notes that projected annual enrollment would decrease that student enrollment loss to 184 students. This loss of students would result in a revenue limit decrease of approximately $975,000. However, this would be a one-year revenue loss since the high school district's enrollment is projected to increase above the pre-unification level the subsequent year. Because the revenue loss is projected to be for only one year and the Centinela Valley UHSD would have sufficient notice to adjust staffing levels, LACOE finds that the proposed unification would not have a significant negative effect on the fiscal status of the high school district.

As noted previously, LACOE calculates that the Wiseburn USD revenue limit would be 10 percent greater than the blended revenue limit of Wiseburn ESD and Centinela Valley UHSD. The resultant revenue limit would be greater than similar sized unified districts.

LACOE concludes that the remaining Centinela Valley UHSD and the Wiseburn USD would have adequate enrollment to generate necessary revenues to continue to support educational programs and therefore recommends that this condition is substantially met.

The LACC considered the effects of the proposal on bonded indebtedness levels in the districts and potential loss of operating revenues for the high school district due to reduction in student enrollment. LACC determined that these factors constitute a negative fiscal effect on the high school district and voted 4-3 that this condition is not substantially met.

Staff Findings/Conclusion

To assess the financial impact of the proposed unification, the CDE Office of Management Assistance and Categorical Programs (MACP) reviewed information provided by the LACOE, the affected districts, and the chief petitioners. The MACP report (Attachment 7) includes the following findings:

(a) Wiseburn ESD and Centinela Valley UHSD have existing administrative structures. The unification should not cause an expansion in the combined administrative overhead but, instead, should result in a shift in fixed administrative expenses.
(b) Both districts would have sufficient student enrollment to generate the funding necessary for the districts to be financial viable.
(c) In 2001-02, Centinela Valley UHSD revenue limit exceeded the state average for high school districts by $183 per average daily attendance.
(d) Reduction in revenue limit funding due to the loss of student enrollment after the unification would not be of sufficient magnitude or duration to have a substantial negative effect on Centinela Valley UHSD.
(e) Based on 2002-03 information, the new Wiseburn USD would have a revenue limit per ADA of approximately $5,326.

Based on this review, MACP concludes that the unification proposal complies with this condition.

CDE staff agrees with the findings of the MACP report and concludes this condition has been substantially met.

## 6.0 County Committee Section 35707 Requirements

Section 35707 requires the county committee on school district organization to make certain findings and recommendations and to expeditiously transmit them along with the reorganization petition to the SBE. These required findings and recommendations are:

### 6.1 County Committee Recommendation for the Petition

A county committee must recommend to the SBE approval or disapproval of a petition for unification. The LACC voted 4-3 to recommend approval of the proposal to form Wiseburn USD.

### 6.2 Effect on School District Organization of the County

Section 35707 requires a county committee to report whether the proposal would adversely affect countywide school district organization. The LACC voted 6-1 that the proposal would not adversely affect countywide school district organization.

### 6.3 County Committee Opinion Regarding Section 35753 Conditions

A county committee must submit to the SBE its opinion regarding whether the proposal complies with the provisions of Section 35753. The LACC found that seven of the nine conditions in Section 35753(a) are substantially met by the following votes:

- Adequate Enrollment (7-0);
- Community Identity (7-0);
- Promotion of Segregation (6-1):
- Increased Costs to State (7-0);
- Educational Program (4-3);
- Increased Housing Costs (7-0); and
- Increased Property Values (7-0).

The LACC found that the remaining two conditions are <u>not</u> substantially met by the following vote:

- Equitable Division of Property (4-3); and
- Financial Effects (4-3).

## 7.0 STAFF RECOMMENDED AMENDMENTS TO THE PETITION

The SBE has authority to amend or add certain provisions to any petition for unification. This section contains CDE staff recommendations for such amendments.

### 7.1 Article 3 Amendments

Petitioners may include, and the county committee or SBE may add or amend, any of the appropriate provisions specified in Article 3 of the *Education Code* (commencing with Section 35730). These provisions include:

<u>Membership of Governing Board</u>

A proposal for unification may include a provision for a governing board of seven members. The petition contains no provision addressing the size of the governing

board. Thus, the governing board of Wiseburn USD (if approved) would have five members.

Trustee Areas

The proposal for unification may include a provision for establishing trustee areas for the purpose of electing governing board members of the unified district. No provision regarding trustee areas for governing board elections is included in this petition. Therefore, governing board members of the Wiseburn USD (If approved) will be elected at-large.

Election of 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 does not contain such a provision. In the absence of such a provision, the *Education Code* provides that the election for the first governing board will be held on the first regular election following passage of the unification proposal.

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. However, the Wiseburn unification proposal will be decided at the November 2004 election if the SBE approves the proposal at its July 2004 meeting. Since governing board elections must be called 123 days prior to an election (Section 5322), there is not enough time to place a governing board election on the November 2004 ballot.

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. CDE staff has estimated that the revenue limit per ADA for the proposed Wiseburn USD is $5,326 based upon 2002-03 data. Should the proposed district become effective for all purposes, the revenue limit will be adjusted using information based on second prior fiscal year data (2003-04 for a July 1, 2005 effective date), including any adjustments for which the proposed district may be eligible.

Division of Property and Obligations

A proposal for the division of property (other than real property) and obligations of any district whose territory is being divided among other districts may be included. As indicated in 5.3 of this attachment, CDE staff finds that existing provisions of the *Education Code* may be utilized to achieve equitable distribution of property, funds, and obligations of Centinela Valley UHSD. Staff further recommends the following:

(a) All assets and liabilities of the Centinela Valley UHSD shall be divided based on the proportionate ADA of the students residing in the areas of the two affected districts on June 30 of the school year immediately preceding the date on which the proposed unification becomes effective for all purposes. (Section 35736)

(b) Student body property, funds, and obligations shall be divided proportionately, except that the share shall not exceed an amount equal to the ratio which the number of pupils leaving the schools bears to the total number of pupils enrolled; and funds from devises, bequests, or gifts made to the organized student body of a school shall remain the property of the organized student body of that school and shall not be divided. (Section 35564)

(c) As specified in Section 35565, disputes arising from the division of property, funds, or obligations shall be resolved by the affected school districts and the county superintendent of schools through a board of arbitrators. The board shall consist of one person appointed by each district and one by the county superintendent of schools. By mutual accord, the county member may act as sole arbitrator; otherwise, arbitration will be the responsibility of the entire board. Expenses will be divided equally between the districts. The written findings and determination of the majority of the board of arbitrators is final, binding, and may not be appealed.

Method of Dividing Bonded Indebtedness

No public school property or buildings belonging to Centinela Valley UHSD are located within the boundaries of the proposed Wiseburn USD. Thus, pursuant to Section 35575, a Wiseburn USD would have no responsibility for any outstanding bonded indebtedness in Centinela Valley UHSD.

However, Wiseburn ESD has submitted a waiver request to the SBE, which, if approved, would have property owners in the Wiseburn ESD area retain current levels of responsibility for the repayment of existing bonded indebtedness of the Centinela Valley UHSD upon successful formation of a Wiseburn USD. Staff recommends that, should the SBE approve the aforementioned waiver, a provision specifying that the annual tax rate for bond interest and redemption on the outstanding bonded indebtedness of the Centinela Valley UHSD, which was voted on by electors residing within the Wiseburn ESD at the March 2000 election, shall not be

recomputed as result of the unification. Inclusion of this provision will ensure that electors voting on the unification proposal will be informed of the effect of the unification on tax rates because the election materials for the Wiseburn unification proposal will contain all provisions of the proposal.

### 7.2 Area of Election

A provision specifying the territory in which the election to reorganize the school districts will be held is one of the provisions under Article 3 (see 7.1 above) that the SBE may add or amend. However, the inclusion of this provision is highlighted since Section 35756 indicates that, should the SBE approve the proposal, the SBE must determine the area of election.

The area proposed for reorganization is the Wiseburn ESD. Thus, the “default” election area is this school district (Section 35732). The SBE may alter this “default” election area if it determines that such alteration complies with the following area of election legal principles.

Area of Election Legal Principles

The Local Agency Formation Commission (LAFCO)[3] court decision provides the most current legal interpretations to be followed in deciding the area of school district reorganization elections. This decision upheld a limited area of election on a proposal to create a new city, citing the "rational basis test." The rational basis test may be used to determine whether the area of election should be less than the total area of the district affected by the proposed reorganization unless there is a declared public interest underlying the determination that has a real and appreciable impact upon the equality, fairness, and integrity of the electoral process, or racial issues. If so, a broader area of election is necessary.

In applying the rational basis test, a determination must be made as to whether:

(a) There is a genuine difference in the relevant interests of the groups, in which case an enhancement of the minority voting strength is permissible.
(b) The reduced voting area has a fair relationship to a legitimate public purpose. The fair relationship to a legitimate public purpose is found in *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

[3] *Board of Supervisors of Sacramento County, et al., v. Local Agency Formation Commission (3 Cal. 4th 903, 1992)*

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

As indicated in the Section 35753 condition analysis, CDE finds that the proposed reorganization would significantly reduce the assessed valuation of Centinela Valley UHSD and, subsequently, the district's bonding capacity. That reduction could have two effects on the district. First, it could hinder the district's ability to obtain future local funding for facilities and improvements. Second, since the high school district currently has approximately $59 million in bonds and the unification could reduce the district's bonding capacity below this level, the high school district's level of bonded indebtedness may exceed its bonding capacity as result of the unification. Under these conditions, the high school district could need to obtain a State Board of Education waiver to address any future school construction needs. It is the opinion of CDE that this effect on the Centinela Valley UHSD could constitute a significant impact on the district.

Similarly, CDE finds that the proposed reorganization would significantly increase the tax burden on property owners in the remaining high school district who are left with the total bond debt of that district. It is the opinion of CDE that, under LAFCO, this constitutes a significant impact on residents of the remaining Centinela Valley UHSD. However, this impact disappears should the SBE approve the waiver submitted by the Wiseburn ESD, which would have property owners in the Wiseburn ESD area retain current levels of responsibility for the repayment of existing bonded indebtedness of the Centinela Valley UHSD upon successful formation of a Wiseburn USD

Under current conditions, staff recommends that the SBE establish the entire Centinela Valley UHSD as the area of election. However, if the SBE approves the aforementioned waiver, staff recommends the Wiseburn ESD as the election area.

## 8.0 STATE BOARD OF EDUCATION OPTIONS

Sections 35753 and 35754 outline the SBE's options:

(a) The SBE shall approve or disapprove the proposal.
(b) The SBE may approve the proposal if it determines all the conditions in Section 35753(a) have been substantially met.

(c) The SBE may approve the proposal pursuant to Section 35753(b) if it determines the conditions in Section 35753(a) are not substantially met but it is not possible to apply the conditions literally and an exceptional situation exists.

(d) If the SBE approves the formation of the proposed districts, it may amend or include in the proposal any of the appropriate provisions of Article 3, commencing with Section 35730. In this case, several items would be incorporated into the proposal and also approved if the SBE approves the overall petition:

1) All assets and liabilities of the Centinela Valley UHSD shall be divided based on the proportionate ADA of the students residing in the areas of the new unified district and the remaining Centinela Valley UHSD on June 30 of the school year immediately preceding the date on which the proposed unification becomes effective for all purposes.
2) A share of student body funds at Centinela Valley UHSD schools would transfer to the proposed Wiseburn USD. This share would correspond to the proportion of high school students transferring to the new unified district
3) That any disputes involving the division of property, funds, and obligations will be resolved through binding arbitration pursuant to Section 35565.
4) A provision that the unification will not affect the annual tax rates for bond interest and redemption on the outstanding bonded indebtedness of the Centinela Valley Union High School District, if the SBE approves the waiver submitted by the Wiseburn ESD, which would have property owners in the Wiseburn ESD area retain current levels of responsibility for the repayment of existing bonded indebtedness of the Centinela Valley UHSD. No provision for division of bonded indebtedness may be included if the SBE does not approve the waiver.

(e) The SBE must determine the area of election (Section 35756). Under current conditions, staff recommends the territory of the entire high school district as the area of election. Staff recommends that the election area by the Wiseburn ESD area if the SBE approves the waiver submitted by the Wiseburn ESD, which would have property owners in the Wiseburn ESD area retain current levels of responsibility for the repayment of existing bonded indebtedness.

## 9.0 RECOMMENDED ACTION

Staff recommends that the SBE adopt the proposed resolution (Attachment 2) approving the petition to form the Wiseburn USD and setting the election area as only the area of the Wiseburn ESD if the SBE approves the waiver submitted by the Wiseburn ESD, which would have property owners in the Wiseburn ESD area retain current levels of responsibility for the repayment of existing bonded indebtedness of the Centinela Valley UHSD upon successful formation of a Wiseburn USD. This resolution includes the proposed amendments to the petition. A similar resolution to approve the unification, but expand the election area to the entire Centinela Valley UHSD, should the SBE choose not to approve the aforementioned waiver, is provided as Attachment 8. If the SBE should decide to disapprove the petition, an alternative resolution is provided as Attachment 9.

CALIFORNIA STATE BOARD OF EDUCATION
July 2004

## PROPOSED APPROVAL RESOLUTION

Petition to Form the Wiseburn Unified School District
from the Wiseburn Elementary School District and the
Corresponding Portion of Centinela Valley Union High School District

RESOLVED, that under the authority of *Education Code* Section 35754, the proposal to form a new unified school district from Wiseburn Elementary School District and the corresponding part of Centinela Valley Union High School District, filed on or about November 9, 2001 with the Los Angeles County Superintendent of Schools pursuant to Education Code Section 35700(a), is hereby approved.

RESOLVED further, that the base revenue limit per unit of average daily attendance is $5,326 based on 2002-03 data 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 all assets and liabilities of the Centinela Valley Union High School District shall be divided based on the proportionate average daily attendance of the high school students residing in the areas of the two districts on June 30 of the school year immediately preceding the date on which the proposed unification becomes effective for all purposes; and be it

RESOLVED further, that the annual tax rate for bond interest and redemption on the outstanding bonded indebtedness of the Centinela Valley Union High School District, which was voted on by electors residing within the Wiseburn Elementary School District at the March 2000 election, shall not be recomputed as result of the unification, and be it

RESOLVED further, that high school student body property, funds, and obligations shall be divided proportionately, except that the share shall not exceed an amount equal to the ratio which the number of high school students leaving the schools bears to the total number of high school students enrolled; and funds from devises, bequests, or gifts made to the organized student body of a school shall remain the property of the organized student body of that school and shall not be divided; and be it

RESOLVED further, that the State Board of Education shall direct the county superintendent of schools to call for the election and sets the area of election to be the territory of the Wiseburn Elementary School District; and be it

RESOLVED further, that the Secretary of the State Board of Education shall notify, on behalf of said Board, the Los Angeles County Superintendent of Schools, the chief petitioners, the Wiseburn Elementary School District, and the Centinela Valley Union High School District of the action taken by the State Board of Education.

CALIFORNIA STATE BOARD OF EDUCATION
July 2004

## ALTERNATE APPROVAL RESOLUTION

Petition to Form the Wiseburn Unified School District
from the Wiseburn Elementary School District and the
Corresponding Portion of Centinela Valley Union High School District

RESOLVED, that under the authority of *Education Code* Section 35754, the proposal to form a new unified school district from Wiseburn Elementary School District and the corresponding part of Centinela Valley Union High School District, filed on or about November 9, 2001 with the Los Angeles County Superintendent of Schools pursuant to Education Code Section 35700(a), is hereby approved.

RESOLVED further, that the base revenue limit per unit of average daily attendance is $5,326 based on 2002-03 data 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 all assets and liabilities of the Centinela Valley Union High School District shall be divided based on the proportionate average daily attendance of the high school students residing in the areas of the two districts on June 30 of the school year immediately preceding the date on which the proposed unification becomes effective for all purposes; and be it

RESOLVED further, that high school student body property, funds, and obligations shall be divided proportionately, except that the share shall not exceed an amount equal to the ratio which the number of high school students leaving the schools bears to the total number of high school students enrolled; and funds from devises, bequests, or gifts made to the organized student body of a school shall remain the property of the organized student body of that school and shall not be divided; and be it

RESOLVED further, that the State Board of Education shall direct the county superintendent of schools to call for the election and sets the area of election to be the territory of the entire Centinela Valley Union High School District; and be it

RESOLVED further, that the Secretary of the State Board of Education shall notify, on behalf of said Board, the Los Angeles County Superintendent of Schools, the chief petitioners, the Wiseburn Elementary School District, and the Centinela Valley Union High School District of the action taken by the State Board of Education.

CALIFORNIA STATE BOARD OF EDUCATION
July 2004

## ALTERNATE RESOLUTION

Petition to Form the Wiseburn Unified School District
from the Wiseburn Elementary School District and the
Corresponding Portion of Centinela Valley Union High School District

RESOLVED, that under the authority of *Education Code* Section 35754, the proposal to form a new unified school district from Wiseburn Elementary School District and the corresponding portion of Centinela Valley Union High School District, which was filed on or about November 9, 2001, with the Los Angeles County Superintendent of Schools pursuant to *Education Code* Section 35700(a), is hereby disapproved because the proposal does not substantially comply with the provisions of Section 35753(a) of the *Education Code*; and be it

RESOLVED further, that the Secretary of the State Board of Education notify, on behalf of said Board, the Los Angeles County Superintendent of Schools, the chief petitioners, the Wiseburn Elementary School District, and the Centinela Valley Union High School District of the action taken by the State Board of Education.

**State of California** **Department of Education**

# LAST MINUTE MEMORANDUM

**DATE:** September 7, 2004

**TO:** Members, STATE BOARD of EDUCATION

**FROM:** Susan Lange, Deputy Superintendent
Finance, Technology and Administration Branch

**RE:** Item No. 43

**SUBJECT:** Proposed Formation of Wiseburn Unified School District from Wiseburn Elementary School District and a Portion of Centinela Valley Union High School District in Los Angeles County

Attached is an analysis of and recommendation on the proposed unification of Wiseburn Elementary School District (ESD), which the Board has received a number of times since April of this year. Previous proposals were pulled prior to Board action.

The current version of the report has been revised to reflect the use of the Board's authority to prescribe an equitable division of bonded indebtedness, other than the statutory default method. Whereas with prior proposals a waiver accomplished this alternate division of bonded indebtedness, legal counsel for the Board and the Department recently determined the Board has that authority via the reorganization plan. A waiver is not necessary.

The analysis and recommendation remain, in effect, the same as in prior reports.

Previously, the Board had received a waiver request from Wiseburn ESD, which, if approved, would have resulted in a more equitable division of bonded indebtedness than statute would otherwise provide. In previous versions of the report, the Department had recommended that the Board approve this waiver request, resulting in property owners in Wiseburn ESD retaining current levels of responsibility for repaying the bonded indebtedness of the Centinela Valley Union High School District (UHSD). If the Board approved this waiver, the Department recommended that the election area for the unification proposal be only the Wiseburn ESD since the waiver would keep property taxes in the remainder of Centinela Valley UHSD from increasing. If the Board did not approve the waiver, the Department recommended that the election area be all of Centinela Valley UHSD to allow the voters in the remainder of the high school district to have a vote on a proposal that would raise taxes in that area.

Included are only those attachments that have been amended since the previous report.

Attachment 1: Report of Required Conditions for Reorganization (27 Pages)

Attachment 2: Proposed Approval Resolution (2 Pages)

Attachment 8: Alternate Approval Resolution (1 Page)

Attachment 9: Alternate Resolution (1 Page)

Attachment 10: Presentation to SBE (5 Pages) (This attachment is not available for web viewing. A printed copy is available for viewing in the State Board of Education Office).

# PROPOSED FORMATION OF WISEBURN UNIFIED SCHOOL DISTRICT FROM WISEBURN ELEMENTARY SCHOOL DISTRICT AND A PORTION OF CENTINELA VALLEY UNION HIGH SCHOOL DISTRICT IN LOS ANGELES COUNTY

# REPORT OF REQUIRED CONDITIONS FOR REORGANIZATION

## 1.0 RECOMMENDATION

Staff recommends approval of the proposal to form a Wiseburn Unified School District (USD) from territory of the Wiseburn Elementary School District (ESD) and the corresponding portion of Centinela Valley Union High School District (UHSD). This recommendation is based on the analysis of required legal conditions (*Education Code*[1] Section 35753). Staff finds that all nine conditions are substantially met by the proposal.

Staff's recommendation for the election area for the unification proposal is dependent upon State Board of Education (SBE) action to include a provision in the unification proposal to have property owners in the Wiseburn USD area retain current levels of responsibility for the repayment of existing bonded indebtedness of the Centinela Valley UHSD upon successful formation of Wiseburn USD. If the SBE includes this provision, the California Department of Education (CDE) recommends the SBE establish the election area for the unification proposal as the Wiseburn ESD (Attachment 2). If the SBE does not include this provision, CDE recommends the SBE establish the election area for the unification proposal as the Centinela Valley UHSD (Attachment 8). The proposal would remove approximately 40 percent of the assessed valuation (and only 15 percent of the high school enrollment) of the Centinela Valley UHSD. This shift of assessed valuation would reduce future bonding capacity for the high school district while significantly increasing the financial responsibility of property owners in the remaining (non-Wiseburn) area of the district to repay current outstanding bonded indebtedness. It is staff's opinion that these factors represent a significant impact on the remaining Centinela Valley UHSD. Inclusion of a provision specifying that Wiseburn USD area retain current levels of responsibility for existing bonded indebtedness would eliminate the increased financial responsibility to property owners in the remaining Centinela Valley UHSD.

A resolution containing this provision is included as Attachment 2.

[1] All subsequent statutory references are to the *Education Code* unless otherwise indicated.

## 2.0 BACKGROUND

A petition proposing the formation of a new unified school district from the territory of the current Wiseburn ESD and the corresponding portion of Centinela Valley UHSD, signed by at least 25 percent of the registered voters within Wiseburn ESD, was submitted to the Los Angeles County Office of Education (LACOE) on November 9, 2001. On December 4, 2001, pursuant to Section 35704, the Los Angeles County Superintendent of Schools found the petition to be sufficient and signed as required by law.

In addition to Wiseburn ESD, there are three other component school districts within Centinela Valley UHSD: Hawthorne, Lawndale, and Lennox. Centinela Valley UHSD has three comprehensive high schools, none of which are located within the boundaries of Wiseburn ESD.

LACOE analyzed the effects of the proposed unification on the nine required conditions for approval listed in *Education Code* Section 35753(a). This analysis determined that eight of the nine conditions are substantially met, and that the remaining condition (equitable distribution of property) is met if the election area for the unification proposal includes the entire Centinela Valley UHSD.

At a March 1, 2002, deliberation meeting, the Los Angeles County Committee on School District Organization (LACC) heard the recommendations of the LACOE (Attachment 3). The LACC found that two of the Section 35753(a) conditions were not substantially met. Despite finding two of the nine conditions not substantially met, the LACC recommended approval of the unification proposal on a 4-3 vote. The LACC further recommended that the election area be expanded to the entire Centinela Valley UHSD.

## 3.0 REASONS FOR THE UNIFICATION

The chief petitioners cite the following reasons for the proposed Wiseburn USD:

(a) A desire to establish a unified school district that will be responsive to the unique needs of the Wiseburn student population to have safe, small, academically successful schools.

(b) A desire to provide a coordinated sequential educational program from preschool through twelfth grade.

(c) A belief that unification will increase collaboration among elementary staff, secondary staff, and the community in the pursuit of national, state, county and local educational agencies.

(d) A desire for a unified educational system whereby educational expectations and accountability are driven by a single board of trustees and a single administration representing the Wiseburn community.

(e) A belief that unification will provide a more effective use of district resources.

(f) A desire to establish a high school to serve the Wiseburn community.

## 4.0 POSITIONS OF SCHOOL DISTRICTS

### 4.1 Centinela Valley Union High School District

Centinela Valley UHSD opposes the proposal, primarily because the district believes the proposal fails to meet the following three conditions of Section 35753(a).

Condition 4: The reorganization of the districts will not promote racial or ethnic discrimination or segregation.

Condition 6: The proposed reorganization will not significantly disrupt the educational programs in the proposed districts and districts affected by the proposed reorganization and will continue to promote sound education performance in those districts.

Condition 9: The proposed reorganization will not cause a substantial negative effect on the fiscal management or fiscal status of the proposed district or any existing district affected by the proposed reorganization.

### 4.2 Wiseburn Elementary School District

The Wiseburn ESD supports the proposal, finding that the proposal meets all conditions of Section 35753(a) and that "creation of such a district will provide enhanced continuity and articulation and will enrich the educational lives of children from the Wiseburn community."

## 5.0 SECTION 35753 CONDITIONS

The SBE may approve proposals for the reorganization of districts if the SBE has determined the proposal substantially meets the nine conditions in Section 35753. Those conditions are further clarified by Section 18573, Title 5*, California Code of Regulations (CCR)*.

For its analysis of the current proposal, staff reviewed CDE studies of specific issues related to the proposal and the following information provided by LACOE:

(a) Petition for the proposed Wiseburn USD, including maps of the area.

(b) "Feasibility Study of the Proposed Reorganization and Creation of the Wiseburn Unified School District" prepared by LACOE, May 1, 2002.

(c) Minutes and audiotapes of the LACC public hearings and meetings.

(d) Various letters and reports in support of and opposition to the proposed unification.

(e) Miscellaneous related reports.

Staff findings and conclusions regarding the Section 35753 and Title 5 conditions follow:

## 5.1 The new districts will be adequate in terms of number of pupils enrolled.

Standard of Review

It is the intent of the State Board of Education that direct service districts not be created which will become more dependent upon county offices of education and state support unless unusual circumstances exist. Therefore, each district affected must be adequate in terms of numbers of pupils, in that each such district should have the following projected enrollment on the date the proposal becomes effective or any new district becomes effective for all purposes: Elementary district, 901; high school district, 301; unified district, 1,501. (Section 18573(a)(1)(A), Title 5, *CCR*)

County Committee Evaluation/Vote

The report prepared by LACOE for the LACC (hereinafter referred to as "feasibility study") indicates that the petition meets this requirement (Attachment 3, page 10). The LACC voted unanimously (7-0) that this criterion is substantially met.

Staff Findings/Conclusion

As stated previously, a new unified district is adequate in terms of number of pupils if projected enrollment is 1,501 or greater on the date the new district becomes effective for all purposes. Enrollment must be 301 for high school districts. The table below depicts historical and projected enrollment in the two affected districts from the 1998-99 to the 2007-08 school years. If voters at a November 2004 election approve the proposal for Wiseburn USD, the new unified district would be effective for all purposes on July 1, 2005. Projected enrollments for the proposed Wiseburn USD are included in the table, beginning with the 2005-06 school year.

*Historical and Projected Enrollments*

| Year | Wiseburn ESD Area | | Proposed Wiseburn USD | Centinela Valley UHSD |
|---|---|---|---|---|
| | K-8 Students | 9-12 Students | | |
| 1998-99 | 1,712 | 293 | | 6,595 |
| 1999-00 | 1,724 | 287 | | 6,766 |
| 2000-01 | 1,739 | 282 | | 6,917 |
| 2001-02 | 1,817 | 271 | | 7,053 |
| 2002-03 | 1,930 | 254 | | 7,476 |
| *2003-04** | *2,018* | *256* | | *7,760* |
| *2004-05** | *2,098* | *277* | | *8,244* |
| *2005-06** | *2,222* | *300* | *2,522* | *8,415* |
| *2006-07** | *2,332* | *330* | *2,661* | *8,732* |
| *2007-08** | *2,467* | *347* | *2,814* | *8,975* |

** Projections*
Source for Historical Enrollment: California Basic Educational Data System [CBEDS] and Centinela Valley UHSD

In the last year for which CBEDS data is available (2002-03), Wiseburn ESD had a total enrollment of 1,930 K-8 students. Centinela Valley UHSD had a 9-12 enrollment of 7,476 students in 2002-03. Of that total secondary enrollment, 254 students lived within the boundaries of Wiseburn ESD.

Enrollment (K-12) in the proposed Wiseburn USD is projected to be 2,522 in 2005-06, while projections for Centinela Valley UHSD show a 9-12 enrollment of 8,415. Currently, about 28 percent of Wiseburn ESD's enrollment resides outside the boundaries of the district but attend the district through interdistrict transfer. A significant number of commercial and industrial firms are located within the boundaries of Wiseburn ESD and that district historically approves interdistrict transfers to allow parents employed at these firms to enroll their children in the schools close to where they work. Enrollment projections in the above table do not include any potential high school student enrollment through interdistrict transfers. However, high school enrollment could increase significantly if interdistrict attendance at the secondary level approaches the level that exists in the elementary school district.

Staff 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 Section 18573(a)(2), Title 5, *CCR*, should be considered to determine whether a new district is organized on the basis of substantial community identity: isolation; geography; distance between social centers; distance between school centers; topography; weather; community, school and social ties; and other circumstances peculiar to the area.

County Committee Evaluation/Vote

The feasibility study reports that the Wiseburn ESD is comprised of unincorporated areas of Los Angeles County and portions of the cities of Hawthorne and El Segundo. LACOE further notes that, although the proposed new unified district is not located within a single municipality, residents in the area receive services from many common public service providers, share common social and community centers, and frequent common business establishments. (Attachment 3, page 13)

The feasibility study concludes that the proposal substantially meets this condition.

The LACC voted unanimously (7-0) that this condition is substantially met.

Staff Findings/Conclusion

As is the case in most relatively compact urban/suburban settings, the Title 5 criteria of isolation, geography, and weather are not applicable to the analysis of substantial community identity. No further discussion of these criteria is warranted, as they cannot be used to define community identity in this particular reorganization proposal.

The new unified district would correspond to the boundaries of an existing elementary school district. Therefore, separate and distinct educational communities already exist. In the past, the elementary school district within the high school district has played an important role in establishing the community identity of the area. The new unified district should continue that role. Similarly, the remaining Centinela Valley UHSD would share common boundaries with its three other component elementary districts.

Staff finds that the districts would be organized on the basis of a substantial community identity since the proposed Wiseburn USD and the remaining Centinela Valley UHSD would correspond to existing school district boundaries.

**5.3 The proposal will result in an equitable division of property and facilities of the original district or districts.**

Standard of Review

To determine whether an equitable division of property and facilities will occur, the California Department of Education reviews the proposal for compliance with the provisions of Education Code sections 35560 and 35564 and determines which of the criteria authorized in Section 35736 shall be applied. The California Department of Education also ascertains that the affected districts and county office of education are prepared to appoint the committee described in Section 35565 to settle disputes arising from such division of property. (Section 18573(a)(3), Title 5, *CCR*)

County Committee Evaluation/Vote

The feasibility study (Attachment 3, page 12) addressed the following issues in its analysis of division of property and facilities:

(a) Property, Funds, and Obligations

There is no Centinela Valley UHSD real property located within the boundaries of the proposed Wiseburn USD. Thus, the Wiseburn USD would not take ownership of any Centinela Valley UHSD school sites.

The feasibility study does not address the division of all other property, funds, and obligations (except bonded indebtedness) of the Centinela Valley UHSD.

(b) Bonded Indebtedness

Voters in the Centinela Valley UHSD approved $59 million in general obligation bonds in March 2000. At the time of the LACOE study, the district had issued $18.8 million to fund ongoing facility projects and planned to issue the remaining bonds in April 2002 ($23 million) and January 2003 ($17.2 million). Since there are no Centinela Valley UHSD school facilities or property located within the boundaries of the proposed unified district, the property owners within the Wiseburn USD would drop any liability for the bonded indebtedness of Centinela Valley UHSD.

Voters in Wiseburn ESD approved bonds at March 1997 and June 2000 elections. At the time of the LACOE study, the district had fully issued its $39.1 million in approved bonds. Liability for this bonded indebtedness would remain with the property owners within the current Wiseburn ESD if the unification proposal is approved.

The LACOE study notes that the proposed unification would remove approximately 40 percent of the assessed valuation from Centinela Valley UHSD, which would result in a corresponding 40 percent reduction in the district's bonding capacity. This reduction would leave Centinela Valley UHSD with a bonding capacity of about $53.4 million. Thus, the district would exceed its bonding capacity if the district issues all $59 million in voter approved bonds. Based on 2001-02 information, the Los Angeles County Auditor-Controller estimates that this condition would remain for about six years until property values appreciate.

(c) Student Body Funds

The feasibility study notes that a share of student body funds at Centinela Valley UHSD schools would transfer to the proposed Wiseburn USD. This share would correspond to the proportion of high school students transferring to the new unified district.

As noted earlier, the proposed unification would result in the reduction of approximately 40 percent of the assessed valuation of the Centinela Valley UHSD. Since no secondary school facilities would transfer to the Wiseburn USD, none of the responsibility for the high school district's outstanding bonded indebtedness would transfer to the new unified district. As a result, property owners in the remaining Centinela Valley UHSD would absorb a significant increase in tax rates to support the district's bonded indebtedness ($18.8 million) that existed in 2001-02. That tax rate would increase to a much greater degree if the district issues all $59 million of its general obligation bonds.

Because the proposed unification would increase tax rates for the property owners in

the remaining Centinela Valley UHSD, LACOE recommends that this condition is substantially met only if the election area for the unification proposal is expanded to include all of the voters in the Centinela Valley UHSD (thus allowing these voters an opportunity to vote on an issue that would result in increased tax rates for property owners in the area).

The LACC voted 4-3 that this criterion is not substantially met.

Staff Findings/Conclusion

Department staff finds that existing provisions of the *Education Code* may be utilized to achieve equitable distribution of property, funds, and obligations of Centinela Valley UHSD, and concludes that this condition has been substantially met. Staff further recommends the following:

(a) All assets and liabilities of the Centinela Valley UHSD shall be divided based on the proportionate average daily attendance (ADA) of the high school students residing in the areas of the two districts on June 30 of the school year immediately preceding the date on which the proposed unification becomes effective for all purposes. (Section 35736)

(b) Student body property, funds, and obligations shall be divided proportionately, except that the share shall not exceed an amount equal to the ratio which the number of pupils leaving the schools bears to the total number of pupils enrolled; and funds from devises, bequests, or gifts made to the organized student body of a school shall remain the property of the organized student body of that school and shall not be divided. (Section 35564)

(c) As specified in Section 35565, disputes arising from the division of property, funds, or obligations shall be resolved by the affected school districts and the county superintendent of schools through a board of arbitrators. The board shall consist of one person appointed by each district and one by the county superintendent of schools. By mutual accord, the county member may act as sole arbitrator; otherwise, arbitration will be the responsibility of the entire board. Expenses will be divided equally between the districts. The written findings and determination of the majority of the board of arbitrators is final, binding, and may not be appealed.

Staff disagrees with the LACOE recommendation that this condition is met only if the election area for the unification proposal is expanded to include the entire Centinela Valley UHSD. The issue of expanding the election area will be addressed more fully later in this report.

## 5.4 The reorganization of the districts will not promote racial or ethnic discrimination or segregation.

Standard of Review

In Section 18573(a)(4), Title 5, *CCR*, the State Board of Education set forth five factors to be considered in determining whether reorganization will promote racial or ethnic discrimination or segregation:

(a) The current number and percentage of pupils in each racial and ethnic group in the affected districts and schools in the affected districts, compared with the number and percentage of pupils in each racial and ethnic group in the affected districts and schools in the affected districts if the proposal or petition were approved.

(b) The trends and rates of present and possible future growth or change in the total population in the districts affected, in each racial and ethnic group within the total district, and in each school of the affected districts.

(c) The school board policies regarding methods of preventing racial and ethnic segregation in the affected districts and the effect of the proposal or petition on any desegregation plan or program of the affected districts, whether voluntary or court ordered, designed to prevent or alleviate racial or ethnic discrimination or segregation.

(d) The effect of factors such as distance between schools and attendance centers, terrain, geographic features that may involve safety hazards to pupils, capacity of schools, and related conditions or circumstances that may have an effect on the feasibility of integration of the affected schools.

(e) The effect of the proposal on the duty of the governing board of each of the affected districts to take steps, insofar as reasonably feasible, to alleviate segregation of minority pupils in schools regardless of its cause.

County Committee Evaluation/Vote

The following table presents a summary of the 2001-02 ethnic enrollment data presented in the feasibility study (Attachment 3, page 14):

*Ethnic Enrollment in Affected Districts*

| | **Minority Students** | **White Students** |
|---|---|---|
| Centinela Valley UHSD | 6,617 (95.0%) | 347 (5.0%) |
| Centinela Valley UHSD students within Wiseburn area | 208 (77.9%) | 59 (22.1%) |
| Wiseburn ESD | 1,309 (72.1%) | 507 (27.9%) |

Source: Ethnic profile information provided by districts

As depicted in the previous table, 95 percent of the students enrolled in Centinela Valley UHSD are minority students and almost 78 percent of the high school students who reside within the area of Wiseburn ESD are minority students. In the Wiseburn ESD, 72.1 percent of the K-8 students are minority.

The following table compares the percent of minority students in both districts before the proposed unification with the percent after the unification.

*Percent Minority Students in Affected Districts*

| | **Minority Students** | **White Students** |
|---|---|---|
| Before Unification | | |
| Centinela Valley UHSD | 6,617 (95.0%) | 347 (5.0%) |
| Wiseburn ESD | 1,309 (72.1%) | 507 (27.9%) |
| After Unification | | |
| Centinela Valley UHSD | 6,409 (95.7%) | 288 (4.3%) |
| Wiseburn USD | 1,517 (72.8%) | 566 (27.2%) |

For both districts, the proposed unification would cause less than a one percent increase in the minority student population.

LACOE finds that both affected districts currently have a majority of minority students and the proposed reorganization would have little effect on that status. The unification would increase minority student enrollment in each district by less than one percent. Therefore, LACOE recommends that this condition is substantially met.

The LACC voted 6-1 that this condition is substantially met.

<u>Staff Findings/Conclusion</u>

The CDE's Office of Equal Opportunity (OEO) provides support to the CDE review of reorganization proposals. The OEO report on this proposal is Attachment 4 to the Board item.

OEO analyzed the five factors set forth in Section 18573 of Title 5*, California Code of Regulations* in light of information provided in the feasibility study. Findings are further compared to California Basic Educational Data System (CBEDS) information on file with the CDE.

(a) Racial and Ethnic Enrollment: Analysis by District and School

OEO analyzed current school populations (from 2002-03 CBEDS) in the Wiseburn ESD and the Centinela Valley UHSD. OEO found that the minority student population of Wiseburn ESD is 73.0 percent of the total school population. OEO also found that the student population of Centinela Valley UHSD is 95.2 percent minority.

OEO notes that the schools directly affected by the proposal are the high schools since the proposed unification would not cause movement of any K-8 students from one school to another. Currently, three high schools (Hawthorne High, Lawndale High, and Leuzinger High) serve high school students residing in Wiseburn ESD territory. The proposed unification increases the percentage of minority students in these three schools by 0.6 percent.

The vast majority of the Wiseburn ESD area high school students (234 out of 254) attend Hawthorne High School. Removing these 234 students from Hawthorne High increases the percentage of minority students in this school from 94.4 percent to 95.9 percent.

(b) Racial and Ethnic Enrollment: Trends and Rates of Change

OEO charted K-12 racial/ethnic student enrollment growth for five years for the two affected school districts. The percentage of minority students in Wiseburn ESD increased from 61 percent to 73 percent over the five-year period. Minority student enrollment slightly increased from 94.2 percent to 95.2 percent in Centinela Valley UHSD.

(c) School Board Policies: Desegregation Plans and Programs

There are no current court-ordered desegregation plans or programs in any of the affected districts.

(d) Factors Affecting Feasibility of Integration

No information was provided to identify any specific effects of factors such as distance from schools, attendance areas, or geographic features on the feasibility of integration.

(e) Duty of School to Alleviate Segregation

OEO notes that the governing board of each affected school district has a duty to alleviate segregation, regardless of the cause. This duty would be reflected in the policies of any newly created school district.

OEO finds the net effect of this proposal to be that both the Wiseburn USD and Centinela Valley UHSD would be minority majority districts, and therefore finds that it appears to be in substantial compliance with Section 35753(a)(4).

To provide further support for the OEO report, staff also calculated enrollment projections for minority students in the affected districts. The following table summarizes these projections for each district both before and after the proposed unification.

*Current and Projected Percentages of Minority Students*

| | **Centinela Valley UHSD (before)** | **Centinela Valley UHSD (after)** | **Wiseburn ESD (before)** | **Wiseburn USD (after)** |
|---|---|---|---|---|
| 2002-03 CBEDS | 95.2% | 95.8% | 73.0% | 73.6% |
| Projections | | | | |
| 2003-04 | 95.9% | 96.4% | 74.7% | 75.6% |
| 2004-05 | 96.3% | 96.8% | 76.6% | 77.5% |
| 2005-06 | 96.7% | 97.1% | 78.0% | 79.1% |
| 2006-07 | 97.0% | 97.4% | 79.5% | 80.5% |
| 2007-08 | 97.2% | 97.6% | 80.9% | 81.8% |

As can be seen in the above table, the proposed unification is projected to have little effect on the percentage of minority students attending either of the affected districts. By 2007-08, the proposed unification would increase the percentage of minority students in Centinela Valley UHSD by 0.4 percent as a result of the unification and the percentage of minority students in Wiseburn USD would increase to 0.9 percent above the percentage in Wiseburn ESD.

Staff agrees with the LACOE feasibility study, the LACC findings, and the OEO recommendation that this condition is substantially met. The proposed unification will not substantially promote racial or ethnic segregation or discrimination in any affected district.

**5.5 The proposed reorganization will not result in any substantial increase in costs to the state.**

Standard of Review

*Education Code* sections 35735 through 35735.2 mandate a method of computing revenue limits without regard to this criterion. Although the estimated revenue limit is considered in this section, only potential costs to the state other than those mandated by sections 35735 through 35735.2 are used to analyze the proposal for compliance with this criterion.

County Committee Evaluation/Vote

The feasibility study includes a calculation of the projected revenue limits for the proposed Wiseburn USD. Based on these calculations, unification of the Wiseburn ESD will increase the revenue limit for that area by 10 percent. (Attachment 3, page 18)

The LACC voted unanimously (7-0) that this condition is substantially met.

Staff Findings/Conclusion

Should the proposed unified district become effective for all purposes, the revenue limit will be calculated by staff in the CDE Principal Apportionment Unit using information submitted by the LACOE based on second prior fiscal year data (2003-04 for a July 1, 2005 effective date), including any adjustments for which the proposed district may be eligible. Staff estimates that revenue limit funding will increase by approximately 10 percent as a result of formation of the new unified district. As stated previously, increases in revenue limit funding due to reorganization are not considered to be increased costs to the state since these funding increases are statutorily capped.

State costs for transportation, categorical programs, regular programs, and special education should not be affected significantly by the proposed reorganization since, typically, funding for these programs would follow the students.

Staff agrees with the conclusion of the feasibility study that the proposal substantially meets this condition.

**5.6 The proposed reorganization will not significantly disrupt the educational programs in the proposed districts and districts affected by the proposed reorganization and will continue to promote sound education performance in those districts.**

Standard of Review

The proposal or petition shall not significantly adversely affect the educational programs of districts affected by the proposal or petition, and the California Department of Education shall describe the districtwide programs, and the school site programs, in schools not a part of the proposal or petition that will be adversely affected by the proposal or petition. (Section 18573(a)(5), Title 5, *CCR*)

County Committee Evaluation/Vote

The LACOE feasibility study (Attachment 3, page 19) projected that, should the proposed unification occur, Centinela Valley UHSD would lose 288 high school students to the new unified school district by 2003-04. The study also notes that projected annual enrollment would mitigate that student enrollment loss so that the actual loss of students in the first year of the reorganization would be 184 students. The loss of students would result in a revenue limit decrease of approximately $975,000. However, this would be a one-year revenue loss because the high school district's enrollment is projected to increase above the pre-unification level in the subsequent year. Since the revenue loss is projected to be for only one year and the Centinela Valley UHSD would have sufficient notice to adjust staffing levels, LACOE finds that the proposed unification would not have a significant negative effect on the fiscal status of the high school district.

As noted previously, LACOE calculates that the Wiseburn USD revenue limit would be 10 percent greater than the blended revenue limit of Wiseburn ESD and Centinela Valley UHSD. The resultant revenue limit would be greater than similar sized unified districts.

LACOE concludes that the remaining Centinela Valley UHSD and the Wiseburn USD would have adequate enrollment to generate necessary revenues to continue to support educational programs and therefore recommends that this condition is substantially met.

The LACC voted 4-3 that this condition is substantially met.

Staff Findings/Conclusion

The Evaluation and Analysis Unit in CDE's Policy and Evaluation Division (PED) provides support in reviewing the educational implications of school district reorganization proposals. To assess the educational impacts of the proposed

reorganization, PED staff reviewed the feasibility study and materials submitted by the petitioners and districts. A report prepared by PED (Attachment 5) finds any loss of Centinela Valley UHSD students due to the proposed unification would result in only temporary disruptions to the high school district's educational program. Hawthorne High School would experience the greatest loss of students (approximately nine percent of the student population and 12 percent of the schools AP program enrollment). Hawthorne also is identified as Program Improvement (PI) under federal No Child Left Behind (NCLB) mandates and, therefore, it must take certain corrective actions, which includes offering parents the option to transfer their students to a non-PI school.

Based on the data analyzed and the changes facing Hawthorne High School regardless of reorganization, PED concurs with the LACOE recommendation that this condition is substantially met.

The following sections provide a review of data and issues that are either contained in the PED report or are included in this section to complement the PED report.

(a) Performance Indicators

The California Academic Performance Index (API) provides a means to compare the performance of schools and districts in the state. NCLB requires schools to meet certain criteria to make Adequate Yearly Progress (AYP). A summary of these performance indicators is incorporated into the following table for all schools in the two affected districts.

*2002-03 Performance Indicators*

| *School* | **2002-03 API Growth** | **Met API Growth Target?** | **Met AYP Criteria?** |
|---|---|---|---|
| **Centinela Valley UHSD** | | | |
| Hawthorne High | 523 | Yes | No |
| Lawndale High | 574 | Yes | Yes |
| Leuzinger High | 516 | Yes | No |
| **Wiseburn ESD** | | | |
| Anza Elementary | 832 | Yes | Yes |
| Burnett Elementary | 777 | Yes | Yes |
| Cabrillo Elementary | 798 | Yes | Yes |
| Dana Middle | 715 | Yes | Yes |

(b) English Learner Students

The state Language Census collects the number of English Learner (EL) students (formerly known as Limited-English-Proficient or LEP), and other related data. The following table aggregates the 2002-03 Language Census

data for schools in the affected school districts and projects the effect of the proposed unification on EL student population.

*English Learner (EL) Students by School District*

| District | Student Population | EL Student Population | percent EL Students |
|---|---|---|---|
| Wiseburn ESD | 1,930 | 197 | 10.2% |
| Centinela Valley UHSD | 7,476 | 2,150 | 28.8% |
| After Successful Unification* | | | |
| Wiseburn USD | 2,184 | 223 | 10.2% |
| Centinela Valley UHSD | 7,222 | 2,124 | 29.4% |

* Numbers of transferred EL high school students are based on the percentage of EL students in Wiseburn ESD.

Based on the estimates in the above table, the proposed unification would remove 26 EL students from Centinela Valley UHSD and place them in the Wiseburn USD. This loss of 26 EL students, in conjunction with the loss of 254 total secondary students, would increase the percentage of EL students in Centinela Valley UHSD from 28.8 percent to 29.4 percent.

(c) Annual CalWORKs[2] Data Collection

The annual CalWORKs (formerly known as AFDC) data collection gathers information including the number of CalWORKs children residing in the school attendance area and the number of students enrolled in free or reduced-price meal programs. The following table presents this 2002-03 information for the schools in affected districts and projects the effect of the proposed unification on these student populations.

[2]California Work Opportunity and Responsibility to Kids – a product of the Welfare to Work Act of 1997.

CalWORKs Students and Students in Free or Reduced Price Meals Program by District

| District | percent CalWORKs Students | percent Students in Meals Program |
|---|---|---|
| Wiseburn ESD | 1.8% | 38.4% |
| Centinela Valley UHSD | 12.9% | 51.0% |
| After Successful Unification* | | |
| Wiseburn USD | 1.8% | 38.4% |
| Centinela Valley UHSD | 13.3% | 51.5% |

* Transferred high school students are based on the percentage of the appropriate student population in Wiseburn ESD.

Based on the estimates in the above table, the proposed unification would remove five CalWORKs students and 98 students in the Meals Program from Centinela Valley UHSD and place them in the Wiseburn USD. These losses of students, in conjunction with the overall loss of 254 secondary students, would increase the percentage of CalWORKs students in Centinela Valley UHSD from 12.9 percent to 13.3 percent and would increase the percent of students in the Meals Program from 51.0 percent to 51.5 percent.

(d) High School Flexibility

Approximately two-thirds of the unified school districts in California have only one high school. Although staff agrees with LACOE that unified districts with a single, small high school can offer an effective and balanced educational program, transition from a district with multiple high schools to a district with a single high school does offer some disadvantages. As noted by LACOE, the new unified district will be unable to offer the breadth and depth of the Centinela Valley UHSD educational program. Staff reassignments are difficult, if not impossible, in a district that has only one school for a particular grade level. Similarly, students who would benefit from placement in a different environment will have nowhere to transfer within the district.

Staff agrees with the PED report and with the LACOE feasibility study that this condition is substantially met by the unification proposal. Although a district with a single small high school does not appear to be ideal, it is certainly possible that the single high school can offer a comprehensive secondary education program. Both districts will have enough enrollment to generate sufficient revenue to operate the educational programs.

Because the demographics of Wiseburn ESD are somewhat different that the demographics of the high school district, the unification could pull from Centinela Valley UHSD proportionally (1) more students with higher test scores, (2) fewer EL students, (3) fewer CalWORKs students, and (4) fewer students in the Meals

Program. Although, these numbers are disproportional to the demographics of the Centinela Valley UHSD, the numbers of students should not be great enough to significantly increase the proportion of students requiring special opportunities and services in the high school district.

As a note, staff questions whether a significant number of students currently attending the Centinela Valley UHSD would leave that district if the proposed unification were successful. Many students (especially juniors and seniors) probably would be reluctant to transfer from schools that they are already attending if the new unified district opens a new high school. These students could attempt to obtain interdistrict transfers to remain in their current schools. Moreover, most newly unified districts typically begin the first year of operation serving only ninth graders (or ninth and tenth graders). Additional grades levels are added in subsequent years. The Education Code allows new unified districts five years to serve all students who are residents of the district. Thus, it is the opinion of staff that concerns about loss of students for Centinela Valley UHSD likely will not be significant issues for the proposed unification.

For the above reasons, staff recommends that Condition 6 is substantially met.

**5.7 The proposed reorganization will not result in a significant increase in school housing costs.**

<u>County Committee Evaluation/Vote</u>

The feasibility study reports that, although no high school facility exists within the boundaries of the proposed Wiseburn USD, there is a seven acre school site owned by the elementary district that can be converted to high school purposes. The study further reports that a park and gymnasium located next to the school property could be used for school purposes. At the time of the LACOE study, Wiseburn ESD was leasing this school site to other agencies.

LACOE finds that a Wiseburn USD would have the option to lease portable classrooms through the State Relocation Classroom Program to house high school students on the property owned by the elementary district. The cost to place 14 portable classrooms (not including any necessary site improvement cost prior to this placement) is estimated to be $186,300. LACOE determines that this expenditure does not represent a significant increase in school housing costs and, as a result, recommends that this condition is substantially met. (Attachment 3, page 21)

The LACC voted 7-0 that this condition is substantially met.

Staff Findings/Conclusion

The CDE's School Facilities Planning Division (SFPD) provides support to the CDE review of reorganization proposals. The SFPD report is Attachment 6 to this Board item. Based on analysis of information available, SFPD makes the following findings:

- The new site would need 15 portable classrooms to accommodate 400 students. The site proposed for the high school by Wiseburn ESD contains 16 original classrooms and nine to 11 portable classrooms, which can house up to 729 students under state standards.
- State guidelines recommend 19.2 acres for a school site housing 400 high school students. At seven acres, the proposed site is 36 percent of state standards. In order to use the adjacent park and gymnasium to provide adequate physical education for high school students, the new district would need to execute joint-use agreements with the local park district.
- Bonding capacity for the Wiseburn area would increase 100 percent because of unification. The increased bonding capacity would enable the new district to pursue local funding and the district could be eligible for funding from the State School Facilities Program should it need to construct new permanent buildings on the proposed site, or acquire land and build a new high school.

SFPD generally concurs with the LACOE report that the proposed new unified district has the operational capacity to house the projected high school enrollment, assuming that the site proposed for high school students is feasible and legally acceptable (i.e., conforms with Title 5). SFPD does caution that, should the facility fail to comply with Title 5 requirements, there may be a significant increase in costs to provide appropriate facilities.

SFPD recommends a cost analysis to evaluate the cost of replacing portable classrooms with permanent buildings. As a general rule, SFPD supports the use of portable buildings on a temporary basis until permanent buildings can be provided.

Given these considerations, staff agrees with the finding of the LACC that this condition is substantially met.

**5.8 The proposed reorganization is not primarily designed to result in a significant increase in property values causing financial advantage to property owners because territory was transferred from one school district to an adjoining district.**

County Committee Evaluation/Vote

The feasibility study identified no evidence that the proposal is primarily designed to increase property values in the territory proposed for reorganization and recommends that this condition is substantially met. (Attachment 3, page 22).

The LACC voted unanimously (7-0) that this condition is substantially met.

Staff Findings/Conclusion

No evidence was presented to indicate that the proposed formation of the Wiseburn USD 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 could be the

primary motivation for the proposed unification. Staff concludes this condition has been substantially met.

**5.9 The proposed reorganization will not cause a substantial negative effect on the fiscal management or fiscal status of the proposed district or any existing district affected by the proposed reorganization.**

County Committee Evaluation/Vote

The LACOE feasibility study projected that, should the proposed unification occur, Centinela Valley UHSD would lose 288 high school students to the new unified school district by 2003-04. The study also notes that projected annual enrollment would decrease that student enrollment loss to 184 students. This loss of students would result in a revenue limit decrease of approximately $975,000. However, this would be a one-year revenue loss since the high school district's enrollment is projected to increase above the pre-unification level the subsequent year. Because the revenue loss is projected to be for only one year and the Centinela Valley UHSD would have sufficient notice to adjust staffing levels, LACOE finds that the proposed unification would not have a significant negative effect on the fiscal status of the high school district.

As noted previously, LACOE calculates that the Wiseburn USD revenue limit would be 10 percent greater than the blended revenue limit of Wiseburn ESD and Centinela Valley UHSD. The resultant revenue limit would be greater than similar sized unified districts.

LACOE concludes that the remaining Centinela Valley UHSD and the Wiseburn USD would have adequate enrollment to generate necessary revenues to continue to support educational programs and therefore recommends that this condition is substantially met.

The LACC considered the effects of the proposal on bonded indebtedness levels in the districts and potential loss of operating revenues for the high school district due to reduction in student enrollment. LACC determined that these factors constitute a negative fiscal effect on the high school district and voted 4-3 that this condition is not substantially met.

Staff Findings/Conclusion

To assess the financial impact of the proposed unification, the CDE Office of Management Assistance and Categorical Programs (MACP) reviewed information provided by the LACOE, the affected districts, and the chief petitioners. The MACP report (Attachment 7) includes the following findings:

(a) Wiseburn ESD and Centinela Valley UHSD have existing administrative structures. The unification should not cause an expansion in the combined administrative overhead but, instead, should result in a shift in fixed administrative expenses.

(b) Both districts would have sufficient student enrollment to generate the funding necessary for the districts to be financial viable.

(c) In 2001-02, Centinela Valley UHSD revenue limit exceeded the state average for high school districts by $183 per average daily attendance.

(d) Reduction in revenue limit funding due to the loss of student enrollment after the unification would not be of sufficient magnitude or duration to have a substantial negative effect on Centinela Valley UHSD.

(e) Based on 2002-03 information, the new Wiseburn USD would have a revenue limit per ADA of approximately $5,326.

Based on this review, MACP concludes that the unification proposal complies with this condition.

CDE staff agrees with the findings of the MACP report and concludes this condition has been substantially met.

## 6.0 County Committee Section 35707 Requirements

Section 35707 requires the county committee on school district organization to make certain findings and recommendations and to expeditiously transmit them along with the reorganization petition to the SBE. These required findings and recommendations are:

### 6.1 County Committee Recommendation for the Petition

A county committee must recommend to the SBE approval or disapproval of a petition for unification. The LACC voted 4-3 to recommend approval of the proposal to form Wiseburn USD.

### 6.2 Effect on School District Organization of the County

Section 35707 requires a county committee to report whether the proposal would adversely affect countywide school district organization. The LACC voted 6-1 that the proposal would not adversely affect countywide school district organization.

### 6.3 County Committee Opinion Regarding Section 35753 Conditions

A county committee must submit to the SBE its opinion regarding whether the proposal complies with the provisions of Section 35753. The LACC found that seven of the nine conditions in Section 35753(a) are substantially met by the following votes:

- Adequate Enrollment (7-0);
- Community Identity (7-0);
- Promotion of Segregation (6-1):
- Increased Costs to State (7-0);
- Educational Program (4-3);
- Increased Housing Costs (7-0); and
- Increased Property Values (7-0).

The LACC found that the remaining two conditions are <u>not</u> substantially met by the following vote:

- Equitable Division of Property (4-3); and
- Financial Effects (4-3).

## 7.0 STAFF RECOMMENDED AMENDMENTS TO THE PETITION

The SBE has authority to amend or add certain provisions to any petition for unification. This section contains CDE staff recommendations for such amendments.

### 7.1 Article 3 Amendments

Petitioners may include, and the county committee or SBE may add or amend, any of the appropriate provisions specified in Article 3 of the *Education Code* (commencing with Section 35730). These provisions include:

<u>Membership of Governing Board</u>

A proposal for unification may include a provision for a governing board of seven members. The petition contains no provision addressing the size of the governing board. Thus, the governing board of Wiseburn USD (if approved) would have five members.

<u>Trustee Areas</u>

The proposal for unification may include a provision for establishing trustee areas for the purpose of electing governing board members of the unified district. No provision regarding trustee areas for governing board elections is included in this petition. Therefore, governing board members of the Wiseburn USD (If approved) will be elected at-large.

Election of 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 does not contain such a provision. In the absence of such a provision, the *Education Code* provides that the election for the first governing board will be held on the first regular election following passage of the unification proposal.

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 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. Staff further recommends that the following method be employed to ensure the staggering of the terms of office for governing board members:

> The three governing board candidates receiving the highest number of votes will have four-year terms and the two candidates receiving the next highest number of votes will have two-year terms. All terms will be for four years in subsequent governing board elections.

Computation of Base Revenue Limit

A proposal for reorganization of school districts must include a computation of the base revenue limit per ADA for each reorganized district. CDE staff has estimated that the revenue limit per ADA for the proposed Wiseburn USD is $5,326 based upon 2002-03 data. Should the proposed district become effective for all purposes, the revenue limit will be adjusted using information based on second prior fiscal year data (2003-04 for a July 1, 2005 effective date), including any adjustments for which the proposed district may be eligible.

Division of Property and Obligations

A proposal for the division of property (other than real property) and obligations of any district whose territory is being divided among other districts may be included. As indicated in 5.3 of this attachment, CDE staff finds that existing provisions of the *Education Code* may be utilized to achieve equitable distribution of property, funds, and obligations of Centinela Valley UHSD. Staff further recommends the following:

(a) All assets and liabilities of the Centinela Valley UHSD shall be divided based on the proportionate ADA of the students residing in the areas of the two affected districts on June 30 of the school year immediately preceding the date

on which the proposed unification becomes effective for all purposes. (Section 35736)

(b) Student body property, funds, and obligations shall be divided proportionately, except that the share shall not exceed an amount equal to the ratio which the number of pupils leaving the schools bears to the total number of pupils enrolled; and funds from devises, bequests, or gifts made to the organized student body of a school shall remain the property of the organized student body of that school and shall not be divided. (Section 35564)

(c) As specified in Section 35565, disputes arising from the division of property, funds, or obligations shall be resolved by the affected school districts and the county superintendent of schools through a board of arbitrators. The board shall consist of one person appointed by each district and one by the county superintendent of schools. By mutual accord, the county member may act as sole arbitrator; otherwise, arbitration will be the responsibility of the entire board. Expenses will be divided equally between the districts. The written findings and determination of the majority of the board of arbitrators is final, binding, and may not be appealed.

Method of Dividing Bonded Indebtedness

No public school property or buildings belonging to Centinela Valley UHSD are located within the boundaries of the proposed Wiseburn USD. Thus, pursuant to Section 35575, a Wiseburn USD would have no responsibility for any outstanding bonded indebtedness in Centinela Valley UHSD.

However, the SBE may include a method of dividing bonded indebtedness other than the methods specified in the *Education Code*. Staff recommends that the SBE add a provision to the unification proposal establishing that:

- Wiseburn USD shall pay Centinela Valley UHSD an amount equal to a proportionate share of the outstanding bonded indebtedness of the Centinela Valley UHSD, which proportionate share shall be in the ratio which the total assessed valuation of the Wiseburn USD bears to the total assessed valuation of the Centinela Valley UHSD in the year immediately preceding the date on which the unification is effective for all purposes.
- This ratio shall be used each year until the bonded indebtedness for which the Wiseburn USD is liable has been repaid.
- The Los Angeles County Board of Supervisors shall compute for Wiseburn USD an annual tax rate for bond interest and redemption pursuant to subdivision (c) of *Education Code* Section 35576.

If this provision is included in the unification proposal, staff recommends that the election area be the Wiseburn ESD.

## 7.2 Area of Election

A provision specifying the territory in which the election to reorganize the school districts will be held is one of the provisions under Article 3 (see 7.1 above) that the SBE may add or amend. However, the inclusion of this provision is highlighted since Section 35756 indicates that, should the SBE approve the proposal, the SBE must determine the area of election.

The area proposed for reorganization is the Wiseburn ESD. Thus, the “default” election area is this school district (Section 35732). The SBE may alter this “default” election area if it determines that such alteration complies with the following area of election legal principles.

Area of Election Legal Principles

The Local Agency Formation Commission (LAFCO)[3] court decision provides the most current legal interpretations to be followed in deciding the area of school district reorganization elections. This decision upheld a limited area of election on a proposal to create a new city, citing the "rational basis test." The rational basis test may be used to determine whether the area of election should be less than the total area of the district affected by the proposed reorganization unless there is a declared public interest underlying the determination that has a real and appreciable impact upon the equality, fairness, and integrity of the electoral process, or racial issues. If so, a broader area of election is necessary.

In applying the rational basis test, a determination must be made as to whether:

(a) There is a genuine difference in the relevant interests of the groups, in which case an enhancement of the minority voting strength is permissible.

(b) The reduced voting area has a fair relationship to a legitimate public purpose. The fair relationship to a legitimate public purpose is found in *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

[3] *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).

CDE Staff Recommendation for Area of Election

As indicated in the Section 35753 condition analysis, CDE finds that the proposed reorganization would significantly reduce the assessed valuation of Centinela Valley UHSD and, subsequently, the district's bonding capacity. That reduction could have two effects on the district. First, it could hinder the district's ability to obtain future local funding for facilities and improvements. Second, since the high school district currently has approximately $59 million in bonds and the unification could reduce the district's bonding capacity below this level, the high school district's level of bonded indebtedness may exceed its bonding capacity as result of the unification. Under these conditions, the high school district could need to obtain a State Board of Education waiver to address any future school construction needs. It is the opinion of CDE that this effect on the Centinela Valley UHSD could constitute a significant impact on the district.

Similarly, CDE finds that the proposed reorganization would significantly increase the tax burden on property owners in the remaining high school district who are left with the total bond debt of that district. It is the opinion of CDE that, under LAFCO, this constitutes a significant impact on residents of the remaining Centinela Valley UHSD. However, this impact disappears should the SBE include a provision in the unification proposal, which would have property owners in the Wiseburn ESD area retain current levels of responsibility for the repayment of existing bonded indebtedness of the Centinela Valley UHSD upon successful formation of a Wiseburn USD

Under current conditions, staff recommends that the SBE establish the entire Centinela Valley UHSD as the area of election. However, if the SBE includes the aforementioned provision, staff recommends the Wiseburn ESD as the election area.

## 8.0 STATE BOARD OF EDUCATION OPTIONS

Sections 35753 and 35754 outline the SBE's options:

(a) The SBE shall approve or disapprove the proposal.

(b) The SBE may approve the proposal if it determines all the conditions in Section 35753(a) have been substantially met.

(c) The SBE may approve the proposal pursuant to Section 35753(b) if it determines the conditions in Section 35753(a) are not substantially met but it is not possible to apply the conditions literally and an exceptional situation exists.

(d) If the SBE approves the formation of the proposed districts, it may amend or include in the proposal any of the appropriate provisions of Article 3, commencing with Section 35730. In this case, several items would be incorporated into the proposal and also approved if the SBE approves the overall petition:

1) All assets and liabilities of the Centinela Valley UHSD shall be divided based on the proportionate ADA of the students residing in the areas of the new unified district and the remaining Centinela Valley UHSD on June 30 of the school year immediately preceding the date on which the proposed unification becomes effective for all purposes.

2) A share of student body funds at Centinela Valley UHSD schools would transfer to the proposed Wiseburn USD. This share would correspond to the proportion of high school students transferring to the new unified district

3) That any disputes involving the division of property, funds, and obligations will be resolved through binding arbitration pursuant to Section 35565.

4) A provision to the unification proposal establishing that:

- Wiseburn USD shall pay Centinela Valley UHSD an amount equal to a proportionate share of the outstanding bonded indebtedness of the Centinela Valley UHSD, which proportionate share shall be in the ratio which the total assessed valuation of the Wiseburn USD bears to the total assessed valuation of the Centinela Valley UHSD in the year immediately preceding the date on which the unification is effective for all purposes.
- This ratio shall be used each year until the bonded indebtedness for which the Wiseburn USD is liable has been repaid.
- The Los Angeles County Board of Supervisors shall compute for Wiseburn USD an annual tax rate for bond interest and redemption pursuant to subdivision (c) of *Education Code* Section 35576.

(e) The SBE must determine the area of election (Section 35756). Under current conditions, staff recommends the territory of the entire high school district as the area of election. Staff recommends that the election area by the Wiseburn ESD area if the SBE includes the aforementioned waiver in the unification proposal, which would have property owners in the Wiseburn ESD area retain current levels of responsibility for the repayment of existing bonded indebtedness.

## 9.0 RECOMMENDED ACTION

Staff recommends that the SBE adopt the proposed resolution (Attachment 2) approving the petition to form the Wiseburn USD and setting the election area as only the area of the Wiseburn ESD. This resolution includes all proposed amendments to the petition that are outlined in Section 8(d) above. Specifically included is a provision that would have property owners in the Wiseburn ESD area retain current levels of responsibility for the repayment of existing bonded indebtedness.

A similar resolution to approve the unification, but expand the election area to the entire Centinela Valley UHSD, should the SBE choose not to include the aforementioned provision, is provided as Attachment 8. If the SBE should decide to disapprove the petition, an alternative resolution is provided as Attachment 9.

CALIFORNIA STATE BOARD OF EDUCATION
September 2004

## PROPOSED APPROVAL RESOLUTION

Petition to Form the Wiseburn Unified School District
from the Wiseburn Elementary School District and the
Corresponding Portion of Centinela Valley Union High School District

RESOLVED, that under the authority of *Education Code* Section 35754, the proposal to form a new unified school district from Wiseburn Elementary School District and the corresponding part of Centinela Valley Union High School District, filed on or about November 9, 2001 with the Los Angeles County Superintendent of Schools pursuant to Education Code Section 35700(a), is hereby approved.

RESOLVED further, that the base revenue limit per unit of average daily attendance is $5,326 based on 2002-03 data 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 all assets and liabilities of the Centinela Valley Union High School District shall be divided based on the proportionate average daily attendance of the high school students residing in the areas of the two districts on June 30 of the school year immediately preceding the date on which the proposed unification becomes effective for all purposes; and be it

RESOLVED further, that Wiseburn USD shall pay Centinela Valley UHSD an amount equal to a proportionate share of the outstanding bonded indebtedness of the Centinela Valley UHSD, which proportionate share shall be in the ratio which the total assessed valuation of the Wiseburn ESD bears to the total assessed valuation of the Centinela Valley UHSD in the year immediately preceding the date on which the unification is effective for all purposes. This ratio shall be used each year until the bonded indebtedness for which the Wiseburn USD is liable has been repaid; and be it

RESOLVED further, that the Los Angeles County Board of Supervisors, pursuant to subdivision (c) of *Education Code* Section 35576, shall compute for Wiseburn USD an annual tax rate for bond interest and redemption of its proportionate share of the outstanding bonded indebtedness of the Centinela Valley UHSD; and be it

RESOLVED further, that high school student body property, funds, and obligations shall be divided proportionately, except that the share shall not exceed an amount equal to the ratio which the number of high school students leaving the schools bears to the total number of high school students enrolled; and funds from devises, bequests, or gifts made to the organized student body of a school shall remain the property of the organized student body of that school and shall not be divided; and be it

RESOLVED further, that the governing board of the Wiseburn USD shall consist of five members elected at large, with the first governing board elections held at the same time as the election on the reorganization and staggered terms of office ensured by the three governing board candidates with the highest number of votes receiving four-year terms and the two candidates with the next highest number of votes receiving two-year terms; and be it

RESOLVED further, that the State Board of Education shall direct the county superintendent of schools to call for the election and sets the area of election to be the territory of the Wiseburn Elementary School District; and be it

RESOLVED further, that the Secretary of the State Board of Education shall notify, on behalf of said Board, the Los Angeles County Superintendent of Schools, the chief petitioners, the Wiseburn Elementary School District, and the Centinela Valley Union High School District of the action taken by the State Board of Education.

CALIFORNIA STATE BOARD OF EDUCATION
September 2004

## ALTERNATE APPROVAL RESOLUTION

Petition to Form the Wiseburn Unified School District
from the Wiseburn Elementary School District and the
Corresponding Portion of Centinela Valley Union High School District

RESOLVED, that under the authority of *Education Code* Section 35754, the proposal to form a new unified school district from Wiseburn Elementary School District and the corresponding part of Centinela Valley Union High School District, filed on or about November 9, 2001 with the Los Angeles County Superintendent of Schools pursuant to Education Code Section 35700(a), is hereby approved.

RESOLVED further, that the base revenue limit per unit of average daily attendance is $5,326 based on 2002-03 data 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 all assets and liabilities of the Centinela Valley Union High School District shall be divided based on the proportionate average daily attendance of the high school students residing in the areas of the two districts on June 30 of the school year immediately preceding the date on which the proposed unification becomes effective for all purposes; and be it

RESOLVED further, that high school student body property, funds, and obligations shall be divided proportionately, except that the share shall not exceed an amount equal to the ratio which the number of high school students leaving the schools bears to the total number of high school students enrolled; and funds from devises, bequests, or gifts made to the organized student body of a school shall remain the property of the organized student body of that school and shall not be divided; and be it

RESOLVED further, that the governing board of the Wiseburn USD shall consist of five members elected at large, with the first governing board elections held at the same time as the election on the reorganization and staggered terms of office ensured by the three governing board candidates with the highest number of votes receiving four-year terms and the two candidates with the next highest number of votes receiving two-year terms; and be it

RESOLVED further, that the State Board of Education shall direct the county superintendent of schools to call for the election and sets the area of election to be the territory of the entire Centinela Valley Union High School District; and be it

RESOLVED further, that the Secretary of the State Board of Education shall notify, on behalf of said Board, the Los Angeles County Superintendent of Schools, the chief petitioners, the Wiseburn Elementary School District, and the Centinela Valley Union High School District of the action taken by the State Board of Education.

CALIFORNIA STATE BOARD OF EDUCATION
September 2004

## ALTERNATE RESOLUTION

Petition to Form the Wiseburn Unified School District
from the Wiseburn Elementary School District and the
Corresponding Portion of Centinela Valley Union High School District

RESOLVED, that under the authority of *Education Code* Section 35754, the proposal to form a new unified school district from Wiseburn Elementary School District and the corresponding portion of Centinela Valley Union High School District, which was filed on or about November 9, 2001, with the Los Angeles County Superintendent of Schools pursuant to *Education Code* Section 35700(a), is hereby disapproved because the proposal does not substantially comply with the provisions of Section 35753(a) of the *Education Code*; and be it

RESOLVED further, that the Secretary of the State Board of Education notify, on behalf of said Board, the Los Angeles County Superintendent of Schools, the chief petitioners, the Wiseburn Elementary School District, and the Centinela Valley Union High School District of the action taken by the State Board of Education.

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

☒ **Federal Waiver**

| **SUBJECT** | |
|---|---|
| Request by **Templeton Unified School District** for renewal waiver of P.L. 105-332, Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 to waive the consortium requirement.<br><br>Waiver Number: Fed-10-2004 | ☒ **Action**<br><br>☒ **Consent** |

### RECOMMENDATION

☒ Approval ☐ Approval with conditions ☐ Denial

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education adopted guidelines on February 8, 2001, Waiver Policy #01-01 to assist CDE staff in reviewing waivers. The Board has approved these waivers in the past.

### SUMMARY OF KEY ISSUES

The minimum grant award for Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332), Section 131 allocations is $15,000. Section 131(d)(1) of the Act requires local agencies whose allocations are less than $15,000 to enter into a consortium with other agencies for the purpose of meeting the $15,000 minimum grant requirement. Section 131(d)(2) of the Act permits states to waive the consortium requirement in any case in which the local agency (a) is in a rural, sparsely populated area, or is a public charter school operating secondary vocational and technical education programs; and (b) demonstrates it is unable to enter into a consortium to participate in the Perkins funding. Templeton USD meets the waiver criteria and requests a waiver in order to receive its allocated funds for the 2004-05 program year.

**Authority for Waiver:** Carl D. Perkins Vocational and Technical Education Act of 1998, Section 131(d)(2)

**Period of request:** July 1, 2004, through June 30, 2005

**Local board approval date(s):** June 24, 2004

### FISCAL ANALYSIS (AS APPROPRIATE)

Approval will enable Templeton USD to receive its allocated Perkins funds for the 2004-2005 program year (estimated to be approximately $14,333) without participating in a consortium.

## BACKGROUND INFORMATION

Consent Item: Backup materials, waiver request forms and supporting documents are not available for web viewing but are available for inspection in the Waiver Office.

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

☒ **General Waiver**

| **SUBJECT** | |
|---|---|
| Request by the **Nevada County Superintendent of Schools** under the authority of *Education Code* Section 33050 to waive Title 5 CCR Section 11960, related to charter school attendance for **Muir Charter School**.<br><br>Waiver Number: 18-7-2004 | ☒ **Action**<br><br>☒ **Consent** |

### RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

That: 1) Muir Charter School will report attendance for a maximum of four tracks; 2) each track will provide a minimum of **183 days**; 3) the charter will operate programs that will meet the instructional minute requirements of *Education Code* (EC) Section 46201(a)(3); and 4) no track will have fewer than 55 percent of its school days prior to April 15; 5) the average daily attendance will be calculated in the same manner as is required of non-charter schools on multi-track year-round education calendars; EC Section 35051(c) will apply.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At its July 2000 meeting, the State Board of Education (SBE) approved the Charter School Average Daily Attendance Waiver Policy (#2000-05) that applies to this waiver request. At its September 2002 meeting, the SBE approved a waiver request (#19-7-2002-WC-4) authorizing Muir Charter School to operate three calendar tracks.

### SUMMARY OF KEY ISSUES

Muir Charter School currently serves pupils enrolled in California Conservation Corps, Local Conservation Corps, Youth Build, and Job Corps programs under three calendar tracks under an existing waiver (#19-7-2002-WC-7). They now wish to expand to a maximum of four tracks, and will be still required to meet all other conditions, as stated.

A waiver of this section will allow the charter school to calculate the ADA based on the total number of days in each track, and on the basis of instructional minutes rather than the total number of instructional days school is in session.

The additional flexibility that would be facilitated by the creation of a fourth calendar track is being requested to accommodate variations in site work schedules, weather, and work conditions.

The superintendent of the chartering agency, Nevada County, signed assurances that all the conditions will be followed, including that all the tracks shall all be in excess of 183 days, rather than the 175 day minimum in the SBE Charter School Average Daily Attendance Waiver Policy (#2000-05).

On the basis of this analysis, the California Department of Education recommends approval of this waiver, and on the basis of EC 33051(c), the charter will not need to reapply, as long as all conditions specified remain the same.

**Authority for Waiver:** *Education Code* (EC) Section 33050

**Period of request:** July 21, 2004 – July 21, 2006

**Local board approval date(s):** March 18, 2004

**Public hearing held on date(s):** March 18, 2004

**Bargaining unit(s) consulted on date(s):** No Bargaining Unit (Charter School)

**Name of bargaining unit/representative(s) consulted:** No Bargaining Unit

**Position of bargaining unit(s) (choose only one):**
☐ Neutral ☐ Support ☐ Oppose
Comments (if appropriate): Not applicable; no bargaining unit.

**Public hearing advertised by (choose one or more):**
☒ posting in a newspaper ☐ posting at each school ☐ other (specify)

**Advisory committee(s) consulted:** Muir Charter School Board of Directors

**Objections raised (choose one):** ☒ None ☐ Objections are as follows:

**Date(s) consulted:** March 18, 2004

## FISCAL ANALYSIS (AS APPROPRIATE)

No state fiscal impact is expected as a result of this waiver.

## BACKGROUND INFORMATION

Consent Item: Waiver request forms and supporting documents are available for inspection in the Waiver Office.

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

☒ **Federal Waiver**

| **SUBJECT** | |
|---|---|
| Request by **Raisin City Elementary 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 **Bully Proofing Your School**, a kindergarten through grade eight program that offers a system approach to handling bully/victim problems through creation of a "caring community" approach and various safety and security measures.<br><br>Waiver Number: Fed-10-2003 | ☒ **Action**<br><br>☒ **Consent** |

### RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

The district must submit a report to the Safe and Healthy Kids Program Office no later than September 2005 describing the progress made by the Center for the Study and Prevention of Violence in evaluating the Bully Proofing Your School Program. The district must submit a report to the Safe and Healthy Kids Program Office no later than September 2006 describing the Center for the Study and Prevention of Violence's progress in submitting the results of the evaluation to the National Registry of Effective Programs, the University of Colorado's Center for the Study and Prevention of Violence, and/or the California Healthy Kids Resource Center, for possible designation as a Model, Blueprint, or Validated Program. The district must also evaluate its own comprehensive prevention program in accordance with the district's approved Local Educational Agency Plan.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

State Board Policy 03-01 contains guidelines for approval of applications for waiver of the NCLB requirements that Title IV funds be used for "science-based" prevention programs. The State Board of Education has already approved similar waiver requests for Bully Proofing Your School for Novato Unified School District and Ross Valley School District.

### SUMMARY OF KEY ISSUES

This application requests a waiver so that the LEA may use the "promising" prevention program Bully Proofing Your School rather than a "science-based" program. Per State Board Policy 03-01, there are three conditions which must be satisfied before approval of the use of a "promising" prevention program rather than and already-established science-based program. Those conditions were met, and are listed in bold below.

**Program Innovative?**
Yes. The approach is a comprehensive systems approach, which is innovative.

**Does the program demonstrate substantial likelihood of success?**
Yes. The program has already been designated as "favorable" by the University of Colorado's Center for the Study of Prevention and Violence. Policy 03-01 lists the Center as one of the nationwide groups that may recognize a new program as "science-based".

**Is there a plan and timeline for submitting the program for review and recognition?** Yes. The additional material submitted by the school district includes a satisfactory plan and timeline. The district has agreed to send a progress report within one year, and a final report within two years.

**Authority for Waiver:** NCLB, Title IV, Part A, Section 4115(a)(3)

**Period of request:** September 2004 to September 2006.

**Local board approval date(s):** 11-3-03

## FISCAL ANALYSIS (AS APPROPRIATE)

Programmatic change – no fiscal impact.

## BACKGROUND INFORMATION

Consent Item: Backup materials, waiver request forms and supporting documents are not available for web viewing but are available for inspection in the Waiver Office.

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

☒ **Federal Waiver**

| **SUBJECT** | |
|---|---|
| Request by **Buena Vista Elementary 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 **Character Counts**, an education program that embraces six core ethnical values (Trustworthiness, Respect, Responsibility, Fairness, Caring and Citizenship).<br><br>Waiver Number: Fed-13-2003 | ☒ **Action**<br><br>☒ **Consent** |

### RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

The district must submit a report to the Safe and Healthy Kids Program Office no later than September 2005 describing the progress made to evaluate the effectiveness of Character Counts. The district must submit a report to the Safe and Healthy Kids Program Office no later than September 2006 describing the final results of the evaluation. The district agrees to submit the evaluation results to the California Healthy Kids Resource Center (CHKRC), to the Center for Substance Abuse Prevention (CSAP), and to the University of Colorado's Center for the Study and Prevention of Violence, for possible designation as a Validated Program, Model, or Blueprint. The district must also evaluate its own comprehensive prevention program in accordance with the district's approved Local Educational Agency Plan.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

State Board Policy 03-01 contains guidelines for approval of applications for waiver of the NCLB requirements that Title IV funds be used for "science-based" prevention programs. The State Board of Education has already approved similar waiver requests for other programs.

### SUMMARY OF KEY ISSUES

This application requests a waiver so that the LEA may use Character Counts rather than a "science-based" program. Per State Board Policy 03-01, there are three conditions which must be satisfied before approval of the use of a "promising" prevention program rather than and already-established science-based program. Those conditions were met, and are listed in bold below.

**Is the Program Innovative?** Yes. The program uses the innovative youth development approach of character education to build positive strengths, assets, and character in students.

**Does the program demonstrate substantial likelihood of success?** Yes. Research has shown favorable results of character education, and the Character Counts program has been evaluated with favorable results. For example, a five-year study was conducted in South Dakota with a sample of 8,419 respondents. Tulare County Schools using Character Counts have received 28 Bonner Center Awards given by California State University, Fresno, based on their evaluation of the program.

**Is there a plan and timeline for submitting the program for review and recognition?** Yes. The additional material submitted by the school district includes a satisfactory plan and timeline. The district has agreed to send a progress report within one year, and a final report within two years.

**Authority for Waiver:** NCLB, Title IV, Part A, Section 4115(a)(3)

**Period of request:** September 2004 to September 2006.

**Local board approval date(s):** 11-12-03

## FISCAL ANALYSIS (AS APPROPRIATE)

Programmatic change – no fiscal impact.

## BACKGROUND INFORMATION

Consent Item: Backup materials, waiver request forms and supporting documents are not available for web viewing but are available for inspection in the Waiver Office.

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

☒ **Federal Waiver**

| **SUBJECT** | |
|---|---|
| Request by **Tulare City Elementary 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 **Discover Skills for Life**, a curriculum for kindergarten through grade eight students.<br><br>Waiver Number: Fed-08-2004 | ☒ **Action**<br><br>☒ **Consent** |

### RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

The district must submit a report to the Safe and Healthy Kids Program Office (SHKPO) no later than September 2005 describing the progress made to evaluate the effectiveness of Discover Skills for Life. The district must submit a report to SHKPO no later than September 2006 describing the final results of the evaluation. The district agrees to submit the evaluation results to the California Healthy Kids Resource Center (CHKRC), to the Center for Substance Abuse Prevention (CSAP), and to the University of Colorado's Center for the Study and Prevention of Violence, for possible designation as a Validated Program, Model, or Blueprint. The district must also evaluate its own comprehensive prevention program in accordance with the district's approved Local Educational Agency Plan.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

State Board Policy 03-01 contains guidelines for approval of applications for waiver of the NCLB requirements that Title IV funds be used for "science-based" prevention programs. The State Board of Education has already approved similar waiver requests for other programs.

### SUMMARY OF KEY ISSUES

This application requests a waiver so that the local educational agency may use Discover Skills for Life rather than a "science-based" program. Per State Board Policy 03-01, there are three conditions which must be satisfied before approval of the use of a "promising" prevention program rather than and already-established science-based program. Those conditions were met, and are listed in bold below.

**Is the Program Innovative?**

Yes. The program is classroom curriculum that includes lessons to build-self esteem, decision-making and relationship skills, violence prevention skills, and other skills and information to prevent and reduce drug, alcohol, and tobacco-use.

**Does the program demonstrate substantial likelihood of success?**
Yes. Evaluation studies have been conducted showing favorable results. For example, researchers in Dallas, Texas, recently completed an extensive study of the Discover Skills for Life curriculum focusing on the elementary grades. Significant changes in attitudes and behavior occurred over the two-year period of the study.

**Is there a plan and timeline for submitting the program for review and recognition?** Yes. The additional material submitted by the school district includes a satisfactory plan and timeline. The district has agreed to send a progress report within one year, and a final report within two years.

**Authority for Waiver:** NCLB, Title IV, Part A, Section 4115(a)(3)

**Period of request:** September 2004 to September 2006.

**Local board approval date(s):** 5-25-04

## FISCAL ANALYSIS (AS APPROPRIATE)

Programmatic change – no fiscal impact.

## BACKGROUND INFORMATION

Consent Item: Backup materials, waiver request forms and supporting documents are not available for web viewing but are available for inspection in the Waiver Office.

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

☒ **Specific Waiver**

| **SUBJECT** | |
|---|---|
| Request by **Los Angeles Unified School District** to waive *Education Code* (EC) Section 56366.1(g), the August 1 through October 31 timeline on annual certification renewal application for **Verdugo Hills Autism Project**<br><br>Waiver Number: 3-7-2004 | ☒ **Action**<br><br>☒ **Consent** |

### RECOMMENDATION

☒ Approval ☐ Approval with conditions ☐ Denial

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Request to waive the annual application timeline (August 1 through October 31) by a nonpublic school or agency (NPS/A) have been presented to the State Board of Education (SBE) in the past. The SBE Waiver Policy #00-003 evaluation guidelines and the receipt and review of the annual application forms from the NPS/A are used in reviewing this type of waiver.

### SUMMARY OF KEY ISSUES

The NPA missed the 2003 renewal deadline for annual certification due to a change in staff. The NPA is now aware of the annual renewal period. The 2004 Application Update form and certification fee was received in the Office of Nonpublic Schools on June 9, 2004. This is a first-time occurrence.

**Authority for the Waiver:** Education Code (EC) Section 56101

**Period of request:** November 1, 2003 – December 31, 2004

**Local board approval date(s):** Not required for special education waiver.

**Bargaining unit(s) consulted on date(s):** Not required for special education waiver.

**Name of bargaining unit(s)/representative(s):** Not required for special education waiver.

**Position of bargaining unit(s) (choose only one):** Not required for special education waiver.

☐ Neutral ☐ Support ☐ Oppose

## FISCAL ANALYSIS (AS APPROPRIATE)

Certification fee was submitted with the renewal application.

## BACKGROUND INFORMATION

Consent Item: Backup materials, waiver request forms and supporting documents are not available for web viewing but are available for inspection in the Waiver Office.

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

☒ **General Waiver**

| **SUBJECT** | |
|---|---|
| Request by the **Elk Grove Unified School District** to waive portions of *Education Code* (EC) sections 51222 and 51223 related to minimum physical education minutes in order to implement a block schedule at **Edward Harris Middle School and Monterey Trail High School**.<br><br>Waiver Number: 17-5-2004 | ☒ **Action**<br><br>☒ **Consent** |

### RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

In keeping with State Board of Education Policy #99-03, this waiver request appears to meet the following criteria and approval is recommended on that condition:

- Students are in physical education a minimum of 18 weeks in 70-90 minute daily periods during the regular school year.
- The district describes a method by which it will monitor students; maintenance of a personal exercise program during the weeks the student is not participating in a physical education course.
- The district provides evidence that alternative day scheduling for physical education rather than alternative term scheduling has been thoroughly investigated. Reasons why alternative day scheduling will not work are clearly explained.
- The district provides information that shows the physical education program is aligned with the *Physical Education Framework* (provides a sequential, articulated, age-appropriate program).
- The district provides information that shows the physical education program (in a senior or four-year high school) is in compliance with the *California Code of Regulations, Title 5,* Article 3.1, Section 10060. (Applicable to Monterey Trail High School only.)
- Students are prepared for and participate in the physical performance testing as specified in the *Education Code*.
- EC 33051(c) will apply.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

*Education Code* sections 51222 and 51223 establish requirements for minimum minutes of physical education every ten days at the middle and high school levels. State Board of Education Policy #99-03 establishes waiver guidelines related to minimum physical education minutes for the purpose of implementing a block schedule.

### SUMMARY OF KEY ISSUES

This waiver (needed to implement a block schedule at Edward Harris Middle School and Monterey Trail High School) appears to meet the criteria set forth in the State Board's

waiver guidelines and is recommended for conditional approval based thereupon. Importantly, affected students will actually receive significantly more than the minimum physical education minutes during the academic year (although not spread out over the whole academic year, thus necessitating the waiver). Moreover, through the block schedule format, the district will have longer physical education periods per instructional day that enable more "productive" use of time. The district also states that the affected students' "individual fitness plans will be monitored through Advocacy classes along with academic goal setting and long-term planning." Finally, the district indicates that affected students will have opportunities to participate in elective physical education classes and other means.

**Authority for Waiver:** *Education Code* (EC) Section 33050

**Period of request:** August 1, 2004, to July 1, 2006

**Local board approval date(s):** May 17, 2004

**Public hearing held on date(s):** May 12, 2004

**Bargaining unit(s) consulted on date(s):** May 4, 2004

**Name of bargaining unit/representative(s) consulted:** Maggie Ellis

**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)

**Advisory committee(s) consulted:** Edward Harris Middle School Advisory Committee and Monterey Trail High School Planning Committee

**Objections raised (choose one):** ☒ None ☐ Objections are as follows:

**Date(s) consulted:** May 2003 and May 2004

## FISCAL ANALYSIS (AS APPROPRIATE)

Approval of this waiver will have essentially no fiscal impact on the state, the district, or the individual schools.

## BACKGROUND INFORMATION

Consent Item: Backup materials, waiver request forms and supporting documents are not available for Web viewing but are available for inspection in the Waiver Office.

**State of California** **Department of Education**

# LAST MINUTE MEMORANDUM

**DATE:** September 3, 2004

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

**FROM:** Judy Pinegar, Education Administrator
Waier Office

**RE:** Item No. WC-7

**SUBJECT:** Request by the Elk Grove Unified School District to waive portions of *Education Code* (EC) sections 51222 and 51223 related to minimum physical education minutes in order to implement a block schedule at Edward Harris Middle School and Monterey Trail High School.

The purpose of this last minute memorandum is to correct an error in citing EC 33051(c) in the recommendations for approval.

The exact period of request for this waiver is August 1, 2004 to July 1, 2006 as requested by the district, one month shy from becoming permanent therefore, EC 33051(c) will not apply.

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

☒ **General Waiver**

| **SUBJECT** | |
|---|---|
| Request by the **Sweetwater Union High School District** to waive portions of *Education Code* (EC) Section 51222 related to minimum physical education minutes in order to implement a block schedule at **Montgomery High School**.<br><br>Waiver Number: 6-5-2004 | ☒ **Action**<br><br>☒ **Consent** |

### RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

In keeping with State Board of Education Policy #99-03, this waiver request appears to meet the following criteria and approval is recommended on that condition:

- Students are in physical education a minimum of 18 weeks in 70-90 minute daily periods during the regular school year.
- The district describes a method by which it will monitor students; maintenance of a personal exercise program during the weeks the student is not participating in a physical education course.
- The district provides evidence that alternative day scheduling for physical education rather than alternative term scheduling has been thoroughly investigated. Reasons why alternative day scheduling will not work are clearly explained.
- The district provides information that shows the physical education program is aligned with the *Physical Education Framework* (provides a sequential, articulated, age-appropriate program).
- The district provides information that shows the physical education program (in a senior or four-year high school) is in compliance with the *California Code of Regulations, Title 5,* Article 3.1, Section 10060.
- Students are prepared for and participate in the physical performance testing as specified in the *Education Code*.
- EC 33051(c) will apply.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

*Education Code* Section 51222 establishes requirements for minimum minutes of physical education every ten days at the high school level. State Board of Education Policy #99-03 establishes waiver guidelines related to minimum physical education minutes for the purpose of implementing a block schedule.

### SUMMARY OF KEY ISSUES

This waiver request (needed to implement a block schedule at Montgomery High School) appears to meet the criteria set forth in the State Board's waiver guidelines and is recommended for conditional approval based thereupon. Importantly, the affected students will receive more than the minimum physical education minutes during the

academic year (although not spread out over the whole academic year, thus necessitating the waiver). Moreover, the district indicates that a physical education resource teacher will be assigned to "track the activities of 9th and 10th grade students for the ½ year they are not enrolled in physical education." The resource teacher will be responsible for developing a process for "creating, maintaining, and monitoring a personal fitness plan" for the 9th and 10th grade students. The district also indicates that affected students will have a variety of opportunities to participate in supervised physical activity "at school facilities outside the school day."

**Authority for Waiver:** *Education Code* (EC) Section 33050

**Period of request:** July 19, 2004, to July 18, 2005

**Local board approval date(s):** April 19, 2004

**Public hearing held on date(s):** April 19, 2004

**Bargaining unit(s) consulted on date(s):** March 15, 2004

**Name of bargaining unit/representative(s) consulted:** Alex Anguiano

**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)

**Advisory committee(s) consulted:** Montgomery High School Site Council

**Objections raised (choose one):** ☒ None ☐ Objections are as follows:

**Date(s) consulted:** January 22, 2004

## FISCAL ANALYSIS (AS APPROPRIATE)

Approval of this waiver will have essentially no fiscal impact on the state, the district, or the individual school.

## BACKGROUND INFORMATION

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.

**State of California** **Department of Education**

# LAST MINUTE MEMORANDUM

**DATE:** September 3, 2004

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

**FROM:** Judy Pinegar, Education Administrator
Waiver Office

**RE:** Item No. WC-8

**SUBJECT:** Request by the Sweetwater Union High School District to waive portions of *Education Code* (EC) Section 51222 related to minimum physical education minutes in order to implement a block schedule at Montgomery High School.

The purpose of this last minute memorandum is to correct an error in citing EC 33051(c) in the recommendations for approval.

The exact period of request for this waiver is July 19, 2004 to July 18, 2005 as requested by the district, one year and one day shy of becoming permanent, therefore EC 33051(c) will not apply.

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

☒ **General Waiver**

| **SUBJECT** | |
|---|---|
| Request by the **Capistrano Unified School District** to renew a waiver of *Education Code* (EC) Section 62002 as relates to the formerly operative Section 52046(b)(3) in order to share and coordinate the use of School Improvement funds between San Clemente High School and five other high schools in the district.<br><br>Waiver Number: 10-6-2004 | ☒ **Action**<br><br>☒ **Consent** |

### RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

If this renewal is approved, this waiver will have been approved for a second consecutive year and, therefore, the provisions of *Education Code* Section 33051(c) will apply. The waiver will have ongoing effect without further action by the district, as long as "the information in the request remains current."

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The Board approved an identical waiver request from the Capistrano Unified School District on November 13, 2003. That waiver was in effect for the whole of 2003-04.

### SUMMARY OF KEY ISSUES

Capistrano USD requests a renewal of this waiver for 2004-05. The waiver allows the district to coordinate the use of School Improvement funds among its six high schools. More specifically, the waiver allows the district to use part of the funds allocated to San Clemente High School to provide its other five high schools with financial resources to initiate and sustain changes that support student achievement.

**Authority for Waiver:** *Education Code* (EC) Section 33050

**Period of request:** July 1, 2004, through June 30, 2005 (second consecutive year)

**Local board approval date(s):** June 14, 2004

**Public hearing held on date(s):** June 14, 2004

**Bargaining unit(s) consulted on date(s):** June 7, 2004

**Name of bargaining unit/representative(s) consulted:** Frank Weirath, 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)
Website: www.capousd.org

**Advisory committee(s) consulted:** High School Site Council

**Objections raised (choose one):** ☒ None ☐ Objections are as follows:

**Date(s) consulted:** May 13, 2004

## FISCAL ANALYSIS (AS APPROPRIATE)

This request has no overall fiscal impact for the state or for the district. However, it would allow the district to continue to share SIP funding received by one high school with the other high schools in the district (that would otherwise not have access to any SIP funding).

## BACKGROUND INFORMATION

Consent Item: Backup materials, waiver request forms and supporting documents are not available for web viewing but are available for inspection in the Waiver Office.

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

☒ **Specific Waiver**

| **SUBJECT** | |
|---|---|
| Request by **Claremont Unified 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 four students (32 maximum). **Dena Woodward** assigned at **Condit Elementary School**.<br><br>Waiver Number: 13-7-2004 | ☒ **Action**<br><br>☒ **Consent** |

### RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

That the district provided additional instructional aide assistance at a minimum of five hours per day to the affected resource specialist who is over her caseload.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Both EC 56101 and CCR, Title 5, Section 3100, allow the State Board of Education to approve waivers of resource specialists to exceed the maximum caseload of 28 students by no more than four 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 (IEP) that are with regular education teachers for the majority of the school day. Resource Specialists coordinate 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 State Board of Education grants a waiver.

### SUMMARY OF KEY ISSUES

CCR, Title 5, Section 3100 states: The waiver stipulates that an affected resource specialist will have the assistance of an instructional aide at least five hours daily whenever that resource specialist's caseload exceeds the statutory minimum during the waiver's effective period. The following affected resource specialist will have an increase in her caseload from 28 students to 32 students.

California Department of Education staff confirmed that Dena Woodward assigned at Condit Elementary School in the Claremont Unified School District has agreed to the increase in her caseload. She has not had had a caseload exceeding 28 students for two consecutive years. The resource specialists bargaining unit participated in the waiver development and stated that they were neutral.

This waiver is retroactive for the last three months of previous school year ending June

10, 2004. The district has been made aware that they need to be more proactive in asking for waivers in the future or they will be found out of compliance.

**Authority for the Waiver:** EC 56101, and CCR Title 5, Section 3100.

**Period of request:** April 1, 2004 to June 10, 2004.

**Local board approval date(s):** July 1, 2004

**Bargaining unit(s) consulted on date(s):** April 1, 2004 and July 13, 2004

**Name of bargaining unit(s)/representative(s):** Dave Nemer

**Position of bargaining unit(s) (choose only one):**

☒ Neutral ☐ Support ☐ Oppose

Comments (if appropriate):

## FISCAL ANALYSIS (AS APPROPRIATE)

If this waiver is denied, the Claremont Unified School District will need to employ additional qualified staff or persons with emergency qualifications to provide services to the special education students placing a financial hardship on the district.

## BACKGROUND INFORMATION

Consent item: Backup materials, waiver request forms and supporting documents are not available for web viewing but are available for inspection in the Waiver Office.

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

☒ **Specific Waiver**

| **SUBJECT** | |
|---|---|
| Request by **Upper Lake Union Elementary School District** to **renew** a waiver of *Education* Code (EC) Section 52852, relating to the establishment of a school site council as required for each school participating in the School Based Program Coordination Act (one council for two small rural schools).<br><br>Waiver Number: 35-5-2004 | ☒ **Action**<br><br>☒ **Consent** |

### RECOMMENDATION

☒ Approval ☐ Approval with conditions ☐ Denial

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The Board approved an identical waiver request for this district on September 12, 2002, and this type of waiver is only good for two years.

### SUMMARY OF KEY ISSUES

The district, in Lake County, operates two schools, one for grades K-5 and one for grades 6-8. The combined enrollment is about 670 pupils. The schools currently operate with one administration, one parent club, and (through an existing waiver) one school site council. Approval of this renewal would allow the district to continue to have a single school site council for the two schools.

**Authority for the Waiver:** *Education Code* (EC) Section 52863

**Period of request:** 8-25-2004 through 6-30-2006

**Local board approval date(s):** 5-19-2004

**Bargaining unit(s) consulted on date(s):** 5-13-2004

**Name of bargaining unit(s)/representative(s):** Tony Loumena, NSTA 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.

## BACKGROUND INFORMATION

Consent Item: Backup materials, waiver request forms and supporting documents are not available for web viewing but are available for inspection in the Waiver Office.

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

☒ **Specific Waiver**

| **SUBJECT** | |
|---|---|
| Request by **Lassen View Union Elementary School District** for a renewal of a waiver of *Education Code* (EC) 52852 Section relating to the establishment of a school site council as required for each school participating in the School Based Coordination Act (two small schools K-8 and Community Day, share one council.<br><br>Waiver Number: 15-6-2004 | ☒ **Action**<br><br>☒ **Consent** |

### RECOMMENDATION

☒ Approval ☐ Approval with conditions ☐ Denial

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The Board approved an identical waiver request for this district on January 9, 2003.

### SUMMARY OF KEY ISSUES

The district (located in Tehama County) operates a K-8 elementary school and a Community Day School on the same site. The combined enrollment is about 300 pupils. The schools currently operate with a common administration, one parent club, and (under a waiver) one school site council. Approval of this renewal request will allow the district to continue to have one school site council for both schools.

**Authority for the Waiver:** *Education Code* (EC) Section 52863

**Period of request:** 9-1-2004 to 9-1-2006

**Local board approval date(s):** 6-21-2004

**Bargaining unit(s) consulted on date(s):** 6-15-2004

**Name of bargaining unit(s)/representative(s):** Dave Woods

**Position of bargaining unit(s) (choose only one):**

☐ Neutral ☒ Support ☐ Oppose

Comments (if appropriate):

## FISCAL ANALYSIS (AS APPROPRIATE)

Approval of this waiver renewal would not result in additional costs to the district or the state.

## BACKGROUND INFORMATION

Consent Item: Backup materials, waiver request forms and supporting documents are not available for web viewing but are available for inspection in the Waiver Office.

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

☒ **Specific Waiver**

| **SUBJECT** | |
|---|---|
| Request by the **Novato Unified School District** to waive *Education Code* (EC) Section 52852, in order to have equal numbers of school staff and parent/community members, plus up to two students, on both the **Novato High, Marin Oaks High School's** site councils.<br><br>Waiver Number: 12-6-2004 | ☒ **Action**<br><br>☒ **Consent** |

### RECOMMENDATION

☒ Approval ☐ Approval with conditions ☐ Denial

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The Board approved a similar waiver for the Novato Unified School District on September 12, 2002 and these waivers are only granted for two years.

### SUMMARY OF KEY ISSUES

The district states that having a smaller number of students who want to be active participants on the school site council is preferable to having a larger number with less interest in council activities, and will allow additional participation by parents and/or community members.

**Authority for the Waiver:** *Education Code* (EC) Section 52863

**Period of request:** 9-1-2004 through 8-31-2006

**Local board approval date(s):** 6-15-2004

**Bargaining unit(s) consulted on date(s):** N/A - Renewal

**Name of bargaining unit(s)/representative(s):** N/A - Renewal

**Position of bargaining unit(s) (choose only one):** N/A - Renewal

☐ Neutral ☐ Support ☐ Oppose

Comments (if appropriate):

## FISCAL ANALYSIS (AS APPROPRIATE)

This request would not result in additional costs to the district or to the state.

## BACKGROUND INFORMATION

Consent Item: Backup materials, waiver request forms and supporting documents are not available for web viewing but are available for inspection in the Waiver Office.

SEPTEMBER 2004
PROPOSED CONSENT and NON-CONSENT WAIVERS
Staff Recommendations

| ITEM # | WAIVER SUBJECT | PROPOSED CONSENT*<br><br>(SBE/CDE Recommendation) | NON-CONSENT**<br><br>(CDE Only Recommendation) |
|---|---|---|---|
| **ITEM W-1** | **Academic Performance Index** | | **Deny** |
| **ITEM W-2** | **Bond Indebtedness Limit** | | **Approve with conditions** |
| **ITEM W-3** | **Bond Indebtedness Limit** | | **Approve with conditions** |
| ITEM W-4 | Charter School Attendance | *Withdrawn* | |
| **ITEM W-5** | **Community Day School** | | **Approve with conditions** |
| ITEM W-6 | Equity Length of Time (Kindergarten) | Approve with conditions | |
| ITEM W-7 | Equity Length of Time (Kindergarten) | Approve with conditions | |
| **ITEM W-8** | **Equity Length of Time (Kindergarten)** | | **Approve with conditions** |
| ITEM W-9 | Equity Length of Time (Kindergarten) | Approve with conditions<br>EC 33051(c) will apply | |
| ITEM W-10 | Equity Length of Time (Kindergarten) | Approve with conditions | |
| ITEM W-11 | Equity Length of Time (Kindergarten) | Approve with conditions | |
| ITEM W-12 | Equity Length of Time (Kindergarten) | Approve with conditions | |
| **ITEM W-13** | **Equity Length of Time (Kindergarten)** | | **Approve with conditions** |
| ITEM W-14 | Equity Length of Time (Kindergarten) | Approve with conditions | |
| **ITEM W-15** | **Federal Waiver-Safe and Drug Free** | | **Deny** |
| **ITEM W-16** | **Instructional Materials Fund** | | **Approve with conditions** |
| **ITEM W-17** | **Instructional Materials Sufficiency (Audit Findings)** | | **Approve** |
| **ITEM W-18** | **Instructional Time** | | **Approve with conditions** |
| ITEM W-19 | Instructional Time | Approve with conditions | |
| ITEM W-20 | **Instructional Time** | | **Approve with conditions** |
| ITEM W-21 | Non-Public Schools (out of state) | Approve | |
| **ITEM W-22** | **Sale/Lease of Surplus Property** | | **Approve with conditions** |
| **ITEM W-23** | **Charter Schools (independent study/teacher ratio)** | | **Approve with conditions** |

* Proposed Consent: Waivers in this column are recommended for approval by both SBE and CDE staffs.
** Non-Consent: Waivers in this column are either recommended for denial or warrant discussion. These waivers are printed in **boldface** type.

| ITEM # | WAIVER SUBJECT | PROPOSED CONSENT*<br><br>(SBE/CDE Recommendation) | NON-CONSENT**<br><br>(CDE Only Recommendation) |
|---|---|---|---|
| **ITEM W-24** | **Charter Schools (independent study/teacher ratio)** | | **Approve with conditions** |
| **ITEM W-25** | **Charter Schools (full funding)** | | **Deny** |
| **ITEM W-26** | **Charter Schools (full funding)** | | **Deny** |
| ITEM W-27 | Reorganization Bond/Indebtedness | *Withdrawn* | |
| **ITEM W-28** | **Charter Schools** | | **Recommendation pending** |

* Proposed Consent: Waivers in this column are recommended for approval by both SBE and CDE staffs.

** Non-Consent: Waivers in this column are either recommended for denial or warrant discussion. These waivers are printed in **boldface** type.

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

☒ **General Waiver**

| SUBJECT | |
|---|---|
| **Riverside Unified School District (RUSD)** Academic Performance Index (API) Waiver. Specifically, the RUSD requests waiver of a portion of Title 5, CCR Section 1032(d)(1) & (6) to allow **Sierra Middle School** to be given a valid API for the 2003-04 year despite "adult testing irregularities" [CAT/6] (mathematics for 78 students) 8.4 percent.<br><br>Waiver Number: 10-7-2004 | ☒ **Action**<br><br>☐ **Consent** |

### RECOMMENDATION

☐ **Approval** ☐ **Approval with conditions** ☒ **Denial**

Denial is recommended per *Education Code* Section 33051(a)(1); the educational needs of the pupils are not adequately addressed.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The Title 5 regulation that the RUSD 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 5 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 Title 5, CCR 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 5 percent or more of the pupils tested.
>
> (6) If, at any time, information is made available to or obtained by the department that would lead a reasonable person to conclude that one or more of the preceding circumstances occurred."

### SUMMARY OF KEY ISSUES

When preparing to take the CST Language Arts test, students noticed and reported that someone other than themselves had made erasures to the CST and/or CAT6 math sections of their answer sheets. The principal and assistant principal interviewed students, examined the erasure patterns on all answer documents, and determined that one teacher had changed responses on the CST and/or CAT6 math sections only of 78 answer documents (8.4 percent of the 929 students tested). The teacher admitted making the changes to the student answer documents.

So that CST and/or CAT math scores would not be produced for the documents in question, the 78 documents were coded to reflect that testing irregularities had occurred. Although the testing irregularity affected more than 5 percent of the students tested, the district believes the exclusion of the scores for the 78 students will not have a significant statistical effect on the API of the school. In addition, the district believes the hard work of both the school's students and teachers should not be invalidated due to the unprofessional conduct of a single staff member.

Further, the district states that if the waiver is not granted, Sierra Middle School will not have a valid 2003-04 growth API or 2004 base API, and could be placed in a federal Title I improvement program for 2004-05. Because the school did not make adequate yearly progress (AYP) in 2001-02 and 2002-03, it was targeted for Title I assistance in 2003-04, but was not placed in the program since it had not failed the same content area criteria two years in a row. However, the school's socioeconomically disadvantaged subgroup may not meet the AYP participation rate for math for two consecutive school years due to the adult testing irregularity according to the district.

The Public Schools Accountability Act (PSAA) was based on the educational needs of students, particularly those of improving student achievement. Key to the success of the API is the notion that it is a valid means of measurement. In order to ensure that API scores are valid, proper administration of the tests, which currently provide the data that are used to generate the API score, is crucial. Improper administration of the tests causes the scores to be invalid, which can impugn the integrity of the entire system.

In this instance the violation was intentional and involved more than 5 percent of the students. Moreover, granting the waiver will have no effect on Sierra Middle School's AYP status. If this waiver were approved, the school would still be at risk of entering Program Improvement since the AYP participation rates are calculated independently from the API. In order to avoid entering Program Improvement the district has been advised by CDE that if the school's socioeconomically disadvantaged subgroup does not make its participation rate target for two years in a row, as anticipated, the proper course of action for the school would be to file an appeal of the 2004 AYP results with the CDE later this year.

Therefore, in accordance with the required test administration procedures, the integrity of California's Accountability system and SBE-adopted regulations, the Department recommends denial of the waiver. Denial is recommended per *Education Code* Section 33051(a)(1); the educational needs of the pupils are not adequately addressed.

**Authority for Waiver:** *Education Code* (EC) Section 33050

**Period of request:** 2003-04 testing year

**Local board approval date(s):** July 12, 2004

**Public hearing held on date(s):** July 12, 2004

**Bargaining unit(s) consulted on date(s):** June 24, 2004

Name of bargaining unit/representative(s) consulted: Riverside City Teachers Association, Dennis Hodges

**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 office, city hall, library)

**Advisory committee(s) consulted:** Sierra Middle School's School Site Council

**Objections raised (choose one):** ☒ None ☐ Objections are as follows:

**Date(s) consulted:** June 29, 2004

## FISCAL ANALYSIS (AS APPROPRIATE)

No state fiscal impact is expected as a result of approving this waiver.

## BACKGROUND INFORMATION

Action Item: Some documentation is available for Web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

☒ **General Waiver**

| **SUBJECT** | |
|---|---|
| Request by **Moreland Elementary 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 1.76 percent)<br><br>Waiver Number: 12-7-2004 | ☒ **Action**<br><br>☐ **Consent** |

### RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

Approve with the condition that the bonded indebtedness of Moreland Elementary School District not exceed 1.76% 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 March 2002 election. EC 33051(c) will apply.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education has approved previous bond issuance limit waiver requests. Those approvals have been limited to specific general obligation bond issues already approved by local voters.

### SUMMARY OF KEY ISSUES

The Moreland Elementary School District is requesting a waiver of *Education Code* Section 15102 which limits the district to issuance of bonds totaling no more than 1.25% of the assessed valuation of taxable property of the district. The district is currently at 1.21% of its statutory debt limit. The effect of granting this waiver will allow the district to increase its bonded indebtedness to 1.76% of the assessed valuation.

Due to the severe budget crisis, the district was forced to consolidate two school sites into one. Unfortunately, existing facility problems were significantly exacerbated by the consolidation of these two schools (Easterbrook School and Discovery School). The student population went from 350 to 700, placing excessive constraints on an already outdated facility.

Numerous facility issues were encountered as a result of the consolidation such as: inadequate restroom facilities, small cafeteria, lack of technology connectivity to classrooms, lack of space for special educational services, age appropriate playgrounds, and inefficient classroom layout.

Without approval of the waiver, it will take up to nine years to sell bonds sufficient to renovate and expand the newly formed Easterbrook-Discovery School.

In addition to saving issuance bond fees and escalating construction costs, granting the waiver would also allow the district to: 1) immediately accommodate the Easterbrook-Discovery School; 2) enter into a long-term contract in which the district could secure a more favorable bid; 3) upgrade and add classroom technology to give students access to the technology they need to meet academic standards; and 4) renovate and repair all schools in the district. Some of the repairs and improvements are basic health and safety issues such as restroom repairs, fire safety systems, roof repairs, and upgrading doors and windows.

Background: On March 5, 2002, 72.5% of the voters in the district approved $35 million in bond authorization for repair, renovation, upgrades and construction of additional educational facilities of which $11.8 million has been issued to date. The district is requesting a waiver so that it may issue the remaining $23.2 million of bonds. It is estimated that issuing the remaining bonds would raise the indebtedness of the district to approximately 1.76%. Based on a conservative projection at an average 5% growth in assessed valuation, accelerating the bond sales would result in the district exceeding the 1.25% statutory cap by about 0.51%, but falling back below the cap by August 2009. At no time would the district debt exceed 1.76% of assessed property value.

The Moreland Elementary School District has approximately 4,336 students in aging facilities that are in great need of modernization. It operates six neighborhood elementary schools and two middle schools. The current projection of assessed valuation growth has allowed the district to issue approximately $3 million in bonds annually.

On the basis of the above analysis the department recommends approval of this waiver because it will take more than two years (projected to be August 2009) to fall back below the statutory percentage, EC 33051(c) will apply to this waiver request.

**Authority for Waiver:** *Education Code* (EC) Section 33050

**Period of request:** 10/1/2004 to 9/30/2006

**Local board approval date(s):** July 13, 2004

**Public hearing held on date(s):** July 13, 2004

**Bargaining unit(s) consulted on date(s):** July 8, 2004

**Name of bargaining unit/representative(s) consulted:** Kim Lawrence, MTA President, Tony Medina, CSEA 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:** Advisory Committee
**Objections raised (choose one):** ☒ None ☐ Objections are as follows:

**Date(s) consulted:** July 6, 2004

## FISCAL ANALYSIS (AS APPROPRIATE)

If the waiver is granted, the district will be able to issue the remaining $23.2 million in voter approved bonds for modernization and upgrades in the Easterbrook-Discovery School and other school projects. If the wavier is approved, it is expected to result in approximately $7.8 million in construction cost savings and $1 million savings due to fewer bond issuances as well as reduced staff time. The district also could avoid issuing certificates of participation which could result in an additional $1.6 million savings.

## BACKGROUND INFORMATION

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

☒ **General Waiver**

| **SUBJECT** | |
|---|---|
| Request by **San Ysidro 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 2.15 percent)<br><br>Waiver Number: 19-7-2004 | ☒ **Action**<br><br>☐ **Consent** |

### RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

On the condition that the bonded indebtedness of San Ysidro School District not exceed 2.15% 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 March 1997 election. EC 33051(c) will apply.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has approved previous bond issuance limit waiver requests that have been limited to specific general obligation bond issues already approved by local voters. In 2001, the San Ysidro School District received approval by the SBE to increase the districts bonding limit from 1.25% to 1.56% of the assessed valuation of taxable property. Due to development and significant growth in assessed value, the district fell back to within the statutory limit in the following year.

### SUMMARY OF KEY ISSUES

The San Ysidro School District is once more requesting a waiver of *Education Code* Section 15102 which limits the district to issuance of bonds totaling no more than 1.25% of the assessed valuation of taxable property of the district. The district is currently at 0.68% of its statutory debt limit. The effect of granting this waiver will allow the district to increase its bonded indebtedness to 2.15% ($24 million above its debt limit) of the assessed valuation.

San Ysidro recently received approval to acquire a 20-acre site for a long-standing proposed middle school. Plans and specifications will to be approved within the fiscal year to allow construction and occupancy in the 2005-06 school year.

The district has an existing school facility capacity of 4,027 students; however, the district currently has an enrollment of 5,178. The district has been unable to add additional permanent school facilities to accommodate the rapidly expanding student population within the boundaries of the school district. As development throughout the district continues at a rapid rate, the district continues to find itself with a school facility shortage. Moreover, the proposed new development to begin in 2005 of an additional 3,455 residences will further exacerbate the overcrowding in the district. Due to the

escalating price of real estate property and increasing construction costs, it is critical that the district be able to secure funds for acquisition and construction of a new middle school. Approving the waiver will also allow the district to complete the projects at Sunset Elementary School, a 65-year-old facility, to include demolishing existing buildings that are no longer usable and completing necessary playground improvements. Funds, if available, will also be used to acquire a site for the next proposed elementary school.

Background: In March 1997, 85% of the voters approved a general obligation bond for $250 million. The district has issued $20.59 million. The district is requesting a waiver so that it may issue another $40 million in general obligation bonds. Of the $40 million, $24 million is above the statutory debt limit. Based on the current assessed valuation for fiscal year 2004-05, the reduction in the principal amount of the bonds based on their maturity schedule and assuming a 15% assessed valuation growth within the school district (the average assessed valuation growth over the last seven years has been approximately 17%), the district anticipates to fall back within the statutory debt limit by fiscal year 2008-09. At no time would the district debt limit exceed 2.15% of the assessed property value.

On the basis of this analysis the department recommends approval of this waiver because it will take more than two years (projected to be FY 2008-09) to fall back below the statutory debt percentage, EC 33051(c) will apply to this waiver.

**Authority for Waiver:** *Education Code* (EC) Section 33050

**Period of request:** 9/10/2004 to 9/9/2006

**Local board approval date(s):** July 8, 2004

**Public hearing held on date(s):** July 8, 2004

**Bargaining unit(s) consulted on date(s):** June 24, 2004

**Name of bargaining unit/representative(s) consulted:** Ralph Sanchez, President, California School Employees Association; Judith Crespo-Moreno, President, San Ysidro Education Association

**Position of bargaining unit(s) (choose only one):**
☒ Neutral ☐ Support ☐ Oppose
Comments (if appropriate):

**Public hearing advertised by (choose one or more):**
☒ posting in a newspaper ☐ posting at each school ☐ other (specify)

**Advisory committee(s) consulted:** N/A

**Objections raised (choose one):** ☐ None ☐ Objections are as follows:

**Date(s) consulted:** N/A

## FISCAL ANALYSIS (AS APPROPRIATE)

If the waiver is granted, the district will be able to issue the $40 million in voter approved bonds for acquisition and construction of a new middle school and completion of repairs and improvements at Sunset Elementary School. If the waiver is approved it is expected to result in approximately $7.8 million in construction cost savings.

## BACKGROUND INFORMATION

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

☒ **General Waiver**

| **SUBJECT** | |
|---|---|
| Request by **Eagles Peak Charter School** to waive portions of Title 5 CCR Section 11960(c)(A) and (B), related to charter school attendance, to be able to enroll new students over age 20 and to serve students that have reached 23 years and older, while continuing to receive K-12 apportionments for these students.<br><br>Waiver Number: 122-4-2004 | ☒ **Action**<br><br>☐ **Consent** |

### RECOMMENDATION

☐ **Approval** ☐ **Approval with conditions** ☒ **Denial**

On the basis of *Education Code* (EC) 33051(a)(6), the request would substantially increase state costs.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

On May 13, 2004, the State Board of Education denied a similar waiver request from Del Norte Office of Education on behalf of Castle Rock Charter School.

### SUMMARY OF KEY ISSUES

EC Section 47612(b) places a limitation on the claiming of individuals over 19 years of age as K-12 average daily attendance (ADA) by charter schools. Prior to the formulation and approval of new regulations, the limitation was expressed as an administrative interpretation, which had not been put into regulations, thus the issue was in need of clarification.

The SBE modified the regulations and clarified the age of attendance allowed for K-12 apportionment purposes for charter schools. The new regulations clarified when apportionment can be claimed from students who are 20 years of age and over. These students can only be claimed as K-12 average daily attendance by charter schools if they were first enrolled in a charter school at the age of 19 or younger, have stayed continuously enrolled in public school since that time, and are maintaining satisfactory progress toward award of a high school diploma. Under the new regulations, no apportionment can be claimed once the student reaches the age of 23.

Eagles Peak Charter School is requesting a waiver of these new regulations when they go into effect on July 1, 2004 so that they can continue to enroll new students who are 20 years old and older, and serve students who are 23 years old and older. The rationale for this waiver request is that the school serves adult students who are in court-mandated, substance abuse recovery programs that are not served by conventional adult school programs.

As an independent study charter school authorized by the Julian Union High School District in San Diego county, Eagles Peak Charter School serves students in Imperial, Orange, Riverside, and San Diego counties. A large number of educational programs, including high school diploma programs, are available to adult students in these counties through adult schools, community and faith-based organizations, and community college non-credit programs. Adult education programs in these counties can also provide services to adult students who are in court-mandated substance abuse recovery programs.

During the initial notice period of January 31, 2003 through the public hearing on April 9, 2003, the State Board of Education (SBE) fully considered the effects of the proposed regulations and realized that many adult students would no longer be able to attend charter schools. While particular charter school programs serving adult students may be meritorious, regulatory changes were necessary to clarify provisions of statute that were subject to multiple and varying interpretations. In addition, the SBE also considered the fact that adult education programs are available to adult students throughout the state to provide these types of educational services. The fact that many adult educational programs are under funded and oversubscribed should be addressed separately by the Legislature. Charter schools are designed to be K-12 programs and not adult education programs. Additionally, charter school average daily attendance is funded by the state at approximately twice the amount as adult education average daily attendance.

The charter has only been on the Academic Performance Index (API) since 2002, but appears to have decreased in that time period. The report for Eagles Peak Charter School shows a Base API of 691, a Statewide Rank of 5, and a Similar Schools Rank of 2. The 2003 Academic Performance Index (API) Report shows a Base API of 691, a Statewide Rank of 4 and a Similar Schools Rank of 1

Based on the availability of adult education services, and the fact that charter school average daily attendance is funded by the state at approximately twice the amount as adult education average daily attendance, the department recommends denial of the waiver based on EC 33051(a)(6), the request would substantially increase state costs. See additional cost data below.

**Authority for Waiver:** *Education Code* (EC) Section 33050

**Period of request:** July 1, 2004 to July 1, 2006

**Local board approval date(s):** April 15, 2004

**Public hearing held on date(s):** January 15, 2004 and April 15, 2004

**Bargaining unit(s) consulted on date(s):** April 13, 2004

**Name of bargaining unit/representative(s) consulted:** Cheryl Maisch

**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:** Eagles Peak Charter School Advisory Committee

**Objections raised (choose one):** ☒ None ☐ Objections are as follows:

**Date(s) consulted:** April 13, 2004

## FISCAL ANALYSIS (AS APPROPRIATE)

This waiver request does not indicate the numbers of adult students currently being served by Eagles Peak Charter School. The California Department of Education has received information from the school that adult students generate approximately 321 average daily attendance (ADA) in the current school year. The charter school block grant rate for 2003-04 is approximately $5,500 per full-time student. Therefore, the cost to the state for these 321 full-time adult charter school students was $1,765,500. The difference between charter school funding for these 321 adult students and adult education funding is approximately $1,060,000.

## BACKGROUND INFORMATION

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

☒ **General Waiver**

| **SUBJECT** | |
|---|---|
| Request by **Dos Palos Oro Loma Joint Unified School District** for a waiver of portions of *Education Code* (EC) sections 48660 and 48916.1(d) to permit the establishment of a community day school (CDS) for grades K-8 to be operated by a unified school district, and a portion of EC Section 48661(a)(1) relating to the placement of a CDS on the same site as **Dos Palos High School**.<br><br>Waiver Number: 15-7-2004 | ☒ **Action**<br><br>☐ **Consent** |

### RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

That the waiver be approved for one year to allow the District to demonstrate the efficacy of this co-location plan.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has approved several similar requests for school districts to establish a K-8 community day school. The SBE has also approved several similar requests to allow the co-location of a CDS with a high school when the CDS could not be located separately and the district has been able to ensure appropriate separation of students between the two schools.

### SUMMARY OF KEY ISSUES

By statute, a CDS may serve pupils in any of kindergarten and grades 1 to 6, inclusive, or any of grades 7 to 12, inclusive, or the same or lesser included range of grades as may be found in any individual middle or junior high school operated by the district. If a school district is organized as a district that serves kindergarten and grades 1 to 8, inclusive, but no higher grades, the governing board of the school district may establish a CDS for any of kindergarten and grades 1 to 8, inclusive, upon a two-thirds vote of the board. The provision that a K-8 school district could establish a K-8 CDS upon a two-thirds vote of the local board was added by amendment in 1999. Prior to that time, a school district had to apply to the SBE for a waiver to establish a K-8 CDS. Since Dos Palos Oro Loma is a unified school district, it still must apply to the SBE for a waiver to establish a CDS for the K-8 grade span.

Dos Palos Oro Loma, though unified, is a small, rural district (approximately 2700 students). The district states that:

- It will not enroll more than 15 students at one time in the CDS.
- It would not be efficient to establish two separate schools to serve these students.

- The affected students can be adequately served together in a single classroom that will be staffed by a teacher and a full-time classified staff person.
- A counselor will be at the CDS every day.

Dos Palos Oro Loma also requests a waiver of *Education Code* Section 48661(a) which states that a CDS shall not be situated on the same site as a comprehensive senior 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. The site was selected as providing the greatest possible separation from other school classrooms and students. The CDS will be in a self-contained site located in a far corner of the high school property, beyond the athletic fields and more than 100 yards from any other high school activities. The closest comparable program, operated by the county office of education, is 30 miles away.

The local school board voted unanimously to support the waiver request. The presidents of the certificated and classified bargaining units submitted letters strongly endorsing the waiver request. Additionally, although the Site Councils will not officially convene until after the beginning of the school year, individual members were contacted and had no objections.

The district believes that the measures described above will provide a very high level of safety. Moreover, the district initially is requesting, and the CDE recommends, approval of the waiver for one year only to allow for re-evaluation before renewal is considered.

**Authority for Waiver:** *Education Code* (EC) Section 33050

**Period of request:** August 1, 2004, to July 31, 2005

**Local board approval date(s):** July 15, 2004

**Public hearing held on date(s):** July 15, 2004

**Bargaining unit(s) consulted on date(s):** July 1, 2004

**Name of bargaining unit/representative(s) consulted:** Sheila Ryskamp (Dos Palos Oro Loma Teachers Association) and Maria Bertao (Dos Palos CSEA).

**Position of bargaining unit(s) (choose only one):**
☐ Neutral ☒ Support ☐ Oppose
Comments (if appropriate):

**Public hearing advertised by (choose one or more):**
☒ posting in a newspaper ☒ posting at each school ☐ other (specify)
**Advisory committee(s) consulted:** Although the Site Councils will not officially

convene until after the beginning of the school year, individual members were contacted and no objections were expressed.

**Objections raised (choose one):** ☒ None ☐ Objections are as follows:

**Date(s) consulted:** May 3, 2004

## FISCAL ANALYSIS (AS APPROPRIATE)

Approval of this waiver would not have a fiscal impact on the state. Approval of the waiver would allow for more efficient local operations and, thus, the avoidance of costs that would otherwise be borne by the district.

## BACKGROUND INFORMATION

Action Item: Some documentation is available for Web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

☒ **General Waiver**

| **SUBJECT** | |
|---|---|
| Request by **Capistrano Unified School District** to waive *Education Code* (EC) section 37202, the equity length of time requirement, to allow a full day kindergarten program at two of the district's fifty elementary schools, **San Juan and Las Palmas Elementary Schools**.<br><br>Waiver Number: 4-6-2004 | ☒ **Action**<br><br>☐ **Consent** |

### RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

For one year with the condition that the district submit an evaluation of the program before a renewal is considered.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education has approved similar waivers in the past.

### SUMMARY OF KEY ISSUES

The Capistrano Unified School District requests a waiver of EC section 37202, in order to operate full day kindergartens at two out of their 50 elementary schools, San Juan and Las Palmas in a total of six classrooms. These two schools have the highest number of English learners and economically disadvantaged students. These schools also operate the Dual Immersion English/Spanish Language Program. The purpose of increasing the instructional time is to help these limited English language students develop in the areas of language to increase overall student achievement. While some of the district's schools have Academic Performance Index (API's) scores in the 800 range, these two schools are in the 600's. Extending the instructional time at this level will only enhance the educational opportunities for these students.

The district has the support of the bargaining units as well as the parents at those schools. In February 2004, a district-wide outreach program was launched to recruit as many potential kindergarten students as possible within the entire district attendance area. The open enrollment policy at the district has allowed several parents to enroll their kindergarten students at one of these two schools. Outreach efforts will continue this fall as the district will send out letters to all parents informing them of the extended day kindergartens at these two schools. This effort meets the requirement of informing all of the parents within the district of this waiver and the extended day kindergarten programs at these two schools.

In February 2002, the district adopted EC sections 8970 through 8974 establishing the Early Primary Program when they first started planning for the extended day kindergartens. The district's bargaining unit has approved of this waiver. These two

school sites have the space available to operate full day kindergartens.

Therefore, the department recommends approval for one year with the condition that the district must submit an evaluation of the extended day kindergarten program before a renewal will be considered.

**Authority for Waiver:** *Education Code* (EC) Section 33050

**Period of request:** August 25, 2004 to June 30, 2005

**Local board approval date(s):** May 24, 2004

**Public hearing held on date(s):** May 24, 2004

**Bargaining unit(s) consulted on date(s):** March 15, 2004 and April 27, 2004

**Name of bargaining unit/representative(s) consulted:** Frank Weirath (CUEA President), John Lynch (CSEA 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) CUSD web site

**Advisory committee(s) consulted:** School site councils

**Objections raised (choose one):** ☒ None ☐ Objections are as follows:

**Date(s) consulted:** March 22, 2004 and March 29, 2004

## FISCAL ANALYSIS (AS APPROPRIATE)

District will absorb any additional costs.

## BACKGROUND INFORMATION

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

☒ **General Waiver**

| **SUBJECT** | |
|---|---|
| Request by **Castro Valley Unified School District** to waive *Education Code* (EC) Section 37202, the equity of length time requirement to allow a full day kindergarten program at two of the district's nine elementary schools, **Castro Valley and Marshall Elementary Schools**.<br><br>Waiver Number: 4-7-2004 | ☒ **Action**<br><br>☐ **Consent** |

### RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

For one year with the condition that the district submits an evaluation before a renewal is considered.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education has approved similar waivers in the past.

### SUMMARY OF KEY ISSUES

The Castro Valley Unified School District requests a waiver of EC section 37202, the equity of length time requirement at two of their nine elementary schools, Castro Valley and Marshall Elementary. The district wants to extend the length of kindergarten to improve the educational opportunities for the Title I students after reviewing the achievement data for those particular students. There are three Title I schools in the district and the sites chosen for this pilot are both Title I schools. While most of the schools in the district have API's above 800, Castro Valley Elementary has an API of 768 for 2003. This school also has the highest percentage of free and reduced-price meals and English learners in the district. Clearly, this school would benefit from the longer instructional day.

The two schools chosen for the pilot have the necessary space for extended day kindergartens. Both the unions and the school site councils have been supportive of the plan. The district will offer the kindergarten pupils in the pilot program thirty minutes more of daily instructional time in an effort to increase student academic achievement. The district's board has adopted EC sections 8970-8974 and their resolution is included in the waiver. Their open enrollment policy allows parents to move their children to any school in the district boundary.

Therefore, the department recommends approval of the waiver for one year with the condition that the district submit an evaluation before a renewal is considered.

**Authority for Waiver:** *Education Code* (EC) Section 33050

**Period of request:** August 25, 2004 to June 9, 2005

**Local board approval date(s):** June 24, 2004

**Public hearing held on date(s):** June 24, 2004

**Bargaining unit(s) consulted on date(s):** May 13, May 19 and June 3, 2004

**Name of bargaining unit/representative(s) consulted:** Barbara Siegel, President, CVTA

**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) Public library and district office

**Advisory committee(s) consulted:** School site councils and Title I Schools Advisory committees

**Objections raised (choose one):** ☒ None ☐ Objections are as follows:

**Date(s) consulted:** May 25, 2004 at Marshall Elementary, June 1, 2004 Castro Valley Elementary and April 23, 2004 at the Title One Advisory Committees - Various dates for the remainder of the schools, see attached waiver

## FISCAL ANALYSIS (AS APPROPRIATE)

The district will absorb will costs incurred.

## BACKGROUND INFORMATION

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

☒ **General Waiver**

| **SUBJECT** | |
|---|---|
| Request by **Gilroy Unified School District** to waive *Education Code* (EC) Section 37202, the equity length of time requirement, to allow a full day kindergarten at three of the districts eight elementary schools, **Las Animas, Rod Kelley, and Rucker Elementary Schools**.<br><br>Waiver Number: 19-5-2004 | ☒ **Action**<br><br>☐ **Consent** |

### RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

For one year with the condition that the district submits an evaluation of the kindergarten pilot program before a renewal is considered.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education has previously approved similar waivers.

### SUMMARY OF KEY ISSUES

The Gilroy Unified School District requests an equity length of time waiver in order to implement an extended day kindergarten at three of their eight schools, Las Animas Elementary, Rod Kelley Elementary, and Rucker Elementary Schools. The district and the Gilroy Teachers Association formed a joint committee to study and design an extended day kindergarten program. The purpose of increasing the instructional day for these students is to improve academic performance.

These three schools will be offering 298 instructional minutes to their kindergarteners, an increase of 98 minutes daily. One of the reasons that these three schools were selected is that they had space to accommodate the extended day kindergarten but also to help the school improve their academic success by enhancing the kindergarten program.

The district has an open enrollment policy providing parents with the opportunity to change the enrollment of their children at one of these schools. All of the parents in the district were notified about the pilot program by letter at the beginning of the school year as well as the school site councils being notified. The district has also adopted EC sections 8970-8974 to establish the Early Primary Program at their August 5, 2004 board meeting.

Therefore, the department recommends approval for one year with the condition that the district submit an evaluation of the extended day program before a renewal will be considered.

**Authority for Waiver:** *Education Code* (EC) Section 33050

**Period of request:** 8/30/2004 to 6/10/2005

**Local board approval date(s):** 5/13/2004

**Public hearing held on date(s):** 5/13/2004

**Bargaining unit(s) consulted on date(s):** 4/20/04

**Name of bargaining unit/representative(s) consulted:** Michelle Nelson, President GTA

**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:** Parents notified by letters of the extended day kindergarten opportunity. The school site councils informed after the start of school.

**Objections raised (choose one):** ☒ None ☐ Objections are as follows:

**Date(s) consulted:** August 30, 2004 (parents) and first meetings of site councils in Fall of 2004

## FISCAL ANALYSIS (AS APPROPRIATE)

The district will absorb any costs incurred.

## BACKGROUND INFORMATION

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

☒ **General Waiver**

| **SUBJECT** | |
|---|---|
| Request by **Simi Valley Unified School District** for a renewal to waive *Education Code* (EC) Section 37202, the equity length of time requirement to allow a full day kindergarten program at eleven of the district's twenty-one elementary schools, **Berylwood, Crestview, Justin, Katherine, Knolls, Madera, Park View, Santa Susana, Sycamore, Township and White Oak Elementary Schools**.<br><br>Waiver Number: 9-6-2004 | ☒ **Action**<br><br>☐ **Consent** |

### RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

That EC 33051(c) will apply and the district will not be required to reapply annually if information contained on the request remains the same.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education has approved similar waivers in the past.

### SUMMARY OF KEY ISSUES

The Simi Valley Unified School District requests to renew a waiver of EC Section 37202 in order to establish full day kindergartens at eleven out of twenty-one schools within the district, Berylwood, Crestview, Justin, Katherine, Knolls, Madera, Park View, Santa Susana, Sycamore, Township and White Oak Elementary Schools. Instructional minutes at these schools vary from 250 to 295 daily. The previous waiver, number 4-7-2003-W-8, only included seven schools. The current waiver requests the addition of Crestview, Madera and White Oak Elementary schools to the program.

As a requirement of the first waiver, the district has submitted an evaluation of the pilot program. All of the district's kindergarten students were assessed on reading, writing and mathematics at the end of the 2003-2004 school year. The evaluation shows good results for the students at the extended day kindergarten schools, especially for the English language learners compared to other schools. In fact the report states, "On some of the [reading] assessments students in the extended day kindergarten classes exceed the performance of the district average." During the 2002-2003 school year the retention rates were lowered in the extended day kindergarten schools, which the teachers attest is the direct result of longer instructional days. Parents and teachers responded to a survey about the benefits of the extended day program and any negative aspects of such a program. Overall, the benefits offered by the pilot program outweighed any negative aspects. Comments ranged from teachers being more relaxed to students demonstrating more confidence and independence.

The district used a bottom up approach to address the concept of full day kindergarten. This issue first went before all the kindergarten teachers at all twenty-one elementary schools in the district for a majority vote; then at those sites that approved, the issue was presented to all of the school staff for a majority vote and finally for those school sites that voted for the full day kindergarten, the issue was presented to the school site councils and parents at those schools. This was an effective way to get all interested staff and then parents to share the same vision, from the bottom up, and resulted in the participation of just over half of the existing school sites in the district.

In addition, the district's board has adopted the Early Primary Program, EC sections 8970-8974, and has a "school of choice" open enrollment policy for parents in place. The district's method of site selection was done by considering space availability as well as the willingness of teachers to provide longer instructional days for kindergarten students. The purpose of the increased instructional day is to improve the academic performance of those students.

This waiver is requested for two years and one day. Therefore, the department recommends approval, EC 33051(c) will apply and the district will not be required to reapply annually if information contained on the request remains the same.

**Authority for Waiver:** *Education Code* (EC) Section 33050

**Period of request:** September 7, 2004 to September 7, 2006

**Local board approval date(s):** June 1, 2004 and June 29, 2004

**Public hearing held on date(s):** June 1, 2004

**Bargaining unit(s) consulted on date(s):** April 21, 2004

**Name of bargaining unit/representative(s) consulted:** Arleigh Kidd, Simi Educators Association

**Position of bargaining unit(s) (choose only one):**
☐ Neutral ☒ Support ☐ Oppose
Comments (if appropriate):

**Public hearing advertised by (choose one or more):**
☒ posting in a newspaper ☒ posting at each school ☒ other (specify)

**Advisory committee(s) consulted:** Issue first went before all the kindergarten teachers at all twenty-one elementary schools in the district for a majority vote; then at those sites that approved, the issue was presented to all of the school staff for a majority vote and finally for those school sites that voted for the full day kindergarten, the issue was presented to the school site councils and parents at those schools.

**Objections raised (choose one):** ☒ None ☐ Objections are as follows:

**Date(s) consulted:** Various – listed on waiver by individual school

## FISCAL ANALYSIS (AS APPROPRIATE)

The district will absorb any fiscal costs.

## BACKGROUND INFORMATION

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

**State of California** **Department of Education**

# LAST MINUTE MEMORANDUM

**DATE:** September 3, 2004

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

**FROM:** Judy Pinegar, Education Administrator
Waiver Office

**RE:** Item No. W-9

**SUBJECT:** Request by Simi Valley Unified School District for a renewal to waive *Education Code* (EC) Section 37202, the equity length of time requirement to allow a full day kindergarten program at eleven of the district's twenty-one elementary schools, Berylwood, Crestview, Justin, Katherine, Knolls, Madera, Park View, Santa Susana, Sycamore, Township and White Oak Elementary Schools.

This is to correct the number of schools included in the equity length of time renewal waiver request from Simi Valley Unified School District.

The district added one school to the waiver request after the Waiver Office received the request. That one additional school, Sycamore, was omitted as a new school in the waiver request summary. Therefore, the last sentence of the first paragraph of the write-up should read, "The current waiver requests the addition of Crestview, Madera, Sycamore and White Oak Elementary schools."

The bargaining unit has reviewed the waiver request as well as all the of the school site councils in the district. There was no opposition to this waiver request.

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

☒ **General Waiver**

| **SUBJECT** | |
|---|---|
| Request by **San Lorenzo Unified School District** to waive *Education Code* (EC) Section 37202, the equity length of time requirement for kindergarten to allow a full day kindergarten program at one of the district's nine elementary schools, **Hillside Elementary School**.<br><br>Waiver Number: 9-7-2004 | ☒ **Action**<br><br>☐ **Consent** |

### RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

For one year with the condition that the district submit an evaluation of the program before a renewal is considered.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has approved similar waivers in the past.

### SUMMARY OF KEY ISSUES

The San Lorenzo Unified School District requests a waiver of the EC Section 37202, the equity length of time requirement, in order to establish a full day kindergarten program at Hillside Elementary School, one of nine elementary schools in the district. The district seeks this waiver as a way to accomplish their goal of increasing student achievement.

Hillside Elementary School is the lowest performing school in the district with a 2003 API of 633. The district is hoping to improve the situation by offering an extended day kindergarten at Hillside Elementary. They will add sixty minutes to the school day, going from the current instructional day of 320 minutes daily to 425 minutes daily. Beginning at the kindergarten program is a way to provide a good foundation for each succeeding year of school, as studies have shown that full day kindergartens have increased reading and math skills (Full-day and Half-day Kindergarten in the United States, "Findings from the Early Childhood Longitudinal Study, Kindergarten Class of 1998-99," published by the National Center for Education Statistics). Demographically, the student body of Hillside Elementary is 43 percent Hispanic and 70 percent are participants of the Free and Reduced Price Lunch program. The school board adopted the establishment of the Early Primary Program, EC sections 8970-8974, at the July 6, 2004 meeting and will offer a developmentally appropriate program. The district has an open enrollment policy and the school site councils and the district restructuring committee discussed the full day pilot.

The district will evaluate this program throughout the year and if successful, will add more schools if space allows in the following years.

Therefore, the department recommends approval of the waiver for one year with the condition that an evaluation of the full day kindergarten program is submitted before a renewal is considered.

**Authority for Waiver:** *Education Code* (EC) Section 33050

**Period of request:** August 30, 2004 to June 16, 2005

**Local board approval date(s):** July 6, 2004

**Public hearing held on date(s):** July 6, 2004

**Bargaining unit(s) consulted on date(s):** May 16, 2004

**Name of bargaining unit/representative(s) consulted:** John Kelly, Betty Riback

**Position of bargaining unit(s) (choose only one):**
☐ Neutral ☒ Support ☐ Oppose
Comments (if appropriate): sideletter to the teacher contract written and agreed upon on May 16, 2004

**Public hearing advertised by (choose one or more):**
☐ posting in a newspaper ☐ posting at each school ☒ other (specify)
Notice of public hearing publicized at local library, at school campuses, posted online as well as notices mailed to all homeowners organizations and other community groups

**Advisory committee(s) consulted:** School site council and district restructuring committee

**Objections raised (choose one):** ☒ None ☐ Objections are as follows:

**Date(s) consulted:** June 10, 2004 (final approval)

## FISCAL ANALYSIS (AS APPROPRIATE)

The district will absorb all costs incurred.

## BACKGROUND INFORMATION

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

☒ **General Waiver**

| **SUBJECT** | |
|---|---|
| Request by **West Covina Unified School District** to waive *Education Code* (EC) section 37202, the equity length of time requirement for kindergarten students to allow a full day kindergarten program at three of the district's nine elementary schools, **California, Cameron and Merlinda Elementary Schools**.<br><br>Waiver Number: 8-7-2004 | ☒ **Action**<br><br>☐ **Consent** |

### RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

For one year with the condition that the district submit an evaluation of the program before a renewal of the waiver is considered.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has approved similar waivers in the past.

### SUMMARY OF KEY ISSUES

The West Covina Unified School District requests a waiver of EC section 37202, in order to establish an extended day kindergarten program at three of their nine elementary schools, California, Cameron and Merlinda. All of the school site councils in the district discussed this pilot program and approved. Their school board adopted the Early Primary Program, EC sections 8970-8974 to ensure developmentally appropriate activities and the district has an open enrollment policy.

The pilot program will increase the number of minutes to kindergarten pupils at the three schools from 200 minutes daily to 320 minutes daily. This will allow teachers to spend more time on language arts and mathematics. The extra time will also provide students will the ability to work at their own pace. Additional time will allow for the expansion of fine arts, supplemental programs such as Mountain Math, Mountain Language and Second Step. Instruction at this early level can be given in-depth providing adequate time for pupils to fully understand and grasp concepts increasing their academic success in later grades. Studies, such as the one by the National Center for Education Statistics, "Full-day and Half-day Kindergarten in the United States, Findings from the Early Childhood Longitudinal Study, Kindergarten Class of 1998-99," state that students participating in a full-day kindergarten compared to a half-day kindergarten do better in language arts and mathematics.

Therefore, the department recommends approval of the waiver for one year with the condition that an evaluation be submitted before a renewal will be considered.

**Authority for Waiver:** *Education Code* (EC) Section 33050

**Period of request:** October 1, 2004 to June 24, 2005

**Local board approval date(s):** July 20, 2004

**Public hearing held on date(s):** July 20, 2004

**Bargaining unit(s) consulted on date(s):** 03/18/04, 04/17/04 and 04/26/04

**Name of bargaining unit/representative(s) consulted:** Cheryl West, Shelly Stoppa, and Dwight Ek, Teachers Association of West Covina. Gary Hunter, CSEA.

**Position of bargaining unit(s) (choose only one):**
☐ Neutral ☒ Support ☐ Oppose
Comments (if appropriate):

**Public hearing advertised by (choose one or more):**
☒ posting in a newspaper ☐ posting at each school ☐ other (specify)

**Advisory committee(s) consulted:** All school site councils reviewed waiver without objection.

**Objections raised (choose one):** ☒ None ☐ Objections are as follows:

**Date(s) consulted:** From April 20 to April 29, 2004

## FISCAL ANALYSIS (AS APPROPRIATE)

The district will absorb will costs incurred.

## BACKGROUND INFORMATION

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

☒ **General Waiver**

| **SUBJECT** | |
|---|---|
| Request by **Rescue Union School District** to waive *Education Code* (EC) Section 37202, the equity length of time requirement, to allow a full day kindergarten program at one of the district's four elementary schools, **Rescue Elementary School**.<br><br>Waiver Number: 11-7-2004 | ☒ **Action**<br><br>☐ **Consent** |

### RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

For one year with the condition that the district submit an evaluation before a renewal is considered.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has approved similar waivers in the past.

### SUMMARY OF KEY ISSUES

The Rescue Union Elementary School District requests a waiver of EC Section 37202, in order to implement a pilot program of a full day kindergarten at one of their four schools, Rescue Elementary School. This district is located in an area that was once rural but now faces increasing growth as the foothills of El Dorado County are being developed. Demographically, Rescue Elementary's enrollment has decreased from 600 to 400 pupils, as the attendance area has not seen as much development as El Dorado Hills and the Green Valley area. Some of the exiting pupils are leaving to attend private schools as this school has the lowest test scores in the district with a base API of 779. The district has a base API of 823 with the other schools' API's in the 800's.

The bargaining unit for the teachers suggested this pilot as a way to increase student achievement and to increase enrollment and therefore not lose a teacher position. An extended day kindergarten would connect the brand new preschool program at Rescue Elementary. This preschool program already has an enrollment of 49 children. The teachers union will look at the evaluation of the pilot program to decide to request an extended day kindergarten program at the other schools.

Rescue Elementary will offer 290 instructional minutes daily for this pilot program, an increase of 90 minutes a day. The school board adopted the Early Primary Program at their April 29th meeting. An open enrollment policy is already in place throughout the district.

Therefore, the department recommends approval of the waiver for one year with the condition that an evaluation be submitted before a renewal will be considered.

**Authority for Waiver:** *Education Code* (EC) Section 33050

**Period of request:** August 12, 2004 to June 1, 2005

**Local board approval date(s):** April 27, 2004

**Public hearing held on date(s):** August 10, 2004

**Bargaining unit(s) consulted on date(s):** March 9, 2004 and April 13, 2004

**Name of bargaining unit/representative(s) consulted:** Lynn Simpkin, Lynn Scales, and Pam Price, Rescue Union Federation of Teachers

**Position of bargaining unit(s) (choose only one):**
☐ Neutral ☒ Support ☐ Oppose
Comments (if appropriate): In favor of pilot program to evaluate their position.

**Public hearing advertised by (choose one or more):**
☒ posting in a newspaper ☒ posting at each school ☐ other (specify)

**Advisory committee(s) consulted:** All four elementary school site councils

**Objections raised (choose one):** ☒ None ☐ Objections are as follows:

**Date(s) consulted:** March 15 – 18, 2004

## FISCAL ANALYSIS (AS APPROPRIATE)

The district will absorb any incurred costs.

## BACKGROUND INFORMATION

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

☒ **General Waiver**

| **SUBJECT** | |
|---|---|
| Request by **Hesperia Unified School District** for a renewal waiver of *Education Code* (EC) Section 37202, the equity length of time requirement, to allow a full day kindergarten program at one of the district's twelve elementary schools, **Mesa Academy School**.<br><br>Waiver Number: 14-7-2004 | ☒ **Action**<br><br>☐ **Consent** |

### RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

That EC Section 33051(c) will apply as long as the conditions of the waiver request remain the same.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has approved similar waivers in the past.

### SUMMARY OF KEY ISSUES

The Hesperia Unified School District requests a renewal for a waiver of EC Section 37202, the equity length of time requirement in order to operate an extended day kindergarten at one of their twelve elementary schools, Mesa Academy School. The district would like to add more classes of extended day kindergartens at the other district schools but Mesa is currently the only school with the available space.

As a condition of the original waiver, the district has submitted an evaluation of the pilot program. The evaluation data represents 72% of the kindergarten pupils that attended twenty or more days of the extended day pilot. These students were evaluated on language arts and mathematics using pre and post tests. The results are encouraging. For example, during the pre test, only 56% of the pupils recognized all 26 lower case letters compared to 91% of the pupils by the end of the year. Fifty-two percent of the kindergartners were reading at grade level by the end of the year compared to the one student able to do so at the beginning of the year. Mathematics showed a similar result. For example, only 22% of the pupils could count to 30 at the beginning of the year and 61% were able to do so at the end of the year. None of the pupils were recommended for retention. The survey of parents, teachers and students indicated support for the program with the expectation that the program would continue. Clearly, this pilot program has helped to increase the academic achievement levels of these pupils.

Therefore, the department recommends approval with the condition that EC section 33051(c) will apply as long as the conditions of the waiver remain the same.

**Authority for Waiver:** *Education Code* (EC) Section 33050

**Period of request:** July 1, 2004 to June 30, 2005

**Local board approval date(s):** July 12, 2004

**Public hearing held on date(s):** July 12, 2004

**Bargaining unit(s) consulted on date(s):** For original waiver, the bargaining unit was consulted on October 31, 2003 (non-controversial waiver).

**Name of bargaining unit/representative(s) consulted:** Gordon Williamson, Hesperia Education Association, Vice 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) at various school sites and district office

**Advisory committee(s) consulted:** School site councils

**Objections raised (choose one):** ☒ None ☐ Objections are as follows:

**Date(s) consulted:** originally consulted on October 7, 2003

## FISCAL ANALYSIS (AS APPROPRIATE)

The district will absorb all costs incurred.

## BACKGROUND INFORMATION

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

**ITEM #W-14**

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

☒ **General Waiver**

| **SUBJECT** | |
|---|---|
| Request by **Pleasant Valley Elementary School District** to waive *Education Code* (EC) Section 37202, the equity length of time requirement to allow full day kindergarten programs at two out of ten elementary schools, **Santa Rosa Technology Magnet School and El Descanso Elementary School.**<br><br>Waiver Number: 17-7-2004 | ☒ **Action**<br><br>☐ **Consent** |

### RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

For one year with the condition that the district submit an evaluation of the program before a renewal is considered.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has approved similar waivers in the past.

### SUMMARY OF KEY ISSUES

The Pleasant Valley Elementary School District requests a waiver of EC Section 37202, in order to implement full day kindergarten programs at two out of ten of their elementary schools, Santa Rosa Technology Magnet School and El Descanso Elementary School (a Title One school). The kindergarten classes usually operate at 200 minutes per day but the two schools included in this waiver will now operate at 300 minutes a day. The schools are operating at different levels according to the configuration of the school.

The district wants to increase student achievement by providing increased instructional time to kindergarten students. Research shows that increasing the amount of instructional time for kindergarten students means that children will learn more than their counterparts in half day kindergarten programs. In their proposal, the district has referenced studies that cite the benefits of extended day programs such as "Successful Outcomes of Full-Day Kindergarten: More Positive Behavior and Increased Achievement in the Years After," by J. Cryan et al, published in the *Early Childhood Research Quarterly 7 (1992)*. As Title One schools, the district is striving to improve the academic success of students.

Pleasant Valley has an open enrollment policy in place, and has notified all of their school site councils about the extended day kindergarten via a letter to the parents. The school board has adopted the Early Primary Program (see attached resolution) at their August 20th meeting and will provide developmental appropriate activities for these students.

Therefore, the department recommends approval of this waiver for one year with the condition that the district submit an evaluation of the program before a renewal is considered.

**Authority for Waiver:** *Education Code* (EC) Section 33050

**Period of request:** August 1, 2004 to June 17, 2005

**Local board approval date(s):** July 15, 2004

**Public hearing held on date(s):** July 15, 2004

**Bargaining unit(s) consulted on date(s):** July 13, 2004

**Name of bargaining unit/representative(s) consulted:** Suzann Zeigler

**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:** All school site councils

**Objections raised (choose one):** ☒ None ☐ Objections are as follows:

**Date(s) consulted:** July 12, 2004

## FISCAL ANALYSIS (AS APPROPRIATE)

The district will absorb any costs incurred.

## BACKGROUND INFORMATION

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

☒ **Federal Waiver**

| **SUBJECT** | |
|---|---|
| Request by **Santa Rita Union School District** to waive No Child Left Behind Act (NCLB); Title IV, Part A, Section 4115 (a)(1)(c) to use Safe and Drug Free Schools and Communities funds to support the cost of **Here's Looking At You (HLAY)**, a kindergarten through twelve grade drug prevention program.<br><br>Waiver Number: Fed-09-2004 | ☒ **Action**<br><br>☐ **Consent** |

### RECOMMENDATION

☐ Approval ☐ Approval with conditions ☒ Denial

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) previously adopted policy 03-01 that requires a program or activity supported with Safe and Drug Free School and Communities (SDFSC) funds to meet the principles of effectiveness. The policy establishes that SDFSC funding must be used for those programs that provide scientific evidence that the program reduces violence or illegal drug use as required by Title IV, Part A, Section 4115. The Here's Looking At You (HLAY) program is not on the list of science-based programs posted on the department's Web site and does not meet the other criteria for waiver. This waiver request is recommended for denial. Previously, the SBE denied similar waiver requests from other school districts regarding this program.

### SUMMARY OF KEY ISSUES

The waiver application from the Santa Rita USD regarding the HLAY program has been reviewed to check for compliance with the three major criteria described in SBE policy 03-01 that must be met in order for the waiver to be approved by the board. The waiver application's lack of success in meeting each of the three criteria is described as follows:

1. Is the program innovative?
The program has been in existence since 1992 and cannot be considered a new program.

2. Does the program demonstrate substantial likelihood of success?
Previously, Dr. Denise Hallfors, Ph.D., University of North Carolina, Chapel Hill, reviewed the two published and seven unpublished studies of HLAY available at that time for a report in *Getting Results, Update 2* (2001). Dr. Hallfors concluded that, "because of the lack of peer-reviewed studies and the weakness of unpublished study designs, Here's Looking At You should not be considered a research-based program that works."

The California Department of Education has asked the California Healthy Kids Resource Center director, Deborah Wood, Ph.D., to acquire a copy of the latest HLAY evaluation conducted by Farley and Associates (April 2003) and based on the scientific evidence presented by the evaluation determine if the program demonstrates substantial likelihood of success. Dr. Wood's conclusion is that, "the present evaluation of HLAY does not provide valid and reliable evidence of effectiveness, especially on students' substance-use behaviors. Without peer-reviewed studies on the impact of HLAY and given the design weaknesses and lack of instrumentation reliability data of the Farley and Associates (April 2003) unpublished study, there is not available evidence at this time to change the conclusions reported in *Getting Results, Update 2* (2001)." A copy Dr. Wood's letter to CDE is attached.

Based on Dr. Wood's review, the HLAY program does not meet the State Board's criteria for demonstrating the likelihood of success.

3. Is there a plan and timeline for submitting the program for review and recognition?
This condition requires that the plan be reviewed by one of the nationwide research groups identified in Policy 03-01, that the applicant show a commitment to supporting the scientific evaluation of the program and willingness to take part in clinical trials designed to measure program effectiveness, and that the applicant provide an annual report to the Waiver Office describing adequate progress for submitting the program for recognition as a science-based program. The applicant did not provide a timeline for submitting the program for review by one or more nationwide research groups that recognize science-based programs and did not meet the State Board's criteria in this regard.

Therefore, the Department recommends that this waiver request be denied, as it meets none of the three criteria identified in the State Board waiver policy regarding the federal statute.

**Authority for Waiver:** NCLB, Title IV, Part A, Section 4115(a)(3)

**Period of request:** July 1, 2003 to June 30, 2005

**Local board approval date(s):** June 24, 2004

## FISCAL ANALYSIS (AS APPROPRIATE)

Waiver denial will increase the amount of NCLB, Title IV, Part A funds available to support science-based and proven-effective alcohol, tobacco, other drug and violence prevention programs consistent with the LEA's approved Local Educational Agency Plan.

## BACKGROUND INFORMATION

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

Date: June 30, 2003

To: Meredith Rolfe
Administrator
Safe and Healthy Kids
Program Office

From: Deborah Wood, Ph.D.
Executive Director
CA Healthy Kids Resource
Center

Re: Farley and Associates
(2003) evaluation of Here's
Looking at You (HLAY)

Summary. In *Getting Results, Update 2* (2001), reviewers concluded that the nine studies to date evaluating Here's Looking at You (HLAY) did not provide scientific evidence of effectiveness. Since that time HLAY has been revised and evaluated in an unpublished report by Farley and Associates (April, 2003). The Farley and Associates study evaluated the impact of HLAY on 4th/5th and 5th/6th grade students' substance-use behaviors, knowledge, attitudes, skills and intentions. The study reported some short-term impact on HLAY students' substance use, and some gains in knowledge, attitudes and skills. However, on balance a pattern of effectiveness, particularly on students' substance-use behaviors, does not emerge. Moreover, there are sampling weaknesses in the design of the study and the internal reliability of the instrumentation was not reported. Without peer-reviewed, published studies on the impact of the revised version of HLAY and given the design weaknesses and lack of instrumentation information of the Farley and Associates unpublished study, there is not available evidence at this time to change the conclusions reported in *Getting Results, Update 2* (2001).

Background. Nine studies evaluating Here's Looking at You (HLAY, two published, seven unpublished) were reviewed in *Getting Results, Update 2* (California Department of Education, 2001). The review concluded that "because of the lack of peer-reviewed studies and the weakness of unpublished study designs, HLAY should not be considered a research-based program that works."(p. 17) Since 2001, HLAY has been updated and an evaluation has been conducted by Farley and Associates (April, 2003). The unpublished report by Farley and Associates was provided by the distributor of HLAY, United Learning.

Evaluation of the revised HLAY. The two-year Farley and Associates study evaluated the impact of HLAY on 4th/5th and 5th/6th grade students' substance-use behaviors, knowledge, attitudes, skills, and intentions. HLAY is described in the report as a research-based, K-12 drug education program, designed to provide students with information about alcohol, tobacco, and other drugs; teach social, refusal and resistance

skills; and provide students with opportunities to bond with their school mates, families, and communities. The fourth grade curriculum is 19 lessons; the fifth and sixth grade curricula each consist of 23 lessons. Fidelity of implementation during the study was reported via teacher logs indicating students received an average of 74-83% of the lessons. Teacher logs were supplemented with on-site observations of instruction and interviews with teachers and students. Based on these data, the authors concluded that the program was implemented with a fair amount of fidelity.

Sample. The final data set of the study included 525 students in nine HLAY schools and six matched control schools selected from the Greater Chicago area. Schools that scored below average on the statewide proficiency exams in reading and writing were excluded from the population of schools selected because of concerns about lack of time to implement HLAY and attrition issues. The report notes that the sample represented inner city schools, traditional urban neighborhood schools, and suburban schools. However, student- and school-level demographic data were not provided to demonstrate representation. Similarly, HLAY/control group equivalence data were not provided, except for substance-use behaviors and skills (i.e., having developed a refusal plan). At baseline HLAY students reported significantly higher baseline levels of substance use than control students, while control students were more likely than HLAY students to have developed a refusal plan, suggesting that one or both of the sample groups were not representative of the population (at least as substance use and having a refusal plan is concerned).

Data collection and analysis. Data on students' self-reported substance-use behaviors, knowledge, attitudes, skills, and intentions were assessed via surveys at baseline, two points during the intervention (nine and 12 months from baseline), and after the intervention (21 months from baseline in the spring of the second academic year after students had received two years of the HLAY curriculum). The report provides analyses comparing the baseline (data point 1, DP1) to data collected at the end of the intervention (data point 4, DP4).

Outcomes: Students' Substance-Use Behaviors. Substance-use behaviors were measured in two ways: (a) students' self-report of the frequency of use of six different substances ($4^{th}/5^{th}$ cohort) and seven different substances ($5^{th}/6^{th}$ cohort) in the three- or six-month period prior to administration of the survey. Students' reported use of the substances (alcohol, cigarettes, cigars, marijuana, smokeless tobacco, inhalants, plus any other illegal drugs for the $5^{th}/6^{th}$ cohort ) were aggregated into a substance-use index measure; and (b) the average number of substances students reported "never" having used prior to testing was used as a non-use of substances index. No data were provided to support the internal reliability of the indexes as measures of students' substance-use behaviors.

Substance use was low for both cohorts of HLAY and control students: 85% or more of HLAY and control students reported non-use of substances at DP1 and DP4. The results indicate that the $4^{th}/5^{th}$ cohort of HLAY students increased substance use

significantly less from DP1 to DP4 than control students. 1 However, conclusions from these data should be made with caution because HLAY students reported significantly higher levels of substance use than control students at DP1 (indicating nonequivalence of treatment and control groups at baseline). Although the substance-use results for the 5th/6th cohort were in the same direction they were not statistically significant. The analysis of the non-use index data showed that 4th/5th grade control students' average number of "never-used" substances decreased significantly more than HLAY students from DP1 to DP4. However, control students had a higher average number of "never-used" substances than HLAY students at both DP1 and DP4, and HLAY/control group equivalence analyses of these data at baseline were not reported. The non-use results for the 5th/6th cohort were in the same direction but they were not statistically significant. The report also includes a variety of within-group analyses and across-group analyses of non-use of individual drugs that either didn't directly compare the HLAY and control students, had non-significant results, or provided a single significant result (e.g., 4th/5th non-use of inhalants) among broader non-significant findings. At this time, no generalizable conclusions of impact on students' substance-use behaviors can be drawn from these data due to several factors: the lack of a consistent pattern of results, the lack of demographic data on the subject samples, the nonequivalence of the HLAY and control groups at DP1, and the lack of reliability information for the aggregated index measures.

Outcomes: Students' Knowledge, Skill, and Attitudes Reasoned to Influence Substance Use. The report also includes DP1 to DP4 comparative analyses of students' responses to survey questions about factors addressed in HLAY and reasoned to influence substance use, including: development and use of refusal plans, intentions for future use of substances, ability to recognize risk situations, and prevention-related knowledge and attitudes. No data was provided to support the reliability of the index measures used to represent these factors. Slightly more than half of the across-group analyses yielded no significant differences between the HLAY and control students from DP1 to DP4. In some analyses HLAY students showed significantly greater increases from DP1 to DP4 in analyzing risk situations, prevention-related knowledge and attitudes. In some analyses HLAY students also made significantly greater gains from DP1 to DP4 in having developed, and having used, a refusal plan. However, the results of some of these latter analyses may be confounded by significant differences between HLAY and control students on these variables at DP1.

In sum, the present evaluation of HLAY does not provide valid and reliable evidence of effectiveness, especially on students' substance-use behaviors. Without peer-reviewed studies on the impact of HLAY and given the design weaknesses and lack of instrumentation reliability data of the Farley and Associates (April, 2003) unpublished study, there is not available evidence at this time to change the conclusions reported in *Getting Results, Update 2* (2001).

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1 Although one can assume that a repeated-measures ANOVA provided these results, an identification of the statistical test and results data for this analysis could not be found, except for the p value of the result.

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

☒ **Petition Waiver**

| **SUBJECT** | |
|---|---|
| Petition request under *Education Code* Section 60200(g) by **Fresno County Office of Education** to purchase nonadopted Instructional Resources for "special education students" using carryover Instructional Materials Fund (IMF) monies. (List attached).<br><br>Waiver Number: 8-6-2004 | ☒ **Action**<br><br>☐ **Consent** |

### RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

The California Department of Education (CDE) recommends approval of this petition for the period of September 1, 2004, through August 31, 2006.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Petitions for the purchase of nonadopted instructional materials are reviewed by CDE staff in accordance with the State Board of Education (SBE) Policy for IMF Petitions. The provisions of law governing state allocations for the purchase of instructional materials were significantly changed by Assembly Bill 1781 (Chapter 802, Statutes of 2002), which established the Instructional Materials Funding Realignment Program (IMFRP). However, local educational agencies were allowed to carry over state instructional materials allocations from previous years and spend them in accordance with previously existing provisions. The SBE has approved four similar petition requests for the use past allocations to purchase nonadopted instructional materials for special education students.

### SUMMARY OF KEY ISSUES

The **Fresno County Office of Education** (COE) requests approval of its petition pursuant to *Education Code* Section 60200(g) which states that if a local governing board establishes to the satisfaction of the SBE that the state-adopted instructional materials do not promote the maximum efficiency of pupil learning, then the SBE shall authorize the use state instructional materials allocations to purchase non-adopted materials as specified by the SBE.

The Fresno COE is petitioning to purchase materials from the attached list for use in the county special education programs serving approximately 600 severely disabled students in 32 school districts throughout Fresno County. These students have Individualized Education Programs (IEPs) with specific goals and objectives that meet their individual academic needs. A compelling case is made that, due to the severity of their disabilities, the adaptive instructional materials and software requested under this petition are required for these students to reach the goals outlined in their IEPs.

The Fresno COE states that teachers and parents have requested access to educational technology and alternative materials that are modified for students with cognitive defects. Staff development shall be provided to teachers and staff to train them in using the adapted hardware, software, and modified curriculum. The Fresno COE's narrative provides a description of the student population, as well as the need for and anticipated use of the materials.

Typically, a review for legal and social compliance is required for instructional materials purchased with state allocations. However, all of the materials specified on the Fresno COE's list are exempt from legal and social compliance review.

The Fresno COE is requesting approval of this petition for carryover state instructional materials allocations because it intends to use its current IMFRP funds to purchase standards-aligned materials.

**Authority for Petition:** *Education Code* (EC) Section 60421(d) and 60200(g)

**Period of request:** Unspecified in petition. The CDE recommends that the petition be approved for the period of September 1, 2004, through August 31, 2006.

**Local board approval date(s):** May 20, 2004

**Public hearing held on date(s):** Public viewing 1/20/04 – 2/20/04

**Public hearing advertised by (choose one or more):**
☐ posting in a newspaper ☐ posting at each school ☐ other (specify)

## FISCAL ANALYSIS (AS APPROPRIATE)

The state funds affected by this petition have already been allocated to the Fresno COE. Therefore, this petition would have essentially no impact on the level of state or local funding. The petition's exclusive effect would pertain to the manner in which the already-allocated state funds may be expended by the Fresno COE.

| | |
|---|---|
| 2001-02 and 2002-03 Carryover Funds affected by this petition | $29,394 |
| Estimated cost of specified instructional materials | $29,394 |
| Percent of Carryover Funds to be used for purchase of specified materials | 100% |

## BACKGROUND INFORMATION

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

☒ **Specific Waiver**

| **SUBJECT** | |
|---|---|
| Request by **three school districts** for a retroactive waiver of *Education Code* (EC) Section 60119 regarding the Annual Public Hearing on the availability of textbooks or instructional materials. The district had an audit finding for fiscal year 2002-2003 that they 1) failed to hold the public hearing, or 2) failed to properly notice (10 days) the public hearing and/or 3) failed to post the notice in the required three public places.<br><br>Waiver Number: 11-6-2004 – **Oak Park Unified School District**<br>Waiver Number: 14-6-2004 – **Kit Carson Union School District**<br>Waiver Number: 16-6-2004 – **Los Altos School District** | ☒ **Action**<br><br>☐ **Consent** |

### RECOMMENDATION

☒ Approval ☐ Approval with conditions ☐ Denial

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has heard and approved a Waiver Policy number 01-06 Instructional Materials Sufficiency (*Education Code* Section 60119) Waiver of Retroactive Audit. None of these local educational agencies (LEAs) have had a prior year finding and waiver of this type, so this goes to consent.

### SUMMARY OF KEY ISSUES

During audits for fiscal year 2002-2003, it was discovered that the above LEAs did not hold the public hearings notice of sufficiency of instructional materials, or post the notice for ten days prior to the public hearing or post the required notice in three public places as required by EC Section 60119.

Since then, each LEA has held a fully compliant hearing and determined that it has sufficient instructional materials for each pupil in each school in the district. California Department of Education (CDE) staff verified all other requirements of the Specific Waiver request and none of the LEAs has had a previous waiver of this *Education Code* for the public hearing and ten day notice requirements and/or post the notice in three public places in the 1997-98, 1998-99, 1999-00, 2000-01, or 2001-02 years. Without the waiver, the local educational agencies will have to return $344,850 to CDE. See attached specifics for each LEA.

Therefore, since the LEA have met the requirements for fiscal year 2003-2004, and agrees to comply with EC section 60119 and ensure that the public hearing is held, noticed to the public hearing for ten days, and in three public places, CDE recommends approval of this waiver request.

**Authority for the Waiver:** EC section 41344.3

**Period of request:** July 1, 2002 to June 30, 2003

**Local board approval date(s):** various dates – see waivers

**Bargaining unit(s) consulted on date(s):** various dates – see waivers

**Name of bargaining unit(s)/representative(s):** various – see waivers

**Position of bargaining unit(s) (choose only one):**

☐ Neutral ☒ Support ☐ Oppose

Comments (if appropriate):

## FISCAL ANALYSIS (AS APPROPRIATE)

July 1, 2004 to June 30, 2005

## BACKGROUND INFORMATION

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

**Failure to Hold the Public Hearing, and Complete a Local Board Resolution on the Sufficiency of Textbooks and Instructional Materials (within the 2002-2003 fiscal year)**

Waiver Number: 11-6-2004 – Oak Park Unified School District

- Audit finding for the 2002-2003 fiscal year that would require the return of $156,012 in Instructional Materials funds.
- Due to mid-year personnel changes in the district office, the public hearing for the sufficiency of instructional materials was not held in fiscal year 2002-2003 in accordance with EC section 60119.
- The district held a fully compliant public hearing on September 19, 2003 that met the requirements of EC section 60119. Following the recommendation of the auditors, the district has established a list of all annually required board items including this annual requirement.
- CDE staff verified all other requirements of the Specific Waiver request.

**Failure to Give Ten days Notice of the Public Hearing on the Sufficiency of Textbooks and Instructional Materials (within the 2002-2003 fiscal year)**

Waiver Number: 14-6-2004 – Kit Carson Union School District

- Audit finding for the 2002-2003 fiscal year that would require the return of $16,500 in Instructional Materials funds.
- The district did not post the public notice for ten days as required by EC

Section 60119 because the new business manager was inexperienced and did not know of the ten day posting requirement. This business manager has left the district and been replaced by a more experienced person. A sample resolution form has sent to the district for future use that complies closely with the wording of the statute to ensure greater compliance with the requirements.

- A fully compliant public hearing was held on June 19, 2004 that met the requirements of EC section 60119. The district has changed their procedures to ensure that the public notices for this hearing will be posted for ten days in the future.
- CDE staff verified all other requirements of the Specific Waiver request.

Waiver Number: 16-6-2004 – Los Altos School District

- Audit finding for the 2002-2003 fiscal year that would require the return of $172,338 in Instructional Materials funds.
- The district did not post the public notice for ten days as required by EC Section 60119, instead the district posted the notice for only three days. The mistake occurred because of a new assistant superintendent that was not aware of the ten-day posting requirement. Additionally, a sample resolution has been sent to the district so that in 2004-2005, their resolution will more strictly adhere to the 60119 requirements.
- A fully compliant public hearing was held on May 17, 2004 that met the requirements of EC section 60119. The district has changed their procedures to ensure that the public notices for this hearing will be posted for ten days in the future.
- CDE staff verified all other requirements of the Specific Waiver request.

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

☒ **Specific Waiver**

| **SUBJECT** | |
|---|---|
| Request by **Raymond-Knowles Union Elementary School District** to waive *Education Code* (EC) Section 46202(b), the longer day incentive program for offering less time in the 2002-2003 fiscal year than what the district offered in 1982-1983 fiscal year at **Raymond-Knowles School** in grades four through eight **(shortfall of 1,650 minutes)**.<br><br>Waiver Number: 1-7-2004 | ☒ **Action**<br><br>☐ **Consent** |

### RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

That the district maintain increased instructional time at Raymond-Knowles Elementary School in grades 4 through 8 from the required 56,700 minutes per year to 58,350 minutes per year (56,700 plus the 1,650 minutes short) for a period of two years beginning in 2004-2005 and continuing through 2005-2006, and report the increase in its yearly audits.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has approved similar requests with conditions. EC section 46206 authorizes waivers to be granted for fiscal penalties as a result of a shortfall in instructional time. This section of the Education Code is very prescriptive and states that a waiver may only 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. The instructional time has to be made up beginning not later than the school year following the year in which the waiver was granted and continue for each succeeding school year until the condition is satisfied.

### SUMMARY OF KEY ISSUES

The Raymond-Knowles Union Elementary School District requests a waiver of EC section 46202(b), the penalty for falling below the 1982-1983 instructional minutes during the 2002-2003 fiscal year.

The auditor tested the instructional time at the district by reviewing the bell schedule as listed in the handbook and found them to be short by 1,650 instructional minutes for the year. However, the district claims that the bell schedules listed in the handbook were incorrect and that the fourth though eighth grade students were receiving the correct amount of instructional time of 56,700 minutes for the year.

The district has an older bell system and offered to let the auditor look at the bell ringing

system directly to prove that the bells were ringing at the appropriate times providing the students with the appropriate amount of instructional time.

Instead the auditor used the information from the handbook and the district was found to be out of compliance with the longer day incentive program. The district has since revised their handbook to correctly state the instructional minutes required and will begin making up the time at the beginning of the 2004-2005 school year and continue in 2005-2006.

CDE also notes that, even looking at the times as reported in the handbook for grades 4 through 8, (55,950 minutes), at all times students were provided with more minutes than the minimum set in 1986-87 (54,000 minutes). They are incurring this penalty because they have already been providing more than the minimum in these grade levels since before 1982-1983. State statute does require that the higher level be constantly maintained.

Therefore, the department recommends approval on the condition that the district maintain increased instructional time at Raymond-Knowles Elementary School in grades 4 through 8 from the required 56,700 minutes per year to 58,350 minutes per year (56,700 plus the 1,650 minutes short) for a period of two years beginning in 2004-2005 and continuing through 2005-2006, and report the increase in its yearly audits.

**Authority for the Waiver:** *Education Code* (EC) Section 46202

**Period of request:** July 1, 2002 to June 30, 2003

**Local board approval date(s):** May 18, 2004

**Bargaining unit(s) consulted on date(s):** None – this is a one school district with only four teachers.

**Name of bargaining unit(s)/representative(s):** None

**Position of bargaining unit(s) (choose only one):** None

☐ Neutral ☐ Support ☐ Oppose

Comments (if appropriate):

## FISCAL ANALYSIS (AS APPROPRIATE)

The penalty for this finding is: 38.52 (Average Daily Attendance) times $5,082.39 (Base Revenue Limit) equals $195,773 (Apportionment). 1,650 (Number of Minutes Short) divided by 57,600 (Number of Required Minutes) equals 0.028645833 (Percentage). $195,773 (Apportionment) times 2.86% (Percentage) equals $5,608.10 (Penalty). The district requests a waiver of the full penalty.

## BACKGROUND INFORMATION

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

☒ **Specific Waiver**

| **SUBJECT** | |
|---|---|
| Request by **Morgan Hill Unified School District** to waive *Education Code* (EC) Section 46202(b), the longer day incentive program penalty for offering less instructional time in the 2002-2003 fiscal year than the required 64,800 instructional minutes at **Martin Murphy Middle School** in grade nine **(shortfall of 350 minutes)**.<br><br>Waiver Number: 13-6-2004 | ☒ **Action**<br><br>☐ **Consent** |

### RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

That the district maintain increased instructional time at **Live Oak High School** and **Ann Sobrato High School** in grade 9 through 12 from the required 64,800 minutes per year to 65,150 minutes per year (64,800 plus the 350 minutes short) for a period of two years beginning in 2004-2005 and continuing through 2005-2006, and report the increase in its yearly audits.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has approved similar requests with conditions. EC Section 46206 authorizes waivers to be granted for fiscal penalties as a result of a shortfall in instructional time. This section of the *Education Code* is very prescriptive and states that a waiver may only 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. The instructional time has to be made up beginning not later than the school year following the year in which the waiver was granted and continue for each succeeding school year until the condition is satisfied.

### SUMMARY OF KEY ISSUES

The Morgan Hill Unified School District was found out of compliance in fiscal year 2002-2003 at Martin Murphy Middle School in the ninth grade for falling below the instructional minutes of 64,800 by 350 minutes. Enrollment at this school in 2002-2003 included seventh through ninth grade students. The seventh and eighth grade instructional minute requirement is less than the requirement for ninth graders (54,000 versus 64,800).

The entire ninth grade class that was affected by this error is no longer housed at this middle school and are now enrolled in either one of two district high schools, Live Oak High or at the new high school, Ann Sobrato, beginning this year.
The mistake occurred because two five-minute passing times were claimed for each

day along with one five-minute passing time during each minimum school day. The "allowed" passing time to be counted was only four minutes per agreement with the auditor. Other passing times during the day were at the four-minute limit. The district incorrectly calculated the instructional time at 64,806 for the 2002-2003 school year. The auditors found that the school offered 64,450 instructional minutes to the ninth graders, 350 minutes short of the required 64,800. The district changed the calendar and bell schedules at Martin Murphy Middle School so that the extra passing time will not be counted.

Since the configuration of the middle school has now changed grade levels, the district will begin making up the instructional minutes at the high schools where the former ninth grade is now housed. Both high school principals have been contacted and are agreeable to making up the lost instructional minutes that amounts to 2 minutes a day (350 minutes short divided by 180 days equals 1.94 minutes daily). Because these are high schools, all grades, ninth through twelfth, will offer increased instructional time. Thus students actually affected, now in the eleventh grade, will receive the extra time as well.

Therefore, the department recommends approval of the waiver with the condition that the district maintain increased instructional time at Live Oak High School and Ann Sobrato High School in grade 9 through 12 from the required 64,800 minutes per year to 65,150 minutes per year (64,800 plus the 350 minutes short) for a period of two years beginning in 2004-2005 and continuing through 2005-2006, and report the increase in its yearly audits.

**Authority for the Waiver:** 46206

**Period of request:** July 1, 2002 to June 30, 2003

**Local board approval date(s):** February 9, 2004

**Bargaining unit(s) consulted on date(s):** January 20, 2004

**Name of bargaining unit(s)/representative(s):** Donna Foster, President, Morgan Hill Federation of Teachers (MHFT)

**Position of bargaining unit(s) (choose only one):**
☐ Neutral ☒ Support ☐ Oppose
Comments (if appropriate):

## FISCAL ANALYSIS (AS APPROPRIATE)

The repayment amount as required by law is: 611 (Affected Daily Attendance) times $4,688.71 (Base Revenue Limit) equals $2,864,801.81 (Apportionment). 350 (Number of Minutes Short) times 64,800 (Number of Required Minutes) equals 0.005401235 (Percentage). $2,864,801.81 (Apportionment) times 0.54% (Percentage) equals $15,473.47 (Penalty). The district is requesting that the full penalty be waived.

## BACKGROUND INFORMATION

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

☒ **Specific Waiver**

| **SUBJECT** | |
|---|---|
| Request by **Redondo Beach Unified School District** to waive *Education Code* (EC) Section 46202(b), the longer day incentive program penalty for offering less time in the 2002-2003 fiscal year in grades 4 through 6 than what the district offered in 1982-1983 at **Jefferson Elementary School** (shortfall of 360 minutes).<br><br>Waiver Number: 6-7-2004 | ☒ **Action**<br><br>☐ **Consent** |

### RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

That the district maintain increased instructional time at Jefferson Elementary School in grades 4 through 6 from the required 54,000 minutes per year to 54,360 minutes per year (54,000 plus the 360 minutes short) for a period of two years beginning in 2003-2004 and continuing through 2004-2005, and report the increase in its yearly audits.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has approved similar requests with conditions. EC Section 46206 authorizes waivers to be granted for fiscal penalties as a result of a shortfall in instructional time. This section of the *Education Code* is very prescriptive and states that a waiver may only 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. The instructional time has to be made up beginning not later than the school year following the year in which the waiver was granted and continue for each succeeding school year until the condition is satisfied.

### SUMMARY OF KEY ISSUES

The Redondo Beach Unified School District requests a waiver of *Education Code* (EC) Section 46202(b), the longer day instructional time penalty for offering less time that was offered in 1982-1983. The shortage was caused by an unapproved change to Jefferson Elementary School's bell schedule. This change was made without the approvals of the district office resulting in a 360 instructional minute shortfall for the year.

Beginning in school year 2003-2004, the school made up the time by increasing the instructional minutes to the bell schedule and will continue to make up the lost instructional minutes in 2004-2005 (see attached bell schedules). In the future, the school will not make any changes to the bell schedule without prior approval of the

district and school board. The penalty in this case is $61,774.97.

At the request of the bargaining unit, the district included a letter with their waiver request asking that Jefferson Elementary School not have to continue making up the additional instructional time in 2004-2005. One of the reasons the bargaining union opposes continuing the increase in instructional time is that the current students were not affected by the shortage in 2002-2003. Those fifth and sixth graders are now attending the middle school and will not benefit from the increased instructional time. The other reason for bargaining union opposition is that Jefferson Elementary is a high performing school (API of 902 in 2003) and that the shortage of minutes did not impact student achievement. The department notes that the students who were in 4th grade in the affected year will have received two years of make-up time, and the students in fifth grade will have received one year of make-up if the district followed the proposed conditions.

However, the statute governing the longer day incentive program (EC Section 46201) requires that "school or schools" bring the annual instructional minutes up to the required level and in addition, add the amount of minutes that was lost for two school years in order to get the waiver and not pay the fiscal penalty. In this case, the school has to offer the required 54,000 instructional minutes and then increase that for an additional 360 minutes. The school was short by 360 minutes which when divided by 180 days works out to two additional minutes a day. This additional time would not be difficult to include and could not be considered burdensome. The bargaining unit has agreed to make up the lost time and is negotiating what part of the school day should be increased. This should be completed shortly.

Therefore, the department recommends approval with the condition that the district maintain increased instructional time at Jefferson Elementary School in grades 4 through 6 from the required 54,000 minutes per year to 54,360 minutes per year (54,000 plus the 360 minutes short) for a period of two years beginning in 2003-2004 and continuing through 2004-2005, and report the increase in its yearly audits.

**Authority for the Waiver:** 46202

**Period of request:** July 1, 2002 to June 30, 2003

**Local board approval date(s):** June 22, 2004

**Bargaining unit(s) consulted on date(s):** June 6, 2004

**Name of bargaining unit(s)/representative(s):** Kelly McMath, Barbara Barr

**Position of bargaining unit(s) (choose only one):**

☐ Neutral ☐ Support ☒ Oppose

Comments (if appropriate): See attached letter from the district that was requested by the bargaining unit to be submitted along with the waiver request.

## FISCAL ANALYSIS (AS APPROPRIATE)

The repayment amount required by law is as follows: 1791.51 (Average Daily Attendance) times $5,172.31 (Budget Revenue Limit) equals $ 9,266,245.09 (Apportionment). 360 (Number of Minutes Short) divided by 54,000 (Required Number of Minutes) equals 0.00667 (Percentage). $ 9,266.245.09 times 0.67% (Percentage) equals $ 61,774.97 (Penalty). The district requests to waive the full penalty.

## BACKGROUND INFORMATION

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

☒ **Specific Waiver**

| **SUBJECT** | |
|---|---|
| Request by **San Francisco Unified School District** to waive *Education Code* (EC) Section 56366.1(a), certification for an uncertified nonpublic school, **Youth Care/Pine Ridge Academy** located in Draper, Utah to provide services to one special education student, **Sophia S.**<br><br>Waiver Number: 3-6-2004 | ☒ **Action**<br><br>☐ **Consent** |

### RECOMMENDATION

☒ Approval ☐ Approval with conditions ☐ Denial

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education has taken action on several previous nonpublic school certification waivers. EC 56101 allows these waivers based on the student's needs and their Individualized Educational Plan (IEP).

### SUMMARY OF KEY ISSUES

The San Francisco Unified School District (SFUSD) requests a waiver of EC 56366.1(a). This law establishes standards for non-profit, nonsectarian schools and agencies to follow to be certified to provide special education and designated instruction services (DIS) to students with disabilities. The district requests this waiver in order to place student, Sophia S. at Youth Care/Pine Ridge Academy located in Draper, Utah.

The student's handicapping condition is Emotional Disturbance. The placement is pursuant to specific therapeutic and instructional needs. No other program was appropriate to meet all of the student's needs, according to the IEP.

The student is currently placed in a certified out-of-state NPS but is not responding to treatment.

The staff at Youth Care/Pine Ridge Academy are highly trained and devoted to students with therapeutic and counseling needs.

The Department recommends this waiver request be approved.

**Authority for the Waiver:** *Education Code* (EC) Section 56101

**Period of request:** May 1, 2004 to May 1, 2005

**Local board approval date(s):** May 4, 2004

**Bargaining unit(s) consulted on date(s):** April 5 & 8, 2004

**Name of bargaining unit(s)/representative(s):** Dennis Kelly

**Position of bargaining unit(s) (choose only one):**

☒ Neutral ☐ Support ☐ Oppose

Comments (if appropriate): "Had no objection as long as NPS rates are comparable to present placement rates."

## FISCAL ANALYSIS (AS APPROPRIATE)

If the waiver is denied, the district would not be able to fund the placement with special education funds.

## BACKGROUND INFORMATION

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

☒ **General Waiver**

| **SUBJECT** | |
|---|---|
| Request by **San Jose Unified School District** to waive portions of Education Code (EC) sections 17465, 17466, 17469, 17471, 17472, 17473 and 17475, specific provisions for Sale/Lease of Surplus Property. Approval of the waiver would speed the process faster than required by statute, emphasize the proposed usage for the property in the selection, rather that "highest bid", and eliminate the "oral bid" process. The three district properties for which the waiver is requested are the **former Hammer School site,** the **former Erikson school site** and the **former Crossroads Community Day school site.**<br><br>Waiver Number: 1-6-2004 | ☒ **Action**<br><br>☐ **Consent** |

**RECOMMENDATION**

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

The district shall be granted the waiver for disposition of the three sites listed only on the condition that the district will:

1) enforce a shorter time line of 30 days rather that the statutory 60 days for purposes of the notice requirements in EC 17465 (c), (d)(2), (e) and (g).
2) enforce a shorter time line of two weeks rather than three for the public meeting to open the sealed bids, and to allow the resolution describing the property or sale or lease to be based on specific terms described by the local board, rather than a minimum price or rental fee as described in EC 17466;
3) enforce a shorter time line of public notice to 10 days (formerly 15 days) and two weeks (formerly 3 weeks) for newspaper notice in EC 17469;
4) be allowed to forgo the public notice requirements when leasing property for less than $3,000 a month (formerly $50 a month limit in EC 17471);
5) evaluate bids between normal board meetings (14 days) rather than the statutory 10 days required by EC 17475, so special meetings do not have to be called for final decisions on sales/leases and due diligence in regard to the offers may be completed;
6) be granted the waiver to apply to the sale or lease of three properties only (named above), for two years less one day, so that EC 33051(c) will not apply.

**SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION**

The State Board of Education approved a sale and lease waiver for the Mill Valley School District in July 2003, and for the Huntington Beach Union High School District in January 2003.

In February, 2003, Greg Geeting, then on State Board staff, analyzed the entire

section of the code, recommending the specific portions of these EC that may be considered for waiver, and listing those that probably do not need to be waived. After considering this analysis in some detail, the request was modified as follows. See Attachment A, the actual EC language to be waived.

## SUMMARY OF KEY ISSUES

Under the provisions of *Education Code* sections 33050-33053, the San Jose Unified School District requests that specific portions of the *Education Code* sections relating to the sale and disposition of district property be waived in order to maximize community support by involving them in the assessing the best tenant for the property and allow the district and the community flexibility to consider community service, and not just revenue, as criteria for bid selection. In all cases bidding would remain competitive and open to the public.

The District wishes to accelerate the process for accepting bids on district property in order to maximize flexibility to negotiate contracts in an ever-softening real estate market and in order to complete negotiations quickly so as to minimize disruptions associated with rearranging facility usage during the school year. This can be done through new time lines being set by conditions in waiver of EC's 17465 (c), (d)(2), (e) and (g); 17466; and 17469.

The district also requests a partial waiver of EC 17466, the language "the board shall specify ~~the minimum price or rental and the~~ terms upon which it will be sold or leased." This waiver will allow the district to have the discretion of not having to set a minimum bid based on the character of the property being leased. In a variable market such as in San Jose, setting a minimum rental can lead to bids that are lower than the market would generate without a minimum price, as bids are targeted around the district's minimum. Or conversely, the district has experienced setting a minimum bid, then getting no bidders at all, and then be required to start the entire public process over again, with additional costs, time delays and loss of income from the vacant property.

The limit set in statute with SB1562, in **1977-78** allows districts forgo the public notice requirements when leasing property for **less than $50/month**; is very outdated! By allowing a waiver of that $50 limit, on the condition that the new limit be set at $3,000/month, the district can expedite the leasing of very small areas within a school site. For example, when an entire site is leased, except of one or two classrooms or modular buildings, those could be leased without the time-consuming and costly process of taking public bids, if the ceiling were lifted to **$3,000/mo.**

If EC 17473 and a portion of EC 17472 is waived, oral bids will not be accepted by San Jose on these properties. This last-minute bidding method can negate the thoughtful, written bids previously submitted and cause further delay. The district has experienced problems where the oral bidding raised the price to such a level that the tenant was later unable to make the payments. This resulted in an attempt to renegotiate the lease, and if there had been a default, might have required tenant

eviction, and the whole public notice process would have to be started again.

Under the restrictions of 33050(a)(7), this waiver will NOT apply to large areas of the EC in Part 10.5, keeping all other public protections in place.

The department recommends approval of the waiver as stated for the three named sites, with conditions as listed.

**Authority for Waiver:** *Education Code* (EC) Section 33050

**Period of request:** September 9, 2004 through September 8, 2006
(EC 33051 (c) will not apply)

**Local board approval date(s):** May 20, 2004 Public

**Public hearing held on date(s):** May 10, 2004

**Bargaining unit(s) consulted on date(s):** May 6, 2004

**Name of bargaining unit/representative(s) consulted:** CSEA- Robin Hill, Diana Bernal; AFSCME - Roberta Lopez, Joseph De La Fuarte; Trades - Phil San Filippo

**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:** District 7-1 1 Advisory Committee

**Objections raised (choose one):** ☒ None ☐ Objections are as follows:

**Date(s) consulted:** April 26, 2004

## FISCAL ANALYSIS (AS APPROPRIATE)

The flexibility in property disposition requested herein will allow the district to maximize revenue flow as it adjusts to the exigencies of declining enrollment.

## BACKGROUND INFORMATION

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

**Attachment A: Education Codes to be Waived and proposed conditions (in bold)**

Section 17465 (c). Upon adoption of the resolution, the governing board shall notify, in writing, other districts or the county office, as specified in subdivision (b), of its intent to lease vacant classrooms. The notice shall describe the vacant classrooms, shall specify that the lease shall not exceed 99 years and that the lease payment and other terms of the lease are subject to negotiation, and shall sate that the offer to lease is valid for no more than ~~60~~ **(30)** days after receipt thereof.

Section 17465 (d)(2). Expiration of the ~~60-day~~ **(30-dav)** period prescribed by subdivision (c).

Section 17465 (e). An entity desiring to lease the vacant classroom shall, within ~~60~~ **(30)** days from receipt of the notification, inform the governing board, in writing, of its intent to lease or not to lease the classroom.

Section 17465 (g). If the governing board and the entity desiring to lease the classroom are unable to complete negotiations for the lease and arrive at a mutually satisfactory lease within the same ~~60 day~~ **(30-day)** period that the entity has to inform the governing board of its intent to lease or not lease, the governing board may lease the classroom in accordance with the provisions of this article.

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 a 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~~ **(two)** 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.

Section 17469. Notice of the adoption of the resolution and of the time and place of holding the meeting shall be given by posting copies of the resolution signed by the board or by a majority thereof in three public places in the district, not less than ~~15~~ **(10)** days before the date of the meeting, and by publishing the notice not less than once a week for ~~three~~ **two** successive weeks before the meeting in a newspaper of general circulation published in the county in which the district or any part of the district is situated, if any such newspaper is published therein.

Section 17471. Whenever it is proposed to lease real property and the governing board unanimously determines in the resolution that in its opinion, the monthly rental value of the property does not exceed the sum ~~of fifty dollars ($50)~~. **(two thousand dollars ($3,000).** the resolution need not be posted and may, before the date of the meeting, be published in two successive issues of a weekly newspaper or in five successive issues of a daily newspaper. The newspaper in which the notice is published shall be....

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, 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.

~~Section 17473. Bofore accepting any written proposal, the board shall call for oral bids. If, upon the call for oral bidding, any responsible person offers to purchase the property or to loaso tho property, as the case may bo, upon tho torms and conditions spocifiod in the resolution, for a price or rental exceeding by at least 5 percent, the highest written proposal, after deducting the commission, if any, to bo paid a licensed real estate broker in connoction thorowith, then tho oral bid which is the highest after deducting any commission to be paid a licensed real estate broker, in connection therewith, which is mado by a responsible person, shall be finally accepted. Final acceptance shall not be made, howovor, until the oral bid is reduced to writing and signed by the offoror.~~

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 the ~~10~~ **(14)** days next following.

**ITEM #W-23**

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

☒ **General Waiver**

| **SUBJECT** | |
|---|---|
| Request by **California Virtual Academy @ Kern Charter School** for a waiver of *Education Code* Section 51745.6 and Title 5, California Code of Regulations (*CCR*) sections 11704,11963.3(2), and part of 11963.4(b)(3) related to charter school independent study average daily attendance (ADA)-to-teacher ratios to allow a ratio that is higher than the ratio required by these sections (request: **ADA-to-teacher ratio of 35 to 1)**.<br><br>Waiver Number: 11-9-2003 | ☒ **Action**<br><br>☐ **Consent** |

### RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

That the waiver be for one year only (2004-5) to evaluate this new type of virtual program and that the increase in the ADA-to-teacher ratio be limited to only **10** percent above the ratio that would otherwise be applicable, but no greater than **30 to 1**.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In April 2001, the State Board of Education (SBE) adopted waiver guidelines for the independent study ADA-to-teacher ratio for "regular" schools/districts. The policy limits the ADA-to-teacher ratio for independent study to no greater than 10 percent above the ratio that would be applicable under statute absent the waiver, with a cap of 30.

Date stamped into CDE on September 2003, this waiver has been scheduled two other times to the SBE, most recently in March, 2004 when the Board made an official request that the Advisory Commission on Charter Schools (ACCS) give a recommendation on this waiver, and work on a waiver policy for waivers for virtual or computer based charters.

Although the policy has been discussed a few times by the Commission, they have not yet made a formal recommendation to the SBE. The charter school requests that the waiver be heard at the September 2004 SBE meeting.

### SUMMARY OF KEY ISSUES

California Virtual Academy @ Kern Charter School is seeking a waiver of *Education Code* Section 51745.6 and Title 5 *CCR* sections 11704 and 11963.3(2) and part of 11963.4(b)(3) related to independent study ADA-to-teacher ratios for its charter school to allow a ratio that is 50 percent higher than the ratio required by these sections. The reported ADA-to-teacher ratio in the nearest unified district is currently 27.1 to 1. The charter school is requesting a waiver to allow it to collect apportionment

based on a ratio of 40.6 to 1 (150% of 27.1 to 1). This request has been modified (see attached memorandum) as of 8/12/04 to a request for an ADA-to-teacher ratio of **35 to one.**

The basis of California Virtual Academy's request is that ADA-to-teacher ratio calculations are not appropriate for on-line charter school programs and that the school is providing an array of other student support services to its students, i.e., "On-line School," parent training, help line, and computer support. The California Virtual Academy on-line program takes away some of the traditional teacher duties, such as lesson planning, some instruction, and course-level testing and grading. The waiver claims that the addition of more students to each teacher will have no impact on the quality of the educational program provided to students.

CDE notes that the SBE has grounds for denial of this waiver at the higher level requested pursuant to *Education Code* Section 33050(a)(1), that the educational needs of the pupil are not adequately addressed. California Virtual Academy argues that the increase in students for each teacher, i.e. from 27 to 40, will not impact the quality of the educational program. CDE does not find this argument well supported. The educational needs of the students are better served with a lower ratio that enables greater contact between students and teachers. The ACCS, at their August 11, 2004 meeting discussed levels as high at 35 to 1, but did not reach consensus.

Consistent with the SBE adopted policy for "regular" independent study ADA-to-teacher ratios, CDE recommends that a 10 percent increase in the ADA-to-teacher ratio be allowed, with the ratio not to exceed 30 to 1. Although the SBE policy does not specifically address charter schools, the 10 percent increase in this case appears supported. CDE is not recommending that the other conditions of the SBE policy be applied in this case because the charter school already only serves independent study students and the school already reports its revenues and expenditures to the CDE through the SB 740 process.

**Authority for Waiver:** *Education Code* (EC) Section 33050

**Period of request:** 2004-5 year only.

**Local board approval date(s):** 12/12/03

**Public hearing held on date(s):** 12/12/03

**Bargaining unit(s) consulted on date(s):** The School does not have any employee bargaining units.

**Name of bargaining unit/representative(s) consulted:** The School does not have any employee bargaining units.

**Position of bargaining unit(s) (choose only one):** The School does not have any

employee bargaining units.

☐ Neutral ☐ Support ☐ Oppose

**Public hearing advertised by (choose one or more):**
☒ posting in a newspaper ☐ posting at each school ☒ other (Notice Posted at District Offices, Notice Posted at meeting site).

**Advisory committee(s) consulted:** No parent committee. Governing Board (with parents) reviewed waiver.

**Objections raised (choose one):** ☒ None ☐ Objections are as follows:

**Date(s) consulted:** September 23, 2003

## FISCAL ANALYSIS (AS APPROPRIATE)

There will be no fiscal impact to the state as a result of approval of this waiver. Allowing a greater ADA-to-teacher ratio will not increase the amount of funding provided to this school. However, it will allow the school redirect its resources away from teacher salaries and related expenditures to other uses.

## BACKGROUND INFORMATION

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

☒ **General Waiver**

| **SUBJECT** | |
|---|---|
| Request by **California Virtual Academy @ San Diego Charter School** for a waiver of *Education Code* Section 51745.6 and Title 5, California Code of Regulations (*CCR*) sections 11704,11963.3(2), and part of 11963.4(b)(3) related to charter school independent study average daily attendance (ADA)-to-teacher ratios to allow a ratio that is higher than the ratio required by these sections (request: **ADA-to-teacher ratio of 35 to 1)**.<br><br>Waiver Number: 8-9-2003 | ☒ **Action**<br><br>☐ **Consent** |

### RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

That the waiver be for one year only (2004-5) to evaluate this new type of virtual program and that the increase in the ADA-to-teacher ratio be limited to only **10** percent above the ratio that would otherwise be applicable, but no greater than **30 to 1**.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In April 2001, the State Board of Education (SBE) adopted waiver guidelines for the independent study ADA-to-teacher ratio for “regular” schools/districts. The policy limits the ADA-to-teacher ratio for independent study to no greater than 10 percent above the ratio that would be applicable under statute absent the waiver, with a cap of 30.

Date stamped into CDE on September 2003, this waiver has been scheduled two other times to the SBE, most recently in March, 2004 when the Board made an official request that the Advisory Commission on Charter Schools (ACCS) give a recommendation on this waiver, and work on a waiver policy for waivers for virtual or computer based charters.

Although the policy has been discussed a few times by the Commission, they have not yet made a formal recommendation to the SBE. The charter school requests that the waiver be heard at the September 2004 SBE meeting.

### SUMMARY OF KEY ISSUES

California Virtual Academy @ San Diego Charter School is seeking a waiver of *Education Code* Section 51745.6 and Title 5 *CCR* sections 11704 and 11963.3(2) and part of 11963.4(b)(3) related to independent study ADA-to-teacher ratios for its charter school to allow a ratio that is 50 percent higher than the ratio required by these sections. The reported ADA-to-teacher ratio in the nearest unified district is currently 27.1 to 1. The charter school is requesting a waiver to allow it to collect apportionment

based on a ratio of 40.6 to 1 (150% of 27.1 to 1). This request has been modified (see attached memorandum) as of 8/12/04 to a request for an ADA-to- teacher ratio of **35 to one.**

The basis of California Virtual Academy's request is that ADA-to-teacher ratio calculations are not appropriate for on-line charter school programs and that the school is providing an array of other student support services to its students, i.e., "On-line School," parent training, help line, and computer support. The California Virtual Academy on-line program takes away some of the traditional teacher duties, such as lesson planning, some instruction, and course-level testing and grading. The waiver claims that the addition of more students to each teacher will have no impact on the quality of the educational program provided to students.

CDE notes that the SBE has grounds for denial of this waiver at the higher level requested pursuant to *Education Code* Section 33050(a)(1), that the educational needs of the pupil are not adequately addressed. California Virtual Academy argues that the increase in students for each teacher, i.e. from 27 to 40, will not impact the quality of the educational program. CDE does not find this argument well supported. The educational needs of the students are better served with a lower ratio that enables greater contact between students and teachers. The ACCS, at their August 11, 2004 meeting discussed levels as high at 35 to 1, but did not reach consensus.

Consistent with the SBE adopted policy for "regular" independent study ADA-to-teacher ratios, CDE recommends that a 10 percent increase in the ADA-to-teacher ratio be allowed, with the ratio not to exceed 30 to 1. Although the SBE policy does not specifically address charter schools, the 10 percent increase in this case appears supported. CDE is not recommending that the other conditions of the SBE policy be applied in this case because the charter school already only serves independent study students and the school already reports its revenues and expenditures to the CDE through the SB 740 process.

**Authority for Waiver:** *Education Code* (EC) Section 33050

**Period of request:** 2004-5 year only.

**Local board approval date(s):** 12/12/03

**Public hearing held on date(s):** 12/12/03

**Bargaining unit(s) consulted on date(s):** The School does not have any employee bargaining units.

**Name of bargaining unit/representative(s) consulted:** The School does not have any employee bargaining units.

**Position of bargaining unit(s) (choose only one):** The School does not have any

employee bargaining units.

☐ Neutral ☐ Support ☐ Oppose

**Public hearing advertised by (choose one or more):**
☒ posting in a newspaper ☐ posting at each school ☒ other (Notice Posted at District Offices, Notice Posted at meeting site).

**Advisory committee(s) consulted:** No parent committee. Governing Board (with parents) reviewed waiver.

**Objections raised (choose one):** ☒ None ☐ Objections are as follows:

**Date(s) consulted:** September 23, 2003

## FISCAL ANALYSIS (AS APPROPRIATE)

There will be no fiscal impact to the state as a result of approval of this waiver. Allowing a greater ADA-to-teacher ratio will not increase the amount of funding provided to this school. However, it will allow the school redirect its resources away from teacher salaries and related expenditures to other uses.

## BACKGROUND INFORMATION

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

**ITEM #W-25**

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

☒ **General Waiver**

| **SUBJECT** | |
|---|---|
| Request by **California Virtual Academy @ Kern Charter School** for a waiver of Title 5 of the *California Code of Regulations* (5 *CCR)* Section 11963.4(b)(3) to allow the charter school to receive full funding with less than 50 percent (but more than **40 percent**) of expenditures required for certificated staff costs due to the characteristics of a "Virtual Education Program."<br><br>Waiver Number: 9-9-2003 | ☒ **Action**<br><br>☐ **Consent** |

**RECOMMENDATION**

☐ **Approval** ☐ **Approval with conditions** ☒ **Denial**

Reason: *Education Code* Section 33051(a)(6) "substantially increases state costs," and for the other reasons described in the following analysis.

**SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION**

Senate Bill (SB) 740 (Chapter 892, Statutes of 2001) allows funding reductions for charter schools that offer non-classroom-based instruction (*Education Code* Sections 47612.5 and 47634.2). Non-classroom-based instruction occurs when a charter school does not require attendance of its pupils at the school site under the direct supervision and control of a qualified teaching employee of the school for at least 80 percent of the required instructional time. For 2003-04 and each fiscal year thereafter, the law states that funding reductions of 30 percent of qualifying charter schools' non-classroom-based average daily attendance (ADA) shall be made unless the State Board of Education (SBE) determines that a greater or lesser percentage is appropriate for a particular charter school. Furthermore, pursuant to SB 740, a charter school is prohibited from receiving any funding for non-classroom-based instruction unless the SBE determines its eligibility for funding.

SB 740 also established the Advisory Commission on Charter Schools (ACCS) to develop the criteria for the SBE to use in making funding determinations. The ACCS also provides recommendations to the SBE on appropriate funding determinations for non-classroom-based charter schools and on other aspects of the SBE's duties under the Charter Schools Act.

The SBE adopted permanent regulations that were adopted in November 2003 that specified the criteria that a non-classroom-based charter school must meet in order for the SBE to determine that the school shall receive 100 percent funding. For 2003-04 and each fiscal year thereafter, the full funding criteria are that at least 50 percent of the school's public revenues must be spent on certificated employee salaries and benefits and at least 80 percent of all revenues must be spent on instruction and

instruction-related costs. Schools must spend a minimum of 40 percent on certificated employee salaries and benefits and 60 percent on instruction and instruction-related costs or the funding percentage is zero. Pursuant to the regulations, the SBE may approve a higher or lower funding level than the criteria would prescribe based upon mitigating circumstances of the school that indicate that a higher or lower funding level is appropriate.

Date stamped into CDE on September 2003, this waiver has been scheduled two other times to the SBE, most recently in March, 2004 when the Board made an official request that the Advisory Commission on Charter Schools (ACCS) give a recommendation on this waiver, and work on a waiver policy for waivers for virtual or computer based charters, and to provide a recommendation on the percentage funding level.

Although the policy has been discussed two times by the Commission, they have not yet made a formal recommendation to the SBE. The charter school requests that the waiver be heard at the September 2004 SBE meeting.

## SUMMARY OF KEY ISSUES

California Virtual Academy @ Kern Charter School is seeking a waiver of the required 50 percent as follows:

> Title 5 *CCR* Section 11963.4(b)(3) "If the percentage established pursuant to paragraph (1) of subdivision (c) of section 11963.3 equals or exceeds ~~**50**~~ percent, the percentage calculated pursuant to paragraph (2) of subdivision (c) equals or exceeds 80 percent….

They ask that the percentage be set by condition to be **40** percent (or greater) allow of expenditures required for certificated staff costs due to the characteristics of a "Virtual Education Program." The basis of California Virtual Academy's request is that on-line charter schools are currently being treated as independent study programs, and that the SB 740 requirements do not take into consideration the required funding distribution required toward instructional materials, computer equipment, and the on-line curriculum in their particular program. The school provides information showing approximate expenditures of 55 percent of the school's state funding to provide infrastructure requirements for the program before including teacher salaries, special education services, counseling, administrative services, and other costs.

CDE recommends denial of this waiver request for the following reasons:

1) *Education Code* Section 33051(a)(6): Approval of this waiver would potentially significantly increase state costs (or result in foregone savings). See the fiscal analysis for full discussion.

2) The funding determination process required by SB 740 was intended to include a variety of non-classroom-based schools, and not just independent study charter schools. *Education Code* Section 47612.5(d)(1) states, "non-classroom-based

instruction includes, but is not limited to, independent study, home study, work study, and distance and computer-based education." It was always the intent of SB 740 to include virtual schools, i.e., distance and computer-based education, in the funding determination process. There are a variety of non-classroom-based charter schools that are required to go through the SB 740 funding determination process. The California Virtual Academy schools are not the only charter schools in the state offering on-line instructional programs. All of these schools are required to meet SB 740 requirements (or demonstrate through that process why they should be exempted).

3) The ACCS, through the SB 740 funding determination process, provides funding recommendations to the SBE on non-classroom-based charter schools. If one or more mitigating circumstances are factors for a school in not meeting the percentage criteria required for 100 percent funding, documentation can accompany the funding determination request form and the ACCS will fully consider this information in their funding recommendation to the SBE.

Representatives from the school always have an opportunity to appear before the ACCS and the SBE to present relevant information related to their school's operations. When the percentage criteria for full funding are not met, it is the charter school's responsibility to provide documentation to the ACCS and the SBE that demonstrates that the mitigating circumstance is compelling. Approval of this waiver would bypass a process already established for the SBE to consider this information. It would also be premature of the SBE to make this determination without the benefit of all the other information provided on the SB 740 forms.

**Authority for Waiver:** *Education Code* (EC) Section 33050

**Period of request:** 2004 – 2005 year

**Local board approval date(s):** 12/12/03

**Public hearing held on date(s):** 12/12/03

**Bargaining unit(s) consulted on date(s):** The school does not have any employee bargaining units.

**Name of bargaining unit/representative(s) consulted:** The school does not have any employee bargaining units.

**Position of bargaining unit(s) (choose only one):** The school does not have any employee bargaining units.
☐ Neutral ☐ Support ☐ Oppose
Comments (if appropriate):

**Public hearing advertised by (choose one or more):**
☒ posting in a newspaper ☐ posting at each school ☒ other (Notice Posted at District Offices, Notice Posted at meeting site)

**Advisory committee(s) consulted:** No parent committee. Governing Board (with parents) reviewed waiver.

**Objections raised (choose one):** ☒ None ☐ Objections are as follows:

**Date(s) consulted:** September 23, 2003

## FISCAL ANALYSIS (AS APPROPRIATE)

The SB 740 regulations for 2003-04 require that at least 40 percent of public revenues be spent on certificated employee salaries and benefits to receive a funding level of 70 percent and at least 50 percent of public revenues spent on certificated employee salaries and benefits to receive full funding. California Virtual Academy is asking for full funding with less than 50 percent (but more than 40 percent) of expenditures required for certificated staff costs.

Therefore, approval of this waiver could result in foregone Proposition 98 savings to the state, assuming that the SBE would have approved this school at the 70 percent funding level through the SB 740 funding determination process. Based on the current enrollment of 434 students and K-6 charter school funding rates of approximately $4,700 per pupil, these foregone savings could be at least $611,940 per year. If the school is unable to meet the minimum 40 percent criterion for any funding, and the SBE makes a zero percent funding determination through the SB 740 process, then the foregone savings would be about $2.0 million.

## BACKGROUND INFORMATION

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

☒ **General Waiver**

| **SUBJECT** | |
|---|---|
| Request by **California Virtual Academy @ San Diego Charter School** for a waiver of Title 5 of the *California Code of Regulations* (5 *CCR)* Section 11963.4(b)(3) to allow the charter school to receive full funding with less than 50 percent (but more than **40 percent**) of expenditures required for certificated staff costs due to the characteristics of a "Virtual Education Program."<br><br>Waiver Number: 10-9-2003 | ☒ **Action**<br><br>☐ **Consent** |

**RECOMMENDATION**

☐ **Approval** ☐ **Approval with conditions** ☒ **Denial**
Reason: *Education Code* Section 33051(a)(6) "substantially increases state costs," and for the other reasons described in the following analysis.

**SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION**

Senate Bill (SB) 740 (Chapter 892, Statutes of 2001) allows funding reductions for charter schools that offer non-classroom-based instruction (*Education Code* Sections 47612.5 and 47634.2). Non-classroom-based instruction occurs when a charter school does not require attendance of its pupils at the school site under the direct supervision and control of a qualified teaching employee of the school for at least 80 percent of the required instructional time. For 2003-04 and each fiscal year thereafter, the law states that funding reductions of 30 percent of qualifying charter schools' non-classroom-based average daily attendance (ADA) shall be made unless the State Board of Education (SBE) determines that a greater or lesser percentage is appropriate for a particular charter school. Furthermore, pursuant to SB 740, a charter school is prohibited from receiving any funding for non-classroom-based instruction unless the SBE determines its eligibility for funding.

SB 740 also established the Advisory Commission on Charter Schools (ACCS) to develop the criteria for the SBE to use in making funding determinations. The ACCS also provides recommendations to the SBE on appropriate funding determinations for non-classroom-based charter schools and on other aspects of the SBE's duties under the Charter Schools Act.

The SBE adopted permanent regulations that were adopted in November 2003 that specified the criteria that a non-classroom-based charter school must meet in order for the SBE to determine that the school shall receive 100 percent funding. For 2003-04 and each fiscal year thereafter, the full funding criteria are that at least 50 percent of the school's public revenues must be spent on certificated employee salaries and benefits and at least 80 percent of all revenues must be spent on instruction and

instruction-related costs. Schools must spend a minimum of 40 percent on certificated employee salaries and benefits and 60 percent on instruction and instruction-related costs or the funding percentage is zero. Pursuant to the regulations, the SBE may approve a higher or lower funding level than the criteria would prescribe based upon mitigating circumstances of the school that indicate that a higher or lower funding level is appropriate.

Date stamped into CDE on September 2003, this waiver has been scheduled two other times to the SBE, most recently in March, 2004 when the Board made an official request that the Advisory Commission on Charter Schools (ACCS) give a recommendation on this waiver, and work on a waiver policy for waivers for virtual or computer based charters, and to provide a recommendation on the percentage funding level.

Although the policy has been discussed two times by the Commission, they have not yet made a formal recommendation to the SBE. The charter school requests that the waiver be heard at the September 2004 SBE meeting.

## SUMMARY OF KEY ISSUES

California Virtual Academy @ San Diego Charter School is seeking a waiver of the required 50 percent as follows:

> Title 5 *CCR* Section 11963.4(b)(3) "If the percentage established pursuant to paragraph (1) of subdivision (c) of section 11963.3 equals or exceeds ~~**50**~~ percent, the percentage calculated pursuant to paragraph (2) of subdivision (c) equals or exceeds 80 percent….

They ask that the percentage be set by condition to be **40** percent (or greater) allow of expenditures required for certificated staff costs due to the characteristics of a "Virtual Education Program." The basis of California Virtual Academy's request is that on-line charter schools are currently being treated as independent study programs, and that the SB 740 requirements do not take into consideration the required funding distribution required toward instructional materials, computer equipment, and the on-line curriculum in their particular program. The school provides information showing approximate expenditures of 55 percent of the school's state funding to provide infrastructure requirements for the program before including teacher salaries, special education services, counseling, administrative services, and other costs.

CDE recommends denial of this waiver request for the following reasons: 1) *Education Code* Section 33051(a)(6): Approval of this waiver would potentially significantly increase state costs (or result in foregone savings). See the fiscal analysis for full discussion.

2) The funding determination process required by SB 740 was intended to include a

variety of non-classroom-based schools, and not just independent study charter schools. *Education Code* Section 47612.5(d)(1) states, "non-classroom-based instruction includes, but is not limited to, independent study, home study, work study, and distance and computer-based education." It was always the intent of SB 740 to include virtual schools, i.e., distance and computer-based education, in the funding determination process. There are a variety of non-classroom-based charter schools that are required to go through the SB 740 funding determination process. The California Virtual Academy schools are not the only charter schools in the state offering on-line instructional programs. All of these schools are required to meet SB 740 requirements (or demonstrate through that process why they should be exempted).

3) The ACCS, through the SB 740 funding determination process, provides funding recommendations to the SBE on non-classroom-based charter schools. If one or more mitigating circumstances are factors for a school in not meeting the percentage criteria required for 100 percent funding, documentation can accompany the funding determination request form and the ACCS will fully consider this information in their funding recommendation to the SBE. Representatives from the school always have an opportunity to appear before the ACCS and the SBE to present relevant information related to their school's operations. When the percentage criteria for full funding are not met, it is the charter school's responsibility to provide documentation to the ACCS and the SBE that demonstrates that the mitigating circumstance is compelling. Approval of this waiver would bypass a process already established for the SBE to consider this information. It would also be premature of the SBE to make this determination without the benefit of all the other information provided on the SB 740 forms.

**Authority for Waiver:** *Education Code* (EC) Section 33050

**Period of request:** 2004 – 2005 year

**Local board approval date(s):** 12/12/03

**Public hearing held on date(s):** 12/12/03

**Bargaining unit(s) consulted on date(s):** The school does not have any employee bargaining units.

**Name of bargaining unit/representative(s) consulted:** The school does not have any employee bargaining units.

**Position of bargaining unit(s) (choose only one):** The school does not have any employee bargaining units.

☐ Neutral ☐ Support ☐ Oppose

Comments (if appropriate):

**Public hearing advertised by (choose one or more):**

☒ posting in a newspaper ☐ posting at each school ☒ other (Notice Posted

at District Offices, Notice Posted at meeting site)

**Advisory committee(s) consulted:** No parent committee. Governing Board (with parents) reviewed waiver.

**Objections raised (choose one):** ☒ None ☐ Objections are as follows:

**Date(s) consulted:** September 23, 2003

## FISCAL ANALYSIS (AS APPROPRIATE)

The SB 740 regulations for 2003-04 require that at least 40 percent of public revenues be spent on certificated employee salaries and benefits to receive a funding level of 70 percent and at least 50 percent of public revenues spent on certificated employee salaries and benefits to receive full funding. California Virtual Academy is asking for full funding with less than 50 percent (but more than 40 percent) of expenditures required for certificated staff costs.

Therefore, approval of this waiver could result in foregone Proposition 98 savings to the state, assuming that the SBE would have approved this school at the 70 percent funding level through the SB 740 funding determination process. Based on the current enrollment of 434 students and K-6 charter school funding rates of approximately $4,700 per pupil, these foregone savings could be at least $611,940 per year. If the school is unable to meet the minimum 40 percent criterion for any funding, and the SBE makes a zero percent funding determination through the SB 740 process, then the foregone savings would be about $2.0 million.

## BACKGROUND INFORMATION

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

☒ **General Waiver**

| **SUBJECT** | |
|---|---|
| Request by **Wiseburn School District** (SD) for a waiver of *Education Code* (EC) Section 35575 and portions of EC 35576 to continue to pay bond indebtedness of Measure C (Centinela Valley Union High School District, March 2000 General Obligation Bond) by property owners of Wiseburn School District<br><br>Waiver Number: 16-5-2004 | ☒ **Action**<br><br>☐ **Consent** |

### RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

First, the State Board of Education (SBE) approves the Wiseburn unification proposal, which also will be heard at the September 2004 meeting. Second the Wiseburn unification proposal must include a description of the method by which bonded indebtedness will be distributed under the terms of the waiver. Such inclusion will ensure that election materials, received by electors voting on the unification proposal, describe the method for distribution of bonded indebtedness. Finally, the SBE sets the election area for the Wiseburn unification proposal as the Wiseburn (SD), if it approves the proposal.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has never heard this type of waiver before.

This waiver was scheduled to be heard at the July 2004 SBE meeting, but was withdrawn by the district.

### SUMMARY OF KEY ISSUES

The proposed unification of Wiseburn SD would remove the geographic area of this district from the Centinela Valley Union High School District (UHSD) in Los Angeles County, resulting in the removal of approximately 40% of the assessed valuation of Centinela Valley UHSD. Centinela Valley UHSD voters approved a $59 million general obligation (GO) bond in March 2000, and the shift of assessed valuation would significantly increase the financial responsibility of property owners in the remaining (non-Wiseburn) area of the high school district to repay current outstanding bonded indebtedness associated with this GO bond. Under current law, Wiseburn area property owners would retain no responsibility for this bonded indebtedness after unification, since no high school real property is located within the Wiseburn SD.

Approval of this waiver would require that property owners in the Wiseburn SD retain existing tax rates for bond interest and redemption on the outstanding bonded

indebtedness of Centinela Valley UHSD. Taxpayers within the Wiseburn SD would receive no benefits from the proceeds of these bonds since no high school district facilities are within the Wiseburn SD. However, since the unification proposal must be approved at an election, voters would approve retaining the current tax rate.

Conditions imposed on approval of this waiver ensure that only Wiseburn area electors would vote on the proposal and election materials would contain an explanation to electors of the effect of approval of the unification proposal on tax rates.

**Authority for Waiver:** *Education Code* (EC) Section 33050

**Period of request:** 7/1/2004 to 6/30/2023

**Local board approval date(s):** May 25, 2004

**Public hearing held on date(s):** May 25, 2004

**Bargaining unit(s) consulted on date(s):** May 13, 2004, May 19, 2004

**Name of bargaining unit/representative(s) consulted:** Liz Downer, Gil Gonzalez

**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:** Unification Committee

**Objections raised (choose one):** ☒ None ☐ Objections are as follows:

**Date(s) consulted:** May 21, 2004

## FISCAL ANALYSIS (AS APPROPRIATE)

Approval of the waiver will retain existing tax rates for property owners in the Centinela Valley Union High School District. It will have no fiscal effect on the state.

## BACKGROUND INFORMATION

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

STATE OF CALIFORNIA ARNOLD SCHWARZENEGGER, *Governor*

**CALIFORNIA STATE BOARD OF EDUCATION**
1430 N Street, Suite 5111
Sacramento, CA 95814
Phone: (916) 319-0827
Fax: (916) 319-0175

Date : August 31, 2004

To : Members, State Board of Education

From : Karen Steentofte
Chief Counsel

Subject: September Meeting Item W-27 Reorganization/Bond Indebtedness

A reorganization proposal (Item 42) before the Board in September involves the issue of what area will be taxed to repay outstanding bonds if territory in the Centinela Valley Union High School District (Centinela) leaves to unify with the Wiseburn Elementary District. Under the proposed reorganization, approximately 40% of Centinela's assessed valuation would leave to join the new Wiseburn Unified School District. A waiver was proposed to allow the territory leaving Centinela to retain the bonded indebtedness in order to achieve a more equitable result for Centinela. This memo is to inform you that the above waiver request is not necessary to allow the existing bonded indebtedness to transfer with the territory to the Wiseburn District.

Education Code section 35575 and 35576, together provide a statutorily defined method of dividing the bonded indebtedness in a reorganization. Specifically, if the transferring territory does not include any improvements (buildings), the transferring territory leaves all the bonded indebtedness with the original school district, in this case Centinela. If the transferring territory does include improvements, the transferring territory takes either its proportionate share of the bonded indebtedness or the bonded indebtedness that covered the cost of the improvements, whichever is greater, to the new district. In this reorganization the statutory default would have the transferring territory leaving all the bonded indebtedness with Centinela as there are no improvements in the transferring territory.

Education Code section 35738, however, allows a reorganization plan to include a method of dividing the bonded indebtedness in a manner other than the statutorily defined method for the purpose of providing greater equity. Specifically, Education Code section 35738 allows for the consideration of assessed valuation when developing an equitable alternative to the statutory method of dividing the bonded indebtedness.

The overall statutory scheme for reorganizations allows the plan to define many of the terms, but defines a default resolution if the plan does not address a requisite issue, such as number of Board members or area by which they are elected. Likewise, Education Code section 35738 provides flexibility in determining how bonded indebtedness will be divided, and Education Codes sections 35575 and 35576 provide the default resolution.

While some may argue that Education Code section 35738 can only be invoked if the reorganization includes a transfer of improvements as specified in Education Code section 35576, the reference to section 35576 can be explained as recognition that section 35576 enunciates the default resolution, but is not a condition of applying section 35738. More importantly, there is no policy argument that supports the interpretation that only where an improvement is transferred can an equitable alternative be implemented. Why would the authority to devise an alternate, more equitable, division of bonded indebtedness be given only when some minor improvement, such as a pump house, was transferred? Why would equity not also be a consideration when an improvement is not transferred, as in the case at hand?

The State Board of Education has the authority pursuant to Education Code section 35754 to amend a reorganization plan within the requirements of Article 3 (which includes section 35738). Accordingly, the Board has the authority to approve the reorganization plan permitting territory to leave Centinela with the bonded indebtedness as authorized under Education Code section 35738. A waiver of Education Code sections 35575 and 35576 is not necessary.

KS:ve

cc: Darline Robles, Los Angeles County Superintendent of Schools
Don Brann, Superintendent, Wiseburn Elementary School District
Cheryl White, Superintendent, Centinela Valley Union High School District