California State Board of Education

Meeting Agenda Items for July 10-11, 2013

Vision, Mission, and Goals

California State Board of Education 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.

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

Last Reviewed: Tuesday, March 05, 2013

Bylaws

For the California State Board of Education, Amended January 16, 2013.

ARTICLE I

Authority

The California State Board of Education is established in the Constitution of the State of California and empowered by the Legislature through the California *Education Code*.

ARTICLE II

Powers and Duties

The Board establishes policy for the governance of the state's kindergarten through grade twelve public school system as prescribed in the *Education Code*, and performs other duties consistent with statute.

ARTICLE III

Members

APPOINTMENT

Section 1.

The State Board of Education consists of 11 members who are appointed by the Governor with the advice and consent of two-thirds of the Senate.

CC, Art. IX, Sec. 7
EC 33000 and 33000.5

TERM OF OFFICE

Section 2.

a. The term of office of the members of the Board is four years, except for the student member whose term is one year.
b. Except for the student member, who serves a one-year term, terms expire on January 15 of the fourth year following their commencement. Members, other than the student member, continue to serve until the appointment and qualification of their successors to a maximum of 60 days after the expiration of their terms. If the member is not reappointed and no successor is appointed within that 60-day period, the member may no longer serve and the position is deemed vacant. The term of the student member begins on August 1 and ends on July 31 of the following year.
c. If the Senate refuses to confirm, the person may continue to serve until 60 days have elapsed since the refusal to confirm or until 365 days have elapsed since the person first began performing the duties of the office, whichever occurs first.
d. If the Senate fails to confirm within 365 days after the day the person first began performing the duties of the office, the person may not continue to serve in that office following the end of the 365-day period.

EC 33001; 33000.5
GC 1774

VACANCIES

Section 3.

Any vacancy shall be filled by appointment by the Governor, subject to confirmation by two-thirds of the Senate. The person appointed to fill a vacancy shall hold office only for the balance of the unexpired term.

EC 33002

STUDENT MEMBER

Section 4.

Finalists for the student member position shall be selected and recommended to the Governor as prescribed by law.

EC 33000.5

COMPENSATION AND EXPENSES

Section 5.

Members of the Board shall receive their actual and necessary travel expenses while on official business. Each member shall also receive one hundred dollars ($100) for each day he or she is acting in an official capacity.

EC 33006
GC 11564.5

CONFLICT OF INTEREST CODE

Section 6.

Board members shall file statements of economic interest as required by the Fair Political Practices Commission. The terms of a standard Conflict of Interest Code, adopted by the Commission and as may be amended, are incorporated by reference and constitute the Conflict of Interest Code of the Board.

2 CCR 18730
5 CCR 18600

ARTICLE IV

Officers and Duties

PRESIDENT, VICE PRESIDENT

Section 1.

Officers of the Board shall be a president and a vice president. No member may serve as both president and vice president at the same time.

Section 2.

a. The president and vice president shall be elected annually in accordance with the procedures set forth in this section.
b. At the January meeting, the State Superintendent of Public Instruction shall ask members to nominate individuals for the office of president. At that same meeting, the president shall ask Board members to nominate individuals for the office of vice president. Any nomination for office must be seconded. No member may nominate or second the nomination for himself or herself for either office.
c. Six votes are necessary to elect an officer, and each officer elected shall serve for one year or until his or her successor is elected.
d. If, in the Board's judgment, no nominee for the office of president or vice president can garner sufficient votes for election to that office at the January meeting, a motion to put the election over to a subsequent meeting is in order.
e. Newly elected officers shall assume office immediately following the election.
f. In the event a vacancy occurs in the office of president or vice president during a calendar year, an election shall be held at the next meeting. Any member interested in completing the one-year term of an office that has become vacant may nominate himself or herself, but each nomination requires a second.
g. The State Superintendent of Public Instruction shall preside only during the election proceedings for the office of president and for the conduct of any other business that a majority of the Board members may direct.

EXECUTIVE OFFICER

Section 3.

The State Superintendent of Public Instruction shall be secretary and shall act as executive officer of the Board.

EC 33004

DUTIES OF THE PRESIDENT

Section 4.

The president shall:

- serve as spokesperson for the Board;
- represent the position of the Board to the State Superintendent of Public Instruction;
- appoint members to serve on committees and as liaisons, as prescribed in these Bylaws, and as may be needed in his or her judgment properly to fulfill the Board's responsibilities;
- serve as an ex officio voting member of the Screening Committee and any ad hoc committees, either by substituting for an appointed member who is not present with no change in an affected committee's quorum requirement, or by serving as an additional member with the affected committee's quorum requirement being increased if necessary;
- preside at all meetings of the Board and follow-up with the assistance of the executive director to see that agreed upon action is implemented;
- serve, as necessary, as the Board's liaison to the National Association of State Boards of Education, or designate a member to serve in his or her place;
- serve, or appoint a designee to serve, on committees or councils that may be created by statute or official order where required or where, in his or her judgment, proper carrying out of the Board's responsibility demands such service;
- keep abreast of local, state, and national issues through direct involvement in various conferences and programs dealing with such issues, and inform Board members of local, state, and national issues;
- participate in selected local, state, and national organizations, which have an impact on public education, and provide to other members, the State Superintendent, and the staff of the Department of Education the information gathered and the opinion and perspective developed as the result of such active personal participation;
- provide direction for the executive director;
- and, along with the executive director, direct staff in preparing agendas for Board meetings, in consultation with other members as permitted by law, and determine priorities for the expenditure of board travel funds.

DUTIES OF THE VICE PRESIDENT

Section 5.

The vice president shall:

- preside at Board meetings in the absence of the president;
- represent the Board at functions as designated by the president; and
- fulfill all duties of the president when he or she is unable to serve.

DUTIES OF COMMITTEE CHAIR

Section 6.

The chair of the Screening Committee or any ad hoc committee shall:

- preside at meetings of the committee he or she chairs, except that he or she shall yield the chair to another committee member in the event he or she will be absent or confronts a conflict regarding any matter coming before the committee, and may yield the chair to another committee member for personal reasons; and
- in consultation with the president, other committee members, and appropriate staff, assist in the preparation of committee agendas and coordinate and facilitate the work of the committee in furtherance of the Board's goals and objectives.

DUTIES OF LIAISON OR REPRESENTATIVE

Section 7.

A Board member appointed as a liaison or representative shall:

- serve as an informal (non-voting) link between the Board and the advisory body or agency (or function) to which he or she is appointed as liaison or representative; and
- reflect the position of the Board, if a position is known to him or her, on issues before the advisory body or agency (or within

the function) to which he or she is appointed as liaison or representative and keep the Board appropriately informed.

DUTIES OF A BOARD MEMBER APPOINTED TO ANOTHER AGENCY

Section 8.

The member shall:

- to every extent possible, attend the meetings of the agency and meet all responsibilities of membership; and
- reflect through his or her participation and vote the position of the Board, if a position is known to him or her, and keep the Board informed of the agency's activities and the issues with which it is dealing.

ARTICLE V

Meetings

REGULAR MEETINGS

Section 1.

Generally, regular meetings of the Board shall be held on the Wednesday and Thursday preceding the second Friday of each of the following months: January, March, May, July, September, and November. However, in adopting a specific meeting schedule, the Board may deviate from this pattern to accommodate state holidays and special events. Other regularly noticed meetings may be called by the president for any stated purpose.

EC 33007

SPECIAL MEETINGS

Section 2.

Special meetings may be called to consider those purposes specified in law if compliance with the 10-day notice would impose a substantial hardship on the board or if immediate action is required to protect the public interest.

OPEN MEETINGS

Section 3.

a. All meetings of the Board, except the closed sessions permitted by law, and all meetings of Board committees, to the extent required by law, shall be open and public.
b. All meetings shall conform to the Bagley-Keene Open Meeting Act, including requirements for notices of meetings, preparation and distribution of agendas and written materials, inspection of public records, closed sessions and emergency meetings, maintenance of records, and disruption of a public meeting. Those provisions of law which govern the conduct of meetings of the Board are hereby incorporated by reference into these Bylaws.
c. Unless otherwise provided by law, meetings of any advisory body, committee or subcommittee thereof, created by statute or by formal action of the Board, which is required to advise or report or recommend to the Board, shall be open to the public.

GC 11120 et seq.

NOTICE OF MEETINGS

Section 4.

a. Notice of each regular meeting shall be posted at least 10 days prior to the time of the meeting and shall include the time, date, and place of the meeting and a copy of the meeting agenda.
b. Notice of any meeting of the Board shall be given to any person so requesting. Upon written request, individuals and organizations wishing to receive notice of meetings of the Board will be included on the mailing list for notice of regular meetings.

SPECIAL MEETINGS (ADDITIONAL PROVISIONS)

Section 5.

a. Special meetings may be called by the president or by the secretary upon the request of any four members of the board for the purposes specified in law if compliance with the 10-day notice requirements would impose a substantial hardship on the board or if immediate action is required to protect the public interest.
b. Notice of special meetings shall be delivered in a manner that allows it to be received by the members and by newspapers of general circulation and radio or television stations at least 48 hours before the time of the special meeting. Notice shall also be provided to all national press wire services. Notice to the general public shall be made by placing it on appropriate electronic bulletin boards if possible.
c. Upon commencement of a special meeting, the board shall make a finding in open session that giving a 10-day notice prior to the meeting would cause a substantial hardship on the board or that immediate action is required to protect the public interest. The finding shall be adopted by a two-thirds vote of the board or a unanimous vote of those members present if less than two-thirds of the members are present at the meeting.

EC 33008
GC 11125

EMERGENCY MEETINGS

Section 5.

a. An emergency meeting may be called by the president or by the secretary upon the request of any four members without providing the notice otherwise required in the case of a situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities and which is properly a subject of an emergency meeting in accordance with law.
b. The existence of an emergency situation shall be determined by concurrence of six of the members during a meeting prior to an emergency meeting, or at the beginning of an emergency meeting, in accordance with law.
c. Notice of an emergency meeting shall be provided in accordance with law.

GC 11125.5
EC 33008
EC 33010

CLOSED MEETINGS

Section 6.

Closed sessions shall be held only in accordance with law.

GC 11126

QUORUM

Section 7.

a. The concurrence of six members of the Board shall be necessary to the validity of any of its acts.
EC 33010
b. A quorum of any Board committee shall be a majority of its members, and a committee may recommend actions to the Board with the concurrence of a majority of a quorum.

ORDER OF BUSINESS

Section 8.

The order of business for all regular meetings of the Board shall generally be:

- Call to Order
- Salute to the Flag
- Communications
- Announcements
- Report of the State Superintendent of Public Instruction
- Special Presentations
- Agenda Items
- Adjournment

CONSENT CALENDAR

Section 9.

a. Non-controversial matters and waiver requests meeting established guidelines may be presented to the Board on a consent calendar.
b. Items may be removed from the consent calendar upon the request of an individual Board member or upon the request of Department staff authorized by the State Superintendent of Public Instruction to submit items for consideration by the Board.
c. Items removed from the consent calendar shall be referred to a standing committee or shall be considered by the full Board at the direction of the president.

ARTICLE VI

Committees and Representatives

SCREENING COMMITTEE

Section 1.

a. The president shall appoint a Screening Committee composed of at least three Board members to screen and interview applicants for appointment to Board advisory bodies and other positions as necessary; participate, as directed by the president, in the selection of candidates for the position of student Board member in accordance with law; and recommend appropriate action to the Board. The president shall designate one Board member as Chair of the Screening Committee.
b. In consultation with the chair, the president may appoint additional Board members, such as the appointed Board liaison, to serve as voting members of the Screening Committee on a temporary basis. In accordance with Section 4 of these bylaws, the president may also serve as an ex officio member of the Screening Committee. The quorum requirement shall be increased as necessary to include the total number of Board members, including temporary members, appointed to serve on the Committee for that purpose.
c. As necessary, the chair may create an ad hoc subcommittee of the Screening Committee to assist the Screening Committee with its duties.

AD HOC COMMITTEES

Section 2.

From time to time, the president may appoint ad hoc committees for such purposes as he or she deems necessary. Ad hoc committees shall remain in existence until abolished by the president.

REPRESENTATIVES

Section 3.

From time to time, the president may assign Board members the responsibility of 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 president may also assign Board members the responsibility of representing the Board in ceremonial activities.

ARTICLE VII

Public Hearings: General

SUBJECT OF A PUBLIC HEARING

Section 1.

a. The Board may hold a public hearing regarding any matter pending before it after giving notice as required by law.
b. The Board may direct that a public hearing be held before staff of the Department of Education, an advisory commission to the Board, or a standing or ad hoc committee of the Board regarding any matter which is or is likely to be pending before the Board. If the Board directs that a public hearing be held before staff, then a recording of the public hearing and a staff-

prepared summary of comments received at the public hearing shall be made available in advance of the meeting at which action on the pending matter is scheduled in accordance with law.

5 CCR 18460
EC 33031
GC 11125

TIME LIMITS FOR THE PRESENTATION OF PUBLIC TESTIMONY

Section 2.

At or before a public hearing, the presiding individual shall (in keeping with any legal limitation or condition that may pertain) determine the total amount of time that will be devoted to hearing oral comments, and may determine the time to be allotted to each person or to each side of an issue.

5 CCR 18463
EC 33031

WAIVER BY PRESIDING INDIVIDUAL

Section 3.

At any time, upon a showing of good cause, the presiding individual may waive any time limitation established under Section 3 of this article.

5 CCR 18464
EC 33031

ARTICLE VIII

Public Hearings: School District Reorganization

SUBMISSION OF PROPOSALS AND PETITIONS

Section 1.

A proposal by a county committee on school district organization or other public agency, or a petition for the formation of a new district or the transfer of territory of one district to another shall be submitted to the executive officer of the Board. The executive officer of the Board shall cause the proposal or petition to be:

- reviewed and analyzed by the California Department of Education;
- set for hearing before the Board (or before staff if so directed by the Board) at the earliest practicable date; and
- transmitted together with the report and recommendation of the Department of Education to the Board (or to the staff who may be directed by the Board to conduct the hearing) and to such other persons as is required by law not later than ten days before the date of the hearing.

CCR 18570

ARGUMENTS PRESENTED AT THE PUBLIC HEARING: ORIGINAL SUBMISSION

Section 2.

At the time and place of hearing, the Board (or staff if so directed by the Board) will receive oral or written arguments on the proposal or petition. The presiding individual may limit the number of speakers on each side of the issue, limit the time permitted for the presentation of a particular view, and limit the time of the individual speakers. The presiding individual may ask that speakers not repeat arguments previously presented.

CCR 18571

RESUBMISSION OF THE SAME OR ESSENTIALLY IDENTICAL PROPOSAL OR PETITION

Section 3.

If the same or an essentially identical proposal or petition has been previously considered by the Board, the documents constituting such a resubmission shall be accompanied by a written summary of any new factual situations or facts not previously presented. In this case, any hearing shall focus on arguments not theretofore presented and hear expositions of new factual situations and of facts not previously entered into the public record.

CCR 18572

ARTICLE IX

Public Records

Public records of the Board shall be available for inspection and duplication in accordance with law, including the collection of any permissible fees for research and duplication.

GC 6250 et seq.

ARTICLE X

Parliamentary Authority

RULES OF ORDER

Section 1.

Debate and proceedings shall be conducted in accordance with Robert's Rules of Order (Newly Revised) when not in conflict with rules of the Board and other statutory requirements.

Section 2.

Members of the public or California Department of Education staff may be recognized by the president of the Board or other presiding individual, as appropriate, to speak at any meeting. Those comments shall be limited to the time determined by the president or other presiding individual. All remarks made shall be addressed to the president or other presiding individual. In order to maintain appropriate control of the meeting, the president or other presiding individual shall determine the person having the floor at any given time and, if discussion is in progress or to commence, who may participate in the discussion.

Section 3.

All speakers shall confine their remarks to the pending matter as recognized by the president or other presiding individual.

Section 4.

Public speakers shall not directly question members of the Board, the State Superintendent, or staff without express permission of the president or other presiding individual, nor shall Board members, the State Superintendent, or staff address questions directly to speakers without permission of the president or other presiding individual.

Section 5.

The Chief Counsel to the Board or the General Counsel of the California Department of Education, or a member of the Department's legal staff in the absence of the Board’s Chief Counsel, will serve as parliamentarian. In the absence of legal staff, the president or other presiding individual will name a temporary replacement if necessary.

ARTICLE XI

Board Appointments

ADVISORY BODIES

Section 1.

Upon recommendation of the Screening Committee as may be necessary, the Board appoints members to the following advisory bodies for the terms indicated:

a. Advisory Commission on Special Education. The Board appoints five of 17 members to serve four-year terms.
EC 33590
b. Instructional Quality Commission. The Board appoints 13 of 18 members to serve four-year terms.
EC 33530
c. Child Nutrition Advisory Council. The Board appoints 13 members, 12 to three-year terms and one student representative to a one-year term. By its own action, the Council may provide for the participation in its meetings of non-voting representatives of interest groups not otherwise represented among its members, such as school business officials and experts in the area of physical education and activity.
EC 49533
d. Advisory Commission on Charter Schools. The Board appoints eight members to two-year terms.
EC 47634.2(b)(1)
State Board of Education Policy 01-04

OTHER APPOINTMENTS

Section 2.

On the Board's behalf, the president shall make all other appointments that are required of the Board or require Board representation, including, but not limited to: WestEd (Far West Laboratory for Educational Research and Development), Trustees of the California State Summer School for the Arts and the California Subject Matter Projects.

SCREENING AND APPOINTMENT

Section 3.

Opportunities for appointment shall be announced and advertised as appropriate, and application materials shall be made available to those requesting them. The Screening Committee shall paper-screen all applicants, interview candidates as the Committee determines necessary, and recommend appropriate action to the Board.

ARTICLE XII

Presidential Appointments

LIAISONS

Section 1.

The president shall appoint one Board member, or more where needed, to serve as liaison(s) to:

a. The Advisory Commission on Special Education.
b. The Instructional Quality Commission.
c. The Advisory Commission on Charter Schools.
d. The National Association of State Boards of Education, if the Board participates in that organization.
e. The Commission on Teacher Credentialing.

OTHER

Section 2.

The president shall make all other appointments that may be required of the Board or that require Board representation.

ARTICLE XIII

Amendment to the Bylaws

These Bylaws may be amended at any regular meeting of the Board, provided that the amendment has been submitted in writing to the Board and members of the public with the meeting notice.

Abbreviations

Abbreviations used in these Bylaws, citing Board authority, are:

Abbreviation	Description
CC	Constitution of the State of California
CCR	California Code of Regulations
EC	California *Education Code*
GC	California *Government Code*
CFR	Code of Federal Regulations
JPA-FWL	Joint Powers Agreement Establishing the Far West Laboratory for Educational Research and Development, originally entered into by the State Board of Education on February 11, 1966, and subsequently amended

Dates of Adoption and Amendment

Status	Date
Adopted	April 12, 1985
Amended	February 11, 1987
Amended	December 11, 1987
Amended	November 11, 1988
Amended	December 8, 1989
Amended	December 13, 1991
Amended	November 13, 1992
Amended	February 11, 1993
Amended	June 11, 1993
Amended	May 12, 1995
Amended	January 8, 1998
Amended	April 11, 2001
Amended	July 9, 2003
Amended	January 16, 2013

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

Last Reviewed: Wednesday, January 30, 2013

SBE Agenda for July 2013

Agenda for the California State Board of Education (SBE) meeting on July 10-11, 2013.

State Board Members

- Michael W. Kirst, President
- Ilene W. Straus, Vice President
- Sue Burr
- Carl Cohn
- Bruce Holaday
- Aida Molina
- Patricia A. Rucker
- Niki Sandoval
- Trish Williams
- Josephine Kao, Student Member
- *Vacancy*

Secretary & Executive Officer

- Hon. Tom Torlakson

Executive Director

- Karen Stapf Walters

Schedule of Meeting	Location
Wednesday, July 10, 2013 8:30 a.m. Pacific Time ± STATE BOARD OF EDUCATION **Public Session, adjourn to Closed Session – IF NECESSARY.**	**California Department of Education** 1430 N Street, Room 1101 Sacramento, California 95814 916-319-0827

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

Schedule of Meeting	Location
Thursday, July 11, 2013 8:30 a.m. Pacific Time ± STATE BOARD OF EDUCATION **Public Session, adjourn to Closed Session** The Closed Session will take place at approximately 8:30 a.m. (The public may not attend.)	**California Department of Education** 1430 N Street, Room 1101 Sacramento, California 95814 916-319-0827

The Closed Session (1) may commence earlier than 8:30 a.m.; (2) may begin at or before 8:30 a.m., be recessed, and then be reconvened later in the day; or (3) may commence later than 8:30 a.m.

CLOSED SESSION AGENDA

Conference with Legal Counsel – Existing Litigation: Under *Government Code* sections 11126(e)(1) and (e)(2)(A), the State Board of Education hereby provides public notice that some or all of the pending litigation follows will be considered and acted upon in closed session:

- *Alejo, et al. v. Jack O'Connell, State Board of Education, et al.,* San Francisco County Superior Court, Case No. CPF-09-509568, CA Ct. of Appeal, 1st Dist., Case No. A130721
- *California School Boards Association, et al. v. California State Board of Education* and *Aspire Public Schools, Inc.,* Alameda County Superior Court, Case No. 07353566, CA Ct. of Appeal, 1st Dist., Case No. A122485, CA Supreme Court, Case No. S186129
- *California School Boards Association and its Education Legal Alliance, et al. v. The California State Board of Education, et al.*, Sacramento County Superior Court, Case No. 34-2008-00021188-CU-MC-GDS, CA Ct. of Appeal, 3rd Dist., Case No. No. C060957
- *D.J. et al. v. State of California, California Department of Education, Tom Torlakson, the State Board of Education,* Los Angeles Superior Court, Case No. BS142775.
- *Emma C.*, *et al. v. Delaine Eastin, et al.*, USDC (No.Dist.CA), 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 and 03CS01079 and related appeal
- *Graham et al. v the State Board of Education, the California Department of Education, Jack O'Connell, Fred Balcom, Tom Torlakson,* Los Angeles County Superior Court, Case No. BC482694, 2nd Dist., Case No. B245288
- *K.C. et al. v. Jack O'Connell, et al*., U.S. District Court, Northern District of California, Case No. C054077 MMC
- *Opportunity for Learning – PB, LLC; Opportunities Learning – C, LLC, and Opportunities for Learning WSH, LLC*, Notice of Appeal Before the Audit Appeals Panel
- *Options for Youth, Burbank, Inc., San Gabriel, Inc. Upland, Inc. and Victor Valley*, Notice of Appeal Before the Education Audit Appeals Panel, OAH Case No. 2006100966
- *Options for Youth-Victor Valley, et al. v. California Department of Education, et al.*, Los Angeles County Superior Court, Case No. BC347454
- *Perris Union High School District v. California State Board of Education, California Department of Education, et al.*, Riverside County Superior Court, Case No. RIC520862, CA Ct. of Appeal, 4th District, Case No. E055856
- *Porter, et al.,* v. *Manhattan Beach Unified School District, et al.*, United States District Court, Central District, Case No. CV-00-08402
- *Reed v. State of California, Los Angeles Unified School District, State Superintendent of Public Instruction, Jack O'Connell, California Department of Education,* and *State Board of Education, et al.*,
  Los Angeles County Superior Court, Case No. BC432420, CA Ct. of Appeal, 2nd Dist., Case No. B230817,
  CA Supreme Ct., Case No. 5191256
- *Shabazz, et al. v. Governor Edmund G. Brown Jr., California Attorney General Kamala Harris, Superintendent of Public Instruction Tom Torlakson, President California State Board of Education Dr. Michael Kirst, Does 1-50,* Alameda County Superior Court, Case No. RG12636192
- *Stoner Park Community Advocates v. City of Los Angeles, Department of Planning of the City of Los Angeles, Department of Transportation City of Los Angeles, New West Charter Middle School, and State Board of Education*, Los Angeles County Superior Court, Case No. BS138051
- *Today's Fresh Start, Inc. v. Los Angeles County Office of Education, et al.*, Los Angeles County Superior Court, Case No. BS112656, CA Ct. of Appeal, 2nd Dist., Case Nos. B212966 and B214470
- *Vergara et al. v. State of California, Governor Edmund G. Brown, Tom Torlakson, the California Department of Education, the State Board of Education,* Los Angeles County Superior Court, Case No. BC484642

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

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

Under *Government Code* Section 11126(a), the State Board of Education hereby provides public notice that it may meet in Closed Session regarding the appointment, employment, evaluation of performance, or dismissal, discipline, or release of public employees, or a complaint or charge against public employees. Public employees include persons exempt from civil service under Article VII, Section 4(e) of the California Constitution.

Schedule of Meeting	Location

Thursday, July 11, 2013 8:30 a.m. Pacific Time ± (Upon Adjournment of Closed Session, if held.) STATE BOARD OF EDUCATION **Public Session**	**California Department of Education** 1430 N Street, Room 1101 Sacramento, California 95814 916-319-0827

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

ALL TIMES ARE APPROXIMATE AND ARE PROVIDED FOR CONVENIENCE ONLY

ALL ITEMS MAY BE RE-ORDERED TO BE HEARD ON ANY DAY OF THE NOTICED MEETING

THE ORDER OF BUSINESS MAY BE CHANGED WITHOUT NOTICE

Time is set aside for individuals desiring to speak on any topic **not** otherwise on the agenda (please see the detailed agenda for the Public Session). In all cases, the presiding officer reserves the right to impose time limits on presentations as may be necessary to ensure that the agenda is completed.

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

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

CALIFORNIA STATE BOARD OF EDUCATION

FULL BOARD AGENDA

Public Session
July 10, 2013

Wednesday, July 10, 2013 – 8:30 a.m. Pacific Time ±
California Department of Education
1430 N Street, Room 1101
Sacramento, California 95814

- Call to Order
- Salute to the Flag
- Communications
- Announcements
- Report of the State Superintendent of Public Instruction
- Special Presentations
  Public notice is hereby given that special presentations for informational purposes may take place during this session.
- Agenda Items
- Adjournment

AGENDA ITEMS

Item 1 (DOC)

Subject: Update on the Activities of the California Department of Education and State Board of Education Regarding Implementation of Common Core State Standards Systems.

Type of Action: Action, Information

Item 2 (DOC)

Subject: *Next Generation Science Standards for California Public Schools, Kindergarten through Grade Twelve*; Adoption of new

Science Content Standards based upon the nationally developed *Next Generation Science Standards* as required by *Education Code* 60605.85.

Type of Action: Action, Information

Item 3 (DOC)

Subject: Information on California's Participation in the National Center and State Collaborative Alternate Assessment Curriculum and Instruction, Professional Development, and Assessment Activities for Students with the Most Significant Cognitive Disabilities.

Type of Action: Information

- Item 3 Attachment 1 (PDF; 2MB)

Item 4 (DOC)

Subject: California Long-term Assessment Plan.

Type of Action: Information

Item 5 (DOC)

Subject: Update on Statewide Assessment Transition and Smarter Balanced Assessment Development Activities.

Type of Action: Information

Item 6 (DOC; 1MB)

Subject: General Educational Development Test: Approve Commencement of a 15-Day Public Comment Period for Proposed Amendments to *California Code of Regulations*, Title 5 sections 11530 – 11532

Type of Action: Action, Information

- Item 6 Attachment 4 (PDF; 1MB)
- Item 6 Attachment 4 Accessible Alternative Version (AAV)

Item 7 (DOC)

Subject: Local Control Funding Formula: Discussion of Proposed Changes to California's Local Educational Agency and School Planning and Accountability System.

Type of Action: Action, Information

Item 8 (DOC)

Subject: Status of the English Language Development (ELD) Standards Implementation Plan for California.

Type of Action: Information

Item 9 (DOC)

Subject: California English Language Development Test: Update on Transitioning to the English Language Proficiency Assessments for California.

Type of Action: Information

Item 10 (DOC)

Subject: Update on the California Department of Education's Implementation Timeline and Process for Incorporating New Indicators into the Academic Performance Index Consistent with *Education Code* Sections 52052 through 52052.9 to Modify the

Academic Performance Index.

Type of Action: Information

- Item 10 Attachment 2 (PDF)
- Item 10 Attachment 4 (PDF)
- Item 10 Attachment 5 (PDF)

Item 11 (DOC)

Subject: School Accountability Report Card: Approve the Template for the 2012–13 School Accountability Report Card.

Type of Action: Action, Information

Item 12 (DOC)

Subject: Approval of the Recommendation to the Governor and Legislature on the Development of a Growth Model as Required by *Education Code* Section 52052.5(d).

Type of Action: Action, Information

ADJOURNMENT OF DAY'S SESSION

Public Session
July 11, 2013

Thursday, July 11, 2013 – 8:30 a.m. Pacific Time ±
California Department of Education
1430 N Street, Room 1101
Sacramento, California 95814

- Call to Order
- Salute to the Flag
- Closed Session
- Communications
- Announcements
- Report of the State Superintendent of Public Instruction
- Special Presentations
  Public notice is hereby given that special presentations for informational purposes may take place during this session.
- Agenda Items
- Adjournment

AGENDA ITEMS

Item 13 (DOC)

Subject: STATE BOARD PROJECTS AND PRIORITIES.

Including, but not limited to, future meeting plans; agenda items; and officer nominations and/or elections; State Board office budget, staffing, appointments, and direction to staff; declaratory and commendatory resolutions; bylaw review and revision; Board policy; approval of minutes; Board liaison reports; training of Board members; and other matters of interest.

Type of Action: Action, Information

PUBLIC HEARING

A Public Hearing on the following agenda items will commence no earlier than 9:00 a.m. on Thursday, July 11, 2013. The Public Hearing will be held as close to 9:00 a.m. as the business of the State Board permits.

Item 14 (DOC)

Subject: Petition for Establishment of a Charter School Under the Oversight of the State Board of Education: Consideration of Neighborhood Arts and Sciences Academy, which was denied by the Chino Valley Unified School District and the San Bernardino County Office of Education.

Type of Action: Action, Information, Hearing

END OF PUBLIC HEARING

Item 15 (DOC)

Subject: Public Charter Schools Grant Program Update.

Type of Action: Information

Item 16 (DOC)

Subject: Consideration of a Request to Amend a Determination of Funding as Required for Nonclassroom-based Charter Schools Pursuant to California *Education Code* Sections 47612.5 and 47634.2, *California Code of Regulations* Section 11963.4(d), and Associated *California Code of Regulations*, Title 5.

Type of Action: Action, Information

WAIVERS

WAIVERS / ACTION AND CONSENT ITEMS

The following agenda items include waivers that are proposed for consent and those waivers scheduled for separate action because CDE staff has identified possible opposition, recommended denial, or determined may present new or unusual issues that should be considered by the State Board. Waivers proposed for consent are so indicated on each waiver's agenda item; however, any board member may remove a waiver from proposed consent and the item may be heard individually. On a case-by-case basis, public testimony may be considered regarding the item, subject to the limits set by the Board President or by the President's designee; and action different from that recommended by CDE staff may be taken.

Open Enrollment (Removal From the List of LEAs)

Item W-01 (DOC)

Subject: Request by Redlands Unified School District to waive California *Education Code* Section 48352(a) and *California Code of Regulations*, Title 5, Section 4701, to remove three schools from the Open Enrollment List of "low-achieving schools" for the 2013–14 school year.

Waiver Numbers:

- 9-4-2013
- 10-4-2013
- 11-4-2013

(Recommended for APPROVAL WITH CONDITIONS)

Schoolsite Council Statute (Number and Composition of Members)

Item W-02 (DOC)

Subject: Request by nine local educational agencies, under the authority of California *Education Code* Section 52863 for waivers of *Education Code* Section 52852, relating to schoolsite councils regarding changes in shared, composition, or shared and composition members.

Waiver Numbers:

- Centinela Valley Union High 19-3-2013
- Coffee Creek Elementary 13-4-2013
- Glenn County Office of Education 15-3-2013

- Kern Union High 1-4-2013
- Kern Union High 2-4-2013
- Lakeport Unified 20-3-2013
- Leggett Valley Unified 46-3-2013
- Modoc Joint Unified 49-3-2013
- Modoc Joint Unified 50-3-2013
- Santa Barbara County Office of Education 54-3-2013
- Terra Bella Union Elementary 53-3-2013

(Recommended for APPROVAL WITH CONDITIONS)

Special Education Program (Algebra I Requirement for Graduation)

Item W-03 (DOC)

Subject: Request by Conejo Valley Unified School District to waive California *Education Code* Section 51224.5(b), the requirement that all students graduating in the 2012–13 school year be required to complete a course in Algebra I (or equivalent) to be given a diploma of graduation for one special education student based on *Education Code* Section 56101, the special education waiver authority.

Waiver Number: 17-4-2013

(Recommended for APPROVAL WITH CONDITIONS)

Special Education Program (Educational Interpreter for Deaf and Hard of Hearing)

Item W-04 (DOC)

Subject: Request by the Imperial County Office of Education to waive *California Code of Regulations*, Title 5, Section 3051.16(b)(3), the requirement that educational interpreters for deaf and hard of hearing pupils meet minimum qualifications as of July 1, 2009, to allow two interpreters to continue to provide services to students until 30, 2014, under a remediation plan to complete those minimum qualifications.

Waiver Numbers:

- 21-4-2013
- 22-4-2013

(Recommended for APPROVAL WITH CONDITIONS)

Special Education Program (Resource Teacher Caseload)

Item W-05 (DOC)

Subject: Request by two local educational agencies, under the authority of California *Education Code* Section 56101 and *California Code of Regulations,* Title 5, Section 3100, to waive *Education Code* Section 56362(c). Approval of this waiver will allow the districts' resource specialists to each exceed the maximum caseload of 28 students by no more than four students (32 maximum).

Waiver Numbers:

- Keyes Union School District 41-3-2013
- Pacifica School District 28-4-2013
- Pacifica School District 30-4-2013

(Recommended for APPROVAL WITH CONDITIONS)

State Meal Mandate (Summer School Session)

Item W-06 (DOC)

Subject: Request by Hydesville Elementary School District, under the authority of California *Education Code* Section 49548, to waive *Education Code* Section 49550, the State Meal Mandate during the summer school session.

Waiver Number: 47-3-2013

(Recommended for APPROVAL)

State Testing Apportionment Report (CELDT)

Item W-07 (DOC)

Subject: Request by four local educational agencies to waive the State Testing Apportionment Information Report deadline of December 31 in the *California Code of Regulations*, Title 5, Section 11517.5(b)(1)(A) regarding the California English Language Development Test; or Title5, Section 1225(b)(2)(A) regarding the California High School Exit Examination; or Title 5, Section 862(c)(2)(A) regarding the Standardized Testing and Reporting Program.

Waiver Numbers:

- Fillmore Unified School District 45-3-2013
- Glendale Unified School District 48-2-2013
- Natomas Unified School District 5-4-2013
- Winship-Robbins School District 10-3-2013

(Recommended for APPROVAL)

Community Day Schools (CDS) (Colocate Facilities)

Item W-08 (DOC)

Subject: Request by four school districts to waive portions of California *Education Code* sections 48660 and 48916.1(d), relating to the allowable grade spans for community day schools and/or California *Education Code* Section 48661(a), relating to the colocation of a community day school with other types of schools.

Waiver Numbers:

- Corcoran Joint Unified School District 35-4-2013
- Denair Unified School District 42-3-2013
- Firebaugh-Las Deltas Unified School District 16-4-2013
- San Bernardino City Unified School District 14-3-2013

(Recommended for APPROVAL WITH CONDITIONS)

Independent Study Program (Pupil Teacher Ratio)

Item W-09 (DOC)

Subject: Request by one county office of education and one school district to waive portions of California *Education Code* Section 51745.6, and *California Code of Regulations*, Title 5, Section 11704, and portions of Section 11963.4(a)(3), related to charter school independent study pupil-to-teacher ratio to allow an increase from 25:1 to a 27.5:1 pupil-to-teacher ratio.

Waiver Numbers:

- Shasta County Office of Education 9-3-2013
- Kingsburg Elementary Charter School District 29-3-2013

(Recommended for APPROVAL WITH CONDITIONS)

Open Enrollment (Removal From the List of LEAs)

Item W-10 (DOC)

Subject: Request by Caruthers Unified School District for a renewal to waive California *Education Code* Section 48352(a) and *California Code of Regulations*, Title 5, Section 4701, to remove Caruthers Elementary School from the Open Enrollment List of "low-achieving schools" for the 2013–14 school year.

Waiver Number: 39-3-2013

(Recommended for DENIAL)

Sale or Lease of Surplus Property (Sale of Surplus Property)

Item W-11 (DOC)

Subject: Request by Newark Unified School District to waive all portions of California *Education Code* sections 17473 and 17474 and portions of 17455, 17466, 17472, and 17475, relating to the sale and lease of surplus property using a "request for proposal process," thereby maximizing the proceeds from the sale or lease of the property. The property for which the waiver is requested is Ruschin Elementary School.

Waiver Number: 6-5-2013

(Recommended for APPROVAL WITH CONDITIONS)

School District Reorganization (Election of Governing Board)

Item W-12 (DOC)

Subject: Request by Empire Union Elementary School District to waive California *Education Code* Section 5020, and portions of sections 5019, 5021, and 5030, that require approval of the county committee on school district organization and a district-wide election to establish new trustee areas.

Waiver Number: 3-5-2013

(Recommended for APPROVAL WITH CONDITIONS)

Special Education Program (Extended School Year (Summer School))

Item W-13 (DOC)

Subject: Request by five local educational agencies to waive *California Code of Regulations*, Title 5, Section 3043(d), which requires a minimum of 20 school days of attendance of four hours each for an extended school year (summer school) for special education students.

Waiver Numbers:

- El Centro Elementary School District 7-3-2013
- Gateway Unified School District 43-3-2013
- San Pasqual Valley Unified School District 7-4-2013
- South Bay Union School District 1-5-2013
- Tehama County Office of Education 48-3-2013

(Recommended for APPROVAL WITH CONDITIONS)

Sufficiency of Instructional Materials - *EC* 60119 (10 Days Notice)

Item W-14 (DOC)

Subject: Request by Santa Cruz County Office of Education under the authority of California *Education Code* Section 41344.3 for a retroactive waiver of the audit penalty for the 2011–12 fiscal year of *Education Code* Section 60119, regarding the annual public hearing and board resolution on the sufficiency and availability of textbooks and instructional materials for all students at all grade levels and subjects.

Waiver Number: 39-2-2013

(Recommended for APPROVAL)

Class Size Penalties (Over Limit on Kindergarten through Grade Three)

Item W-15 (DOC)

Subject: Request by seven districts, under the authority of California *Education Code* Section 41382, to waive portions of *Education Code* sections 41376(a), (c), and (d) and/or 41378(a) through (e), relating to class size penalties for kindergarten through grade three. For kindergarten, the overall class size average is 31 to one with no class larger than 33. For grades one through three, the overall class size average is 30 to one with no class larger than 32.

Waiver Numbers:

- Capistrano Unified School District 3-4-2013
- Capistrano Unified School District 4-4-2013
- Long Beach Unified School District 26-3-2013
- Manteca Unified School District 19-4-2013
- Manteca Unified School District 20-4-2013
- Patterson Joint Unified School District 4-2-2013
- Patterson Joint Unified School District 21-3-2013
- San Bernardino City Unified School District 6-3-2013
- Santa Ana Unified School District 6-4-2013
- South Whittier Elementary School District 40-4-2013
- South Whittier Elementary School District 41-4-2013

(Recommended for APPROVAL WITH CONDITIONS)

Class Size Penalties (Over Limit on Kindergarten through Grade Three)

Item W-16 (DOC)

Subject: Request by two districts, under the authority of California *Education Code* Section 41382, to waive portions of *Education Code* sections 41376(a), (c), and (d) and/or 41378(a) through (e), relating to class size penalties for kindergarten through grade three. For kindergarten, the overall class size average is 31 to one with no class larger than 33. For grades one through three, the overall class size average is 30 to one with no class larger than 32.

Waiver Numbers:

- Carlsbad Unified School District 29-4-2013
- Carlsbad Unified School District 31-4-2013
- Natomas Unified School District 37-4-2013

(Recommended for APPROVAL WITH CONDITIONS)

Class Size Penalties (Over Limit on Grades 4-8)

Item W-17 (DOC)

Subject: Request by four districts to waive portions of California *Education Code* Section 41376(b) and (e), related to class size penalties for grades four through eight. A district's current class size maximum is the greater of the 1964 statewide average of 29.9 to one or the district's 1964 average.

Waiver Numbers:

- Capistrano Unified School District 55-3-2013
- Patterson Joint Unified School District 22-3-2013
- South Whittier Elementary School District 39-4-2013
- Windsor Unified School District 8-4-2013

(Recommended for APPROVAL WITH CONDITIONS)

Class Size Penalties (Over Limit on Grades 4-8)

Item W-18 (DOC)

Subject: Request by two districts to waive portions of California *Education Code* Section 41376(b) and (e), relating to class size penalties for grades four through eight. A district's current class size maximum is the greater of the 1964 statewide average of 29.9

to one or the district's 1964 average.

Waiver Numbers:

- Carlsbad Unified School District 32-4-2013
- Natomas Unified School District 36-4-2013

(Recommended for APPROVAL WITH CONDITIONS)

Quality Education Investment Act (API Growth Target)

Item W-19 (DOC)

Subject: Request by Kern Union High School District to waive portions of California *Education Code* Section 52055.760(c)(3), regarding alternative program and Academic Performance Index requirements under the Quality Education Investment Act.

Waiver Numbers:

- 53-2-2013
- 54-2-2013
- 55-2-2013

(Recommended for DENIAL)

Quality Education Investment Act (Class Size Reduction Requirements)

Item W-20 (DOC)

Subject: Request by seven local educational agencies to waive portions of California *Education Code* Section 52055.740(a), regarding class size reduction requirements under the Quality Education Investment Act.

Waiver Numbers:

- Banning Unified School District 24-4-2013
- Fullerton Elementary School District 34-3-2013
- Lake Tahoe Unified School District 33-4-2013
- Pajaro Valley Unified School District 31-3-2013
- Placentia-Yorba Linda Unified School District 40-3-2013
- Ravenswood City Elementary School District 23-4-2013
- San Francisco Unified School District 35-3-2013
- San Francisco Unified School District 36-3-2013
- San Francisco Unified School District 37-3-2013
- San Francisco Unified School District 38-3-2013

(Recommended for APPROVAL WITH CONDITIONS)

Quality Education Investment Act (Class Size Reduction Requirements)

Item W-21 (DOC)

Subject: Request by three local educational agencies to waive portions of California *Education Code* Section 52055.740(a), regarding class size reduction requirements under the Quality Education Investment Act.

Waiver Numbers:

- Corcoran Joint Unified School District 14-4-2013
- Pajaro Valley Unified School District 32-3-2013
- Pajaro Valley Unified School District 33-3-2013
- Ravenswood City Elementary School District 44-3-2013

(Recommended for DENIAL)

Quality Education Investment Act (Money to Follow Students)

Item W-22 (DOC)

Subject: Request by Banning Unified School District, to waive California *Education Code* Section 52055.750(a)(9) regarding the fund expenditure requirements of the Quality Education Investment Act in order to allow funds from Susan B. Coombs Intermediate School to follow identified students who will transfer to Nicolet Middle School to ensure that they will not lose the benefits of the Quality Education Investment Act.

Waiver Number: 27-4-2013

(Recommended for APPROVAL WITH CONDITIONS)

Quality Education Investment Act (Teacher Experience Index)

Item W-23 (DOC)

Subject: Request by San Diego Unified School District to waive portions of California *Education Code* Section 52055.740(a), regarding the Teacher Experience Index under the Quality Education Investment Act.

Waiver Number: 1-3-2013

(Recommended for APPROVAL WITH CONDITIONS)

Quality Education Investment Act (Williams Settlement)

Item W-24 (DOC)

Subject: Request by two local educational agencies to waive portions of California *Education Code* Section 52055.740(a), regarding Highly Qualified Teachers and/or the *Williams* case settlement requirements under the Quality Education Investment Act.

Waiver Numbers:

- Banning Unified School District 26-4-2013
- San Diego Unified School District 3-3-2013

(Recommended for APPROVAL WITH CONDITIONS)

END OF WAIVERS

Item 17 (DOC)

Subject: PUBLIC COMMENT.

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

Type of Action: Information

Item 18 (DOC)

Subject: Request for Approval of Desert/Mountain Charter Special Education Local Plan Area.

Type of Action: Action, Information

Item 19 (DOC)

Subject: Supplemental Instructional Materials Review Aligned to the Common Core State Standards: Approval of Category 2 Mathematics Supplemental Instructional Materials.

Type of Action: Action, Information

Item 20 (DOC)

Subject: 2014 Mathematics Primary Adoption of Instructional Materials: Approval of Non-Instructional Quality Commissioner Facilitators.

Type of Action: Action, Information

Item 21 (DOC)

Subject: State Instructional Materials Fund – Approve Encumbrances and Allocations for Fiscal Year 2013-14

Type of Action: Action, Information

Item 22 (DOC)

Subject: Approval of the Charter School Number Assigned to Newly Established Charter Schools.

Type of Action: Action, Information

Item 23 (DOC)

Subject: Consideration of Requests for Determination of Funding as Required for Nonclassroom-based Charter Schools Pursuant to California *Education Code* Sections 47612.5 and 47634.2, and Associated *California Code of Regulations*, Title 5.

Type of Action: Action, Information

Item 24 (DOC)

Subject: Consideration of a "Reasonable Basis"/Mitigating Circumstances Request for Determination of Funding as Required for Nonclassroom-based Charter Schools Pursuant to California *Education Code* Sections 47612.5 and 47634.2, and Associated *California Code of Regulations,* Title 5.

Type of Action: Action, Information

Item 25 (DOC)

Subject: Consideration of a Request for Modification of a Determination of Funding as Required for Nonclassroom-based Charter Schools Pursuant to California *Education Code* Sections 47612.5 and 47634.2, *California Code of Regulations* Section 11963.4(c), and Associated *California Code of Regulations*, Title 5.

Type of Action: Action, Information

Item 26 (DOC)

Subject: Approval of 2012–13 Consolidated Applications.

Type of Action: Action, Information

Item 27 (DOC)

Subject: Elementary and Secondary Education Act: Approval of Local Educational Agency Plans, Title I, Section 1112.

Type of Action: Action, Information

Item 28 (DOC; 5MB)

Subject: School Improvement Grant: Approval of California's Request to the U.S. Department of Education for Approval of an Amendment to California's Fiscal Year 2009 School Improvement Grant Application to Extend the Period of Availability of Those Funds Until September 30, 2014; Approval of the Application and Criteria for Local Educational Agencies to Extend the Use of Fiscal Year 2009 SIG Funds, Including Conditional Approval of Sub-grants Under Section 1003(g) for Local Educational Agencies

and Schools Meeting State Board Approved Criteria.

Type of Action: Action, Information

Item 29 (DOC; 4MB)

Subject: Elementary and Secondary Education Act: Supplemental Educational Services Providers: Approval of Additional Providers to the 2013–15 State Board of Education-Approved Supplemental Educational Services Provider List, Including Local Educational Agencies Identified for Improvement Based on a Waiver Granted by the U.S. Department of Education Under the Elementary and Secondary Education Act, Section 9401; Approval or Denial of Applicants Based on Appeal; and Authorization to Seek an Additional Waiver from the U.S. Department of Education Under the Elementary and Secondary Education Act, Section 9401.

Type of Action: Action, Information

Item 30 (DOC)

Subject: Request by Emery Unified School District regarding California *Education Code* sections 17515 through 17526, Joint Public/Private Occupancy Proposal, allowing the Emery Unified School District and the City of Emeryville to enter into leases and agreements relating to real property and buildings to be used jointly by the district and the city.

Type of Action: Action, Information

- Item 30 Attachment 1 (DOC)
- Item 30 Attachment 2 (DOC)
- Item 30 Attachment 3 (DOC)

Item 31 (DOC)

Subject: Request by Lemon Grove School District regarding California *Education Code* sections 17515 through 17526, Joint Public/Private Occupancy Proposal, allowing the Lemon Grove School District and Literacy First Charter School to enter into leases and agreements relating to real property and buildings to be used jointly by the district and the Literacy First Charter School.

Type of Action: Action, Information

Item 32 (DOC; 1MB)

Subject: Pupil Fees and Discrimination Complaints – Approve Commencement of a 15-Day Public Comment Period for Proposed Amendments to California Code of Regulations, Title 5 sections 4600-4650.

Type of Action: Action, Information

- Item 32 Attachment 4 (PDF)
- Item 32 Attachment 4 Accessible Alternative Version (AAV)

ADJOURNMENT OF MEETING

This agenda is posted on the State Board of Education's Web site [http://www.cde.ca.gov/be/ag/]. For more information concerning this agenda, please contact the State Board of Education at 1430 N Street, Room 5111, Sacramento, CA, 95814; telephone 916-319-0827; facsimile 916-319-0175. Members of the public wishing to send written comments about an agenda item to the board are encouraged to send an electronic copy to SBE@cde.ca.gov, with the item number clearly marked in the subject line. In order to ensure that comments are received by board members in advance of the meeting, materials must be received by 12:00 p.m. on the Monday before the meeting.

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

Last Reviewed: Friday, June 28, 2013

California State Board of Education

Meeting Agenda Items for July 10-11, 2013

ITEM 01

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2013 AGENDA

SUBJECT	
Update on the Activities of the California Department of Education and State Board of Education Regarding Implementation of Common Core State Standards Systems.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

This agenda item is the thirteenth in a series of regular updates to inform the State Board of Education (SBE) and public regarding Common Core State Standards (CCSS) systems implementation activities.

RECOMMENDATION

The California Department of Education (CDE) recommends that the SBE take action as deemed necessary and appropriate but recommends no specific action at this time.

BRIEF HISTORY OF KEY ISSUES

When the SBE adopted the CCSS with additions in 2010, these standards became the current subject-matter standards in English language arts and mathematics. The full implementation of these standards will occur over several years as a new system of CCSS-aligned curriculum, instruction, and assessment is developed.

The *CCSS Systems Implementation Plan for California,* available on the CDE CCSS Web page at http://www.cde.ca.gov/re/cc/, was jointly presented by the SBE and State Superintendent of Public Instruction (SSPI) to the Governor and the California State Legislature in March 2012. A Web-based interactive timeline that provides detailed information regarding the statewide implementation projects included in the plan is available on the CDE CCSS Systems Implementation—Significant Milestones Web page at http://www.cde.ca.gov/re/cc/tl/index.asp.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

July 2011-May 2013: The CDE presented to the SBE a series of regular updates on the implementation of the CCSS.

March 2012: The SBE unanimously voted to present, in partnership with the SSPI, the *CCSS Systems Implementation Plan for California* to the Governor and the California State Legislature thereby fulfilling the requirements of California *Education Code* Section 60605.8 (h).

June 2011: Governor Edmund G. Brown, Jr., SSPI Tom Torlakson, and SBE President Michael Kirst signed the memorandum of understanding for California's participation as a governing state in the Smarter Balanced Assessment Consortium (SBAC). California was previously a participating state in the Partnership for the Assessment of Readiness for College and Careers (PARCC).

November 2010: The CDE presented to the SBE an update on the implementation of the CCSS. This update was provided at the joint meeting between the SBE and the Commission on Teacher Credentialing (See agenda at http://www.cde.ca.gov/be/pn/pn/ctcsbeagenda08nov2010.asp).

August 2010: Pursuant to Senate Bill X5 1, the SBE adopted the academic content standards in English language arts and mathematics as proposed by the California Academic Content Standards Commission (ACSC); the standards include the CCSS and specific additional standards that the ACSC had deemed necessary to maintain the integrity and rigor of California's already high standards.

May 2009: The SSPI, the Governor of California, and the SBE President agreed to participate in the Council of Chief State School Officers and the National Governors Association Center for Best Practices initiative to develop the CCSS as part of California's application to the federal Race to the Top grant.

FISCAL ANALYSIS (AS APPROPRIATE)

The cost of implementing the CCSS is significant, but will be offset by the improved efficiencies, benefits of shared costs with other states, and the shifting of current costs to CCSS activities. Currently, the CDE is providing free professional learning support via webinars and presentations and is providing ongoing guidance to the field for transitioning to the CCSS. In terms of instructional materials, costs will span multiple years but will be offset by access to a national market of materials and greater price competition in so long as California does not add state-specific evaluation criteria. Nonetheless, the implementation of new CCSS-aligned assessments, professional learning supports, and instructional materials will require a shifting and infusion of new resources.

ATTACHMENT(S)

Attachment 1: Common Core State Standards Systems Implementation Plan Highlights: May–June 2013 (5 pages)

Attachment 2: CCSS Implementation Outreach: State Board and Department of Education Activities (5 pages)

Common Core State Standards Systems Implementation Plan Highlights: May–June 2013

1. Facilitate high quality professional learning opportunities for educators to ensure that every student has access to teachers who are prepared to teach to the levels of rigor and depth required by the CCSS.

- The California Department of Education (CDE) has released a new addition to the collection of Common Core State Standards (CCSS) professional learning modules (PLMs) for educators:

  - Content Literacy for Technical Subjects: This module provides kindergarten through grade twelve educators with an overview of literacy strategies that directly support technical subjects through interactive engagement with academic discourse, as specified by the CCSS. The module contains units that promote understanding of the integration of reading and writing in technical subjects such as engineering, technology, design, and business, or technical aspects of wider fields of study, such as art and music, within the context of the College and Career Readiness Standards.

  A total of six online PLMs are currently available for teachers to access independently or for schools or districts to use as facilitated professional learning. The PLMs were designed to deepen educators' understanding of the CCSS; instructional strategies to support the learning of all pupils, including English learners, pupils with disabilities, and underperforming pupils; and instructional strategies that promote creativity, innovation, critical thinking, problem solving, collaboration, and communication skills in all academic content areas.

  The modules are located on the Brokers of Expertise (BoE) Web site located at http://www.myboe.org. The BoE Web site also offers resources and a platform for questions about the CCSS. Additional modules are being developed and will be available before September 2013. More information is available on the CDE Professional Learning Modules for Educators Web page at http://www.cde.ca.gov/re/cc/ccssplm.asp.

- In June, more than 300 representatives from California local educational agencies participated in two CDE-hosted events designed to provide educators with opportunities to share their local CCSS implementation work. Professional learning sessions and workshops, presented by educators currently implementing the CCSS, addressed:

- elementary and/or secondary instructional strategies
- strategies for English learners, students with disabilities, and struggling readers
- strategies that support career and college readiness
- parent and community education regarding the CCSS

The Mathematics CCSS Showcase, held June 17, 2013, featured work that integrated the CCSS for Mathematical Content with the CCSS for Mathematical Practices, engaged attendees in activities that foster knowledge and pedagogy, and shared strategies to increase student engagement and learning.

The English Language Arts CCSS Showcase, held June 24, 2013, featured work that provided examples of how to build knowledge through content-rich nonfiction, addressed strategies for reading, writing, and speaking grounded in text evidence, and clarified instructional strategies for teaching complex text and academic language.

More information regarding these events is available on the BoE California's CCSS Resources Web page at http://myboe.org/portal/default/Group/Viewer/GroupView?action=2&gid=1137.

2. Provide CCSS-aligned instructional resources designed to meet the diverse needs of all students.

- An update on the status of the English Language Development Standards implementation plan for California is provided in Item 8.

- Information regarding the approval of Category 2 Mathematics Supplemental Instructional Materials is provided in Item 19.

- Information regarding the approval of non-Instructional Quality Commissioner Facilitators for the 2014 mathematics primary adoption of instructional materials is provided in Item 20.

3. Develop and transition to CCSS-aligned assessment systems to inform instruction, establish priorities for professional learning, and provide tools for accountability.

- The Smarter Balanced Assessment Consortium (Smarter Balanced) has placed online for public access a set of practice tests for grades three through eight and grade eleven. Practice tests are available in both English-language arts and mathematics for each grade. The practice tests are available on the CDE Smarter Balanced Practice Tests Web page at http://www.cde.ca.gov/ta/tg/sa/practicetest.asp and include test questions with the same features that students will experience in 2014–15. Online access to the

practice tests will not require a unique username and password, so schools and districts can use them for teacher training as well as discussions with parents, policymakers, and other interested stakeholders. Members of the public may also access the tests. There will be no immediate scoring of the tests, but scoring keys will be made available later in the year.

- An update regarding the transition to the English Language Proficiency Assessments for California is provided in Item 9.

- An update regarding statewide assessment transition and Smarter Balanced assessment resources and development activities is provided in Item 5.

- An update regarding California's participation in the National Center and State Collaborative is provided in Item 3.

4. Collaborate with parents, guardians and the early childhood and extended learning communities to integrate the CCSS into programs and activities beyond the K–12 school setting.

- CDE staff participated in the Best of Out-of-School-Time (BOOST) Conference held in Palm Springs, California, May 1–4, 2013. Staff presented the CDE After School Division's strategic planning process, which includes the integration of the CCSS into after school programs. In addition, staff hosted a roundtable discussion providing guidance on aligning after school programs with the the five "Learning in After School and Summer" principles, which support student attainment of the CCSS by promoting learning that is active, cooperative, meaningful, supports mastery, and expands horizons.

- The CDE has made available additional translations of several documents developed to communicate with parents regarding the CCSS. Three informational flyers regarding the CCSS and the parent flyer from the CCSS Systems Communications Toolkit for California are now available in the following languages:

  - Arabic
  - Armenian (Eastern)
  - Armenian (Western)
  - Chinese (simplified)
  - Chinese (traditional)
  - English
  - Farsi (Persian)
  - Hindi
  - Hmong
  - Japanese
  - Khmer (Cambodian)
  - Korean
  - Lao
  - Pilipino (Tagalog)
  - Punjabi
  - Russian
  - Somali
  - Spanish
  - Ukrainian
  - Vietnamese

These documents are available on the Students/Parents tab on the CDE CCSS Web page at http://www.cde.ca.gov/re/cc/.

In addition, the Parent Handbook developed by the California County Superintendents Educational Services Association (CCSESA) has been translated into 18 languages. These documents are available on the CCSESA Special Projects Web page at http://ccsesa.org/index/sp_CommonCoreStandards.cfm.

5. Collaborate with the postsecondary and business communities to ensure that all students are prepared for success in career and college.

- CDE staff presented information regarding California's Career Technical Education (CTE) Model Curriculum Standards (MCS) at the National Career Cluster Institute held in Fort Worth, Texas, June 9–12, 2013. This event brought together educators from middle school, high school, postsecondary, school counseling, and state education leadership; experts on workforce development, business, and industry; and representatives from economic development. Participants of this event gain insight, hear strategies, and plan coordination efforts for the implementation of aligned educational delivery in communities and states.

- Nearly 500 individuals have become trainers in the newly revised and approved CTE MCS. Eight trainings occurred throughout the state in April and May. Through a contract with the Yolo County Office of Education, a workgroup was formed comprised of leaders in curriculum and instruction, CTE, and CCSS implementation. This workgroup developed a six-hour training including an overview of the new standards as well as content, curriculum, and instructional strategies based on CTE MCS and the integration of the CCSS. Participants committed to providing a minimum of two trainings during the next year and each received a certificate of completion as well as a flash drive loaded with all of the materials necessary to conduct thirteen hours of training for teachers.

  Participant evaluations of the trainings show enthusiastic support with an average overall rating of over four points on a five-point scale. The CDE is thankful for the support of the various training locations including the county offices of education in Yolo, Santa Clara, Los Angeles, Contra Costa, San Diego, and San Bernardino, and the North Orange County Regional Occupational Program, as well as the support from the California Association of Leaders for Career Preparation.

7. Design and establish systems of effective communication among stakeholders to continuously identify areas of need and disseminate information.

- The CDE promotes new CCSS-related resources via the CDE CCSS Web page and listserv.

Summary of Web-based Outreach Data:

	April	May	June
Listserv Subscribers	6,977	7,260	Available July 1
Total Web Page Hits	269,417	313,284	Available July 1

- A summary of select outreach and communications activities of the CDE and SBE is provided in Attachment 2 of this item. Additionally, CCSS implementation updates will be provided by the following guest speakers:

  - Dave Gordon
    Superintendent, Sacramento County Office of Education
    State & Federal Legislative Committee Chair, California County Superintendents Educational Services Association (CCSESA)

  - Judy Flores
    Assistant Superintendent, Shasta County Office of Education
    Chair, Curriculum Instruction Steering Committee (CISC), CCSESA

  - Gary Waddell
    Deputy Superintendent, San Mateo County Office of Education
    Chair Elect, CISC, CCSESA

  - Sandra Thorstenson
    Superintendent, Whittier Union High School District

Common Core State Standards Implementation Outreach
State Board and Department of Education Activities

Engage partners in facilitating two-way communication and leverage local and state implementation activities.

Dates/Events	Participants	Description
May 2, 2013 **May 3, 2013** **May 6, 2013** **May 9, 2013** **May 14, 2013** **Train the Trainer: Career Technical Education Model Curriculum Standards** **Los Angeles COE, Contra Costa COE, San Diego COE, Orange County ROP, San Bernardino COE**	**60 participants including curriculum and instruction leaders, administrators, and lead teachers** **CDE/SBE Team:** Carolyn Zachry and leadership from Yolo County Office of Education (YCOE)	Career Technical Education (CTE) Model Curriculum Standards Train the Trainers: This six hour training prepared participants to present over 12 hours of training to CTE teachers on the CTE standards and Common Core State Standards (CCSS) alignment.
May 13, 2013 **Presentation on overview of Common Core Standards to Rescue Union School District**	**50 parents and community members** **CDE/SBE Team:** Nancy Brownell	Present an overview of the instructional shifts expected by the CCSS, provide examples of the Smarter Balanced Assessment Consortium (Smarter Balanced) sample items, and provide resources for parents.

Dates/Events	Participants	Description
May 14, 2013 **Monthly SBAC update webinar to Education Coalition members**	**10 participants** **CDE/SBE Team:** Deb Sigman, Jessica Valdez, Shelbi Cole, Mathematics Director, Smarter Balanced Assessment Consortium	Provide Smarter Balanced development update. Topics included a deeper look at the mathematics assessment item development process and key transition and Smarter Balanced development activities. http://www.cde.ca.gov/ta/tg/sa/sbac-pres.asp
May 14, 2013 **Video Conference presentation to San Diego and Imperial County Offices of Education**	**30 BTSA Providers** **CDE/SBE** Carrie Roberts	Video conference presentation on the CCSS, Smarter Balanced practice items, and discussion about the implications for programs.
March 20 - May 17 2013 **Observation visits to schools taking SBAC pilot tests**	**Approximately 38 classes of students, elementary, middle and high school levels** **CDE/SBE Team:** 22 staff from Assessment Development and Accountability Division, Communications, and Technology; SBE staff and Board Member	School visits to observe Smarter Balanced pilot testing in participating districts: San Juan Unified, Elk Grove Unified, River Delta Unified, Woodland Unified, Natomas Unified, Folsom-Cordova Unified, Sacramento City Unified, Twin Rivers Unified, Buckeye Union, Rescue Union, Mother Lode Union. Staff and Board Member observed students taking the on-line pilot tests, talked with teachers and administrators, and shared notes on successes and challenges of the pilot testing process.

Dates/Events	Participants	Description
May 16-17, 2013 **Collaborative meeting with CA County Superintendents Curriculum and Instruction Steering Committee (CISC)**	**60 county office administrators and CDE staff** **CDE/SBE Team:** Deb Sigman, Keric Ashley, Jenny Singh, Jessica Valdez, Laura Watson, Phil Lafontaine, Nancy Brownell	Provide updates on Assessment legislation and planning, Consequential Validity Study of Standardized Testing and Reporting, English Learner Assessment development timeline, Academic Performance Index considerations moving forward, Professional Learning Standards, Common Core Priorities emerging from the Curriculum and Instruction Steering Committee survey data, and Communication Strategies.
May 23, 2013 WebEx for San Mateo County educators	**100 teachers and administrators** **CDE/SBE Team:** Carrie Roberts, San Mateo County Office of Education	Presentation on the Learning Progressions Professional Learning Module (PLM) for CCSS to explain how to use the module contents and activities online and for face to face presentations.
June 11, 2013 **Present to Education Coalition Liaisons**	**10 participants** **CDE/SBE Team:** Deb Sigman, Jessica Valdez	Provide Smarter Balanced update including item key transition and Smarter Balanced development activities and overview of digital library development.
June 11-12, 2013 **Present to Shasta County Common Core Summer Institute**	**200 teachers and administrators from Shasta County** **CDE/SBE Team:** Nancy Brownell and Shasta County Instructional Department Team	Collaborate with Shasta County Leadership to provide Annual Common Core Summer Institute for teachers and administrators in the county. Topics include an overview of what is happening in California and across the country related to Common Core implementation, specific resources and priorities for implementing instructional shifts in mathematics and literacy, planning time to assess and develop local district and school implementation plans for 2013-14 school-year.

Dates/Events	Participants	Description
June 13, 2013 **Present to San Joaquin County Common Core Summer Institute**	**300 teachers and administrators from San Joaquin County** **CDE/SBE Team:** Nancy Brownell	Present at the "Common Core Annual Summer Institute" sponsored by the San Joaquin County Office of Education. Provide an overview of CCSS implementation plan activities and resources, related SBE actions, and communication strategies. This institute features 2 keynote speakers: Nancy Brownell, Senior Fellow, SBE/CDE, Update on CCSS Implementation, and Susan Gendron, Senior Fellow, International Center for Leadership in Education. There are also 40 breakout sessions during the 2-day institute addressing current information about CCSS in English language arts, math, science/technical subjects, English language development, assessment, history/social studies, and preschool.
June 14, 2013 **Present to Los Angeles Area Chamber of Commerce**	**50 members** **CDE/SBE Team:** Ilene Straus, Nancy Brownell	Present to the Los Angeles Area Chamber of Commerce Education and Workforce Development Council. Panel conversation focused on college and career readiness, CCSS instructional shifts, Governor's budget proposal, and communication strategies for business leaders to consider
June 17, 2013 **Host CCSS Mathematics Showcase**	**150 teachers and administrators** **CDE/SBE Team:** Lupita Cortez Alcala, Phil Lafontaine, Emily Oliva	CDE-hosted professional learning event to share strategies and classroom practices supporting the implementation of the CCSS for mathematics. Invited teams from across the state will participate in workshops that integrate CCSS math content and practices standards, engage in activities to increase knowledge and pedagogical learning, and share strategies to increase student engagement and learning.

Dates/Events	Participants	Description
June 24, 2013 **Host CCSS ELA/Literacy Showcase**	**150 teachers and administrators** **CDE/SBE Team:** Lupita Cortex Alcala, Phil Lafontaine, Carrie Roberts, Roxane Fidler	CDE-hosted professional learning event to share strategies and classroom practices supporting the implementation of the CCSS for ELA/literacy. Invited teams from across the state will participate in workshop sessions that build knowledge through nonfiction reading, gain strategies for reading writing and speaking grounded in textual evidence, and strategies for teaching complex text and academic language.

California State Board of Education

Meeting Agenda Items for July 10-11, 2013

ITEM 02

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2013 AGENDA

SUBJECT	
Next Generation Science Standards for California Public Schools, Kindergarten through Grade Twelve; Adoption of new Science Content Standards based upon the nationally developed *Next Generation Science Standards* as required by *Education Code* 60605.85.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

EC Section 60605.85 requires the State Superintendent of Public Instruction (SSPI) to submit a set of revised *Science Content Standards for California Public Schools, Kindergarten through Grade Twelve* to the State Board of Education (SBE) by July 31, 2013, and the SBE must adopt, reject, or modify those standards by November 30, 2013. The proposed science standards for California must be based upon the nationally developed Next Generation Science Standards (NGSS).

This agenda item provides the SBE and the public information on the development process that lead to the proposed *NGSS for California Public Schools, Kindergarten through Grade Twelve.*

RECOMMENDATION

The SSPI recommends the SBE adopt the proposed *Next Generation Science Standards for California Public Schools, Kindergarten through Grade Twelve*.

BRIEF HISTORY OF KEY ISSUES

EC Section 60605.85 requires the SSPI to submit a set of revised *Science Content Standards for California Public Schools, Kindergarten through Grade Twelve* to the SBE by July 31, 2013, and the adoption, rejection, or modification of those standards by November 30, 2013. The proposed science standards for California must be based upon the nationally developed NGSS.

The NGSS are based on a national framework developed by the National Research Council (NRC). The NRC framework committee was chaired by Dr. Helen Quinn, Professor Emeritus, Stanford Linear Accelerator. Achieve Inc., a bipartisan, non-profit educational organization, has been the managing partner in the development of the NGSS. In September 2011, California was selected as one of 26 lead state partners

who agreed to commit staff time to the initiative, and upon completion, give serious consideration to adopting the NGSS.

To provide input from California, the SSPI commissioned the State Review Team (SRT) consisting of 80 science experts representing kindergarten through grade twelve (K–12) science teachers, administrators, county science consultants, college and university professors, scientists, science informal centers, and business and industry. Since November 2011, the SRT reviewed five public and private drafts of the NGSS and provided feedback to Achieve Inc. and to the CDE.

The final draft of the NGSS was released by Achieve, Inc. on April 9th, 2013. The standards are grade specific for grades K-5 and are arranged by grade span for both middle (6–8) and high (9–12) school. The standards as well as supporting appendices are available on the NGSS Web site at http://www.nextgenscience.org/next-generation-science-standards. Attachment 2 provides executive summaries of each of the NGSS Appendices that are currently available.

Upon release of the final draft of the NGSS, the CDE, with support of the California Comprehensive Center (CA CC) of WestEd, provided a process to develop the recommendations for the *Next Generation Science Standards for California Public Schools, Kindergarten through Grade Twelve* to the SBE. A Science Expert Panel (SEP), a smaller group representative of the SRT, was convened by the SSPI, Tom Torlakson. The SEP met three different times for two full day meetings from April to June 2013, to review the national NGSS to make preliminary recommendations for field comment, to review feedback from public meetings and the SRT surveys, and make final recommendation for the *Next Generation Science Standards for California Public Schools, Kindergarten through Grade Twelve* to the SSPI.

Regional Public Meetings

The NGSS review process included three regional public meetings. These meetings provided the public an opportunity to comment on the proposed standards for California. The public meetings were conducted on April 29, 2013 at the Sacramento County Office of Education, April 30, 2013 at the Santa Clara County Office of Education, and May 2, 2013 at the Riverside County Office of Education. The April 30 meeting was also broadcast via live webinar and participants were able to listen and submit comments via the web. At these meetings, public stakeholders received background on the NGSS and the proposed California science standards. The public had an opportunity to provide input for consideration by the SEP. Seventy-two percent of the comments at the public meetings were favorable towards adoption of the NGSS for California, twenty-two percent were observations, and only six percent unfavorable–the unfavorable comments were mostly focused on professional development and implementation concerns. There were also some comments expressing a desire for specific content to be addressed.

SEP Response to Feedback

The CDE and CA CC staff documented the public input and shared it with the SEP at its meeting in May 2013. The SEP has reviewed the final draft of NGSS and the public input and recommended adoption of the NGSS with some minor revisions to the

clarification statements. The SEP also recommended placement of performance expectations (PEs) at specific grade levels for middle school to provide the best learning progression from elementary grades K–5 and build a strong foundation for high school. The grade level placement also facilitates the K–8 instructional materials adoption process. The SEP also made suggestions for the California Framework for Science. The work from the April and May 2013 SEP meetings was shared via a survey with the SRT. Comments from this survey were incorporated at the June 2013 meeting, where the SEP made their final recommendations for the *Next Generation Science Standards for California Public Schools, Kindergarten through Grade Twelve* to the SSPI.

To build the middle school learning progression, the SEP utilized a set of guiding criteria:

- The sets of PEs in each grade level must provide for adolescent development with an intentional progression or scaffolding that builds from a high quality elementary school science program and will lead to further study in high school.

- The sets of PEs must align with the cognitive demands of the Common Core State Standards in both English language arts and mathematics.

- The sets of PEs for each grade level build within and across the grade levels.

- The sets of PEs are balanced in complexity and quantity that allows for a reasonable representation of the various disciplines and provides for adequate time for instruction.

- The engineering PEs are integrated appropriately within each grade level.

Proposed Science Standards for California K–12 Education

The SSPI has reviewed and accepted the recommendation made by the SEP and is submitting the following standards for SBE consideration and adoption. A full copy of the standards organized both by disciplinary core ideas and by disciplinary topics can be reviewed at http://www.cde.ca.gov/pd/ca/sc/ngssstandards.asp.

The proposed science standards, based on the NGSS, are different than the current California science standards. The standards emphasize conceptual understanding rather than discreet facts. The proposed standards integrate science and engineering practices within the content rather than isolated investigation and experimentation standards, and promote student application of scientific knowledge rather than just knowing, and student understanding across science disciplines rather than solely within one discipline. The proposed science standards target a limited number of disciplinary core ideas and cross cutting concepts that unify the study of science and engineering rather than briefly covering numerous standards. The NGSS correlates with the Common Core State Standards for English language arts and mathematics, and the current California science standards do not. This integration of knowledge and practices across the content areas is the foundation of STEM (Science, Technology, Engineering, and Mathematics) education.

The proposed science standards include:

Proposed Learning Progressions for Elementary (K–5) Science
The SEP recommends adoption of the K–5 learning progressions as presented in the final draft of the NGSS, with modified clarification statements*.

Proposed Learning Progressions for Middle School (6–8) Science
The SEP recommends grade specific learning progressions with modified clarification statements*.

Proposed Learning Progressions for High School (9–12) Science
The SEP recommends that the NGSS high school performance expectations (with modified clarification statements*) be arranged as a grade span, 9–12, to allow local districts maximum flexibility in designing their high school curriculum such that all students have the opportunity to learn all standards.

* Revisions to the clarification statements were specific, concise, and minimal so as not to detract from the intent of the PEs. These revisions were based on feedback from the public meetings, from the reviews of the SRT, and the expertise of the SEP.

Science Standards Implementation
The implementation of the NGSS in California (CA NGSS) requires a goal-focused strategic plan and the participation of key individuals and organizations. Broadly stated, the strategic plan includes: a) the review, recommendation and adoption of CA NGSS and, b) implementation of CA NGSS from awareness through transition and ultimately full implementation at the school level, transforming science teaching and learning for all students and teachers.

If SBE adopts *Next Generation Science Standards for California Public Schools, Kindergarten through Grade Twelve, a* Strategic Leadership Team will be selected to design the CA NGSS Implementation Plan and review critical issues that could impact effective adoption and implementation of the NGSS. This team will be a consortium of 15–20 field colleagues selected by the SSPI and will consist of research-based effective professional learning programs.

Awareness Phase

The implementation process for CA NGSS will consist of three stages: (1) awareness, (2) transition and (3) implementation. Strategic plans must be developed for each of these stages to ensure a successful implementation process.

To begin the awareness phase of the implementation process, the Leadership Team will design a statewide awareness campaign consisting of face to face conferences and on-line events for the CA NGSS targeted at teacher and administrator audiences. From

December 2013 through the spring of 2014, a travelling 12–member team of 2–3 personnel from the CDE and 9–10 representatives of science organizations in California will convene live conferences about the CA NGSS.

These conferences will include captivating keynotes from business/industry and educators to reiterate the importance of NGSS to ensure that California students are provided the academic rigor that will enable them to compete in, and be a productive contributor to, a dynamic 21st century economy. Additionally, breakout sessions, presented by the science education community (e.g., county offices of education, CSP, K–12 Alliance, science ISP, and IHE) will address topics such as: models of effective implementation; creating curriculum based on NGSS; building instructional resources, assessing science and engineering practices; and integration with the Common Core State Standards. Conference sessions will be recorded and offered on-line at no-cost as professional learning programs for dissemination to all.

Transition and Implementation Phases

Based on the response from the awareness campaign, and feedback from educators across the state, a process will be developed to assist teachers in transitioning their curriculum, pedagogy, and teaching strategies from the requirements of the existing science standards to addressing the three domains of NGSS–Disciplinary Core Ideas, Science and Engineering Practices, and Crosscutting Concepts. This process will be shared through a “train the trainer” model, using materials and resources developed by the Leadership Team to ensure consistency.

We anticipate beginning these phases of implementation of the *Next Generation Science Standards for California Public Schools, Kindergarten through Grade Twelve* by 2014–15. This will be aided by the development of a revised state *Science Framework for California Public Schools; Kindergarten Through Grade Twelve* by the California Instructional Quality Commission, alignment of state science assessments, and careful selection of high quality instructional materials and supplemental resources.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

May 2013: Phil Lafontaine, Director of the Professional Learning Support Division, along with Dr. Stephen L. Pruitt, Vice President for Content, Research, and Development at Achieve, Inc. provided an update on the final NGSS and the supporting Appendices A-M. A preliminary report on the public meetings was also provided.

March 2013: Phil Lafontaine, Director of the Professional Learning Support Division, shared an update of the development process of the NGSS.

November 2012: The CDE updated the SBE through an Information Memorandum on the development of NGSS. On September 27, 2012, Senate Bill 1200 was signed into law. This bill, sponsored by the SSPI, provides additional time for new science

standards to be presented to the SBE. Specifically, this bill extends the presentation of new science standards by the SSPI from March 30, 2013, to July 31, 2013, and the adoption, rejection, or modification of those standards by the SBE from July 30, 2013, to November 30, 2013.

May 2012: At its May 2012 meeting, the CDE staff presented on the progress and timeline of the development of the NGSS along with Dr. Stephen L. Pruitt, Vice President for Content, Research, and Development at Achieve, Inc.

November 2011: The CDE's presentation also provided information on the requirements of Senate Bill 300. Specifically, the SSPI was required to recommend science content standards–utilizing the NGSS as their basis–to the SBE by March 30, 2013. The SBE was required to adopt, reject, or modify those standards by July 30, 2013. These due dates were later extended with the passage of SB 1200. Information regarding the state's involvement in the national process for the development of the NGSS was discussed.

FISCAL ANALYSIS (AS APPROPRIATE)

The CDE has secured foundation funding of approximately $141,000 to cover the activities of the proposed Awareness Phase.

ATTACHMENT(S)

Attachment 1: CDE Timeline of Next Generation Science Standards Development Process (1 page)

Attachment 2: Executive Summaries of NGSS Appendices (15 pages)

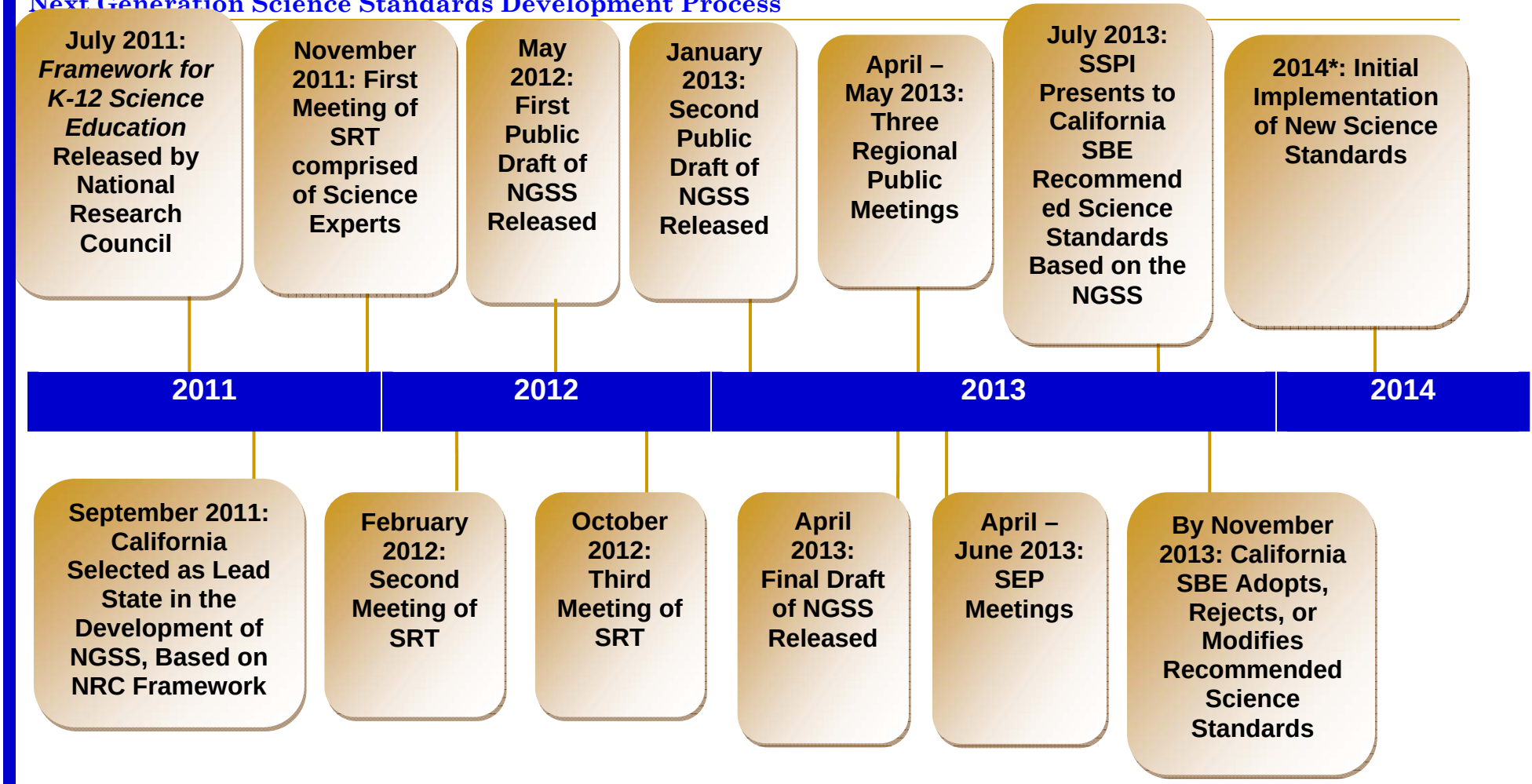
Attachment 3: Science Expert Panel (SEP) Membership Information (4 pages)

Attachment 4: Public Hearings Feedback Summary (6 pages)

Attachment 5: Proposed Science Standards for California:
http://www.cde.ca.gov/pd/ca/sc/ngssstandards.asp (1 page)

Attachment 6: Moving from Current California Science Standards to NGSS-CA (1 page)

Next Generation Science Standards Development Process



* Pending SBE's action

Appendix A: Conceptual Shifts

The Next Generation Science Standards (NGSS) provide an important opportunity to improve not only science education but also student achievement. Based on the *Framework for K-12 Science Education,* the NGSS are intended to reflect a new vision for American science education. The following conceptual shifts in the NGSS demonstrate what is new and different about NGSS:

- K-12 Science education should reflect the interconnected nature of science as it is practiced and experienced in the real world.
- The NGSS are student performance expectations, NOT curriculum.
- The science concepts in the NGSS build coherently from K to 12.
- The NGSS focus on deeper understanding of content as well as application of content.
- Science and engineering are integrated in the NGSS from K to 12.
- The NGSS are designed to prepare students for college, career, and citizenship.
- The NGSS and Common Core State Standards (English Language Arts and Mathematics) are aligned.

Appendix B: Responses to the Public Drafts

Several rounds of review were built into the development process of the Next Generation Science Standards (NGSS) to make sure that all educators and stakeholders would have opportunities to provide feedback. The first public draft of the NGSS was posted online from May 11 to June 1, 2012, and the second public draft was posted online from January 8 to January 29, 2013. The draft received comments from over 10,000 individuals during each of the two public review periods, including those in lead state review teams, school and school district discussion groups, and scientific societies. The writers then used this feedback to make substantial revisions to the draft standards.

Overall, the feedback received on both public drafts of the NGSS was very positive. Almost all reviewers indicated that they liked the pedagogical vision, the integration of the three dimensions in the NGSS and the structure of the NGSS itself. Most reviewers scored the performance expectations highly, but some also critiqued specific issues and suggested improvements. Based on the feedback, changes were made between the first and the second public drafts:

- 95% of the Performance Expectations (PEs) were rewritten based on feedback, with more specific and consistent language used
- After a college- and career-readiness review, some content was removed
- Some content shifted grade levels in elementary
- Engineering was integrated into the traditional science disciplines
- More math expectations were added to the performance expectations
- Course models were drafted for middle and high school
- “Nature of science” concepts were highlighted throughout the document
- The practices matrix was revised
- A new chapter was added to describe the intent and use of crosscutting concepts
- A new chapter on equity was drafted about implementation of the NGSS with diverse student groups
- A glossary of terms was added
- More flexibility in viewing the standards was provided by arranging the performance expectations according to both topic and Disciplinary Core Idea (DCI)

The feedback on the second public draft indicated that changes had completely addressed some issues, and the percentage of reviewers concerned about the remaining issues was greatly reduced. The remaining issues were addressed through the following changes:

- 75% of the PEs were edited to increase clarity, consistency, and specific feedback.

- A review of the central focus of each DCI from the *Framework* resulted in the removal of about 33% of the PEs and associated DCIs while retaining the progression of DCIs across the grade bands
- Separate ETS1: Engineering Design performance expectations were added to each grade band to supplement performance expectations that had integrated engineering design into the traditional science disciplines
- “Storylines” with essential questions were added to the beginning of each grade band and section to describe the context and rationale for the performance expectations
- The “All Standards, All Students” appendix was expanded to include several vignettes about implementation of the NGSS with diverse student groups
- Performance expectations names were changed from lowercase letters to numbers to avoid confusion with the DCI names. For example, MS-LS1-a became MS-LS1-1

Appendix C: College and Career Readiness

The final draft of the NGSS was released by Achieve, Inc. on April 9th, 2013. The standards are grade specific for grades K-5 and are arranged by grade span for both middle (6–8) and high (9–12) school. The standards as well as supporting appendices are available on the NGSS Web site at http://www.nextgenscience.org/next-generation-science-standards. Attachment 2 provides executive summaries of each of the NGSS Appendices that are currently available. Achieve, Inc. has not yet released the final draft of Appendix C – College and Career Readiness.

Appendix D: All Standards, all students

This appendix stresses that NGSS are intended as standards for all students. Implications for attention to opportunity to learn and to learning outcomes for diverse populations of students are addressed. The appendix identifies seven defined groups for whom attention is needed. This includes the four groups identified for NCLB accountability purposes (economically disadvantaged, students from major non-dominant ethnic and racial groups, students with disabilities, and students with limited English proficiency); gender, students in alternative education programs, and gifted and talented students. Vignettes and case examples illustrate effective instruction targeted to each of these groups.

Some of the strategies that are recommended to ensure attention to the needs of all students:

- Create connections within and across the curriculum
- Develop a culture of inclusive discourse in the classroom
- Include engineering, stressing applications of science
- Focus on science practices
- Create connections through cross cutting concepts that offer a conceptual framework across science disciplines and beyond
- Value and respect student culture, experience and “funds of knowledge”
- Articulate and integrate student background knowledge and prior conceptions
- Ensure sufficient resources (material, human capital and social capital), providing equitable learning opportunities.
- Create connections to home and community to relate in-school science learning to out of school learning

A summary of national demographics, achievement data, and educational policy issues is presented. In implementing the new vision for science education, attention to equity issues is needed in every aspect of the work, including professional development, instruction, and assessment.

Appendix E: Progressions within the Next Generation Science Standards

Appendix E outlines a developmental progression of the NGSS from K through 12. According to Framework, the NGSS *"is built on the notion of learning as a developmental progression. It is designed to help children continually build on and revise their knowledge and abilities, starting from their curiosity about what they see around them and their initial conceptions about how the world works. The goal is to guide their knowledge toward a more scientifically based and coherent view of the natural sciences and engineering, as well as the ways in which they are pursued and their results can be used."*

The progressions in this appendix briefly describe the increasing sophistication of student thinking that occurs as students advance through the grade bands (K-2, 3-5, 6-8, and 9-12) for 38 disciplinary core ideas in earth and space science, life science, and physical science. The full progressions can be seen in *A Framework for K-12 Science Education*.

Appendix F: Science and Engineering Practices in NGSS

Standards and performance expectations must take into account that students cannot fully understand scientific and engineering ideas without engaging in the practices of inquiry within the context of specific science-focused facts.

In the future, science assessments will not evaluate students' understanding of core ideas separately from their abilities to use the practices of science and engineering. Assessments will show that students not only know science concepts, but that they can also apply practices and solve problems through engineering design procedures.

The eight practices of science and engineering are:

1) Asking questions and defining problems
2) Developing and using models
3) Planning and carrying out investigations
4) Analyzing and interpreting data
5) Using mathematics and computational thinking
6) Constructing explanations and designing solutions
7) Engaging in argument from evidence
8) Obtaining, evaluating, and communicating information

Important distinctions include:

- Practices represent what students are expected to do and are not methods of teaching nor curriculum.
- The eight practices intentionally overlap and interconnect.
- Engagement in science and engineering practices is language intensive and requires that the students participate in discussions.

Appendix G: Crosscutting Concepts

The NGSS employs seven key crosscutting concepts to help students see the many connections that exist among and between science fields.

1. Patterns - helps students build a deeper understanding of relationships and factors that those phenomena that influence them
2. Cause and effect - suggests that all events have causes
3. Scale, proportion and quantity - suggest that changes in scale and proportion affect a system's performance
4. Systems and system models - mathematical tools that help students see the big picture
5. Energy and matter - underscores the idea that energy flows through a system and regularly fluctuates
6. Structure and function - suggests that living things have evolved structures based upon function
7. Stability and change - reinforce the idea that change is constant. Both change and stability are truly fundamental concepts in the world of science.

This appendix provides a rationale for the value of embedding crosscutting concepts into science curriculum:

- Embedding crosscutting concepts into the science curriculum will help students to better understand core ideas in science and their application through engineering.

- Incorporation of crosscutting concepts will help to assure that when students explore a key science concept in a new contextual framework, they will not fail to recognize it or understand its application.

- Repetition of the crosscutting concepts in several contextual frameworks, at increasingly more complex and abstract levels, and revisited across grade levels helps to provide consistency, cohesion, and logic in the flow of ideas.

- The inclusion of crosscutting concepts helps students to build their science and engineering vocabulary. As crosscutting concepts are encountered regularly across the disciplines, familiar vocabulary can increase understanding for all students, including English learners.

- Crosscutting concepts are an important tool to help students make sense of the complex world of science and engineering and to see their numerous relationships.

Appendix H: Nature of Science

Appendix H explains that science is both a set of practices and the historical accumulation of knowledge. Students should develop an understanding of the scientific enterprise as a whole—the wondering, investigating, questioning, data collecting and analyzing.

The Appendix describes eight Nature of Science understandings and the intersection of those understandings with science and engineering practices and crosscutting concepts. The Nature of Science understandings are included as extensions of the science and engineering practices and crosscutting concepts, not as a fourth dimension of standards.

Eight basic understandings about the Nature of Science cited in NGSS are:

1. Scientific investigations use a variety of methods
2. Scientific knowledge is based on empirical evidence
3. Scientific knowledge is open to revision in light of new evidence
4. Scientific models, laws, mechanisms, and theories explain natural phenomena
5. Science is a way of knowing
6. Scientific knowledge assumes an order and consistency in natural systems
7. Science is a human endeavor
8. Science addresses questions about the natural and material world

The first four of these understandings are closely associated with practices and the second four with crosscutting concepts. A Nature of Science Matrix is presented and includes specific grade level understandings for K- 2, 3-5, 6-8, and 9-12.

Students must have opportunities to stand back and reflect on how the science and engineering practices contribute to the accumulation of scientific knowledge. This means, for example, that when students carry out an investigation, develop models, articulate questions, or engage in arguments, they should have opportunities to think about what they have done and why. Students should also have opportunities to reflect on how the cross-cutting concepts apply across disciplinary core ideas. With the addition of historical examples, the nature of scientific explanations assumes a human face. Most scientific knowledge is quite durable but is, in principle, subject to change based on new evidence and/or reinterpretation of existing evidence. Through these kinds of reflections, students can come to understand and develop a nuanced appreciation of the Nature of Science.

Appendix I: Engineering Design in the NGSS

The Next Generation Science Standards (NGSS) represent a commitment to integrating engineering design into the structure of science by raising engineering design to the same level as scientific inquiry. A foundation in engineering design allows students to better engage in and aspire to solve the major societal and environmental challenges (energy, disease, clean water and food) they will face in the decades ahead. The focus is on the process of engineering design and is not intended to provide a full set of standards for engineering education.

The NGSS defines the following terms:

- Science - physics, chemistry, biology, and (more recently) earth, space, and environmental sciences
- Engineering - systematic practice of design to achieve solutions to particular human problems
- Technology - all types of human-made systems and processes

Engineering design includes the following components:

- Define the problems—by specifying criteria and constraints
- Generate and evaluate multiple solutions
- Build and test prototypes
- Optimize a solution

The use of the engineering design processes increases in depth and scope as students progress through grades K-12:

- Grades K-2: Students are introduced to “problems” as situations that people want to change.
- Grades 3-5: Students are engaged in more formalized problem solving.
- Grades 6-8: Students learn to sharpen the focus of problems, compare different solutions, and test and revise solutions.
- Grades 9-12: Students are engaged in complex problems that include issues of social and global significance, emphasizing identification of the best solution and the use of mathematics and/or computer simulations to test solutions.

Appendix J: Science, Technology, Society and the Environment

The framework specifies two core ideas that relate science, technology, society and the environment.

1. The interdependence of science, engineering and technology
   a) New discoveries in science will enable engineers to expand their work.
   b) Emerging insights from science greatly influence new technologies and their applications through the development of innovative engineering designs.

2. The influence of science, engineering and technology
   a) Scientific discoveries and technological decisions will affect human society and the natural environment. New technologies, in turn, facilitate scientific investigations.
   b) People make decisions for social and environmental reasons that ultimately guide scientists and engineers.

Incorporating Science, Technology, Society and the Environment in the Next Generation Science Standards (NGSS) will prepare today's students for the 21st Century with its many technological advancements as well as the resulting impact on society and on our natural resources. Science, Technology, Society and the Environment will help guide our future citizens to become stewards of the environment and to better understand the central role that science and technology play in today's world and how science and technology impact all aspects of society and the environment.

Appendix K: Model Course Mapping in Middle and High School

This appendix focuses on organizing the grade banded performance expectations into courses.
The NGSS are organized by grade *level* for kindergarten through grade five, but as grade *banded* expectations at the middle school (6–8) and high school (9–12) levels. This arrangement is due to the fact that standards at these levels are handled very differently in different states and because there is not conclusive research that identifies the ideal sequence for student learning.

As states and districts consider implementation of NGSS, it will be important to thoughtfully consider how to organize these grade banded standards into courses that best prepare students for post-secondary success in college and career. This appendix is provided as a tool for guiding this decision-making process.

1. Model Course Maps are starting points, not finished products.
   States and districts/local education agencies are not expected to adopt these models; rather, they are encouraged to use them as a starting point for developing their own course descriptions and sequences.
2. Model course map organization is built on the structure of the *Framework*.
   The *Framework* is organized into four major **domains**: the physical sciences, the life sciences, the earth and space sciences, and engineering, technology and applications of science.
3. "All Standards, All Students."
   All the standards are expected of all students. This foundational commitment is discussed at length in Appendix D of NGSS and has implications for course design.
4. Model Course Maps are NOT curriculum.
   The Next Generation Science Standards are student outcomes and are explicitly NOT curriculum; though considering where Performance Expectations (PEs) will be addressed within courses is an important step in curriculum development.
5. All Scientific and Engineering Practices and all Crosscutting Concepts in all courses.
   It is the expectation that *all* Scientific and Engineering Practices and Crosscutting Concepts will be blended into instruction in every course in the sequence.
6. Engineering for all.
   As is more carefully detailed in Appendix I, NGSS represent a commitment to integrate engineering design into the structure of science education by raising engineering design to the same level as scientific inquiry when teaching science disciplines at all levels.

Three model course maps are presented:
1. Conceptual Progressions Model (grades 6–8 and 9–12)
   This model maps PEs into courses based on what concepts are needed for support without focusing on keeping disciplines separate.
2. Science Domains Model (grades 6–8 and 9–12)

The grade banded PEs are organized into content-specific courses that match the three science domains of the *Framework*: Physical Science, Life Science, and Earth and Space Science.

3. Modified Science Domains Model (grades 9–12)

   The 9–12 grade band performance expectations are organized into content-specific courses that match a common high school course sequence of biology, chemistry, and physics. To ensure all students have access to all standards, the PEs connected to the Earth and Space Science domain of the *Framework* are divided among these courses.

Appendix L: Connections to CCSS-Mathematics

Science is a quantitative discipline, so it is important for educators to ensure that students' science learning coheres well with their learning in mathematics. To achieve this alignment, the NGSS development team worked with the Common Core State Standards-Mathematics (CCSSM) writing team to ensure the NGSS do not outpace or otherwise misalign to the grade-by-grade standards in the CCSSM. Every effort has been made to ensure consistency.

This document provides educators a resource to help clarify mathematical applications appropriate at specific grade levels and aligned with specific Topics and Performance Expectations.

During elementary years, the CCSSM standards are focused on measurement, numbers and operations. During the middle school and high school years, students develop a number of powerful quantitative tools, from rates and proportional relationships, to basic algebra and functions, to basic statistics and probability. Such tools are applicable far beyond the mathematics classroom. Such tools can also be better understood, and more securely mastered, by applying them in a variety of contexts. Fortunately, the National Research Council Framework makes this clear in its Science and Engineering Practices (Analyzing and Interpreting Data, Using Mathematics and Computational Thinking) that statistics and mathematics have a prominent role in science. NGSS aims to give middle school and high school science educators a clear road map for how they can prepare their students for the quantitative demands of college and careers and where students need to apply quantitative tools in an applied or scientific context. For all these reasons, NGSS requires key tools from Grades 6−8 and High School Common Core Mathematics to be integrated into middle school and high school science instructional materials and assessments.

In addition, this resource provides links to resources and applications that illustrate appropriate links between math and science and provides links to the math connections for specific Performance Expectations.

Appendix M: Connections to the Common Core State Standards for Literacy in Science and Technical Subjects

Literacy skills are critical to building knowledge in science. To ensure the CCSS literacy standards work in tandem with the specific content demands outlined in the NGSS, the NGSS development team worked with the CCSS writing team to identify key literacy connections to the specific content demands outlined in the NGGS. As the CCSS affirms, reading in science requires an appreciation of the norms and conventions of the discipline of science, including understanding the nature of evidence used; an attention to precision and detail; and the capacity to make and assess intricate arguments, synthesize complex information, and follow detailed procedures and accounts of events and concepts. Students also need to be able to gain knowledge from elaborate diagrams and data that convey information and illustrate scientific concepts. Likewise, writing and presenting information orally are key means for students to assert and defend claims in science; demonstrate what they know about a concept; and convey what they have experienced, imagined, thought, and learned.

Every effort has been made to ensure consistency between the CCSS and the NGSS. As is the case with the mathematics standards, NGSS should always be interpreted and implemented so that they do not outpace or misalign to the grade-by-grade standards in the CCSS for literacy (this includes the development of NGSS-aligned instructional materials and assessments).

Appendix M correlates with NGSS the eight Science and Engineering Practices from A Framework for K-12 Science Education; the College and Career Readiness (CCR) Anchor Standards in reading, writing, speaking, listening, and language for Grades 6 through 12; and the specific CCSS Common Core State Standards in Reading, Writing, Speaking, and Listening in History/Social Studies, Science and Technical Fields. These standards are necessary complements, providing a broad perspective and applied specificity, to define the skills and understandings that all students must demonstrate.

Science Expert Panel (SEP) Membership Information

Dr. Bruce Alberts, Professor Emeritus, University of California, San Francisco Department of Biochemistry and Biophysics. Editor-in-Chief, Science magazine. Former United States Science Envoy. President Emeritus, US National Academy of Sciences

Dr. David Andrews, California State University, Fresno. Former Science Teacher. Degrees in Biology and Science Education. Professor of Biology and Science Education, Director of the Science & Mathematics Education Center. Recipient of the 2008 California Science Teachers Association, Margaret Nicholson Award.

Arthur Beauchamp, University of California, Davis. Former Science Teacher. B.A. in Biological Sciences and English Literature. M.S. in Biology. California Clear Credential in Secondary Science - Biological Sciences with authorizations in Physical Science, Chemistry, and English Literature.

Kirk Brown, San Joaquin County Office of Education. Former High School Science Teacher.
Founding Program Coordinator-Agricultural/Scientific Academy at Tracy Unified School District. 2011 San Joaquin Teacher of the Year.

Ken Brown, El Camino Community College District.
Aeronautical Engineer. Board of Trustees, El Camino Community College District.

Nikki Chambers, Torrance Unified School District. Current High School Science Teacher.
Science Department Chair. Currently teaches Astrobiology and Introductory Biology. 2012 California Teacher of the Year finalist.

Eric Eichinger, Boeing
B.S. Biology, 26 years of experience in aerospace. Manager Analytical Chemistry Lab. Coordinator of High School intern program and STEM outreach.

John Galisky, Lompoc Unified School District. Current High School Science Teacher
B.A. in Physics & Astrophysics. M.Ed. Coordinator of STEM Academy—Space, Technology and Robotic Systems. Teacher of the Year—California Air Force Association (2004) and Runner-up—Alan Shepard Technology in Education Award (2006).

Ryan Gallagher, High Tech High. Current High School Science Teacher.
B.S. in Biology and B.A. in Philosophy.

Dean C. Gilbert, Orange County Department of Education. Former High School Science Teacher.
Past president and board member for the California Science Teachers Association. 40+ years of experience in education.

Dr. Laura Henriques, California State University, Long Beach. Former Science Teacher.
Bachelors in Physics. Ph. D. in Science Education. President - Elect, California Science Teachers Association. Master Teacher for Woodrow Wilson National Fellowship Foundation. Professor and Chair of Science Education Department CSULB.

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Dr. Rick Pomeroy, University of California, Davis. Former Secondary Science Teacher
M.A. and a Ph.D. in Science Education. Single subject science teaching credential with authorizations in Biology, Chemistry, and Mathematics. President, California Science Teachers Association.

Dr. Helen Quinn, SLAC National Accelerator Laboratory.
Professor Emeritus Stanford University. 2013 J.J. Sakurai Prize for Theoretical Particle Physics. Chair of NRC *K-12 Framework for Science Education*.

Glenn Reagan, Folsom Cordova Unified School District. Current High School Science Teacher.
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Dr. Jackie Rojas, California State University, Fullerton. Former Elementary Science Teacher.

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David Seidel, NASA Jet Propulsion Laboratory. Former High School Science Teacher.

Deputy Education Director and Manager of STEM Elementary & Secondary Education. Recipient of NASA's Exceptional Service Medal.

Robert Sherriff, San Juan Unified School District, Current Science Teacher.

B.S. Biology and Masters in Educational Management. Credentials in Life, Physical, and General Science and Math. Lead Teacher and Coach for Science Olympiad Team. Professional development provider for California Science Project and K-12 Alliance.

Dr. Maria C. Simani, California Science Project.

Ph.D. in Physics. Executive Director of California Science Project. Former researcher at the Lawrence Livermore National Lab for the Stanford Linear Accelerator Center, neuroscientist at UCSF Sabes Lab, and Director of the UCR P-20 Regional Alliance.

Dr. Art Sussman, WestEd.

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Ethan Sullivan, Granada Hills Charter High School. Current High School Science Teacher.

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M.S. Geology. M.A. Educational Leadership. Multiple Subject credentials, emphasis on Bilingual-Cross Cultural Education. Executive Director, San Diego Science Alliance

Dr. Jerry Valadez, Central Valley Science Project. Former Science Teacher Ed.D. in Educational Leadership with concentration in Science Education. M.A. in Administration and Supervision. B.S. in Animal Science. Director of Central Valley Science Project.

Janet Yamaguchi, Discovery Science Center. Former Science Teacher. Vice President of Education at Discovery Science Center. Over 30 years of experience in teaching, educational program design, and teacher professional development. 2013 National Medal of Service for Museum and Library Services.

Next Generation Science Standard
California Public Hearing – Preliminary Summary and Analysis

In April 2013 Achieve released the final version of Next Generation Science Standards (NGSS) for states to consider for adoption. California is among the 26 states currently evaluating the NGSS. California's process of review includes evaluation of the standards by a team of approximately 80 science educators as well as a series of public hearings. Hearings were held in three locations with option of online comments (via email and webinar):

Sacramento – April 29, 2013

Santa Clara and Orange County (via webinar and phone) – April 30, 2013

Riverside – May 2, 2013

In addition, comments could be submitted via email to the California Department of Education. This document provides a preliminary summary and analysis of the comments with the exclusive purpose of allowing the Science Expert Panel to consider such comments as they develop recommendations for the California Department of Education.

Overview of Comments by Type and Role

	Favorable	Unfavorable	Unstated (neither)	Total
Sacramento	10	1	1	**12**
Santa Clara, Orange County*	18	2	5	**25**
Riverside	20	0	6	**26**
Email	9	2	5	**16**
Total	**57**	**5**	**17**	**79**
Total %	**72%**	**6%**	**22%**	

	Teachers	Science Coordinators/ Directors	Higher Education	Business/ Community Leaders	Other	Total
Sacramento	8	1	0	**0**	**3**	**12**
Santa Clara, Orange County*	4	6	2	**1**	**12**	**25**
Riverside	10	8	4	**3**	**1**	**26**
Email	5	2	1	**3**	**5**	**16**
Total	**27**	**17**	**7**	**7**	**21**	**79**
Total %	**34%**	**22%**	**9%**	**9%**	**27%**	

** Includes comments provided through the webinar online chat option.*

Summary and Analysis of Comments

The most frequent comment provided was to express support for the NGSS. As noted earlier, approximately 72% of the comments were supportive. Following is a sample of comments made in support of NGSS:

- NGSS provides opportunity to teach with depth, encourages deep critical thinking skills, and introduces students to the practice of science.
- Inclusion of Engineering and Design Principles are particularly relevant to preparing students for 21st Century.
- The linkage between NGSS and Common Core State Standards is particularly helpful.
- NGSS is better than current California science standards.

Concerns, even among those supportive of NGSS, were raised. Below is a summary of concerns grouped into concerns about content, implementation, or other. Frequencies are noted and in some cases quotations to illustrate the nature of the comment.

Content Related Concerns

Concern	Frequency	Quote
Environmental education	5	… we need to get students outside the four walls of a classroom. I wish we could get some type of linkage in the standards or in some of the documents to talk about the value of getting outdoors and learning in a particular environment throughout the state.
Electrical engineering/circuits is not adequately addressed	2	Electrical circuits are missing from the NGSS. It looked to me like you cut out electrical engineering…
Electromagnetic spectrum not included in NGSS	1	Going through the cycle of the electronic spectrum is not mentioned.
At Grade 4, light and wave energy should be included	1	
Information incorrect regarding wireless and electronic communication	1	
Computer programming not addressed	1	

Concern	Frequency	Quote
Nature of science not addressed with adequately	1	Understanding the nature of science is probably the most important content that all science teachers can teacher. But the NGSS has no performance expectations for the nature of science.
Earth Science Standard (ESS3.D) is incorrect	1	There is no correlation between the rate of increase in atmospheric CO_2 concentration and the rate of increase in temperature.

Implementation Related Concerns

Concern	Frequency	Quote
Alignment across grade spans (e.g., elementary to middle and middle to high school).	9	But along with implementation, it seems to me a phased-in kind of implementation would be very important because otherwise the teachers in the higher grades are not going to be -- the students are not going to be ready to move into teaching in high grade necessarily unless they expected preparation in those lower grades. In most of our larger districts, implementation is going to be driven by a sense of outcome that is how we want our students to leave at the end of 12th grade, and to simply address things in the near term which is the easier way, K-8, leaves me a little bit concerned. It is important that in elementary school and middle school that we're continuing this science education K-12 and it doesn't just start at a certain point along that continuum. The idea of full integration is wonderful. Unfortunately, there is too little science being taught in the middle school…by the time I get them in 6th grade, they have none of the background knowledge that they are supposed to have.

Concern	Frequency	Quote
Teacher preparation/training critical, especially for elementary teachers	8	There needs to be professional development training, time collaboration. I hope there is an assessment that shows how districts can do that, how teachers can do that, how we can make sure we are ready for this rollout. And so I think the professional development piece needs to be really addressed, and just making sure that the schools and sites and counties are all involved and on the same page… Teachers are worried about the time to teach science, the materials needed to effectively implement NGSS, and the professional development they will need to do it well.
Curriculum framework will be important; should provide specific examples yet remain flexible to promote innovation	7	…there's no curriculum that goes with it but there's a great, like anticipation for how is this going to look in our classrooms. …whatever happens in the framework, there is room for innovation.
Thoughtfully approach cross-disciplinary integration for middle school and/or high school	6	And then as a chemistry teacher we have this little question about the physical sciences in high school and what does that look like in a classroom structure, because right now we have chemistry and we have physics, is it a two year course now called physical science or is it a one year course -- anyway we're not sure and we've read all the appendices but we're still not sure.

Concern	Frequency	Quote
Need adequate resources to support implementation	6	We have some huge concerns about funding and I know that this is not something directly controlled by this particular thing, but there's a lot of new technology, new equipment, new experiences that are called for that we don't have right now. …and more importantly, the state needs to provide the resources to teachers and schools to be able to effectively implement these standards going forward. I have been to many, many conferences where teachers are paying for things out of their pocket, or they are writing grants constantly, and I am concerned about that.
Need assessments and resources in time to support effective planning and implementation	5	And it comes up with clarifying statements of what the assessment is going to look like, instructional materials adoption process, etc. I think that is the challenge, our next challenge for our framework. There was a concern that assessments are being developed before implementation of what curriculum should look like.
There is currently not enough time for science instruction	2	
Implementation will take time and should be phased in	2	The concerning thing I heard today was possible testing in '15-'16 and material adoption maybe not till January of 2018. Please don't set our teachers up for failure again.
Consideration needs to be given to the impact NGSS will have on credentialing requirements and placements of teachers	2	I didn't hear anything about dealing with the legislation that might be necessary to get CTC to do something about what they are doing in teacher preparation.

Concern	Frequency	Quote
Developmental appropriateness	2	My other concern is just age appropriate concepts…4th grade standards, and 9-year-olds are really at that bridge between reality and fantasy…And to just only be dealing with rocks and not get their hands-on experience with the minerals, that leads very nicely into an understanding of atomic molecular elements, all of that study of Chemistry.
Need clarification regarding how assessment at grade levels where multiple disciplines may be addressed (e.g., middle school)	2	In the past there has not been a way to test some of the single focus classes except with the test for using the test for the larger topic (e.g., anatomy and physiology is tested with the standard biology test).
The Standards are too much and too complicated	1	
A system that recognizes and supports education and careers in geosciences	1	
Gender Discrimination	1	And I really think because of its lack of materials between K-3 that that results in a fundamental discrimination against women in science because of the way women learn in their early years, females learn, the way they acquire information between K up to about eight and a half is radically different than what they do after that.
High school science education must adequately address biology	1	

Proposed Science Standards for California

The proposed standards can be viewed by grade level **Disciplinary Core Ideas** (DCI): Life Sciences, Earth and Space Sciences, and Physical Sciences or by grade level **Topic** (e.g.: Chemical Reactions, Structure and Function, or Space Systems).

Below is the link to the proposed *Next Generation Science Standards for California Public Schools, Kindergarten through Grade Twelve*.

http://www.cde.ca.gov/pd/ca/sc/ngssstandards.asp

Moving from Current California Science Standards to NGSS–CA

Less emphasis on	More emphasis on
Bits of information	Conceptual understanding
Isolated investigation and experimentation process skills	Integration of science and engineering practices with content
Student acquisition of information	Student understanding and use of scientific knowledge within and across science disciplines, and science an engineering practices
Numerous standards	Targeted Big Ideas and Cross Cutting Concepts
Uneven articulation throughout grade levels	Learning progressions that develop K-12
No engineering	Engineering standards and practices that all students should encounter
Undefined assessment	Performance expectations
Assessing science knowledge	Assessing scientific understanding and reasoning
Science only	Integration with STEM and ELA

California State Board of Education

Meeting Agenda Items for July 10-11, 2013

ITEM 03

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2013 AGENDA

SUBJECT	
Information on California's Participation in the National Center and State Collaborative Alternate Assessment Curriculum and Instruction, Professional Development, and Assessment Activities for Students with the Most Significant Cognitive Disabilities.	☐ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

On September 24, 2012, the State Superintendent of Public Instruction (SSPI) joined as a Tier II state partner with the National Center and State Collaborative (NCSC) project. The purpose of the NCSC is to build a complete system of curriculum and instructional resources, and an alternate assessment based on alternate achievement standards aligned to Common Core State Standards (CCSS) in English-language Arts (ELA) and mathematics for students with the most significant cognitive disabilities. Tier I core states are involved in the governance of the NCSC and have decision-making authority over the development of this system. Tier II states help develop an individualized plan to implement the professional development, curriculum, and instructional resources including formative assessment strategies and progress monitoring tools. This item provides an update on the NCSC's approach to access the CCSS in a comprehensive system that incorporates evidence-based curriculum and instruction models, and produces formative, interim, and summative assessments for students with the most significant cognitive disabilities. At the July 2013 State Board of Education (SBE) meeting, Rachel Quenemoen, NCSC project, will present an overview of the NCSC to the SBE (see Attachment 1).

RECOMMENDATION

This is the first presentation to the SBE since the SSPI joined the NCSC consortium. At this time, no specific action is recommended.

BRIEF HISTORY OF KEY ISSUES

The NCSC is a project led by the National Center on Educational Outcomes as the host and fiscal agent, along with the National Center for the Improvement of Educational Assessment; the University of Kentucky; University of North Carolina at Charlotte;

edCount, LLC; and 26 states (15 Tier I core states and 11 Tier II affiliated states) to build an alternate assessment based on alternate achievement standards aligned to CCSS in ELA and mathematics for students with the most significant cognitive disabilities. This partnership allows the California Department of Education (CDE) to build upon its foundational work with students with the most significant cognitive disabilities, based on an understanding of how students develop competence in the academic domains that are defined in the CCSS. Information on California's participation in the NCSC alternate assessment curriculum and instruction, professional development, and assessment activities for students with the most significant cognitive disabilities can be found in Attachment 2.

As described in Attachment 1, the NCSC's approach incorporates evidence-based curriculum and instruction models to create formative, interim, and summative assessments. The curriculum component specifies what students should be taught and learn, and includes the CCSS, Core Content Connectors CCCs), and Graduated Understandings. The instruction component addresses how teachers will be involved in the teaching and learning of the standards, and includes grade-level model lessons, guidance in providing accommodations, and systematic instruction.

The NCSC alternate assessments are being designed for a wide range of significant cognitive disabilities and will assess these students' knowledge of mathematics and ELA in grades three through eight and grade eleven. The assessment component, if adopted by California, will address how student performance in lessons and the standards will be measured, including both formative and interim assessment models and a well-designed summative assessment.

The SSPI's report, *Recommendations for Transitioning California to a Future Assessment System,* include developing or using multistate consortia alternate assessments in ELA, mathematics, and science for students with severe cognitive disabilities (SSPI Recommendation 5). The report can be found on the Statewide Pupil Assessment System Web page at http://www.cde.ca.gov/ta/tg/sa/ab250.asp. These NCSC alternate assessments are expected to align with the technology systems being developed by the Smarter Balanced Assessment Consortium. A pilot test is anticipated in spring 2014 and a census field test and operational assessment will be ready for use by spring 2015 as described in Attachment 2. If the NCSC assessment is adopted, this would satisfy the development of the alternate assessments in ELA and mathematics for students with severe cognitive disabilities.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

None.

FISCAL ANALYSIS (AS APPROPRIATE)

None at this time.

ATTACHMENT(S)

Attachment 1: PowerPoint Overview of the National Center and State Collaborative Activities for Students with the Most Significant Cognitive Disabilities. (16 Pages)

Attachment 2: Update on California's Participation in the National Center and State Collaborative Activities for Students with the Most Significant Cognitive Disabilities. (4 Pages)

Information on California's Participation in the National Center and State Collaborative Activities for Students with the Most Significant Cognitive Disabilities

The National Center and State Collaborative Overview—The NCSC project, led by 5 national centers and 26 states, is building an alternate assessment based on alternate achievement standards for students with the most significant cognitive disabilities aligned to CCSS in ELA and mathematics in grades three through eight and once in high school. The goal of the NCSC project is to ensure that students with the most significant cognitive disabilities achieve increasingly higher academic outcomes and leave high school ready for postsecondary options. For more information, visit the California Department of Education (CDE) NCSC Web site at http://www.cde.ca.gov/sp/se/cc/ or the national NCSC Web site at http://www.ncscpartners.org.

Overall NCSC Time Line

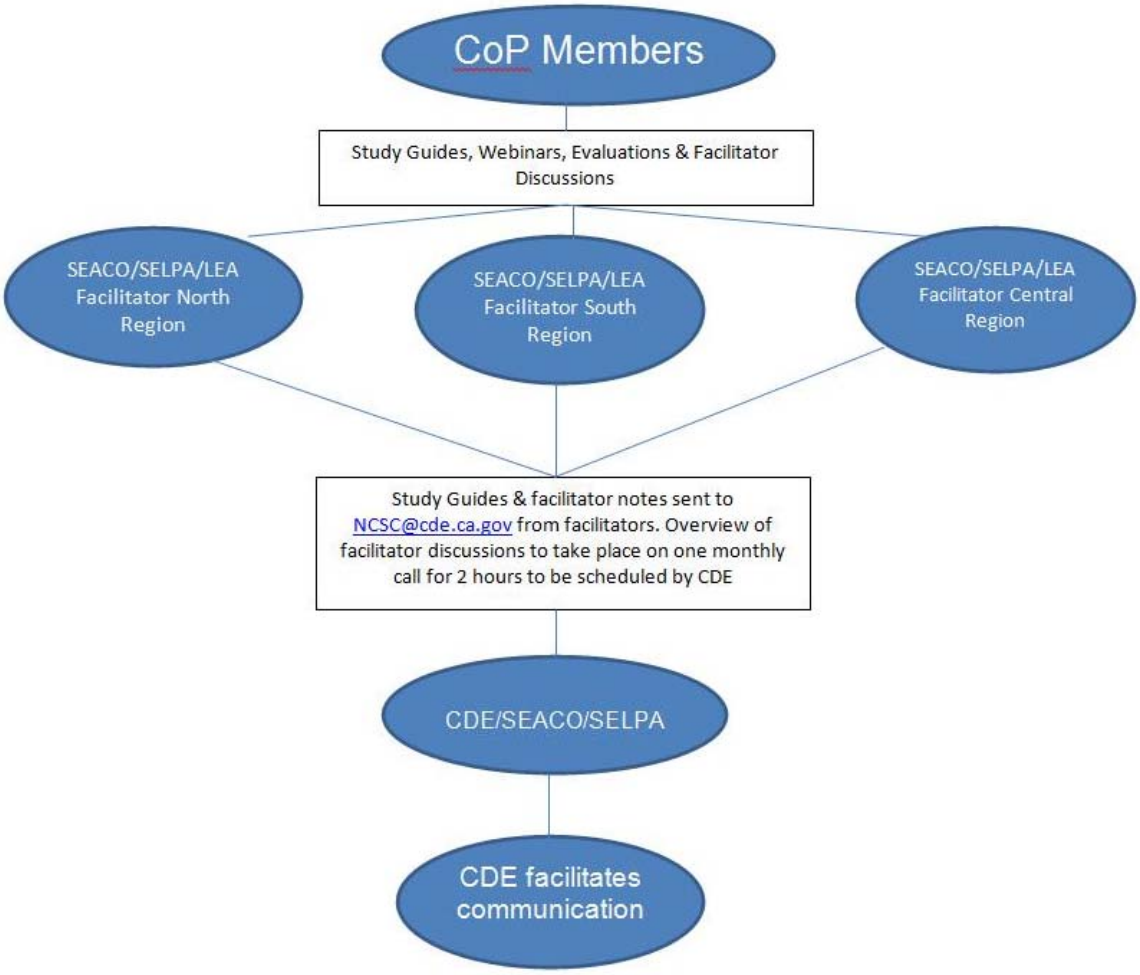
- August 2010: Submitted grants
- January 2011: Cooperative Agreement award
- January–December 2011: Finalize content model on Learning Progression Frameworks/CCSS, draft and prioritize CCCs, build model of curriculum/instruction materials, begin professional development Communities of Practice (CoPs)
- January–December 2012: Evidence-centered design phase on prioritized content (item specifications in design patterns, task templates), curriculum/instruction/professional development (C/I/PD), technical specifications
- January–December 2013: Item bank/item development, test design, item reviews, pre-pilot tryouts, and research
- May 2013: Preliminary test specifications, draft performance level descriptors
- Fall 2013: Pre-pilot research, pilot design, implement C/I materials
- Spring 2014: Full pilot testing
- Summer/fall 2014: Finalize blueprints, revise items, assemble forms, finalize administration training and supports
- Spring 2015: Full census field/operational administration of NCSC assessments
- Summer 2015: Set achievement levels
- October 1, 2015: Project funding ends

California NCSC Communities of Practice—Currently, approximately 90 special educators divided into three CoPs representing northern, southern, and central regions across California. A CoP is a group of educators across the state who inform the NCSC partners. The CoP members review and give feedback on draft professional development modules. The Webinars being reviewed include an overview of the NCSC, an introduction to mathematics and communications. These modules will assist educators to target instruction by promoting student understanding of the CCSS by:

- Reflecting the learning progressions within and across grades
- Articulating the big ideas, learning targets, and related instructional content
- Suggesting instructional strategies, scaffolds, and supports
- Providing educators with easily understandable visual representations of the areas of curricular emphasis within and across grades

All CoP member groups engage in monthly calls with their respective facilitators. The facilitators are made up of nine representatives from Special Education Administrators of County Offices of Education (SEACO), the special education local plan areas (SELPA), and local educational agencies (LEAs). The facilitators also engage in a monthly two-hour conference call with the CDE representatives. Every month, the California NCSC (CA NCSC) lead submits all the information gathered to the NCSC partners. Below is a diagram showing the level of California involvement in the NCSC reviews.

Communication Flow of California Communities of Practice Communications



By the end of June 2013, the CA NCSC CoP members will have reviewed and commented on five Webinars, including the NCSC orientation, mathematics part I and part II, and communication part I and part II. While the CA NCSC CoP Webinar review process is confidential, some of the Webinars are expected to go live within the next few months. Resources are listed below for use in engaging districts, schools, teachers, parents, and students in the NCSC work.

From June 2013 to September 2013, five CoP teachers, one CoP facilitator/SELPA Director, two CDE assessment staff, and one special education staff will participate in a series of NCSC content and bias reviews across the country. Beginning in summer of 2013, the CA NCSC CoP members will also participate in additional activities, including cognitive labs and small-scale item/lesson plan tryouts, item reviews, field tests, standard setting, and validity evaluation activities (focus groups).

California National Center and State Collaborative State Advisory Group—Since January 2013, the CDE has held regular NCSC advisory group meetings. The CA NCSC Advisory Group is comprised of representatives from the following organizations: CDE, SELPA, SEACO, LEAs, Curriculum and Instruction Steering Committee of the County Superintendent's Association, Advisory Commission on Special Education, and the Regional Assessment Network. The purpose of the Advisory Group is to advise the CDE about the implementation of the NCSC system in California.

California joined the NCSC Communication Dissemination Team—The CDE, the CA NCSC Advisory Group, and the CA NCSC CoP members, along with other national NCSC representatives, will offer feedback on how to best roll out all national NCSC communication efforts.

For further information about the CCSS and the NCSC system, please refer to the following resources:

- **CDE CCSS and NCSC Web site**
  http://www.cde.ca.gov/sp/se/cc/.

- **NCSC Web site**
  http://www.ncscpartners.org.

- **NCSC Wiki page**
  https://wiki.ncscpartners.org/mediawiki/index.php/Instructional_Resources#Curriculum_Resource_Guides

- **NCSC Frequently Asked Questions**
  http://www.cde.ca.gov/sp/se/cc/ncscfaq.asp.

- **CDE Special Education Division CCSS Resources Web site**
  http://www.cde.ca.gov/sp/se/cc/.

- **CDE NCSC updates**
  The CDE NCSC update is a quarterly e-mail that reports on current and upcoming NCSC development activities. To join the CDE NCSC e-mail list, send a blank e-mail to subscribe-ncsc@mlist.cde.ca.gov.

Overview of the National Center and State Collaborative Activities for Students with the Most Significant Cognitive Disabilities

July 2013

National Center and State Collaborative

The contents of this product were developed under a grant from the Department of Education (PR/Award #: H373X100002, Project Officer, Susan.Weigert@Ed.gov). However, the contents do not necessarily represent the policy of the Department of Education and no assumption of endorsement by the Federal government should be made.

National Center and State Collaborative

- LED by 5 centers and 26 states (15 Tier I core states and 11 Tier II affiliated states)
- BUILD an alternate assessment based on alternate achievement standards (AA-AAS) for students with the most significant cognitive disabilities
- CREATE and implement professional development modules and curriculum/instruction resources, including formative assessment strategies and progress monitoring tools
- GOAL is to ensure that students with the most significant cognitive disabilities achieve increasingly higher academic outcomes and leave high school ready for post-secondary options

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National Center and State Collaborative: Organization Partners

NATIONAL CENTER ON EDUCATIONAL OUTCOMES

The National Center on Educational Outcomes (NCEO) is the fiscal host for NCSC and leads the management team, technical advisory committee, and all project management functions.

Center for Assessment

The Center For Assessment leads the summative assessment team and will provide content and assessment design expertise across the other curricular/instructional resources and capacity building teams.

UNC CHARLOTTE

The University of North Carolina at Charlotte leads the curricular/instructional resources team while providing severe disabilities, content, and curricular development expertise to the summative assessment and capacity building teams.

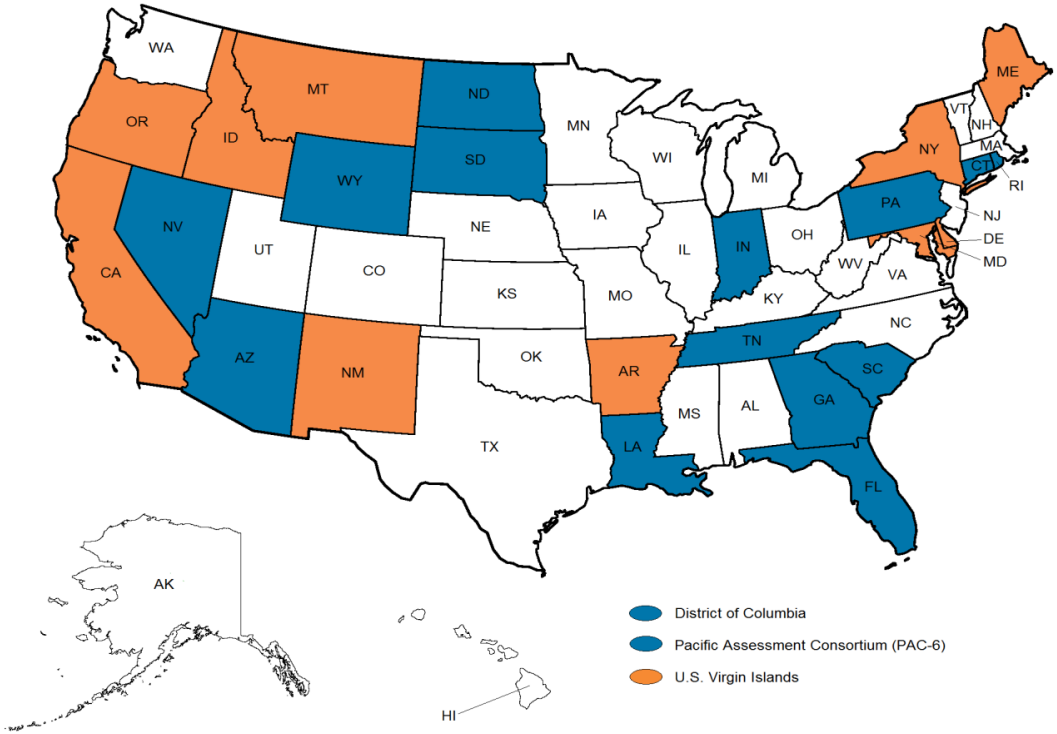
UNIVERSITY OF KENTUCKY

The University of Kentucky leads the capacity building team and provides expertise in severe disabilities, communication strategies, and learner characteristics to the other teams.

edCount LLC because all students count

edCount, LLC leads the validity evaluation work providing formative and summative validity evaluation findings and feedback to each team and project management. Additionally, edCount provides direct oversight to the external project evaluator and hosts the vendor contracts for the components of assessment implementation.

National Center and State Collaborative: State Partners



*Core partner states are blue in color and Tier II states are orange in color.

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National Center and State Collaborative: State Roles

Tier I Core States

- Participate actively in project management and decision-making

Tier II Affiliate States

- Access to professional development and curriculum/instruction resources
- Pilot skill sequences, participate in cognitive labs, and field test the teacher/principal evaluation tools and the formative and assessment/progress monitoring strategies
- Review and provide feedback on NCSC materials which will help refine the products for the stand-alone context of use in their dissemination
- Provide feedback on usability and outcomes using NCSC provided tools and protocols for each product and process

National Center and State Collaborative: A Comprehensive Model

- Assessment, curriculum/instruction materials and professional development modules are aligned to the Common Core State Standards (CCSS)
- All partners share a commitment for a research-to-practice focus for the development of a comprehensive model of curriculum, instruction, assessment, and supportive professional development resources

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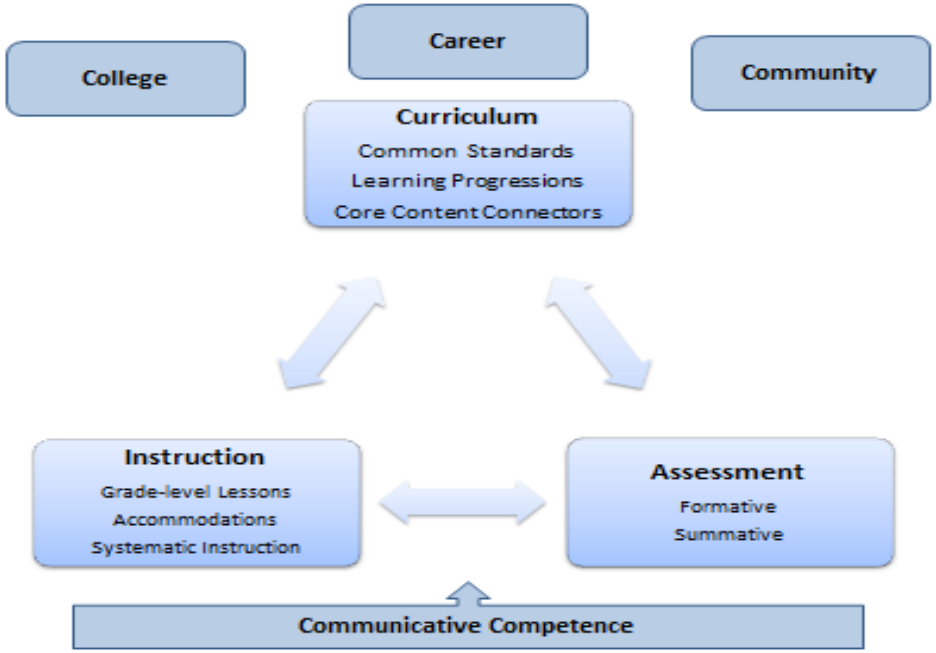
Professional Development Framework



Common Core State Standards

- Define grade level content and achievement;
- Define rigorous content and skills (application knowledge);
- Align with expectations for college and career success; and
- Do **not** tell teachers how to teach, but they do help teachers figure out the knowledge and skills their students should have so that teachers can build the best lessons and environments for their classrooms.

http://www.corestandards.org/

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Core Content Connectors (CCCs)

- Identify the most salient grade-level, core academic content in ELA and mathematics found in both the CCSS and the Learning Progression Framework (LPF);
- Illustrate the necessary knowledge and skills in order to reach the learning targets within the LPF and the CCSS;
- Focus on the core content, knowledge and skills needed at each grade to promote success at the next; and
- The CCCs are **not** “extended” - rather, they define more **frequent checkpoints** along the pathway of the learning progressions.

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Learning Progressions

- Define research-based pathways for learning;
- Developed and refined using available research and evidence;
- Have clear binding threads that articulate the essential core concepts and processes of a discipline (sometimes called the 'big ideas' of the discipline); and
- Articulate movement toward increased understanding (meaning deeper, broader, more sophisticated understanding).

Hess, Karin K., (December 2011). *Learning Progressions Frameworks Designed for Use with the Common Core State Standards in English Language Arts & Literacy K-12.*

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Building an <u>assessment system</u> based on research-based understanding of:

- technical quality of AA-AAS design
- formative and interim uses of assessment data
- summative assessments
- academic curriculum and instruction for students with significant cognitive disabilities
- student learning characteristics and communication
- effective professional development

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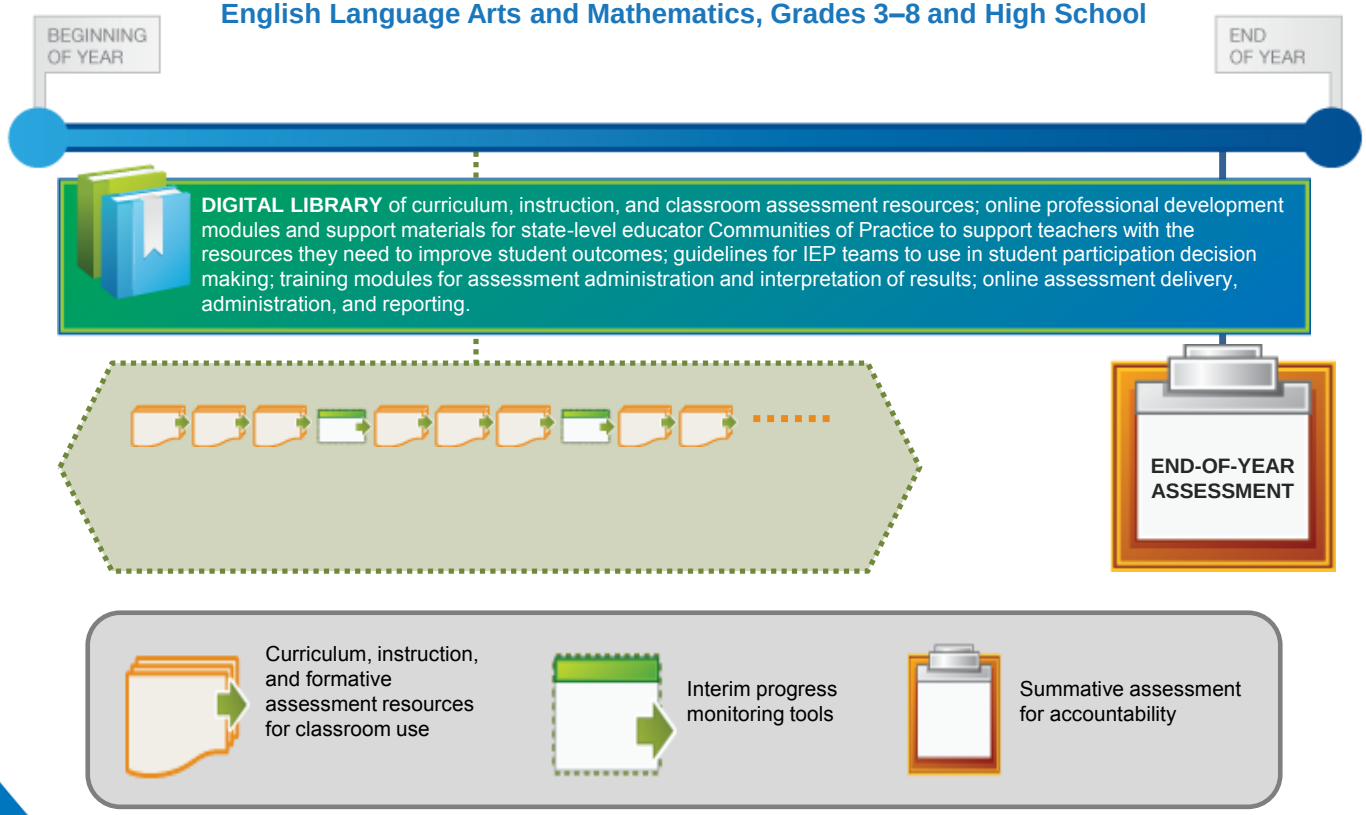
The NCSC Alternate Assessment System*

English Language Arts and Mathematics, Grades 3–8 and High School



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* Alternate assessment systems are those developed for students with the most significant cognitive disabilities and are based on alternate achievement standards.

The contents of this product were developed under a grant from the Department of Education (PR/Award #: H373X100002, Project Officer, Susan.Weigert@Ed.gov). However, the contents do not necessarily represent the policy of the Department of Education and no assumption of endorsement by the Federal government should be made.

The Role of Communities of Practice

- The Communities of Practice (CoP) are educators across participating states who inform the NCSC Consortium
- CoP members participate in professional development and share their insights with:
  - NCSC
  - CoP and school colleagues
  - State leads

The Role of Communities of Practice cont'd

- Gain knowledge
- Apply the knowledge locally
- Reflect on what they are learning with their CoP colleagues
- Share the knowledge outside the CoP
- Use the knowledge to help improve:
  - NCSC materials
  - State systems and
  - Instruction for students with disabilities

National Center and State Collaborative Alternate Assessment: At A Glance

- **NCSC Item Bank:** There will be enough items in the item bank for states to use for about four years after 2014−15.

- **No Cost One-year Extension:** National Center and State Collaborative (NCSC) has secured one more year to oversee the rollout of the alternate assessment.

- **Cost and Governance Options**: Options will be presented to states in during June - August to obtain feedback on policy decisions. NCSC anticipates that the cost will be competitive or more economical than current systems. A Face-to-Face Governance/Policy meeting is being scheduled in September 2013 to solidify policy decisions.
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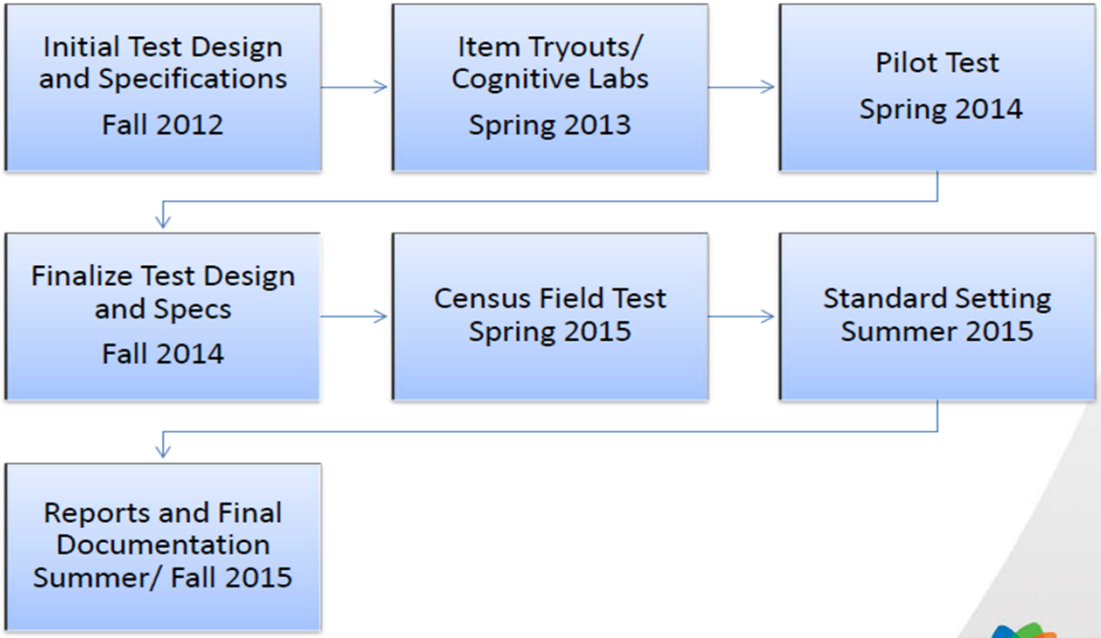
Timeline

Summative Assessment Activities and Timeline



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California State Board of Education

Meeting Agenda Items for July 10-11, 2013

ITEM 04

ITEM #04

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2013 AGENDA

SUBJECT	☐ Action
California Long-term Assessment Plan.	☒ Information
	☐ Public Hearing

SUMMARY OF THE ISSUE(S)

The California Department of Education's (CDE) contract with Educational Testing Service (ETS) requires ETS to assist the State Board of Education (SBE) and the CDE in developing a long-term assessment plan.

RECOMMENDATION

The CDE recommends that the SBE review *A Long-Term Assessment Plan for the California Assessment System* to facilitate transitioning California to a future assessment system. The CDE provides this plan to the SBE for discussion. No action is recommended at this time.

BRIEF HISTORY OF KEY ISSUES

California is on a course of change with the adoption of Common Core State Standards, becoming a governing member of the Smarter Balanced Assessment Consortium, leadership by the Superintendent of Public Instruction in his January 2013 report to the legislature providing *Recommendations for Transitioning California to a Future Assessment System*, and drafting of *A Long-Term Assessment Plan for the California Assessment System*. This course of action reflects California's goal to provide curriculum and instruction, professional development, and assessments that support teachers and student academic achievement.

ETS, the CDE and the SBE have continuously worked on a long-term assessment plan as assessment demands have changed over the years. In 2002, the CDE and the SBE published a long-range assessment plan that facilitated the development of assessments currently administered by way of the Standardized Testing and (STAR) Reporting Program. In March 2006, the SBE approved the budget with ETS that included this planning task.

In preparation for this SBE item, the CDE presented *A Long-Term Assessment Plan for the California Assessment System* to the SBE assessment liaisons and SBE staff for review and feedback. That feedback is reflected in a June 2013 Information Memorandum and attached plan to the SBE and is posted at http://www.cde.ca.gov/be/pn/im/infomemojun2013.asp.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In July 2010, the SBE approved an extension of the STAR contract with ETS. The SBE directed ETS to develop a long-term strategic plan as part of the contract amendment.

In January 2002, the SBE was provided a long-term assessment plan. ETS was directed to work with the CDE and the SBE staff and testing liaisons on revisions to the long-term assessment plan as requested.

FISCAL ANALYSIS (AS APPROPRIATE)

None at this time.

ATTACHMENT(S)

None.

California State Board of Education

Meeting Agenda Items for July 10-11, 2013

ITEM 05

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2013 AGENDA

SUBJECT	
Update on Statewide Assessment Transition and Smarter Balanced Assessment Development Activities.	☐ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

Introduced on February 19, 2013, Assembly Bill (AB) 484 (Bonilla) seeks legislative authority to establish the California Measurement of Academic Performance and Progress for the 21st Century (CalMAPP21), which would succeed the existing Standardized Testing and Reporting (STAR) Program. AB 484 reflects recommendations provided to the State Legislature by State Superintendent of Public Instruction (SSPI) Tom Torlakson for California's transition to a future assessment system. Among those recommendations is suspension of certain STAR Program assessments beginning in the 2013–14 school year, participation in a multistate assessment consortium for English-language arts and mathematics assessments (i.e., the Smarter Balanced Assessment Consortium), and assessment of a full curriculum.

This item provides an update on legislative activities regarding the assessment transition, as well as Smarter Balanced assessment development activities including, but not limited to, completion of the spring 2013 Pilot Test, availability of Practice Tests, Digital Library development, and cost estimates (see Attachments 1 and 2).

RECOMMENDATION

This is the third update to the State Board of Education (SBE) since the release of the SSPI's report to the Legislature, *Recommendations for Transitioning California to a Future Assessment System.* At this time, no specific action is recommended.

BRIEF HISTORY OF KEY ISSUES

California's current statewide student assessment system, the STAR Program, will sunset July 1, 2014. In response to California *Education Code* (*EC*) Section 60604.5, the SSPI consulted with stakeholders and, on January 8, 2103, provided the Legislature

with recommendations for transitioning California to a future assessment system. The SSPI's recommendations report can be found on the Statewide Pupil Assessment System Web page at http://www.cde.ca.gov/ta/tg/sa/ab250.asp. On February 19, 2013, AB 484 was introduced to address the SSPI's recommendations. Attachment 2 provides an update on AB 484 legislative activity.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In May 2013, the California Department of Education (CDE) and Smarter Balanced Executive Director Joe Willhoft presented an update on Smarter Balanced assessment development activities, including, but not limited to, the assessment consortium's sustainability plan, initial achievement level descriptors and college content readiness policy, the spring 2013 Pilot Test and Practice Tests, and the Digital Library.

In March 2013, the CDE presented the first update on the future statewide assessment system and Smarter Balanced assessment development activities, including the initial achievement level descriptors and college content readiness policy.

In January 2013, the CDE presented to the SBE the SSPI's recommendations for the future statewide assessment system and engaged in discussion with the SBE regarding the recommendations.

In November 2012, the SBE previewed and engaged in discussion with the CDE regarding the SSPI's intended purposes and guiding principles for the development of the California's future assessment system.

In September, July, May, and March 2012, the SBE received updates regarding the statewide assessment reauthorization activities, including summaries of stakeholder feedback.

In January 2012, the SBE was presented with the requirements of California *EC* Section 60604.5 and proposed activities and outreach efforts to develop the SSPI's recommendations.

FISCAL ANALYSIS (AS APPROPRIATE)

Attachment 1 provides cost estimates associated with the consortium-managed and state-managed aspects of the Smarter Balanced assessments. Cost estimates for other parts of the transition are not yet available.

ATTACHMENT(S)

Attachment 1: Update on Smarter Balanced Assessment Resources and Development Activities (6 Pages)

Attachment 2: Assembly Bill 484 Legislative Update (7 Pages)

Update on Smarter Balanced Assessment Resources and Development Activities

Smarter Balanced Practice Tests

Smarter Balanced launched a set of Practice Tests on May 29, 2013. A practice test is available in both English–language arts and mathematics for each of grades three through eight and grade eleven. There are approximately 30 items on each test. These tests provide a preview of the Smarter Balanced assessments in an online testing environment, but they do not encompass the full range of content that students may encounter on the operational tests and should not be used to guide instructional decisions regarding individual students. Another important difference between the Practice Tests and operational tests is that, although the actual tests will be computer adaptive, the Practice Tests are fixed forms, so they do not adapt questions based on the test taker responses. Currently, the Practice Tests include performance tasks for English-language arts only, and have accommodation features for only some grade levels. By fall 2013, Smarter Balanced is expected to add a performance task to each mathematics Practice Test, add accommodation features for Practice Tests at additional grades, and make available scoring rubrics. Further information and a link to the Practice Tests are available on the California Department of Education (CDE) Smarter Balanced Web page at http://www.cde.ca.gov/ta/tg/sa/practicetest.asp.

Public Review of Draft Accommodations and Accessibility Framework

In May 2013, Smarter Balanced released its draft Accessibility and Accommodations Framework for a one-month public review and feedback window. The CDE notified local educational agencies and various educational groups of this opportunity to review and provide feedback. The purpose of the framework is to guide accessibility and accommodation policies that contribute to more accurate and valid measures of achievement and growth for all students, regardless of visual, auditory, linguistic, or physical needs. The framework describes features that will be available on the Smarter Balanced assessments to meet the needs of all students, including students with disabilities and students who are English learners. CDE staff from the Special Education, English Learner Support, and Assessment Development and Administration Divisions reviewed the draft framework and provided consolidated feedback to Smarter Balanced. The draft framework is available on the CDE Smarter Balanced Web page at http://www.cde.ca.gov/ta/tg/sa/access.asp. This fall, Smarter Balanced is expected to release a more detailed guiding document to assist Local Education Agencies (LEAs) in identifying and providing accessibility tools and accommodations for designated students.

Digital Library Development

The Smarter Balanced Digital Library is a collection of instructional materials with a focus on the Common Core State Standards and formative assessment tools and practices. The Digital Library will provide educators with a variety of resources to help gauge how well students are learning. Smarter Balanced will require all resources in its Digital Library to meet quality criteria. To establish these criteria, Smarter Balanced consulted with an advisory panel of experts in the areas of formative assessment, test design, educational equity, writing, literacy, and mathematics, as well as instructional expertise with students who are English learners, students with disabilities, and gifted students.

The established criteria will be used by all Smarter Balanced governing states to evaluate resources for inclusion into the Digital Library. Each governing state was asked to form a State Network of Educators (SNE) to evaluate and screen resources submitted by educators within their state. In May 2013, the CDE announced the opportunity to apply for California's SNE. Applications were accepted through June 14, 2013, and over 400 applications were received to fill California's 150-member network. Members of the SNE were chosen by California's State Leadership Team, and included teachers and administrators from K–12 and higher education with expertise in English-language arts, mathematics, science, and/or history-social science. Members must also have experience providing services to students who are English learners, students with disabilities, gifted students, and/or general education students. California submitted the names of the SNE to Smarter Balanced at the end of June 2013.

California Educator Involvement in Item Development Activities

Through the end of this year, Smarter Balanced will conduct a number of pilot and field test item development activities including: Pilot Test range finding and data review and Field Test item writing and review. In May 2013, the CDE announced the opportunity for California educators to apply for these item development activities. Applications were accepted through June 6, 2013, and over 600 applications were received. California was permitted to nominate 80 highly-qualified California educators for these activities. The first of these item development activities, range finding for the Smarter Balanced pilot test constructed response items, was conducted in June and July 2013.

Technology Readiness Evaluation Resources for LEAs

In June 2013, Smarter Balanced released a Technology Readiness Calculator to help schools estimate the number of days it will take to administer the Smarter Balanced summative assessments based on: the number of students to be tested, the number of computers available, and the number of hours per day that each computer is available during the testing window. Rodney Okamoto, Manager of the CDE Web Services Office

and co-chair of the Smarter Balanced Technology work group, developed this online tool which is available at http://www3.cde.ca.gov/sbactechcalc/.

The Smarter Balanced Technology Readiness Tool (TRT) survey continues to be available to help LEAs gauge their level of readiness to administer the Smarter Balanced summative assessments. Fewer than 20 percent of California LEAs have completed the TRT. In June 2013, the CDE developed and released a shorter survey for LEA information technology directors to complete regarding their LEA's technology readiness and areas of need. It is anticipated that the CDE will report preliminary findings from this survey at the July 2013 SBE meeting.

Smarter Balanced Scientific Pilot Test

The Smarter Balanced Pilot Test window closed on May 24, 2013. The purpose of the Practice Test was to give students, parents, teachers, administrators, and the general public the opportunity to become familiar with the online testing environment. In California, over 200,000 students in 1,400 schools participated. Twenty-four staff members from the CDE and SBE observed Pilot Test administrations at area schools. Assessment observations occurred at 17 schools (primarily elementary schools) within 11 school districts. The observations gleaned several consistent insights. Below is a summary of the feedback, including recommendations, received from staff observations. This summary was provided to Smarter Balanced for consideration in preparing for next year's Field Test.

Students reported that participating in the test was fun, but the content was difficult.

- Almost universally, students were actively engaged.
- Some students commented that the test required a lot of typing.
- Some students were visibly frustrated by the difficulty of the test content and completed the test just by entering random symbols in answer fields. At the other end of the spectrum, a student was observed spending the entire time on one ELA item that asked him to complete a story.
- Some students said that the directions on the test were hard to follow.
- Some students had difficulty logging in due to their lack of understanding the process.
- Some students found moving through the test (forward, back, pause, and repeat) was sometimes difficult.
- Many observations of students uncertain of how to use computer tools. Much of the uncertainty seemed due to lack of clear directions in the test.
- Students at schools with online assessments already in place had no issues interfacing with the test.
- Students used a range of strategies for solving math problems while interfacing with technology. Many students made use of scratch paper for math. Some students:

  - touched their fingers to their nose or thumb to count instead of count or recognize the number of boxes on the computer screen.
  - copied the entire problem from the computer screen to paper, solved the problem on paper, and then entered the answer on the computer.
  - tapped the computer screen as they counted, wrote the problem and answer on paper, and then entered the answer on the computer.
  - were able to read the problem, solve and record an answer without the use of paper and pencil.
- Many of the computer labs were crowded, with inadequate space to use scratch paper.

Teachers and administrators are supportive of computer-based tests, but indicated that clearer directions for test setup, administration, and security are needed – significant time was required to adequately prepare to administer the tests.

- Many teachers expressed concerns about inadequate instructions provided for administering the tests.
- Teachers expressed concern about what they saw as a high disparity of comfort level and operational skill among test takers. Students comfortable with computers were much more adept at using the test tools and navigating through the test than those who had little access to computer use.
- Test instruction presentations by teachers varied widely, seemingly due to lack of specific directions in test administration manual.
- Many teachers expressed the need for significantly greater computer and keyboarding instructional time for the majority of students in elementary grades.
- General concern for the level of difficulty for English learners and students in elementary grades regarding written response items and the ability to operate the test tools. For example, some directions like “there may be word processing tools available” were inadequate for third grade students.
- Many teachers reported insufficient technology tools/equipment at their school site (e.g., computer to student ratio).
- Many teachers expressed excitement and anticipation of the new assessment system.

Overall, the technology worked well, but various technology features and computer tools need to be fixed or fine-tuned.

- Bandwidth did not seem to be a problem.
- Schools that used iPads said the application for the pilot test worked very well.
- Logon and rebooting challenges occurred in many observations.
- Some students repeatedly lost connectivity to the site during testing.
- Volume control locked after test was started. The only way to adjust the volume was to log out then log back in.
- Pausing any portion of the test often required significant backtracking to get to the correct spot for continuing work.

- A delay in processing time occurred with some test item answers, leading to a toggle event in which the intended answer selection was erased.

Primary Recommendations for Field and Operational Tests

- Provide an online interactive "Practice Tool Box" to allow teachers to instruct students on how to operate the test taking tools and features and allow students to explore the tools and features on their own prior to the test date (e.g., highlighting, click and drag, matching, drawing line segments, how to select more than one right answer).
- Provide a video tutorial of computer tools for students to view.
- Fine tune computer tools (e.g., volume control, currently, note pad appears in center of screen – over test item – and can't be moved; calculator and note pad cannot appear on the screen at the same time, but students wanted to view and use both at the same time).
- Improve the clarity and completeness of directions for students and test administrators.
  - administration preparation directions
  - general test directions for students
  - item-level directions for students
  - performance task and classroom activity directions for administrators
  - security procedures for administrators

State Cost Estimates for Smarter Balanced Implementation

Smarter Balanced has released preliminary per-pupil cost estimates for the implementation of the Smarter Balanced system of assessments to assist states in developing budget projections. Based on these estimates, the CDE has projected the cost to California for two purchase options. The table on the following page presents these estimated costs. The first option, labeled as the "Complete System," includes summative assessments, interim assessments, and formative tools (the Digital Library). This option, which reflects the consortium assessments proposed in AB 484, is estimated to cost $67 million to implement in California. The second option, labeled as the "Basic System," includes only the summative assessments and is estimated to cost $59 million. For each system, an optional set of high school assessments for grades 9, ten, and twelve can be added for an additional cost. In each estimate, calculations include services provided by Smarter Balanced (consortium-managed services) through the UCLA/CRESST partnership.

It should be noted that these estimates are only for the Smarter Balanced assessments and do not reflect the cost of implementing all of the components of the assessment system proposed in AB 484 and described in Superintendent Torlakson's recommendations. These estimates describe only those costs related to the administration of the Smarter Balanced assessments, exclusive of CDE staffing costs.

Estimated Costs for Smarter Balanced Assessments as of June 20, 2013

	Consortium Managed Services – Per Pupil Fee[1]	State Managed Services – Per Pupil Fee[1]	Total Number of Pupils Tested	Maximum Pupil Count-Consortium Managed Services[2]	Estimated Cost Consortium Managed Services[3]	Estimated Cost State Managed Services[4]	Total Cost Estimate
Complete System • Summative Assessments • Interim Assessments • Formative Tools (Grades 3–8 and high school)[5]	$9.55	$17.75	3,200,000	1,000,000	$9,550,000	$56,800,000	$66,350,000
Basic System • Summative Assessments (grades 3–8 and 11)[5]	$6.20	$16.30	3,200,000	1,000,000	$6,200,000	$52,160,000	$58,360,000

1 The Consortium and State Managed Per Pupil Fees are based on current estimates and have not been finalized.
2 The Maximum Pupil Count for the assessments is capped at one million pupils for both Complete System and the Basic System.
3 Estimated cost of Consortium Managed Services is calculated using the Consortium Managed Services Per Pupil Fee times the Maximum Pupil Count. Consortium managed services include, but are not limited to, item development, validity research, digital library hosting, and general communication tools.
4 Estimated cost of State Managed Services is calculated using the State Managed Services Per Pupil Fee times the Total Number of Pupils Tested. State managed services include, but are not limited to, test administration, help desk services for local educational agencies, and test administration platform hosting.
5 The estimated costs for non-specified grades are currently under development.

Assembly Bill 484 Legislative Update

Assembly bill (AB) 484 was amended on June 26, 2013 in Senate Education Committee. The bill will be heard next in Senate Appropriations Committee in mid-August. The table on the following pages provides, for each of the State Superintendent's recommendations for reauthorization, the relevant text of AB 484. Please note that the table is reflective of the most recent version of the bill and doesn't reflect amendments that were made on June 26, 2013.

Assembly Bill 484 (June 17, 2013 Version): Proposed Education Code Amendments Addressing the State Superintendent of Public Instruction's Recommendations for Reauthorization of the Statewide Assessment System

State Superintendent of Public Instruction Recommendation	Assembly Bill 484 Proposed Education Code Amendment
Recommendation 1 – Suspend Portions of the Standardized Testing and Reporting Program Assessments and Adjust the Academic Performance Index to Reflect Suspension of Such Assessments	**Section 60640.3(a)(1)** Notwithstanding any other law, commencing with the 2013-14 school year, the administration of assessments required as part of the Standardized Testing and Reporting Program shall be suspended, except for those assessments in the core subjects necessary to satisfy the adequate yearly progress requirements of the federal No Child Left Behind Act of 2001 (Public Law 107-110; 20 U.S.C. Sec. 6301 et seq.) in grades 3 to 8, inclusive, and grade 10, and those assessments augmented for use as part of the Early Assessment Program established by Chapter 6 (commencing with Section 99300) of Part 65 of Division 14 of Title 3 in grade 11, until new assessments addressing the common core state standards are developed and implemented.
Recommendation 2 – Beginning in the 2014-15 School Year, Fully Implement the SBAC ELA and Mathematics Assessments	**Section 60642.5(a)(2)** For the subject areas of English language arts and mathematics for grades 3 to 8, inclusive, and grade 11, the department shall administer consortium summative assessments pursuant to the consortium administration directions. **60640.3(b)** Notwithstanding any other law, commencing with the 2014-15 school year, all local educational agencies and charter schools shall administer the consortium assessments in English language arts and mathematics summative assessments in grades 3 to 8, inclusive, and grade 11, and use these assessments to replace previously administered Standardized Testing and Reporting Program assessments in those subject areas to satisfy the federal accountability requirements of the federal Elementary and Secondary Education Act (Public Law 107-110; 20 U.S.C. Sec. 6301 et seq.).

State Superintendent of Public Instruction Recommendation	Assembly Bill 484 Proposed Education Code Amendment
Recommendation 3 – Use the Grade Eleven SBAC ELA and Mathematics Assessments as an Indicator of College Readiness	**Section 99300(a)(1)** The Legislature finds and declares that, commencing with the 2014–15 school year and for purposes of the Early Assessment Program established by this chapter, the California Standards Test and the augmented California Standards tests in English language arts and mathematics should be replaced with the grade 11 consortium assessments in English language and mathematics.
Recommendation 4 – Develop and Administer Science Assessments Aligned to the New Science Standards, Once Adopted	**Section 60642.5(a)(3)(A)** For science assessments used to satisfy federal accountability requirements, the Superintendent shall make a recommendation to the state board within 6 months of the adoption of science content standards pursuant to Section 60605.85.The recommendations shall include a plan for test development beginning in July 2014. The plan also shall include cost estimates and a plan to implement the assessments beginning in the 2016–17 school year. **Section 60642.5(a)(3)(B)** In consultation with stakeholders, including, but not limited to, California science teachers, individuals with expertise in assessing English learners and pupils with disabilities, parents, and measurement experts, the Superintendent shall make recommendations regarding the grade level, content, and type of assessment. The Superintendent shall consider the use of consortium developed assessments, innovative item types, computer-based testing, and a timeline for implementation.
Recommendation 5 – Develop or Use Multistate Consortia Alternate Assessments in ELA, Mathematics, and Science for Students with Severe Cognitive Disabilities	**Section 60640(g)** Pursuant to Section 1412(a)(16) of Title 20 of the United States Code, individuals with exceptional needs, as defined in Section 56026, shall be included in the testing requirement of subdivision (b) with appropriate accommodations in administration, where necessary, and those

State Superintendent of Public Instruction Recommendation	Assembly Bill 484 Proposed Education Code Amendment
	individuals with exceptional needs who are unable to participate in the testing, even with accommodations, shall be given an alternate assessment. **60642.5(a)(1)** The Superintendent, with the approval of the state board, shall provide for the development of assessments or the designation of assessments, including an alternate assessment pursuant to subdivision (g) of section 60640 for ESEA required subject areas, that measure the degree to which pupils are achieving the academically rigorous content standards adopted by the state board pursuant to Sections 60605, 60605.1, 60605.2, 60605.3, 60605.7, 60605.8, and 60605.85.
Recommendation 6 – Determine the Continued Need and Purpose of Academic Assessments in Languages Other than English Once the SBAC Assessments Are Operational	**Section 60642.7(a)** The Superintendent shall consult with stakeholders, including assessment and English learner experts, to determine the content and purpose of a stand-alone English language arts summative assessment in primary languages, languages other than English. The Superintendent shall consider the appropriate purpose for this assessment, including, but not necessarily limited to, support for the State Seal of Biliteracy and accountability. It is the intent of the Legislature that an assessment developed pursuant to this section be included in the state accountability system. **Section 60642.7(b)** The Superintendent shall report and make recommendations to the state board at a regularly scheduled public meeting no later than November 30, 2014, regarding an implementation timeline and estimated costs of a stand-alone English language arts summative assessment in primary languages other than English. **Section 60642.7(c)** The Superintendent shall develop and administer a primary language assessment no later than the 2016-17 school year.

State Superintendent of Public Instruction Recommendation	Assembly Bill 484 Proposed Education Code Amendment
	Section 60642.7(d) This section shall be operative only to the extent that funding is provided in the annual budget act or another statute for the purpose of this section. **Section 60640 (f)** The governing board of a school district may administer a primary language assessment aligned to the English language arts standards adopted pursuant to Section 60605 to a pupil identified as limited English proficient enrolled in any of grades 2 to 11, inclusive, who either receives instruction in his or her primary language or has been enrolled in a school in the United States for more than 12 months until a subsequent primary language assessment aligned to the common core standards in English language arts adopted pursuant to Section 60605.8 is developed pursuant to Section 60642.7. If the governing board of a school district chooses to administer this assessment, it shall notify the department in a manner determined by the department.
Recommendation 7 – Assess the Full Curriculum Using Assessments that Model High-Quality Teaching and Learning Activities	**Section 60642.5(a)(4)** For ESEA nonrequired subject areas, including, but not limited to, science, mathematics, history-social science, technology, visual and performing arts, and other subjects as appropriate, the Superintendent shall consult with stakeholders and subject matter experts to develop a plan for assessing these content areas in a manner that models high-quality teaching and learning activities. The plan shall be presented to the state board for consideration and approval on or before February 1, 2015. The state board-approved plan shall be submitted to the Governor, chairs of the education committees in both houses of the Legislature, and the chairs of the fiscal committees of both houses of the Legislature no later than March 1, 2015. **Section 60642.5(a)(4)(A)** The plan shall consider the use of various assessment options, including, but not limited to, computer-based tests, locally scored

State Superintendent of Public Instruction Recommendation	Assembly Bill 484 Proposed Education Code Amendment
	performance tasks, and portfolios. **Section 60642.5(a)(4)(B)** The plan shall include the use of a state-determined assessment calendar that would schedule the assessment of ESEA nonrequired subject areas over several years, the use of matrix sampling, if appropriate, and the use of population sampling. **Section 60642.5(a)(4)(C)** The plan shall include a timeline for test development beginning in July 2015. The plan shall include cost estimates and a plan to implement history-social science assessments beginning in the 2018–19 school year. The plan also shall include cost estimates for other ESEA nonrequired subject areas, as appropriate. **Section 60642.5(a)(4)(D)** Upon the appropriation of funding for this purpose, the Superintendent shall develop and administer ESEA nonrequired subject area assessments. For each ESEA nonrequired subject area assessment, the state board shall approve test blueprints, achievement level descriptors, testing periods, performance standards, and a reporting plan.
Recommendation 8 – Invest in Interim, Diagnostic, and Formative Tools	**Section 60642.6** Contingent on the appropriation of funding for this purpose, the department shall acquire and offer at no cost to school districts interim and formative assessment tools offered through the consortium membership pursuant to Section 60605.7.
Recommendation 9 – Consider Alternatives to the Current California High School Exit Examination	Not addressed in latest version of AB 484.

State Superintendent of Public Instruction Recommendation	Assembly Bill 484 Proposed Education Code Amendment
Recommendation 10 – Explore the Possible Use of Matriculation Examinations	Not addressed in latest version of AB 484.
Recommendation 11 – Conduct Comparability Studies	**Section 60604(d)** The Superintendent shall make information and resources available to the public regarding the CalMAPP21 including, but not limited to, system goals and purposes and program results and information on the relationship between performance on the previous state assessments and the CalMAPP21.
Recommendation 12 – Maintain a Continuous Cycle of Improvement of the Assessment System	**Section 60649** (a) The department shall develop a three-year plan of activities supporting the continuous improvement of the assessments developed and administered pursuant to Section 60640. The plan shall include a process for obtaining independent, objective technical advice and consultation on activities to be undertaken. Activities may include, but not necessarily be limited to, a variety of internal and external studies such as validity studies, alignment studies, studies evaluating test fairness, testing accommodations, testing policies, reporting procedures, and consequential validity studies specific to pupil populations such as English learners and pupils with disabilities. (b) The department shall contract for a multiyear independent evaluation of the assessments. Independent evaluation reports shall be done every three years, and shall include, but not necessarily be limited to, recommendations to improve the quality, fairness, validity, and reliability of the assessments. (c) The independent evaluator shall report to the Governor, the Superintendent, the state board, and the chairs of the education policy committees in both houses of the Legislature by October 31 each year.

California State Board of Education

Meeting Agenda Items for July 10-11, 2013

ITEM 06

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2013 AGENDA

SUBJECT	
General Educational Development Test: Approve Commencement of a 15-Day Public Comment Period for Proposed Amendments to *California Code of Regulations,* Title 5 sections 11530 – 11532.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

California Code of Regulations, Title 5, sections 11530 – 11532 requires the California Department of Education (CDE) to use the general educational development test owned by the American Council on Education (ACE) and its affiliate GEDTS, LLC (GEDTS) which has the brand name "GED Test." This arrangement prevents the CDE from using any other test for the purposes of issuing a California high school equivalency certificate. Adoption of the proposed amendments will provide the CDE the necessary flexibility to explore new options that may lead to alternative assessments.

RECOMMENDATION

The California Department of Education (CDE) recommends the State Board of Education (SBE) take the following actions:

- Approve the proposed changes to the proposed regulations;
- Direct that the proposed changes be circulated for a 15-day public comment period in accordance with the Administrative Procedure Act;
- If no relevant comments to the proposed changes are received during the 15-day public comment period, the proposed regulations with changes are deemed adopted, and the CDE is directed to complete the rulemaking package and resubmit it to the Office of Administrative Law (OAL) for approval;
- If any relevant comments to the proposed changes are received during the 15-day public comment period, the CDE is directed to place the proposed regulations on the SBE's September 2013 agenda for action; and

- Authorize the CDE to take any necessary ministerial action to respond to any direction or concern expressed by the OAL during its review of the rulemaking file.

BRIEF HISTORY OF KEY ISSUES

The existing regulations, adopted in 1974, designate ACE/GEDTS' GED Test as the general educational development test used to obtain a California high school equivalency certificate. Specifically, *California Code of Regulations* (CCR), Title 5, Section 11530(b) defines the "general educational development test" required by *Education Code* (*EC*) Section 51420 as follows:

> … a specific series of the General Educational Development Test adopted by the General Educational Development Testing Service of the American Council on Education.

In March 2013, the SBE approved the CDE proposed amendments to the existing regulations and directed the CDE to conduct the rulemaking process. The proposed amendments remove the requirement that the CDE use the GED Test owned by the ACE/GEDTS and all associated references.

In February 2013, the SBE received an Information Memorandum (available on the CDE Web site at http://www.cde.ca.gov/be/pn/im/) that provided a summary of changes related to the GED Test proposed by ACE/GEDTS, the impact of those changes on test takers and testing centers, and the CDE's interest in exploring other options for the purposes of recommending a new assessment.

In March 2011, ACE delegated all of its GED Test leasing and administration functions to a separate entity: a private for-profit company known as GEDTS, LLC (GEDTS). ACE created GEDTS in collaboration with a multi-national, for-profit corporation known as Pearson VUE (Pearson).

ACE and GEDTS plan significant changes to the GED Test and test administration system to be implemented beginning January 1, 2014, among other things, these changes require that testing centers meet Pearson's specific testing equipment and facilities requirements in order to administer the test in 2014 and thereafter.

CCR, Title 5, sections 11530 – 11532 require the CDE to use GED Test owned by the ACE and GEDTS. This arrangement prevents the CDE from using any other test for the purposes of issuing a California high school equivalency certificate. Adoption of the proposed amendments will provide the CDE the necessary flexibility to explore options that may lead to use alternative assessments.

The original proposed text was made available for public comment for at least 45 days from March 30, 2013 through May 14, 2013. During this period, thirteen individuals responded with comments. On May 14, 2013, a public hearing was held at 9:00 a.m., at the CDE. Four individuals attended the public hearing.

An amendment has been made throughout sections 11530 and 11532 changing “a general educational development test” to “a test to obtain a high school equivalency certificate.” This change is necessary to provide clarification that the CDE is not referencing “GED” when using the phrase “general educational development test.” Therefore, the CDE is requesting the SBE approve commencement of a 15-day comment period.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In March 2013, the SBE approved the CDE proposed amendments to the existing regulations and directed the CDE to conduct the rulemaking process. The proposed amendments remove the requirement that the CDE use the GED Test owned by the ACE and all associated references.

In February 2013, the SBE received an Information Memorandum (available on the CDE Web site at: http://www.cde.ca.gov/be/pn/im/) that provided a summary of ACE/GEDTS’ proposed changes to its GED Test, the impact of those changes on test takers and testing centers, and the CDE’s interest in exploring other options for the purposes of recommending a new assessment.

FISCAL ANALYSIS (AS APPROPRIATE)

There are no state mandated costs associated with the proposed amendments. Fiscal Impact was previously provided with the March 2013 agenda item.

ATTACHMENT(S)

Attachment 1: 15-Day Notice of Modifications (1 page).

Attachment 2: Text of Proposed Regulations (4 pages).

Attachment 3: Final Statement of Reasons (9 pages).

Attachment 4: Economic and Fiscal Impact Statement (STD. 399) (4 pages).

CALIFORNIA DEPARTMENT OF EDUCATION
TOM TORLAKSON, State Superintendent of Public Instruction
916-319-0800

CALIFORNIA STATE BOARD OF EDUCATION
MICHAEL W. KIRST, President
916-319-0827

1430 N Street Sacramento, CA 95814-5901

July 12, 2013

15-DAY NOTICE OF MODIFICATIONS TO TEXT OF PROPOSED REGULATIONS REGARDING THE GENERAL EDUCATIONAL DEVELOPMENT TEST

Pursuant to the requirements of Government Code section 11346.8(c), and California Code of Regulations, title 1, section 44, the State Board of Education (SBE) is providing notice of changes made to the above-referenced proposed regulation text which was the subject of a regulatory hearing on May 14, 2013.

Changes to the text:

SECTIONS 11530 AND 11532

An amendment has been made throughout sections 11530 and 11532 changing “a general educational development test” to “a test to obtain a high school equivalency certificate.” This change is necessary to provide clarification that the California Department of Education (CDE) is not referencing “GED” when using the phrase “general educational development test.”

COMMENTS

If you have any comments regarding the proposed changes that are the topic of this 15-Day Notice, the SBE will accept written comments between July 15, 2013 and July 30, 2013, inclusive. All written comments must be submitted to the Regulations Coordinator via facsimile at 916-319-0155; e-mail at regcomments@cde.ca.gov or mailed and received at the following address by close of business at 5:00 p.m. on July 30, 2013 and addressed to:

Debra Thacker, Regulations Coordinator
Legal, Audits and Compliance Branch
Administrative Supports and Regulations Adoption Unit
California Department of Education
1430 N Street, Suite 5319
Sacramento, CA 95814

All written comments received by 5:00 p.m. on July 30, 2013, which pertain to the indicated changes will be reviewed and responded to by CDE staff as part of the compilation of the rulemaking file. Written comments received by the CDE staff during the public comment period are subject to viewing under the Public Records Act. Please limit your comments to the modifications to the text.

- The State Board of Education has illustrated changes to the original text in the following manner: text originally proposed to be added is underlined; text proposed to be deleted is displayed in ~~strikeout~~.
- The 15-day text proposed to be added is in "**bold underline**", deleted text is displayed in "~~**bold strikeout**~~".

Title 5. EDUCATION

Division 1. California Department of Education

Chapter 11. Special Programs

Subchapter 8. High School Proficiency Certificates

Article 2. High School Equivalency Certificate ~~(G.E.D.)~~ –

for Persons 18 Years of Age or Older

§ 11530. Definitions.

(a) "Resident of this State" means a person who either presently lives in the State of California, or who has his domicile in California in accordance with the criteria established in Government Code section 244.

~~(b) "A general educational development test" means a specific series of the General Educational Development Test adopted by the General Educational Development Testing Service of the American Council on Education.~~

~~(c) "A score equal to the standard of performance expected" means the following: For examinees that take the GED in the English Language prior to January 1, 2002 and for examinees that take the GED in the Spanish language prior to January 1, 2003, the standard for passage is a standard score of not less than 40 on each of the 5 tests and a total standard score of not less than 225 on the 5 tests of the battery. Beginning January 1, 2002, the standard for passage for the English Language version of the battery is a standard score of not less than 410 on each of the 5 tests and a total average standard score of not less than 450 for the entire battery. Beginning January 1, 2003, the standard for passage for the Spanish language version of the GED is a standard score of not less than 410 on each of the 5 tests and a total average standard score of not less than 450 for the entire battery.~~

~~(d) "Testing center approved by the California Department of Education" means a testing center recognized as an official testing facility by the American Council on Education, General Educational Development Testing Service and its Overseas Branch~~.

(b)~~(e)~~ The "Fee" referred to in Education Code section 51421(a) shall be $20.00 and shall be submitted by the examinee at the time of initial registration for a ~~**general educational development**~~ test **to obtain a high school equivalency certificate**. ~~to accompany each application for an equivalency certificate shall be $20.00 and shall be nonrefundable irrespective of whether or not a California High School Equivalency Certificate is granted. This fee shall be charged only once for a given series of the General Educational Development Test.~~

(c)~~(f)~~ "Certificate" means a document containing the words "California High School Equivalency Certificate."

NOTE: Authority cited: Section 51426, Education Code. Reference: Sections 51420, 51421 and 51425, Education Code.

§ 11531. Approval of ~~General Educational Development~~ Testing Centers.

(a) A ~~General Educational Development~~ ~~T~~testing ~~C~~center may be approved by the State Superintendent of Public Instruction (SSPI) to administer tests for purposes of Education Code section 51420 provided it has complied with all of the following:

~~(1) Fulfilled the requirements of the General Educational Development Testing Service.~~

(1)~~(2)~~ Provided the California Department of Education (CDE) with all required information indicating:

(A) Name of Institutional Chief Administrative Officer and title,

(B) Name of Chief Examiner and Alternate Examiner(s) and their titles,

(C) Name of testing facility,

(D) Contracting agency or school district,

(E) Address of the testing center.

(2)~~(3)~~ Agreed to comply with all test security requirements provided by the CDE. and to maintain all required records regarding tests and testing activities.

(3)~~(4)~~ Agreed to provide each examinee with his or her test scores.

(4)~~(5)~~ Agreed to inspection by authorized representatives of the CDE ~~or other agency performing the same function outside of California~~.

(b) The SSPI may suspend or revoke the approval, or deny renewal of an approval, of any center for failure or refusal to maintain any one or more of the standards described in subdivision (a) of this section.

NOTE: Authority cited: Section 51426, Education Code. Reference: Sections 51420, 51422 and 51423, Education Code.

§ 11532. Eligibility to Take a ~~GED~~ ~~General Educational Development~~ Test to Obtain a High School Equivalency Certificate.

(a) A person is eligible to take a ~~general educational development~~ test **to obtain a high school equivalency certificate** no sooner than 60 days prior to the date he or she is eligible to receive a certificate pursuant to Education Code ~~S~~section 51420(c).

(b) The 60 day limitation in subdivision (a) does not apply to any person who is 17 years of age or older who has been out of school for at least 60 days and who submits a letter of request for the test from the military, a postsecondary educational institution or a prospective employer.

(c) Any person who is 17 years of age or older who is incarcerated in a California state or county correctional facility and who meets the following criteria is eligible to take ~~the~~ a ~~GED~~ ~~general educational development~~ test **to obtain a high school equivalency certificate**:

(1) The person does not have a realistic chance of completing the requirements for a high school diploma.

(2) The person has adequate academic skills to successfully complete t~~he~~ a ~~GED~~ ~~general educational development~~ test **to obtain a high school equivalency certificate** ~~battery~~.

(3) The person understands the options available regarding acquisition of a high school diploma, the high school equivalency certificate or the high school proficiency certificate, and the requirements, expectations, benefits and limitations of each option.

(4) The person has sufficient commitment time left to complete ~~the~~ an entire ~~GED~~ ~~general educational development~~ test **to obtain a high school equivalency certificate** battery before release; or if released before completion of the test, may complete testing at an authorized testing center.

NOTE: Authority cited: Section 51426, Education Code. Reference: Sections 51420 and 51422, Education Code

6-11-13 [California Department of Education]

FINAL STATEMENT OF REASONS

UPDATE OF INITIAL STATEMENT OF REASONS

The original proposed text was made available for public comment for at least 45 days from March 30, 2013 through May 14, 2013. During this period, 13 individuals responded with comments.

A public hearing was held at 9:00 a.m. on May 14, 2013, at the California Department of Education (CDE). Four individuals attended the hearing, but did not comment.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE INITIAL NOTICE PERIOD OF MARCH 30, 2013 THROUGH MAY 14, 2013.

RANDY TRASK, PRESIDENT, GED TESTING SERVICE (GEDTS)

The State Superintendent of Public Instruction, Tom Torlakson, received a letter dated April 4, 2013, from Mr. Trask responding to CDE's memo to the State Board of Education (SBE) dated February 20, 2013.

Comment: Mr. Trask states: "The February 20th memo states that computer-based testing will decrease access, especially in rural and correctional settings, and that continued paper-based testing across the state is essential."

Comment: Mr. Trask states: "More specifically, the memo suggests that computer labs are required to deliver the GED test."

Comment: Mr. Trask states: "The memo and comments to the board conspicuously omit any of the benefits the computer-based testing system provides adult learners."

Comment: Mr. Trask states: "Additionally the conversation about test-takers costs is curiously absent from the discussion."

Response: No response required. The proposed regulations do not address access, delivery, benefits, or the cost of administering a general educational development test. The February 2013 memo to the SBE provided a brief summary of ACE/GEDTS's proposed changes for its GED Test to be implemented in January 2014. The memo also addressed some of the CDE's concerns with this transition and the intent to propose amendments to the existing equivalency test regulations at the March 2013 SBE meeting.

ROBYN JOHNSON, CORRECTIONAL FACILITIES ANALYST, SAN MATEO COUNTY OFFICE OF EDUCATION, GED/INMATE EDUCATION PROGRAMS

Comment: Ms. Johnson states: "It is my opinion that the State Board of Education should adopt an alternative test to the GED so that testing centers in California may

continue to provide attainable and affordable educational services for our adult learners."

Response: No response required.

CHRISTINE BERDIANSKY, PROGRAM SUPERVISOR, CAREER AND TECHNICAL EDUCATION, SANTA CLARA ADULT EDUCATION

Comment: Ms. Berdiansky states: "As someone who supervises programs for adults at an adult education facility, I appreciate the CDE's willingness to consider alternatives to the GED computer based testing. We need a paper and pencil alternative for the next few years."

Response: No response required.

GINA WANDELL, GED TEACHER, ELK GROVE ADULT COMMUNITY EDUCATION
CHUCK COLLINGS, PRINCIPAL, EL RANCHO EDUCATION CENTER

Comment: "El Rancho Education Center and the Elk Grove Adult Community Education believe it is important for any high school equivalency test to have certain basic requirements in order to best help adult learners and our state economy".

Response: No response required.

Comment: Mr. Collings states: "California must do more to ensure that adults earning a high school equivalency are ready to perform in college and be successful in the workforce. These proposed changes would help ensure that California moves in that direction."

Comment: Mr. Collings states: "We believe that offering the GED test on computer will be beneficial to our testing center and it is beneficial to test-takers."

Response: No response required.

Comment: Mr. Collings states: "As the current requirements to become a testing center approved by CDE can sometimes restrict the number of testing centers and locations in the state, we suggest that the requirements in Section 11531 [sic] be removed from the regulations."

Reject: The CDE rejects the comment. Education Code section 51420 requires the CDE to approve testing centers. The CDE believes that it is important to institute requirements for the establishment of testing centers that ensures that integrity, quality assurance, and security are maintained.

GINA WANDELL, GED TEACHER, ELK GROVE ADULT COMMUNITY EDUCATION
CHUCK COLLINGS, PRINCIPAL, EL RANCHO EDUCATION CENTER
KIRK M. CLARK, VICE PRESIDENT, CALIFORNIA BUSINESS ROUNDTABLE
JENNIFER ORTEGA, CALIFORNIA STATE DIRECTOR, AMERICA'S EDGE
KAREN ENZENSPERGER, GED CHIEF EXAMINER, METROPOLITAN EDUCATION DISTRICT

Comment: "We believe that it is important for any test or high school equivalency test approved should:

- Be aligned to California Common Core Standards at the high school level.
- Be proficient at measuring high-level critical-thinking and problem-solving skills.
- Require adults to demonstrate basic technology skills**.**
- Be easily accessible to test takers.
- Be widely accepted by colleges, employers, and other states

Response: No response required.

Comment: Mr. Clark states: "Adult learners will be better served by more testing centers with more convenient hours, housed in locations beyond adult schools across the state. It would be beneficial for testing centers to be allowed to operate in places like one-stops, libraries, community college campuses, and other locations that are more convenient to adult test-takers and where they live."

Comment: Mr. Clark states: "I urge the Department and the State Board of Education to adopt regulations that require the high school equivalency exam to prepare adult learners for workforce realities."

Response: No response required.

BILL LUCIA, PRESIDENT, EDVOICE

Comment: Mr. Lucia states the regulations "Do not specify the process for the SBE to approve an instrument as provided by Section 5146 [sic] of the Education Code and required by subdivision (b) of Section 51420 of the Education Code."

Response: No response required. The proposed amendments to the regulations only remove restrictions on the SBE's approval of a general educational development test. They do not address the nature, content or selection of any potential new test. Education Code section 51420 requires that a general educational development test be approved by the SBE.

Comment: Mr. Lucia states the regulations "do not specify the process for the SBE to ensure a score determined on a subsequent instrument is equal to the standard of performance expected by high school graduates in California as required by subdivision (b) of Section 51420 of the Education Code."

Response: No response required. The proposed amendments to the regulations only remove restrictions on the SBE's approval of a general educational development test. They do not address scoring.

Comment: Mr. Lucia states the regulations "do not recognize the enactment of paragraph (4) of Section 51420 in 2011."

Response: No response required. The proposed regulations do not address or change the enactment of Education Code section 51420(c)(4)(A).

EVELYN B. LENTON, ASE PROGRAM COORDINATOR & GED CHIEF EXAMINER, ANTELOPE VALLEY ADULT SCHOOL

Comment: "The teachers and administrators at Antelope Valley Adult School understand the connection between digital literacy and success for our adult learners. We have embraced the changes to the GED test as the testing platform moves from paper- to computer-based testing. In fact we began to embed basic digital literacy skills in our instructional plans several years ago. We are pleased that the GED test on computer allows adult learners the opportunity to demonstrate their knowledge using these skills. Their proficiency with digital literacy will enable our adult learners to more easily transition to college and careers."

Response: No response required.

DOUGLAS J. MCRAE, PH.D. EDUCATIONAL MEASUREMENT SPECIALIST (RETIRED)

Comment: Mr. McRae states: "The proposed regulations [Agenda Materials for the March 2013 State Board of Education meeting, Attachment 3] have no references to the content of any new high school equivalency test that may be approved by the board, nor to the passing score for any new high school equivalency test that may be approved by the board. Also, the regulations have no reference to the need for both *computer-administered* and *paper/pencil* versions for any new high school equivalency tests that may be approved by the board."

Mr. McRae also states: "In addition, there is a need for California to develop the capacity for efficiently administering high school equivalency exams via computer while still retaining the option to administer high school equivalency tests via paper/pencil for those testing sites and/or those adults not-yet-ready for computer-administered testing. It would be very forward looking to include a section in the regulations to provide guidance for students, local and regional adult education staff, and the California Department of Education staff for a transition to efficient computerized high school equivalency testing in California."

Response: No response required. The proposed amendments to the regulations only remove restrictions on the SBE's approval of a general educational development test. They do not address the nature, content or selection of any potential new test.

LINN WILLIAMS, STATE SOLUTIONS MANAGER, CTB/MCGRAW-HILL (CTB)

Comment: CTB supports the following:

- Omit all references in sections 11530 through 11532 to ACE and its affiliates, ACE products, including the GED Test name and other terms specific to ACE and/or GED Test.
- Substitute generic terms for the new assessment and the source of the test, which will allow the CDE to recommend for approval a different assessment which may be administered for purposes of issuing a California high school equivalency certificate.
- Delete information related to testing centers approved by the CDE being recognized as official testing facilities of the ACE and GEDTS.
- Ensure that testing centers approved by the State Superintendent of Public Instruction will not be required to fulfill the requirements of GEDTS.

Response: No response required.

Comment: CTB states: "The California State Department of Education set forth reasons for amending the current regulation in the item No.7, Recommendation for action, to the State Board of Education March 2013 meeting. It is expected the cost of the GED test would be at least 3.3 million more per year to state residents than the current GED cost. This is an important reason for California to want to amend its rules to enable consideration of a more cost-effective alternative."

Response: No response required.

Comment: CTB states: "Only if the Proposed Rulemaking is adopted would California be able to consider the best assessment for California and to ensure that everyone has the opportunity to earn an alternative high school diploma." CBT supports the proposed rulemaking and urges its adoptions.

Response: No response required.

JAMES S. LANICH, PH.D., PRESIDENT, CALIFORNIA BUSINESS FOR EDUCATION EXCELLENCE

Comment: Mr. Lanich states: "The high school equivalency exam should measure college-readiness, and passing the exam should mean students are prepared to pursue post-secondary education without remedial coursework."

Response: No response required.

Comment: Mr. Lanich states: "The high school equivalency exam should be aligned with Common Core Standards so that students passing the test are as prepared for college and career as their peers who graduate with a diploma from their high school."

Response: No response required.

NICOLE M. CHESTANG, EXECUTIVE VICE PRESIDENT, GED TESTING SERVICE
CT TURNER, DIRECTOR, PUBLIC AFFAIRS & GOVERNMENT RELATIONS, GED TESTING SERVICE

Comment: GEDTS states as follows: "Add regulation language to include minimum requirements for any approved high school equivalency test, to ensure adult learners in California are well served and prepared for jobs."

Response: No response required. The proposed amendments to the regulations only remove restrictions on the SBE's approval of a general educational development test. They do not address the nature, content or selection of any potential new test.

Comment: GEDTS recommends as follows: "Reexamine and possibly revise the necessity of a $20 administrative fee."

Response: No response required. The proposed amendments to the regulations do not address fees related to administration of the general educational development test. Also, Education Code section 51421(a) authorizes these fees.

Comment: GEDTS recommends as follows: "Delete or significantly revise, regulation language surrounding requirements to become an approved testing center."

Response: No response required. The proposed amendments to the regulations only remove restrictions on the SBE's approval of a general educational development test. They do not address the requirements to become an approved testing center. Also, Education Code section 51420(b) requires the CDE to approve all testing centers for administration of a general educational development test.

Comment: GEDTS recommends as follows: "We suggest that it is imperative to include minimum requirements for any high school equivalency test to provide guidance to the CDE and California State Board of Education to ensure any approved test meets requirements that will help more adults be better prepared for the demands of college training programs and for the California workforce".

We recommend the following language be used to replace the current Section (b), instead of deleting the entire section.

(b) "A high school equivalency test" means any high school equivalency test that is approved by the Board.

<u>Any approved high school equivalency test should:</u>

- <u>Have assessment targets and content strongly aligned with California Common Core State Standards by January 1, 2014. Alignment should include categorical concurrence, depth, range and structure of knowledge, and balance of content representative of high school achievement in English language arts and mathematics.</u>

- Have a detailed score report that indicates an examinee's possible readiness for credit-bearing college courses.
- Require examinees to utilize basic digital literacy skills, which are critical for most examinees to apply for and hold employment, and are required to align with California Common Core State Standards.
- Have scores and transcripts that are widely recognized and accepted by employers and postsecondary institutions within California.
- Have scores and transcripts that are portable and recognized in all other states."

Reject: The CDE rejects the recommendation because the proposed amendments to the regulations only remove restrictions on the SBE's approval of a general educational development test. The proposed regulations are not intended to address the development of a new test.

Comment: GEDTS states, "We suggest that the fee be evaluated and established after a vendor(s) is approved and the new scope of costs for running the high school equivalency testing program are determined, as there is insufficient information to warrant the $20.00 maximum allowable fee."

(e) "Fee" to accompany each application for an equivalency certificate shall be $20.00 and shall be nonrefundable irrespective of whether or not a California High School Equivalency Certificate is granted. This fee shall be charged only once for each examinee.

Response: No response required. The proposed amendments to the regulations address references to the test owned by ACE/GEDTS; they do not address any fees. Education Code section 51421(a) authorizes the amount of the fee to be collected from first-time test-takers.

Comment: GEDTS recommends as follows: "We propose elimination of section §11531 [sic] definitions:
~~§ 11531. Approval of General Educational Development Testing Centers.~~

Reject: The CDE rejects the comment because Education Code section 51420(b) requires that testing centers be approved by the CDE. The CDE believes that it is important to institute requirements for the establishment of testing centers that ensures that integrity, quality assurance and security are maintained.

Comment: GEDTS recommends as follows: "If section §11531 [sic] is determined to remain in place, we offer below suggested regulation/definition changes that are different from those proposed by the CDE.

§ 11531. Approval of ~~General Educational Development~~ Testing Centers.
(a) A ~~General Educational Development~~ T~~t~~esting ~~C~~center may be approved by the State Superintendent of Public Instruction (SSPI) to administer tests for purposes of Education Code section 51420 provided it has complied with all of the following:
~~(1) Fulfilled the requirements of the General Educational Development Testing Service.~~

(1)~~(2)~~ Provided the California Department of Education (CDE) with all required information indicating:
~~(A) Name of Institutional Chief Administrative Officer and title~~,
(B) Name of chief examiner/proctor ~~Examiner and Alternate Examiner(s) and their titles,~~
(C) Name of testing facility,
(D) Contracting agency or school district,
(E) Address of the testing center.
(2)~~(3)~~ Agreed ~~to comply with all test security requirements provided by the CDE or and testing contractor, and~~ to maintain all required records regarding tests and testing activities.
~~(3)(4) Agreed to provide each examinee with his or her test scores.~~
~~(4)(5) Agreed to inspection by authorized representatives of the CDE or other agency performing the same function outside of California.~~
(b) The SSPI may suspend or revoke the approval, or deny renewal of an approval, of any center for failure or refusal to maintain any one or more of the standards described in subdivision (a) of this section.

Reject: The CDE rejects the comment. Education Code 51420 requires testing centers to be approved by the CDE. The CDE believes that it is important to institute requirements for the establishment of testing centers that ensures integrity; quality assurance and security are maintained for any general educational development test approved by the SBE.

Comment: The commenters recommend proposed changes to §11532(c), (c)(2) and (c)(4) to delete the proposed addition of “general educational development” and replace it with “high school equivalency.”

Reject: The CDE rejects the suggested language because Education Code section 51420(b) authorizes and requires the Superintendent to issue a California high school equivalency certificate to a person who meets specified requirements and has received a passing score on a general educational development test approved by the SBE. The language of the proposed regulations is consistent with the statutory requirements.

Comment: The commenters recommend changing two references in Education code sections 51420(b) and 51421(a) of general educational development to “high school equivalency.”

Response: No response required. The proposed amendments to the regulations only address references to the general educational development test. The proposed amendments to the regulations do not change the enactment of Education Code sections 51420(b) and 51421(a).

Comment: “Change the term “scoring contractor” listed twice in 51422 to “testing contractor” to more accurately reflect the scope of possible contracts awarded for HSE testing in the state.”

Response: No response required. The proposed amendments to the regulations only address references to the test owned by ACE/GEDTS; they do not address the terms of contractors. The proposed amendments to the regulations do not change the enactment of Education Code section 51422.

AFTER THE 45-DAY COMMENT PERIOD, THE FOLLOWING CHANGES WERE MADE TO THE PROPOSED TEXT OF THE REGULATIONS AND SENT OUT FOR A 15-DAY COMMENT PERIOD.

An amendment has been made throughout sections 11530 and 11532 changing “a general educational development test” to “a test to obtain a high school equivalency certificate.” This change is necessary to provide clarification that the CDE is not referencing “GED” when using the phrase “general educational development test.”

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 or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

No alternatives have been brought to the CDE’s attention and that given the underlying statutory requirements; the CDE has been unable to come up with any reasonable alternatives.

LOCAL MANDATE DETERMINATION

The proposed regulations do not impose any mandate on local agencies or school districts.

6-11-13 [California Department of Education]

STATE OF CALIFORNIA — DEPARTMENT OF FINANCE

ECONOMIC AND FISCAL IMPACT STATEMENT

(REGULATIONS AND ORDERS)

STD. 399 (REV. 12/2008)

See SAM Section 6601 - 6616 for Instructions and Code Citations

DEPARTMENT NAME	CONTACT PERSON	TELEPHONE NUMBER
Education	Amy Tang-Paterno	916-322-6630
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400		NOTICE FILE NUMBER
High School Equivalency Certificate (Updated 6-11-13)		Z

ECONOMIC IMPACT STATEMENT

A. ESTIMATED PRIVATE SECTOR COST IMPACTS (Include calculations and assumptions in the rulemaking record.)

1. Check the appropriate box(es) below to indicate whether this regulation:

- ☐ a. Impacts businesses and/or employees
- ☐ b. Impacts small businesses
- ☐ c. Impacts jobs or occupations
- ☐ d. Impacts California competitiveness
- ☐ e. Imposes reporting requirements
- ☐ f. Imposes prescriptive instead of performance
- ☐ g. Impacts individuals
- ☑ h. None of the above (Explain below. Complete the Fiscal Impact Statement as appropriate.)

h. (cont.) The regulations would not impose any additional costs to the private sector.

(If any box in Items 1 a through g is checked, complete this Economic Impact Statement.)

2. Enter the total number of businesses impacted: _____ Describe the types of businesses (Include nonprofits.): _____

Enter the number or percentage of total businesses impacted that are small businesses: _____

3. Enter the number of businesses that will be created: _____ eliminated: _____

Explain: _____

4. Indicate the geographic extent of impacts: ☐ Statewide ☐ Local or regional (List areas.): _____

5. Enter the number of jobs created: _____ or eliminated: _____ Describe the types of jobs or occupations impacted: _____

6. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here?

☐ Yes ☐ No If yes, explain briefly: _____

B. ESTIMATED COSTS (Include calculations and assumptions in the rulemaking record.)

1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? $ _____

a. Initial costs for a small business: $ _____ Annual ongoing costs: $ _____ Years: _____

b. Initial costs for a typical business: $ _____ Annual ongoing costs: $ _____ Years: _____

c. Initial costs for an individual: $ _____ Annual ongoing costs: $ _____ Years: _____

d. Describe other economic costs that may occur: _____

ECONOMIC AND FISCAL IMPACT STATEMENT cont. (STD. 399, Rev. 12/2008)

2. If multiple industries are impacted, enter the share of total costs for each industry: _____

3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements. (Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted.): $ _____

4. Will this regulation directly impact housing costs? ☐ Yes ☐ No If yes, enter the annual dollar cost per housing unit: _____ and the number of units: _____

5. Are there comparable Federal regulations? ☐ Yes ☐ No Explain the need for State regulation given the existence or absence of Federal regulations: _____

Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: $ _____

C. ESTIMATED BENEFITS (Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.)

1. Briefly summarize the benefits that may result from this regulation and who will benefit: _____

2. Are the benefits the result of : ☐ specific statutory requirements, or ☐ goals developed by the agency based on broad statutory authority?

Explain: _____

3. What are the total statewide benefits from this regulation over its lifetime? $ _____

D. ALTERNATIVES TO THE REGULATION (Include calculations and assumptions in the rulemaking record. Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.)

1. List alternatives considered and describe them below. If no alternatives were considered, explain why not: _____

2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

Regulation:	Benefit: $_____	Cost: $_____
Alternative 1:	Benefit: $_____	Cost: $_____
Alternative 2:	Benefit: $_____	Cost: $_____

3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives: _____

4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs? ☐ Yes ☐ No

Explain: _____

E. MAJOR REGULATIONS (Include calculations and assumptions in the rulemaking record.) Cal/EPA boards, offices, and departments are subject to the following additional requirements per Health and Safety Code section 57005.

ECONOMIC AND FISCAL IMPACT STATEMENT cont. (STD. 399, Rev. 12/2008)

1. Will the estimated costs of this regulation to California business enterprises exceed $10 million ? ☐ Yes ☐ No (If No, skip the rest of this section.)

2. Briefly describe each equally as an effective alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:

   Alternative 1: _____

   Alternative 2: _____

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

Regulation:	$ _____	Cost-effectiveness ratio: $ _____
Alternative 1:	$ _____	Cost-effectiveness ratio: $ _____
Alternative 2:	$ _____	Cost-effectiveness ratio: $ _____

FISCAL IMPACT STATEMENT

A. FISCAL EFFECT ON LOCAL GOVERNMENT (Indicate appropriate boxes1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)

☐ 1. Additional expenditures of approximately $ _____ in the current State Fiscal Year which are reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code. Funding for this reimbursement:

   ☐ a. is provided in _____, Budget Act of _____ or Chapter _____, Statutes of _____

   ☐ b. will be requested in the _____ (FISCAL YEAR) Governor's Budget for appropriation in Budget Act of _____

☐ 2. Additional expenditures of approximately $ _____ in the current State Fiscal Year which are not reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code because this regulation:

   ☐ a. implements the Federal mandate contained in _____

   ☐ b. implements the court mandate set forth by the _____

   court in the case of _____ vs. _____

   ☐ c. implements a mandate of the people of this State expressed in their approval of Proposition No. _____ at the _____ (DATE) election;

   ☐ d. is issued only in response to a specific request from the _____

   _____, which is/are the only local entity(s) affected;

   ☐ e. will be fully financed from the _____ (FEES, REVENUE, ETC.) _____ authorized by Section

   _____ of the _____ _____ Code;

   ☐ f. provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each such unit;

   ☐ g. creates, eliminates, or changes the penalty for a new crime or infraction contained in _____

☐ 3. Savings of approximately $ _____ annually.

☐ 4. No additional costs or savings because this regulation makes only technical, non-substantive or clarifying changes to current law regulations.

ECONOMIC AND FISCAL IMPACT STATEMENT cont. (STD. 399, Rev. 12/2008)

☑ 5. No fiscal impact exists because this regulation does not affect any local entity or program.

☐ 6. Other.

B. FISCAL EFFECT ON STATE GOVERNMENT (Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)

☐ 1. Additional expenditures of approximately $ _____ in the current State Fiscal Year. It is anticipated that State agencies will:

☐ a. be able to absorb these additional costs within their existing budgets and resources.

☐ b. request an increase in the currently authorized budget level for the _____ fiscal year.

☐ 2. Savings of approximately $ _____ in the current State Fiscal Year.

☐ 3. No fiscal impact exists because this regulation does not affect any State agency or program.

☑ 4. Other. The proposed amendments do not create any state mandated cost. However, the regulations impose cost pressure to the state to explore and recommend other alternative assessments that can be used toward obtaining a California high school equivalency.

C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS (Indicate appropriate boxes1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)

☐ 1. Additional expenditures of approximately $ _____ in the current State Fiscal Year.

☐ 2. Savings of of approximately $ _____ in the current State Fiscal Year.

☑ 3. No fiscal impact exists because this regulation does not affect any federally funded State agency or program.

☐ 4. Other.

FISCAL OFFICER SIGNATURE		DATE 6/13/13
AGENCY SECRETARY [1] APPROVAL/CONCURRENCE	Jeannie Oropeza	DATE 6/17/13
DEPARTMENT OF FINANCE [2] APPROVAL/CONCURRENCE	PROGRAM BUDGET MANAGER	DATE

1. *The signature attests that the agency has completed the STD.399 according to the instructions in SAM sections 6601-6616, and understands the impacts of the proposed rulemaking. State boards, offices, or department not under an Agency Secretary must have the form signed by the highest ranking official in the organization.*

2. *Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD.399.*

AAV of Item 6 Attachment 4

Accessible Alternative Version (AAV) of Item 6 Attachment 4 for the July 2013 SBE Meeting Agenda.

This page is the Accessible Alternative Version (AAV) of Item 6 Attachment 4 from the California State Board of Education (SBE) Meeting Agenda for July 2013. The scanned Item 6 Attachment 4 (PDF) version is considered to be the official version of the document.

Economic and Fiscal Impact Statement

(REGULATIONS AND ORDERS). *User entries from the STD. 399 (REV. 12/2008) Form.*

Department Name: Education

Contact Person: Amy Tang-Paterno

Telephone Number: 916-322-6630

Descriptive Title From Notice Register Or From 400: High School Equivalency Certificate (Updated 6-11-13)

Notice File Number: Z

Economic Impact Statement

Section A. ESTIMATED PRIVATE SECTOR COST IMPACTS (Include calculations and assumptions in the rulemaking record.)

Section A.1. Check the appropriate box(es) below to indicate whether this regulation:

- Selected option is H: None of the above (Explain below. Complete the Fiscal Impact Statement as appropriate)
- Option H explanation: The regulations would not impose any additional costs to the private sector.

Fiscal Impact Statement

Section A. FISCAL EFFECT ON LOCAL GOVERNMENT (Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)

- Selected option is 5: No fiscal impact exists because this regulation does not affect any local entity or program.

Section B. FISCAL EFFECT ON STATE GOVERNMENT (Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)

- Selected option is 4: Other. *The proposed amendments do not create any state mandated cost. However, the regulations impose cost pressure to the state to explore and recommend other alternative assessments that can be used toward obtaining a California high school equivalency +.*

Section C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS (Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)

- Selected option is 3: No fiscal impact exists because this regulation does not affect any federally funded State agency or program.

Fiscal Officer Signature by Amy Tang Paterno dated February 20, 2013

Agency Secretary 1 Approval / Concurrence Signature by Jeannie Oropeza dated February 27, 2013

Department of Finance 2 Approval / Concurrence Signature: No signature.

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1. *The signature attests that the agency has completed the STD.399 according to the instructions in SAM sections 6601-6616, and understands the impacts of the proposed rulemaking. State boards, offices, or department not under an Agency Secretary must have the form signed by the highest ranking official in the organization.*

2. *Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD.399.*

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

Last Modified: Friday, June 28, 2013

California State Board of Education

Meeting Agenda Items for July 10-11, 2013

ITEM 07

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2013 AGENDA

SUBJECT	
Local Control Funding Formula: Discussion of Proposed Changes to California's Local Educational Agency and School Planning and Accountability System.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

The Legislature has approved Governor Brown's Local Control Funding Formula (LCFF) to reform California's K–12 education funding system. This will have implications for local educational agency (LEA) and school planning and accountability.

RECOMMENDATION

No specific action is recommended at this time.

BRIEF HISTORY OF KEY ISSUES

The Governor and Legislature first considered a dramatic modification of California's K–12 education funding system in 2012 in response to longstanding concerns about the complexity of the existing funding system.

In the January 2013 Budget, the Governor proposed a seven-year transition to LCFF, a formula that will allocate state funds for schools based on specific student needs and will maximize flexibility in spending for local school districts. Following discussion and revision in the Legislature, LCFF was established through the 2013 Budget Act and Assembly Bill (AB) 97. AB 97 can be found at: http://www.leginfo.ca.gov/pub/13-14/bill/asm/ab_0051-0100/ab_97_bill_20130614_enrolled.htm

As part of the LCFF, LEAs are required to annually adopt a local control and accountability plan (LCAP). The LCAP must include a description of (1) the LEAs' annual goals, for all students and for each subgroup, for each of the state priority areas and any additional local priority areas and (2) the specific actions and strategies to achieve those goals. The state priority areas include both academic and school climate measures, such as the implementation of common core standards, expansion of parent involvement, performance on state and local assessments, graduation rates, percentage of students completing University of California and California State University admission requirements, English learner reclassification rates, and student

suspension and absenteeism rates. Each LEA must ensure that the LCAP is adopted in a public meeting, after consultation with parent advisory committees and that the final plan is posted on its website. The State Board of Education (SBE) is required to adopt plan templates for use by LEAs by March 31, 2014.

Similar to the process used for the adoption of local district budgets, each district must submit its LCAP to the county superintendent of schools. Charter schools are required to submit their plan to their authorizer and county offices of education to the State Superintendent of Public Instruction (SSPI). AB 97 focuses on providing technical assistance to LEAs. As part of that technical assistance, the SBE is required to adopt, before October 1, 2015, an evaluation rubric to assist LEAs in evaluating strengths and weaknesses and to assist in the identification of LEAs needing technical assistance. A California Collaborative for Educational Excellence will be created to further assist districts. It is anticipated that subsequent legislation this summer will expand on the details regarding this new entity.

AB 97 requires LEAs to increase or improve services for students in proportion to the number of high needs students (low-income students, English learners, and foster youth) who generated the increase in funds. By January 31, 2014, the SBE must adopt regulations regarding how expenditures of funds should be managed to demonstrate compliance.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has historically been responsible for adopting standards and criteria for LEA and school accountability, and for assigning interventions according to those criteria, in both state and federal accountability systems.

FISCAL ANALYSIS (AS APPROPRIATE)

The 2013 Budget Act appropriates $2.067 billion for allocation to school districts and charter schools in the first year of Local Control Funding Formula implementation, and $32 million for allocation to county offices of education for the County Local Control Funding Formula. The budget also provides $2 million to the Governor's Office of Planning and Research to provide assistance to the SBE to develop and adopt specified regulations, evaluation rubrics, and local control and accountability plan templates.

ATTACHMENT(S)

Attachment 1 Summary and Timeline of SBE Action and Relevant *Education Code* Sections (5 pages)

Summary and Timeline of SBE Action and Relevant Education Code Sections

Action Required	Timeline
Budget Standards and Criteria The SSPI, Director of Finance, and Controller must update standards and criteria for use by LEAs in the adoption of local budgets. The updated standards and criteria will be adopted by the SBE as Title 5 regulations. (*EC* 33127)	On or before January 1, 2014
Academic Performance Index The Public School Accountability Act Advisory (PSAA) Committee must recommend changes to the Academic Performance Index based on the LCFF to the SSPI and SBE. (*EC* 52052.1)	Before January 30, 2014
Spending Regulations The law requires LEAs to increase or improve services for students in proportion to the number of high needs students (low-income students, English learners, and foster youth) who generated the increase in funds. The SBE must adopt regulations regarding how expenditures of funds should be managed to demonstrate compliance. (*EC* 42238.07)	On or before January 31, 2014
LCAP Templates LEAs must adopt a three-year local control and accountability plan (LCAP) and update the plan annually. The plan must contain specific goals and actions the LEA will take to achieve the goals around each of the identified state priority areas. The SBE must adopt plan templates for use by districts, county offices of education, and charter schools. (*EC* 52064)	On or before March 31, 2014
Evaluation Rubric The law requires the SBE to adopt an evaluation rubric that provides a “holistic multidimensional assessment” of an LEA’s strengths and weaknesses. The evaluation rubric will be used by parties providing technical assistance and evaluating LEAs that may need intervention. (*EC* 52064.5)	On or before October 1, 2015

Budget Standards and Criteria

SEC. 14: Section 33127 of the *Education Code* is amended to read:

(a) The Superintendent, the Controller, and the Director of Finance shall develop, on or before March 1, 1989, standards and criteria to be reviewed and adopted by the state board, and to be used by local educational agencies in the development of annual budgets and the management of subsequent expenditures from that budget. During the development of the standards and criteria, the Superintendent shall convene a committee composed of representatives from school districts, county offices of education, state agencies, the Legislature, and appropriate labor and professional organizations. The committee may review and comment on the proposal standards and criteria before their adoption. In addition, the standards and criteria shall be used to monitor the fiscal stability of local educational agencies as provided for in Sections 1240.1, 1240.2, 1621, 1623, 33131, 42127, and 42127.1.

(b) The Superintendent, the Controller, and the Director of Finance shall update the standards and criteria developed pursuant to subdivision (a) on or before September 1, 2005. The updated standards and criteria shall be reviewed and adopted pursuant to the procedure established by subdivision (a) and are applicable to local educational agency budgets commencing with the 2006-07 fiscal year and each fiscal year thereafter.

(c) The Superintendent, the Controller, and the Director of Finance shall update the standards and criteria developed pursuant to subdivision (a) on or before January 1, 2014, to address the requirements of Article 4.5 (commencing with Section 52060) of Chapter 6.1 of Part 28. The updated standards and criteria shall be reviewed and adopted pursuant to the procedure established by subdivision (a) and are applicable to local educational agency budgets commencing with the 2014-15 fiscal year and each fiscal year thereafter.

(d) After January 1, 2014, to the extent necessary, any revisions or updates to the standards and criteria shall be developed by the Superintendent, the Controller, and the Director of Finance pursuant the procedure established by subdivision (a). The revisions or updates shall specify the fiscal year in which the revisions or updates are applicable.

Academic Performance Index: PSAA Review

SEC 96: Section 52052.1 of the *Education Code* is amended to read:

(a) Beginning July 1, 2011, in addition to the test scores specified in subparagraph (B) of paragraph (4) of subdivision (a) of Section 52052, the Academic Performance Index (API) for a school or school district shall do all of the following:

(1) Include the test scores and other accountability data of enrolled pupils who were referred by the school or school district of residence to an alternative education program, including community, community day, and continuation high schools and independent study, and be calculated by assigning all accountability data on pupils in alternative education programs, including community, community day, and continuation high schools and independent study, to the school and school district of residence to ensure that placement decisions are in the best interests of affected pupils. If a pupil is referred to an alternative education program by a juvenile court judge or other correctional or judicial official, or if the pupil is expelled pursuant to subdivision (a) or (c) of Section 48915, the test scores of that pupil shall remain with the alternative education program and with the school district or county office of education serving that pupil. This

section does not prohibit the alternative education program from counting the test scores of those pupils served in their alternative education program. It is the intent of the Legislature that these alternative education programs remain accountable to the pupils they serve.

(2) Exclude the test scores or other data of those pupils exempt pursuant to federal statute or federal regulation.

(3) Include school and school district dropout rates for pupils who drop out of school while enrolled in grade 8 or 9. If reliable data is not available by July 1, 2011, the Superintendent, on or before that date, shall report to the Legislature the reasons for the delay and date he or she anticipates the specified dropout rates will be included in the API.

(b) The advisory committee established pursuant to Section 52052.5 shall recommend to the Superintendent and the state board all of the following:

(1) The length of time for which the accountability data on pupils in alternative education programs shall be assigned to the school and school district of residence pursuant to paragraph (1) of subdivision (a).

(2) Whether it is appropriate to assign accountability data to the school or the school district, pursuant to paragraph (1) of subdivision (a), if the pupil never attended the school of residence or has been absent for more than one year from the school district of residence due to placement in another school or school district or out of state.

(*c) Before January 30, 2014, the advisory committee established pursuant to Section 52052.5 shall review, and recommend to the Superintendent and the state board any changes proposed for, the assignment of accountability data to the school district of residence pursuant to paragraph (1) of subdivision (a) based on the addition of Sections 2574, 2575, 42238.02, and 42238.03, and Article 4.5 (commencing with Section 52060) by the act adding this subdivision*

Spending Regulations

SEC. 37. Section 42238.07 is added to the *Education Code*, to read:

(a) On or before January 31, 2014, the state board shall adopt regulations that govern the expenditure of funds apportioned on the basis of the number and concentration of unduplicated pupils pursuant to Sections 2574, 2575, 42238.02, and 42238.03. The regulations shall include, but are not limited to, provisions that do all of the following:

(1) Require a school district, county office of education, or charter school to increase or improve services for unduplicated pupils in proportion to the increase in funds apportioned on the basis of the number and concentration of unduplicated pupils in the school district, county office of education, or charter school.

(2) Authorize a school district, county office of education, or charter school to use funds apportioned on the basis of the number of unduplicated pupils for schoolwide purposes, or, for school districts, districtwide purposes, for county offices of education, countywide purposes, or for charter schools, charterwide purposes, in a manner that is no more restrictive than the restrictions provided for in Title I of the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301, et seq.).

(b) The state board may adopt emergency regulations for purposes of this section.

LCAP Templates

SEC 103: Section 52064.

(a) On or before March 31, 2014, the state board shall adopt templates for the following purposes:

(1) For use by school districts to meet the requirements of Sections 52060 to 52063, inclusive.

(2) For use by county superintendents of schools to meet the requirements of Sections 52066 to 52069, inclusive.

(3) For use by charter schools to meet the requirements of Section 47606.5.

(b) The templates developed by the state board shall allow a school district, county superintendent of schools, or charter school to complete a single local control and accountability plan to meet the requirements of this article and the requirements of the federal No Child Left Behind Act of 2001 related to local educational agency plans pursuant to Section 1112 of Subpart 1 of Part A of Title I of Public Law 107-110. The state board shall also take steps to minimize duplication of effort at the local level to the greatest extent possible.

(c) If possible, the templates identified in paragraph (2) of subdivision (a) for use by county superintendents of schools shall allow a county superintendent of schools to develop a single local control and accountability plan that would also satisfy the requirements of Section 48926.

(d) The state board shall adopt the template pursuant to the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). The state board may adopt emergency regulations for purposes of implementing this section.

(e) Revisions to a template or evaluation rubric shall be approved by the state board by January 31 before the fiscal year during which the template or evaluation rubric is to be used by a school district, county superintendent of schools, or charter school.

(f) The adoption of a template or evaluation rubric by the state board shall not create a requirement for a governing board of a school district, a county board of education, or a governing body of a charter school to submit a local control and accountability plan to the state board, unless otherwise required by federal law. The Superintendent shall not require a local control and accountability plan to be submitted by a governing board of a school district or the governing body of a charter school to the state board. The state board may adopt a template or evaluation rubric that would authorize a school district or a charter school to submit to the state board only the sections of the local control and accountability plan required by federal law.

Evaluation Rubric

SEC 103: Section 52064.5.

(a) On or before October 1, 2015, the state board shall adopt evaluation rubrics for all of the following purposes:

(1) To assist a school district, county office of education, or charter school in evaluating its strengths, weaknesses, and areas that require improvement.

(2) To assist a county superintendent of schools in identifying school districts and charter schools in need of technical assistance pursuant to Section 52071 or 47607.3, as applicable, and the specific priorities upon which the technical assistance should be focused.

(3) To assist the Superintendent in identifying school districts for which intervention pursuant to Section 52072 is warranted.

(b) The evaluation rubrics shall reflect a holistic, multidimensional assessment of school district and individual schoolsite performance and shall include all of the state priorities described in subdivision (d) of Section 52060.

(c) As part of the evaluation rubrics, the state board shall adopt standards for school district and individual schoolsite performance and expectation for improvement in regard to each of the state priorities described in subdivision (d) of Section 52060.

California State Board of Education

Meeting Agenda Items for July 10-11, 2013

ITEM 08

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2013 AGENDA

SUBJECT	
Status of the English Language Development Standards Implementation Plan for California	☐ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

The State Board of Education (SBE) adopted the California English Language Development Standards (CA ELD Standards), aligned with the Common Core State Standards for English Language Arts and Literacy in History/Social Studies, Science and Technical Subjects (CA CCSS for ELA/Literacy), in November 2012. The ELD development and adoption timeline is posted at http://www.cde.ca.gov/sp/el/er/eldstandardsdraft.asp.

Following the adoption of the CA ELD Standards, California *Education Code* 60811.3(e), Assembly Bill (AB) 124 (Chapter 605, Statutes of 2011), required that the State Superintendent of Public Instruction (SSPI) and the SBE present to the Governor, and the appropriate policy and fiscal committees of the Legislature, a schedule and implementation plan for integrating the new CA ELD Standards into the state public education system.

The purpose of this item is to update the SBE on the process and development of the implementation plan of the CA ELD Standards. The plan was outlined and drafted by the English Learner Support Division staff with input from multiple California Department of Education divisions, including Assessment Development and Administration, Curriculum Frameworks and Instructional Resources, Professional Learning Support, Career and College Transition, Child Development, and the Common Core Systems Implementation office.

The CA ELD Standards Implementation Plan will be presented to the SBE and posted for public review and comment. The SBE and interested stakeholders will provide input to CDE staff on the plan at the September 2013 board meeting. The goal is to have a final ELD Standards implementation plan document to present to the State Legislature no later than December 2013.

RECOMMENDATION

The California Department of Education (CDE) recommends that the SBE be informed on the process and development of the implementation plan of the CA ELD Standards and take no specific action at this time.

BRIEF HISTORY OF KEY ISSUES

The SBE adopted the new CA ELD Standards in November 2012. These standards became the current English language development standards that are aligned with the CA CCSS for ELA/Literacy. In October 2011, Governor Edmund G. Brown Jr. signed AB 124 into law, which required that the SSPI present to the Governor and the appropriate policy and fiscal committees of the Legislature a schedule and implementation plan for integrating the CA ELD Standards into the state public education system (AB 124, Chapter 605, Statutes of 2011).

California English Language Development Standards Implementation Plan

The CA ELD Standards implementation activities have been in process since the adoption of the CA ELD Standards. This process includes internal and external collaboration and technical assistance led by the English Learner Support Division Director, Language Policy and Leadership Office staff and the technical leaders and writers from WestEd (Attachment 1). Internal collaborations include: cross division bi-weekly conference calls, trainings, and meetings focused on English Learner assessments, English Language Arts/English Language Development, Math, curriculum frameworks and supplemental instructional materials for English Language Development, and professional development. External collaborations include Title III Lead and Bilingual Coordinator Network meetings, professional leadership conference presentations, and workshops (e.g., Curriculum and Instruction Steering Committee, Accountability Institute, and California Association of Bilingual Education).

While these implementation activities have been ongoing they have included the articulation of the CA ELD Standards Implementation Plan to serve as a guide of the major steps in the development, adoption, and implementation of the CA ELD Standards for local educational agencies and county offices of education.

The draft of the CA ELD Standards Implementation Plan is posted online at http://www.cde.ca.gov/sp/el/er/eldstandards.asp.

The CA ELD Standards Implementation Plan describes the philosophy of and strategies for the successful integration of the CA ELD Standards, aligned to the CA CCSS for ELA/Literacy, and addresses English language and literacy skills English learners need in key content areas.

The plan identifies three major implementation phases and is grounded in seven guiding strategies. The phases are straightforward yet slightly defined because for each

program and project within each phase there is an ongoing progression that must evolve both at the individual and integrated system level. The phases are described on page five of the implementation plan.

- *The Awareness Phase* represents an introduction to the CA ELD Standards, the initial planning of implementation, and establishment of collaboration.

- *The Transition Phase* is the concentration on building foundational resources, implementing needs assessments, establishing professional learning opportunities, and expanding collaborations between all stakeholders. This phase is underway and is ongoing.

- *The Implementation Phase* expands the new professional learning support, fully aligns curriculum, instruction, and assessments, and effectively integrates these elements.

The seven guiding strategies for the CA ELD Standards implementation act as a structural framework for activities encompassing all areas of our educational system. While they provide focus to the work, they also reveal its highly integrated nature. The strategies are the same as those in the CCSS Implementation Plan. The strategies are described in the CA ELD Standards Implementation Plan beginning on page eight:

1. Facilitate high quality professional learning opportunities for educators to ensure that every student has access to teachers who are prepared to teach to the levels of rigor and depth required by the CA ELD standards.

2. Provide CA ELD Standards-aligned instructional resources designed to meet the diverse needs of all students.

3. Develop and transition to CA ELD Standards-aligned assessment systems to inform instruction, establish priorities for professional learning, and provide tools for accountability.

4. Collaborate with parents, guardians, and the early childhood and extended learning communities to integrate the CA ELD Standards into programs and activities beyond the K–12 school setting.

5. Collaborate with the postsecondary and business communities and additional stakeholders to ensure that all students are prepared for success in career and college.

6. Seek, create, and disseminate resources to support stakeholders as implementation of the CA ELD Standards moves forward.

7. Design and establish systems of effective communication among stakeholders to continuously identify areas of need and disseminate information.

The implementation plan also includes appendices that provide resources to support local educational agencies (LEAs) through the phases of the implementation process.

- Appendix A: Local CA ELD Standards Implementation Plan Template
- Appendix B: County Office of Education Service Offerings
- Appendix C: California Implementation Partners

The intent is that LEAs should use the CA ELD Standards Implementation Plan to develop their own specific ELD Standards implementation plan in order to meet their own local needs. This plan provides guidance, specific resources and implementation activities to LEAs. This guidance includes information on the CA ELD Standards alignment work of statewide programs that involve most, if not all, LEAs

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

November 2012: The SBE adopted the new CA ELD Standards.

September 2012: The CDE reviewed the CA ELD Standards development process and presented a walk-through of the CA ELD Standards. The CDE also recommended that the SBE take action as deemed necessary and appropriate. The SBE agreed with the SBE staff recommendation to adopt the CA ELD Standards in November 2012. The SBE directed CDE to work with SBE liaisons and staff to make any necessary revisions for final adoption in November 2012.

July 2012: The CDE presented an overview of the CA ELD Standards development process. The CDE also provided a detailed briefing on the draft proficiency level descriptors and CA ELD Standards template.

May 2012: The CDE presented a summary of the key activities regarding the revision of the CA ELD Standards, including a summary of the results of the focus groups and the panel of experts selection process.

March 2012: The CDE presented the timeline and provided a summary of the key activities regarding updating, revision, and alignment of the CA ELD Standards to the SBE-adopted CCSS for ELA.

October 2011: Governor Edmund G. Brown, Jr. signed AB 124 (Chapter 605, Statutes of 2011).

August 2010: Pursuant to SBX5 1 (Chapter 2, Statutes of 2011), the SBE adopted the academic content standards in ELA and mathematics as proposed by the California Academic Content Standards Commission.

July 1999: The SBE adopted the ELD Standards for California public schools.

FISCAL ANALYSIS (AS APPROPRIATE)

CDE is determining the funds that will be used for the CA ELD Standards Implementation Plan.

ATTACHMENT(S)

Attachment(s)

Attachment 1: California English Language Development Standards Implementation Outreach: California Department of Education Activities (10 pages)

California English Language Development Standards Implementation Outreach: California Department of Education Activities

	Dates/Events	Participants	Reflections and Insights
Awareness	**September 29, 2012** Present to County Office of Education Leads at the Bilingual Coordinators Network (BCN) in Sacramento, CA	**County Office of Education Leads** **California Department of Education (CDE) Team:** Karen Cadiero-Kaplan	**ELD Standards aligned with Common Core English Language Arts Standards**
Awareness	**October 26, 2012** Present to educators at the San Diego Project Core Conference in San Diego, CA	**100 Educators** **California Department of Education (CDE) Team:** Karen Cadiero-Kaplan	**English Language Development Standards--Common Core Standards: Implications for Language Learning and Leadership**
Awareness	**December 3, 2012** Present to administrators and educators at the Accountability and Leadership Institute in Santa Clara, CA	**50 BCN Members** **California Department of Education (CDE) & WestEd Team:** Karen Cadiero-Kaplan Lily Roberts Pamela Spycher	**Pre-meeting at the Title III Accountability Institute with the Bilingual Coordinators' Network and BTTP to discuss developing a state-wide coherent and consistent message about the new ELD Standards**
Awareness	**December 3, 2012** Present to administrators and educators at the Accountability and Leadership Institute in Santa Clara, CA	**700 California Administrators & Educators** **California Department of Education (CDE) & WestEd Team:** Karen Cadiero-Kaplan Robert Linquanti	**Understanding California's New ELD Standards and Implications for ELs and Educators**

	Dates/Events	Participants	Reflections and Insights
Awareness	**December 4, 2012** Present to administrators and educators at the Accountability and Leadership Institute in Santa Clara, CA	**580 California Administrators & Educators** **California Department of Education (CDE) Team:** Karen Cadiero-Kaplan Tom Adams	**Transitioning to the CCSS: Key Shifts in ELA & ELD**
Awareness	**January 28, 2013** Present to educators at the Ventura County Office of Education Roll-out in Ventura, CA	**100 Educators** **California Department of Education (CDE) Team:** Karen Cadiero-Kaplan	**Overview of newly adopted California 2012 ELD Standards aligned with Common Core English Language Arts Standards**
Awareness	**January 29, 2013**Present to educators at the Riverside County Office of Education in Riverside, CA	**100 Educators** **California Department of Education (CDE) Team:** Karen Cadiero-Kaplan	**Overview of newly adopted California 2012 ELD Standards aligned with Common Core English Language Arts Standards**
Awareness	**February 14, 2013** Present to administrators, teachers and parents at CABE in Long Beach, CA	**100 California Administrators, Teachers & Parents** **California Department of Education (CDE) Team:** Karen Cadiero-Kaplan	**Overview of newly adopted California 2012 ELD Standards aligned with Common Core English Language Arts Standards**

	Dates/Events	Participants	Reflections and Insights
Awareness	**February 14, 2013** **Present to administrators, teachers and parents at CABE in Long Beach, CA**	**Panel Presentation** **California Department of Education (CDE) Team:** **Karen Cadiero-Kaplan** **CA ELA-ELD Curriculum Framework Chair:** **Martha Hernandez, Ventura County Office of Education** **CA ELD Standards Lead Writer:** **Pamela Spycher, California Comprehensive Center (CA CC) at WestEd** **CA ELD Standards Expert Panel Member:** **Magaly Lavadenz, Loyola Marymount University**	**Panel Presentation:** **California Common Core State Standards and the New ELD Standards – Through the Eyes of the English Learner**
Awareness	**February 20–22, 2013** Present to educators at CISC in Monterey, CA	**100 Educators** **California Department of Education (CDE) and California Comprehensive Center (CA CC) at WestEd Team:** Lupita Cortez-Alcalá Karen Cadiero-Kaplan Pamela Spycher	**California 2012 English Language Development Standards: Overview & Strategies for Implementation**

	Dates/Events	Participants	Reflections and Insights
Awareness	**March 17, 2013** Present to parents and educators of migrant students at the Migrant Education Conference in Los Angeles, CA	**650 Parent and Educators of Migrant Students** **California Department of Education (CDE) Team:** Karen Cadiero-Kaplan Elena Fajardo	**Overview of newly adopted California 2012 ELD Standards aligned with Common Core English Language Arts Standards**
Awareness	**April 6, 2013** Present to educators at California Teachers' Association State Council Meeting in Los Angeles, CA	**100 Educators** **California Department of Education (CDE) Team:** **Karen Cadiero-Kaplan**	**Overview of newly adopted California 2012 ELD Standards aligned with Common Core English Language Arts Standards**

	Dates/Events	Participants	Reflections and Insights
Transition	**November 2012 - Present** Meet bi-weekly to discuss the implementation of the CA ELD Standards	**CDE, WestEd, and CA ELA-ELD Curriculum Framework members:** Karen Cadiero-Kaplan, Elena Fajardo, Tom Adams, Kristen Cruz Allen, Cynthia Gunderson, Lilian Perez, Gustavo Gonzalez, Sandra Covarrubias, Cliff Rudnick, Robert Linquanti, Pam Spycher, Nancy Brynelson, Hallie Yopp Slowik, Patti Crotti	**Topics Discussed:** • Development of the ELA/ELD Framework • CA ELD Standards labeling • Professional Learning Modules status • Common Definition of English learners • Home Language Survey • Reclassification survey • Assessment
Transition	**December 9, 2012** Title III COE Leads Seminar for CA ELD Standards Implementation (Day 1 of an on-going series)	**California Department of Education (CDE) Staff:** Lilia Sanchez **California Comprehensive Center (CA CC) at WestEd**: Pamela Spycher	**Seminar Topics:** **Rolling out the CA CCSS: ELD in a consistent way state-wide** • Presenting an overview of the ELD Standards to county offices and districts • Key ideas to convey for a consistent message • Guidance on application to instruction with examples and resources • Orientation to the online community of practice (Brokers of Expertise) • Time for discussion and problem solving 3-hr face-to-face professional learning opportunity at CDE

	Dates/Events	Participants	Reflections and Insights
Transition	**January 16, 2013** Title III COE Leads Seminar for CA ELD Standards Implementation (Day 2 of an on-going series)	**California Department of Education (CDE) Staff:** Lilia Sanchez **California Comprehensive Center (CA CC) at WestEd**: Pamela Spycher	**Seminar Topics:** **Implementing the Standards** • What ELD standards-based instruction looks like in various contexts • Emphasis on the new: Part II: Learning About How English Works and Appendix B • How to use existing resources effectively • How ELD standards-based instruction fits existing accountability requirements • Time for discussion and problem solving
Transition	**March 6, 2013** Submit CA ELD Standards to CDE Press for publishing and printing.	**Faye Ong, Acting Managing Editor, CDE Press** **California Department of Education (CDE) Team:** Gustavo Gonzalez	**Submitted CA ELD Standards to CDE Press for Publishing and Printing**
Transition	**March 21, 2013** Present to County Office of Education Leads at the Bilingual Coordinators Network (BCN)	**County Office of Education Leads** **California Department of Education (CDE) & WestEd Team:** Karen Cadiero-Kaplan Pam Spycher	**ELD Standards aligned with Common Core English Language Arts Standards & Round Table Discussion on ELD Standards Implementation**

	Dates/Events	Participants	Reflections and Insights
Transition	**March 22, 2013** Present to County Office of Education Leads at the Bilingual Coordinators Network (BCN)	**County Office of Education Leads** **California Department of Education (CDE) Team:** Karen Cadiero-Kaplan Serene Yee	**English Language Development Professional Needs Assessment**
Transition	**April 4, 2013** Meeting with Faye Ong to discuss the format and structure for publishing the CA ELD Standards.	**Faye Ong, CDE Press** **California Department of Education (CDE) & WestEd Team:** Karen Cadiero-Kaplan, Elena Fajardo, Gustavo Gonzalez, Robert Linquanti, Pam Spycher	**Discuss the format and structure for publishing the CA ELD Standards.**
Transition	**April 25, 2013** Discuss the criteria used by publishers in the development of the five types of programs as part of the process for adopting materials.	**CDE Staff:** Karen Cadiero-Kaplan, Elena Fajardo, Tom Adams, Jim Long, Kristen Cruz Allen, Cynthia Gunderson, Lilian Perez, Gustavo Gonzalez, Sandra Covarrubias	**ELA/ELD Criteria for Evaluating Instructional Materials for Kindergarten through Grade Eight**

	Dates/Events	Participants	Reflections and Insights
Transition	**May 15, 2013** Title III COE Leads Seminar for CA ELD Standards Implementation (Day 3 of an on-going series)	**Title III County Office of Education Leads** **California Department of Education (CDE) Staff:** Lilia Sanchez **California Comprehensive Center (CA CC) at WestEd**: Pamela Spycher **Sacramento County Office of Education:** Jan Mayer	**Seminar Topics:** **An in-depth look at the ELD Standards** • Unpacking complex texts using the ELD Standards • Using meta-language to talk about how English works in intellectually rich instructional contexts • Option for deep professional learning on the ELD Standards Collaborative presentation between CA CC (on behalf of CDE) and a Title III COE lead

	Dates/Events	Participants	Reflections and Insights
Transition	**May 16, 2013** Professional Learning provided at BCN on CA ELD Standards Implementation in Sacramento, CA.	**Title III County Office of Education Leads** **California Department of Education (CDE) Staff:** Elena Fajardo Nancy Zarenda **California Comprehensive Center (CA CC) at WestEd**: Pamela Spycher **Santa Barbara County Office of Education:** Maria Larios-Horton	**Illustrative Approaches to Bringing the ELD Standards to Life in the Common Core: Lessons from the field** Collaborative presentation between CA CC (on behalf of CDE) and a BCN member (county office)
Transition	**May 2013** Virtual focus group to review the proposed content for the online Professional Learning Modules (PLM).	**Focus Group Participants:** Megan Thole, Tori Halcon, Jan Mayer, Karin Linn-Nieves, Maria Larios-Horton, Vanessa Girard, Antonio Mora, Emma Sanchez, Laura Gonzalez **WestED Team:** Robert Linquanti Pam Spycher	**Review Draft Content Outline for the California Department of Education English Language Development Standards (ELD) Online Professional Learning Modules**

	Dates/Events	Participants	Reflections and Insights
Transition	**May 30, 2013** CA ELD Standards cross-branch collaboration at CDE.	**CDE Participants:** Elena Fajardo, Karen, Cadiero-Kaplan, Sandra Covarrubias, Gustavo Gonzalez, Lily Roberts, Amy Park, Christopher Smith, Gaye Lauritzen, Richard Critchfield, Serene Yee, Sonia Petrozello, Noelia Ramirez, Nancy Zarenda, Debbie Busch, Eric Zilbert	**CA ELD Standards Cross-Branch Collaboration**
Transition	**June 10-12, 2013** CELDT Alignment Meeting in Sacramento, CA.	**150 Representatives throughout the State** **California Department of Education (CDE) Team: Lupita Cortez-Alcalá, Deb Sigman, Karen Cadiero-Kaplan, Eric Zilbert, Elena Fajardo, Lily Roberts, Michelle Center, Sandra Covarrubias, Deborah Busch, Chris Smith, Gaye Lauritzen, Rich Critchfield, Amy Park, Jim Long, Lillian Perez**	**Alignment of CELDT Items to the CA ELD Standards**

California State Board of Education

Meeting Agenda Items for July 10-11, 2013

ITEM 09

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2013 AGENDA

SUBJECT	
California English Language Development Test: Update on Transitioning to the English Language Proficiency Assessments for California.	☐ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

In November 2012, the State Board of Education (SBE) approved the new English Language Development (ELD) Standards for kindergarten through grade twelve. Per California *Education Code* (*EC*) Section 60810(c)(7); Title III of the Elementary and Secondary Education Act (ESEA), Section 3113(b)(2); and Title III of ESEA, Section 3212(a)(2)(B)(iv), the state test of English language proficiency (ELP) must be aligned to the state-adopted ELD standards. Because the California English Language Development Test (CELDT) was developed based on the 1999 ELD standards, the California Department of Education (CDE), in accordance with *EC* Section 60811.3, must incorporate the 2012 ELD Standards into the state ELP assessment system. The CDE has proposed to replace the CELDT with the English Language Proficiency Assessments for California (ELPAC) in order to meet the state and federal requirements for alignment to the approved ELD standards.

RECOMMENDATION

This is an information item only. The CDE recommends no specific action at this time.

BRIEF HISTORY OF KEY ISSUES

The CDE is continuing to inform stakeholders about the transition from the CELDT to the ELPAC system. In May 2013, the English Language Proficiency Assessments (ELPA) Office presented the timeline and key considerations for the transition to the ELPAC to the Bilingual Coordinators Network and the Regional Assessments Network. The ELPA Program Notes for April 2013 address the ELPAC and are posted on the CDE Web page at http://www.cde.ca.gov/ta/tg/el/. On May 17, 2013, Deputy Superintendent Sigman presented to the National Assessment Governing Board about the future of ELP assessment in California. On June 21, 2013, Dr. Lily Roberts, Administrator of the ELPA Office, presented at the Council of Chief State School Officers National Conference on Student Assessment. Her presentation focused on the

challenges and benefits of California's transition to new ELD standards and assessments that will reflect the language demands of the common core.

One of the first steps in aligning the state ELP assessment to the 2012 ELD Standards is to conduct an analysis of the alignment of existing CELDT questions to the 2012 ELD Standards. This alignment is necessary to determine which of the current CELDT questions have a one-to-one match to the 2012 ELD Standards. The alignment process also informs the CDE as to which of the 2012 ELD Standards cannot be assessed by the current CELDT questions. Subsequently, additional questions aligned to the ELD standards will need to be developed.

In January 2013, the CDE directed the CELDT contractor, Educational Data Systems, to develop a plan to determine which existing CELDT questions would be suitable for use in the proposed ELPAC system. The CDE received approval from the Department of General Services to amend the 2012–15 contract by encumbering the unused balance of $726,462 from the 2009–12 contract for this purpose. As a result, the current 2012–15 contract was amended to: (1) conduct the analysis of the CELDT item alignment to the 2012 ELD Standards; (2) identify the gap between available items and items needed to produce a valid and reliable ELPAC system; (3) update the item database with the new ELD Standards identified, where applicable; and (4) complete a final report with recommendations on next steps, such as development of the test blueprints for the ELPAC tests. On May 3, 2013, the CDE and the CELDT contractor presented the proposed alignment methodology and recruitment plan to the Technical Advisory Group (TAG). The TAG members indicated the approach was sound and would yield useful information.

The item alignment plan is a rigorous and multi-step process including: (1) the convening of CELDT contractor-based ELD assessment experts to analyze and align a representative sample of CELDT questions (700 of 3,500 active items representative of all test components across all four domains); (2) the subsequent convening of a representative group of approximately 100 educators from throughout California who were carefully selected and approved by the CDE to provide their professional judgment to determine alignment of the selected sample of CELDT items to the 2012 ELD Standards; and (3) a review of the results of the item alignment meeting by an independent expert to externally validate the process. Attachment 1 provides a timeline of the key activities for the alignment process. The implementation timeline for the ELPAC is contingent upon legislative authority and sufficient funding to develop valid and reliable assessments of high technical quality.

On August 30, 2013, the CDE will convene the TAG to review the results of the item alignment analysis and provide feedback on the technical adequacy of the process and outcomes. The final analysis of the alignment of all items to the 2012 ELD Standards will be reviewed and approved by the CDE.

A final report of the alignment study will be provided by the current test contractor to document the activities performed, and the results of the alignment of CELDT questions to the 2012 ELD Standards. An updated item database with the new alignment will also be delivered to the CDE by September 30, 2013 for review and approval. The CDE will

post the final report of the alignment study on the CDE Web page and provide the report's Executive Summary to the SBE this fall.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

May 2013: The CDE presented and described the proposed ELPAC system to the SBE, comprised of an initial screener and a summative assessment. The CDE proposes to replace the CELDT with the ELPAC tests that will be aligned to the 2012 ELD Standards pending legislative authority and funding.

April 2013: The CDE provided an Information Memorandum to the SBE to introduce the proposal of replacing the CELDT with the ELPAC system aligned to the 2012 ELD Standards. The list of current TAG members is located on the State Board of Education April 2013 Information Memorandum Web page at http://www.cde.ca.gov/be/pn/im/infomemoapr2013.asp.

November 2012: The SBE adopted new ELD standards aligned to the California Common Core State Standards in English–language Arts. In accordance with *EC* sections 60810(c) (7) and 60811.3 (Assembly Bill 124), the CDE must incorporate the 2012 ELD Standards into the state ELD assessment.

FISCAL ANALYSIS (AS APPROPRIATE)

The costs of the alignment study are included in the current CELDT contract.

ATTACHMENT(S)

Attachment 1: Item Alignment Process: Timeline of Key Activities (1 Page).

Item Alignment Process: Timeline of Key Activities

February to May 2013	The CDE completed an amendment to the current CELDT contract to add the necessary tasks to analyze the alignment of current CELDT items to the 2012 ELD Standards.
March to April 2013	The CELDT contractor developed an alignment protocol based on state-of-the-art research in alignment work then conducted a preliminary analysis of alignment of current CELDT items to the new standards to test the protocol.
May 3, 2013	The CDE and the test contractor presented the item alignment plan to the Technical Advisory Group (TAG) for review and input.
May 2013	The CELDT contractor developed item alignment training materials, including item sets to be reviewed by K–12 educators at the item alignment meeting in June.
May 3, 2013	The CDE and the test contractor presented the item alignment plan to the TAG for review and input. The CDE reviewed and approved the final item alignment plan.
March to May 2013	The test contractor conducted a recruitment campaign to identify a representative sample of K–12 educators to participate in the item alignment meeting in June. Approximately 240 applications were received and screened by the test contractor.
May 2013	The CDE reviewed and approved 100 participants and 32 alternates for the alignment meeting. Educator selections were mainly based on experience with the 2012 ELD Standards, the CELDT, and work with English learners from various language backgrounds.
June 10, 2013	The test contractor and the CDE provided training for all participants on the 2012 ELD Standards and the alignment protocol at the alignment meeting.
June 11–12, 2013	The test contractor convened the item alignment meeting, which began with whole-group training on the 2012 ELD Standards led by the CDE. The educators were divided into 8 groups (four grade spans by two sets of domains). Observers from the CDE were present at the alignment meeting, one per group.
June 13, 2013	Debriefing on the item alignment meeting, on June 13, 2013, with CDE staff.
July 2013	An independent review of the item alignment results will be conducted by an expert in alignment and the 2012 ELD Standards to externally validate the process and its outcomes.
August 30, 2013	The CDE and the test contractor will present the draft item alignment report and preliminary gap analysis to the TAG for review and input.
September 30, 2013	The Test contractor will present the final report of the item alignment study to the CDE.
Fall 2013	The CDE posts final item alignment study report on its Web site.

California State Board of Education

Meeting Agenda Items for July 10-11, 2013

ITEM 10

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2013 AGENDA

SUBJECT	
Update on the California Department of Education's Implementation Timeline and Process for Incorporating New Indicators into the Academic Performance Index Consistent with *Education Code* Sections 52052 through 52052.9 to Modify the Academic Performance Index.	☐ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

The California Department of Education (CDE) will provide a brief update on the progress made toward implementing the main components of California *Education Code* (*EC*) sections 52052 through 52052.9 as amended by Senate Bill (SB) 1458 (Steinberg), including results of the regional meetings for providing public comments related to the Academic Performance Index (API).

RECOMMENDATION

This item is the fourth in a series of updates to the State Board of Education (SBE) regarding the API implementation activities. At this time, no specific action is recommended.

BRIEF HISTORY OF KEY ISSUES

Currently, the API is based on the assessment results of the Standardized Testing and Reporting (STAR) Program and/or the California High School Exit Examination (CAHSEE). SB 1458 significantly changes the composition of the API for high schools. Beginning with the 2015–16 API reporting cycle (i.e., the 2015 Base API and the 2016 Growth API), the STAR and CAHSEE results may constitute no more than 60 percent of a high school's API with the remaining 40 percent from indicators other than state assessments, such as graduation data and college and career.

The CDE has been meeting with the Public Schools Accountability Act (PSAA) Advisory Committee and the Technical Design Group (TDG) regarding methodologies for incorporating graduation and a college and career indicator into the API. The CDE, with

the assistance of the San Joaquin County Office of Education (COE) and Technology Services Division (TSD), conducted six regional meetings and one Webcast in the months of April and May 2013, to gather input from stakeholders. The table below provides dates, locations, and number of participants.

Date	Location/Event	Number of Participants
April 17	Sacramento County Office of Education and Shasta County Office of Education via Web Link	40
April 25	Fresno County Office of Education	62
April 26	Contra Costa County Office of Education	46
April 30	Los Angeles County Office of Education	109
May 1	San Diego County Office of Education	68
May 3	Riverside County Office of Education	67
May 6	California Department of Education—Webcast hosted at Shasta COE	104
Total		496

At each meeting a representative from the Academic Accountability Unit of the Analysis, Measurement, and Accountability Reporting Division (AMARD) welcomed the participants and spoke about the enactment of SB 1458. The CDE representative provided background of the law and an overview of the CDE's proposed overall plan and methodologies for incorporating graduation and college and career indicators into the API. Two handouts were provided: (1) "A Special Invitation from the State Superintendent of Public Instruction to Attend Regional Input Meetings on High School Accountability," and (2) "Questions to Consider for Public Comment." Both handouts were sent via e-mail before the regional meetings.

A total of 146 attendees provided public comments at the regional meetings. Participants in the Webcast were asked to provide comments to the e-mail address established for public comment (api@cde.ca.gov). The CDE has received 47 e-mails after the Webcast providing comments. The table on the next page provides the type of organization, affiliation and/or job type of those who provided comments.

Organization/Affiliation/Job Type	Regional Meetings Total	Webcast E-mail Total
Administrator (school, district, or county office of education)	70	18
Arts Organization	13	--
Civic Organization	9	--
College Faculty	1	3
Health/Safety Organization	10	1
Industry Representative	2	--
Parent	13	3
Regional Occupational Centers and Programs (ROCP) Administrator	6	2
Student	3	2
Teacher/Educator	19	3
Unknown	0	15
Total	146	47

-- = Unknown

The most frequently addressed topics (10 or more people made comments) are listed below. For more detailed information see Attachment 1.

- 64 comments (40 speakers and 24 e-mails) were received supporting the inclusion of career pathways, industry certification, or work-based experience measures
- 39 comments (28 speakers and 11 e-mails) were received supporting the inclusion of health, safety, and physical education measures
- 37 comments (35 speakers and 2 e-mails) were received supporting the inclusion of visual and performing arts measures
- 21 speakers supported provided full credit for students who graduate in their fifth and sixth year (current PSAA legislation only provides ½ credit for fifth year graduates and ¼ credit for sixth year graduates)
- 20 comments (12 speakers and 8 e-mails) were received supporting the inclusion of college readiness measures, such as a-g requirements, Advanced Placement, International Baccalaureate (IB), honors courses, and dual enrollment
- 17 comments (12 speakers and 5 e-mails) were received supporting the inclusion of a gifted education measure

The CDE also posted a survey regarding the inclusion of new indicators into the high school API in late May. Preliminary results will be shared orally at the SBE meeting.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In March 2013, the SBE approved eliminating the requirement that the performance levels of students in grades eight and nine taking the General Mathematics California Standards Test (CST) be lowered by one or two performance levels, respectively, for inclusion into the 2012 Base API. In January 2012, the SBE approved proposed amendments to *California Code of Regulations*, Title 5 (5 *CCR*) sections 1039.2 and 1039.3 which defined continuous student enrollment for accountability purposes and required assessment results from an alternative education program to be assigned to the school/local educational agency of residence under specific circumstances. These regulations became operative on May 2, 2012. In March 2011, the SBE approved proposed amendments to 5 *CCR* Section 1039.1 which allows for the integration of grade eight and nine dropout data into the API. The regulation became operative on September 3, 2011.

FISCAL ANALYSIS (AS APPROPRIATE)

The 2013 State Budget provides the CDE with two positions to support the implementation of SB 1458. Although AMARD has begun a small portion of the work associated with implementing SB 1458, the majority of the work (e.g., researching college and career measures, running simulations, etc.) has been postponed until the budget positions are staffed.

ATTACHMENT(S)

Attachment 1: 2013 Regional Public Input Meetings on High School Accountability (4 Pages)

Attachment 2: College and Career Indicator with Multiple Measures (1 page)

Attachment 3: Proposed Methodology to Incorporate Graduation Data in the Academic Performance Index (1 Page)

Attachment 4: A Special Invitation from the State Superintendent of Public Instruction to Attend Regional Input Meetings on High School Accountability (1 Page)

Attachment 5: Questions to Consider for Public Comment (1 Page)

2013 Regional Public Input Meetings on High School Accountability

Sacramento, April 17—Fresno, April 25—Contra Costa, April 26
Los Angeles, April 30—San Diego, May 1—Riverside, May 3, CDE Webcast May 6

Purpose

Six regional public meetings were held throughout the state to seek public input on new high school accountability requirements for the Academic Performance Index (API). In addition, the California Department of Education (CDE) conducted one Webcast. The table below provides the number of attendees at each event.

Public Comment Attendee Counts

Organization/Affiliation/Job Type	Sacramento	Fresno	Contra Costa	Los Angeles	San Diego	Riverside	Web-cast E-mail	Total
Administrator (school, district, or county office of education)	8	14	15	12	11	10	18	88
Arts Organization	1	2	0	6	3	1	--	13
Civic Organization	3	3	1	1	1	0	--	9
College Faculty	0	1	0	0	0	0	3	4
Health/Safety Organization	1	5	2	1	1	0	1	11
Industry Representative	1	0	1	0	0	0	--	2
Parent	1	0	1	5	2	4	3	16
Regional Occupational Centers and Programs Administrator	4	1	1	0	0	0	2	8
Student	1	0	0	2	0	0	2	5
Teacher/Educator	1	0	9	5	2	2	3	22
Unknown	0	0	0	0	0	0	15	15
Total	21	26	30	32	20	17	47	193

-- = Unknown

Public Comment

At the beginning of each meeting, participants viewed a video which provided background information on the proposed methodologies for incorporating graduation and college and career data in the API (see Attachments 2 and 3). After the video, time was provided for questions and answers before the meeting was opened for public comments.

Graduation Indicator

- ***Do you support adding a graduation indicator into the API?***

  Of the 193 people providing comments, 27 (24 speakers and 3 e-mails) provided input on this question. Of those 27, 22 supported credit for students who graduate after four years, one speaker suggested establishing standard definitions across districts, and four speakers suggested establishing a persistence or save rate.

In addition, eight e-mails were received supporting the inclusion of graduation data into the API.

College and Career Indicator (CCI)

- ***What is your opinion on the methodology proposed for the CCI, as displayed in Attachment 2?***

  Of the 193 people providing comments, 17 (16 speakers and 1 e-mail) provided input on this question. Of those 17, one person recommended data elements and a plan for CCI methodology, six people supported an individual student growth model, eight people supported a model that accounts for college and career separately or that the highest API point value be given for students who are both college and career ready, and two people had general comments.

- ***What measures should be considered for inclusion in the proposed CCI methodology?***

  Of the 193 people providing comments, the following commented on or supported including the following measures:

  - 20 comments (12 speakers and 8 e-mails) on college readiness
  - 27 comments (18 speakers and 9 e-mails) on career readiness pathway completion
  - 37 comments (22 speakers and 15 e-mails) on career readiness, industry certification, and work-based learning experience
  - 37 comments (35 speakers and 2 e-mails) on visual and performing arts
  - 44 comments (33 speakers and 11 e-mails) on health, safety, and physical education
  - 17 comments (12 speakers and 5 e-mails) on gifted education
  - 26 comments (21 speakers and 5 e-mails) on a variety of other measures

  College Readiness: Completion of A-G Requirements, AP, IB, Honors, and/or College Courses

  Twenty people commented and/or supported college readiness measures in the CCI. The discussions focused primarily on student completion of a-g requirements, Advanced Placement (AP), International Baccalaureate (IB) courses, honors courses, and dual enrollment college courses.

Career Readiness: Career Technical Education (CTE) Pathway Completion

Twenty-seven people supported and/or commented on including measures of career pathways in the CCI, such as pathway completion, completion of one of several defined levels, such as students in industry recognized course patterns or articulated course with colleges, or earning an industry certificate.

Career Readiness: Industry Certification and Work-Based Learning Experience

Thirty-seven people supported including measures of industry certification and work-based learning experience. Work-based learning experience generally includes a paid or unpaid internship, apprenticeship, or certified work experience.

❖ ***What other indicators should be considered for inclusion in API?***

Visual and Performing Arts Education

Thirty-seven people supported including a measure of visual and performing arts education in the CCI.

Health, Safety, and Physical Education

Thirty-one people supported including the following measures of health, safety, and physical education in the CCI:

- Suspension and expulsion rate (10 speakers and 7 e-mails)
- Chronic absences (16 speakers and 2 e-mails)
- Attendance (5 speakers and 8 e-mails)
- FITNESSGRAM results (16 speakers and 2 e-mails)
- Nutrition/access to healthy food (8 responses)
- Healthy Kids data, if available (1 response)
- Parent engagement (4 responses)

Gifted Education

Seventeen people supported including a measure of gifted education in the CCI.

Other Indicators for Inclusion in the API

Thirty-one people proposed other measures for inclusion in the API:

- Staff quality (6 speakers)
- Postsecondary education enrollment or job placement (4 speakers and 5 e-mails)
- Extra-curricular activities (3 speakers and 2 e-mails)
- Civic and community service activities (3 speakers and 2 e-mails)
- Parent engagement (2 speakers)
- District indicators (2 speakers)
- Locally defined indicators (1 speaker)
- Ratio of guidance counselors and career technicians to students (1 e-mail)

Proposed Methodology to Incorporate Graduation Data in the Academic Performance Index

On February 12, 2013, the Public Schools Accountability Act (PSAA) Advisory Committee requested California Department of Education (CDE) staff to conduct simulations on incorporating graduation data into the Academic Performance Index (API). The PSAA Advisory Committee requested simulations that incorporate the following priorities:

- Bonus points for four-year graduates who are classified as disadvantaged:
  - English Learner (EL)
  - Socioeconomically Disadvantage (SED)
  - Students with Disabilities (SWD)

- More than 200 API points for students passing the General Development Test (GED). Note: 200 points are assigned to non-graduates.

- More than 200 API points for students earning Special Education Certificates.

Below are the proposed point structures that were shared at the six regional meetings and during the Webcast.

Proposed API Point Structure

4-Year Graduate with Diploma	Special Education Certificate	GED Test	Non-Graduate
1,000	800	800	200

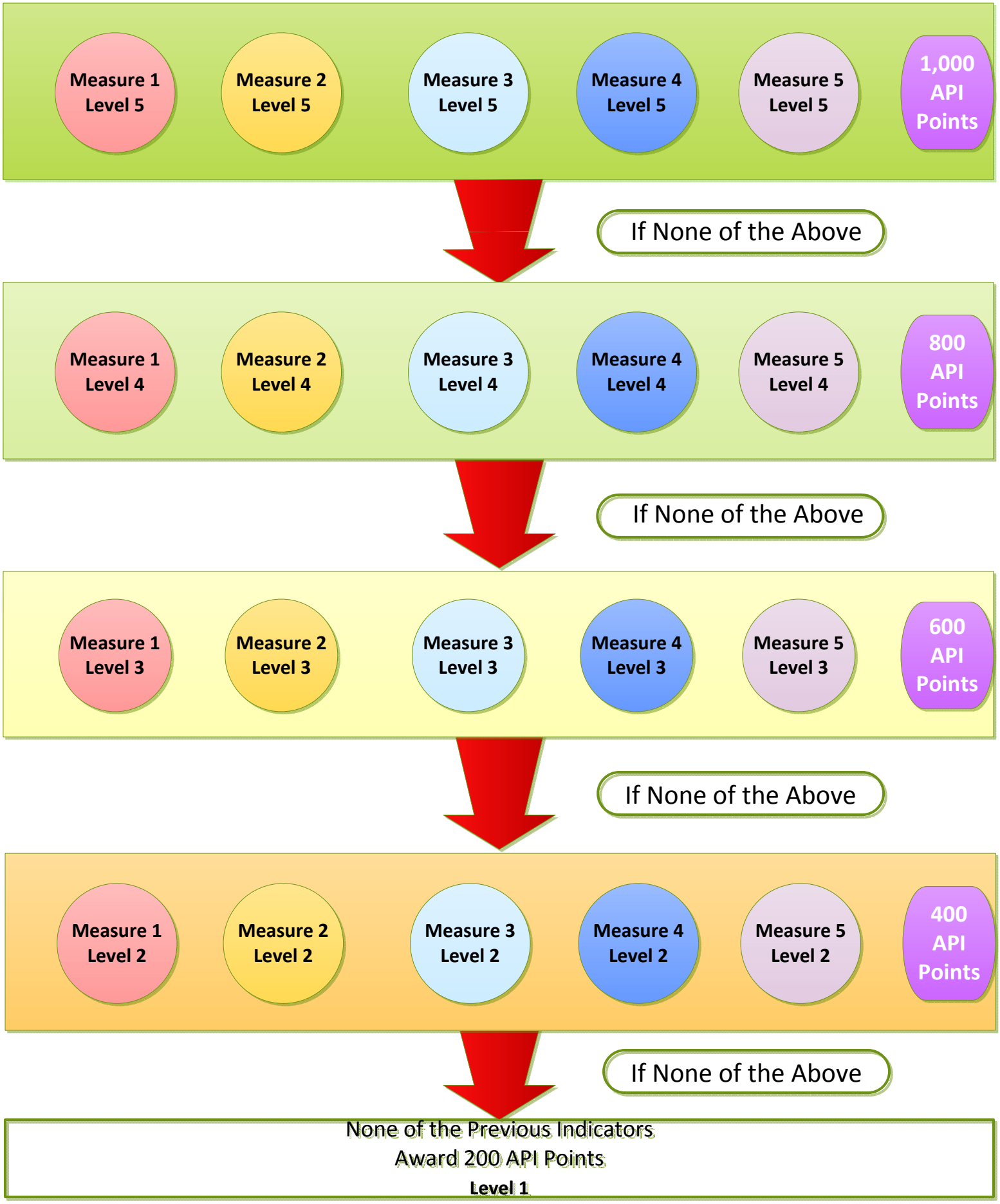
Proposed Bonus Point API Structure

4-Year Graduate API Points	+	Bonus Points Added			=	Maximum API Points Earned*
		EL	SWD	SED		
1,000		50	50	50		1,150

* Schoolwide API is capped at 1,000 points.

College and Career Indicator with Multiple Measures

Student Data from CALPADS-4 year Cohort (same cohort as Grad Rate)



A Special Invitation from the State Superintendent of Public Instruction to Attend...

Regional Input Meetings on High School Accountability

In response to state legislation, the California Department of Education (CDE) is developing new indicators to include in the Academic Performance Index (API) for high schools. To help in this important task, the CDE requests input from you about the proposed indicators at upcoming regional meetings scheduled throughout the state. You also are encouraged to invite other interested members of your community.

The CDE annually calculates the API to measure the academic performance and progress of every California public school. Used for state and federal accountability, the API currently is based solely on statewide test results.

By the 2015–16 API cycle, the CDE must add new indicators for calculating the high school API. These indicators may include graduation data, college and career measures, or other indicators. The CDE is conducting the following regional meetings at six county offices of education to obtain feedback about the proposed changes:

April 17, 2013 9 a.m.– Noon	Sacramento County Office of Education • 10474 Mather Boulevard, Mather Room Mather, CA 95655
April 25, 2013 9 a.m.– Noon	Fresno County Office of Education • 1111 Van Ness Avenue, Room 101T Fresno, CA 93721
April 26, 2013 9 a.m.– Noon	Contra Costa County Office of Education • 77 Santa Barbara Road, Board Room Pleasant Hill, CA 94523
April 30, 2013 9 a.m.– Noon	Los Angeles County Office of Education • Head Start-State Preschool • 10100 Pioneer Boulevard, Room 110 Santa Fe Springs, CA 90670
May 1, 2013 9 a.m.– Noon	San Diego County Office of Education • Joe Rindone Regional Technology Center, Room 202 • 6401 Linda Vista Road San Diego, CA 92111
May 3, 2013 9 a.m.– Noon	Riverside County Office of Education • Conference Center, To be Determined • 3958 Twelfth Street Riverside, CA 92501

We urge you to attend and share your thoughts about ways the performance of high school students can be included in a revised API. Registration is not required to attend any of these meetings.

Recommendations on new indicators for the API may also be submitted to the CDE's Academic Accountability Unit by e-mail at api@cde.ca.gov. For questions, contact the Academic Accountability Unit by e-mail at aau@cde.ca.gov or by phone at 916-319-0863.

California Department of Education

Academic Performance Index High School

Questions to Consider for Public Comment

Graduation Indicator

- Do you support providing schools with bonus points (at the schoolwide level only) for disadvantaged students who earn a regular diploma within four-years, and why or why not?
- Which API point value should be assigned to a special education certificate? The same API points as a:
  - Four-year graduate with high school diploma
  - GED
  - Non-graduate
  - Other

College and Career Indicator (CCI)

- Are there other options that you would like the SSPI to consider for adding a graduation indicator into the API?
- What is your opinion of the methodology proposed for the CCI?
- What measures should be considered for inclusion in the CCI?
- What measures would be appropriate for alternative education schools?
- What other methodologies would you recommend for adding the CCI into the API?

Implement Timeline

- Which of the following two implementation timelines is preferred, and why?
  - All-At-Once Implementation
    - Add graduation and college and career indicators with the new Smarter Balanced Assessment Consortium (SBAC) assessment results into the 2015–16 API cycle.
  - Gradual Three-year Implementation
    - Add a graduation indicator into the 2013–14 API cycle.
    - Add a CCI into the 2014–15 API cycle.
    - Add new SBAC assessments results into the 2015–16 API cycle.
- What other options would you recommend for the implementation timeline?

Other Considerations

- What measures would you recommend for a college and career snapshot, whether or not they are included in a state accountability system?
- What other indicators may be added to the API in addition to the graduation indicator and CCI?

Recommendations on new indicators for the API may also be submitted to the CDE's Academic Accountability Unit by e-mail at api@cde.ca.gov. For questions, contact the Academic Accountability Unit by e-mail at aau@cde.ca.gov or by phone at 916-319-0863.

California Department of Education

Academic Performance Index High School

California State Board of Education

Meeting Agenda Items for July 10-11, 2013

ITEM 11

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2013 AGENDA

SUBJECT	
School Accountability Report Card: Approve the Template for the 2012–13 School Accountability Report Card.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

The State Board of Education (SBE) annually approves the School Accountability Report Card (SARC) template in accordance with the requirements of state law (California *Education Code* [*EC*] sections 33126, 33126.1, 35256, 35258, and 41020).

In the 25 years since the passage of Proposition 98, the SARC has grown to include over 50 data tables and narrative descriptions making it a comprehensive accountability tool. However, focus groups held in April 2013 revealed that some parents are overwhelmed by the lengthy report and find it overly complex and intimidating. The California Department of Education (CDE) and the SBE have engaged in ongoing discussions to evaluate different ways to improve the usability and readability of the SARC.

RECOMMENDATION

The CDE recommends that the SBE approve the proposed template for the 2012–13 SARC that will be published during the 2013–14 school year (Attachment 1).

The 2012–13 SARC template has been modified based on the recommendations gathered from educators, parents, and community members at focus group meetings held in April 2013 in different regions throughout the state. These focus group meetings were held to solicit public input to improve the usability and readability of the SARC. The CDE is recommending these changes to make the SARC template more user-friendly to the public while continuing to be responsive to state and federal requirements.

BRIEF HISTORY OF KEY ISSUES

Included in Proposition 98, passed in 1988, the SARC is an accountability tool that reports data on various indicators. The purpose of the SARC is to apprise parents and members of the public about school conditions and performance.

Each year, the CDE prepares for the SBE an updated template containing all the SARC reporting elements that are required by state and federal law. Any changes to the required data elements in the SARC must be legislated. However, the State Superintendent of Public Instruction (SSPI), the CDE, and the SBE have considerable flexibility in making changes to the formatting of the SARC template, including how the data elements are displayed (e.g., tables or graphics) and the order in which the data elements appear in the SBE-approved template.

During April and May of 2013, the CDE conducted an online survey and hosted focus group meetings at various regions throughout the state for SARC coordinators and parents to gather information regarding potential improvements to the 2012–13 SARC. Specific questions guided the members of the focus groups and survey respondents to provide insights and suggestions on how best to report the critical components of the SARC and to identify the best data available to gauge the performance of the schools. The table below provides locations, dates, and number of participants.

Location	Date	Number of District and School Staff	Number of Parents and Community Members
Sacramento	April 8, 2013	7	6
San Diego	April 23, 2013	6	9
Riverside	April 24, 2013	5	0
Los Angeles	April 25, 2013	11	7
Total		29	22

A comprehensive accountability system should not only measure how well students and schools are performing over time, but it should also be easily understood by the parents and public. Respondents to the online survey and focus group members provided useful recommendations to modify the SARC format, including how the data elements are displayed and the order in which the data elements appear in the template.

The following modifications, pending SBE approval, will be made to the proposed 2012–13 SARC template, to be published during the 2013–14 school year, to improve its usability and readability. The two changes are intended to provide parents and members of the public with additional information to assist in their understanding of the SARC and to facilitate comparisons between school and local educational agency (LEA)-level test results.

1. Include Additional Information and Definitions

Some focus group members stated that the SARC is difficult to read and that it is not easily understood by parents and community members. The focus groups recommended that the CDE focus on creating a more user-friendly document, devoid of jargon and with more explanation included in tables. Therefore, language has been added to the SARC in Section I. Data and Access, referencing the *2012–13 Academic Performance Index (API) Reports Information Guide* and the Data Element Definitions document, including hyperlinks to these documents on the CDE Web site. Additionally,

the CDE will add explanatory text to provide more clarity of the information and terms used in the SARC and valuable background information to each SARC table to help parents and community members better understand the information.

2. Reorder the SARC Indicators

Some focus group members stated that the current SARC template format and data displays are not engaging or user-friendly. Respondents expressed preferences that SARC indicators that are more widely valued (e.g., student performance and school accountability) be closer to the beginning of the SARC. Therefore, to improve the usefulness of the SARC, the SARC data elements and tables that were identified as the most important have been moved towards the front of the report. The report layout has been modified to allow parents and stakeholders to quickly compare performance between school and LEA-level test results using the most current data.

Increase in SARC Reporting by LEAs

Following the discussions with the SBE in July 2012, about the difficulty in finding SARC reports posted by LEAs, the CDE developed a new mechanism for LEAs to report the uniform resource locator (URL) where their school's SARC reports are located. The CDE requested each LEA to electronically submit a SARC URL which the CDE has displayed on the CDE Find a School Report Card Web page at http://www3.cde.ca.gov/sarcupdate/clink.aspx. Currently, the CDE has reviewed and approved approximately 10,000 SARC URLs from LEAs.

Introduce the Web-based SARC Application

In an effort to improve and streamline the data collection and reporting system, the CDE has developed a Web-based application that schools may use to submit locally collected SARC data directly to the CDE. For those districts that choose this option, the CDE will compile data submitted by schools along with data already available at the CDE to prepare and post a completed SARC for every school in California. This ensures the consistency of SARC reporting and will save LEA resources completing the SARC.

The CDE demonstrated the online SARC data collection Web-based application during the SARC focus group meetings and received positive feedback from LEA staff. The CDE incorporated additional recommendations from the focus group members to further improve the Web-based application. The use of the Web-based application is optional; however, it does provide another helpful tool for LEAs to use in preparing their SARCs. The SARC Web-based application is scheduled to be made available for LEA and school use in September of 2013.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In July 2012, the SBE approved the 2011–12 SARC template that was used for SARCs published during the 2012–13 school year. The CDE proposed several options to improve the usability and readability of the SARC. One approach was to conduct focus group meetings to review and potentially revise the data elements to ensure that the chosen data elements are more user-friendly and display the most important information for parents and community members to learn about their schools.

In May 2012, the SBE engaged in a discussion about the future of accountability in California that included exploring ways to better utilize the SARC to communicate with parents and the public about the performance of schools across a number of important indicators.

FISCAL ANALYSIS (AS APPROPRIATE)

If approved by the SBE, the recommended action will result in ongoing costs to the CDE to prepare and publish the SARC. All costs associated with the preparation of the SARCs are included in the CDE's Analysis, Measurement, and Accountability Reporting Division's budget. No additional costs would be imposed on LEAs and schools as a result of approving the SARC template.

The costs of designing the Web-based application were contained in an existing contract.

ATTACHMENT(S)

Attachment 1: 2012–13 School Accountability Report Card Template (Word Version) to be published in 2013–14 (20 Pages)

2012–13
School Accountability Report Card Template
(Word Version)
To be published in 2013–14

Prepared by:
California Department of Education
Analysis, Measurement, and Accountability Reporting Division

Posted to the CDE Web:
September XX, 2013

Contact:
SARC Team
916-319-0406
sarc@cde.ca.gov

Important!

Please delete this page before using the SARC template

Executive Summary School Accountability Report Card, 2012–13

For ...School

Address: **Phone:**
Principal: **Grade Span:**

This executive summary of the School Accountability Report Card (SARC) is intended to provide parents and community members with a quick snapshot of information related to individual public schools. Most data presented in this report are reported for the 2012–13 school year. School finances and school completion data are reported for the 2011–12 school year. Contact information, facilities, curriculum and instructional materials, and select teacher data are reported for the 2013–14 school year. For additional information about the school, parents and community members should review the entire SARC or contact the school principal or the district office.

About This School

Narrative provided by the LEA

Student Enrollment

Group	Enrollment
Number of students	#
Black or African American	%
American Indian or Alaska Native	%
Asian	%
Filipino	%
Hispanic or Latino	%
Native Hawaiian or Pacific Islander	%
White	%
Two or More Races	%
Socioeconomically Disadvantaged	%
English Learners	%
Students with Disabilities	%

Teachers

Indicator	Teachers
Teachers with full credential	#
Teachers without full credential	#
Teachers Teaching Outside Subject Area of Competence	#
Misassignments of Teachers of English Learners	#
Total Teacher Misassignments	#

Student Performance

Subject	Students Proficient and Above on STAR[1] Program Results
English-Language Arts	%
Mathematics	%
Science	%
History-Social Science	%

Academic Progress[2]

Indicator	Result
2013 Growth API Score (from 2013 Growth API Report)	#
Statewide Rank (from 2012 Base API Report)	#
Met All 2013 AYP Requirements	Yes/no
Number of AYP Criteria Met Out of the Total Number of Criteria Possible	Met # of #
2013–14 Program Improvement Status (PI Year)	#

School Facilities

Summary of Most Recent Site Inspection

Narrative provided by the LEA

Repairs Needed

Narrative provided by the LEA

Corrective Actions Taken or Planned

Narrative provided by the LEA

Curriculum and Instructional Materials

Core Curriculum Area	Pupils Who Lack Textbooks and Instructional Materials
Reading/Language Arts	%
Mathematics	%
Science	%
History-Social Science	%
Foreign Language	%
Health	%
Visual and Performing Arts	%
Science Laboratory Equipment (grades 9-12)	%

School Finances

Level	Expenditures Per Pupil (Unrestricted Sources Only)
School Site	$
District	$
State	$

[1] Standardized Testing and Reporting Program assessments used for accountability purposes include the California Standards Tests, the California Modified Assessment, and the California Alternate Performance Assessment.
[2] The Academic Performance Index is required under state law. Adequate Yearly Progress is required by federal law.

School Completion

Indicator	Result
Graduation Rate (if applicable)	%

Postsecondary Preparation

Measure	Percent
Pupils Who Completed a Career Technical Education Program and Earned a High School Diploma	%
Graduates Who Completed All Courses Required for University of California or California State University Admission	%

California Department of Education

School Accountability Report Card
Reported Using Data from the 2012–13 School Year
Published During 2013–14

Every school in California is required by state law to publish a School Accountability Report Card (SARC), by February 1 of each year. The SARC contains information about the condition and performance of each California public school.

- For more information about SARC requirements, see the California Department of Education (CDE) SARC Web page at http://www.cde.ca.gov/ta/ac/sa/.

- For additional information about the school, parents and community members should contact the school principal or the district office.

I. Data and Access

DataQuest

DataQuest is an online data tool located on the CDE DataQuest Web page at http://dq.cde.ca.gov/dataquest/ that contains additional information about this school and comparisons of the school to the district, the county, and the state. Specifically, DataQuest is a dynamic system that provides reports for accountability (e.g., state Academic Performance Index [API], federal Adequate Yearly Progress [AYP]), test data, enrollment, high school graduates, dropouts, course enrollments, staffing, and data regarding English learners.

Internet Access

Internet access is available at public libraries and other locations that are publicly accessible (e.g., the California State Library). Access to the Internet at libraries and public locations is generally provided on a first-come, first-served basis. Other use restrictions may include the hours of operation, the length of time that a workstation may be used (depending on availability), the types of software programs available on a workstation, and the ability to print documents.

Additional Information

For further information regarding the data elements and terms used in the SARC see the *2012–13 Academic Performance Index Reports Information Guide* located on the CDE API Web page at http://www.cde.ca.gov/ta/ac/ap/.

Throughout this document the letters DPL mean data provided by the local educational agency (LEA), and the letters DPC mean data provided by the CDE.

II. About This School

District Contact Information (School Year 2013–14)

District Name	Data provided by the CDE
Phone Number	Data provided by the CDE
Web Site	Data provided by the CDE
Superintendent	Data provided by the CDE
E-mail Address	Data provided by the CDE

School Contact Information (School Year 2013–14)

School Name	Data provided by the CDE
Street	Data provided by the CDE
City, State, Zip	Data provided by the CDE
Phone Number	Data provided by the CDE
Principal	Data provided by the CDE
E-mail Address	Data provided by the CDE
County-District-School (CDS) Code	Data provided by the CDE

School Description and Mission Statement (School Year 2012–13)

Narrative provided by the LEA

Use this space to provide information about the school, its program, and its goals.

Opportunities for Parental Involvement (School Year 2012–13)

Narrative provided by the LEA

Use this space to provide information on how parents can become involved in school activities, including contact information pertaining to organized opportunities for parent involvement.

III. Student Performance

Standardized Testing and Reporting Program

The Standardized Testing and Reporting (STAR) Program consists of several key components, including:

- **California Standards Tests (CSTs)**, which include English-language arts (ELA) and mathematics in grades two through eleven; science in grades five, eight, and nine through eleven; and history-social science in grades eight, and nine through eleven.

- **California Modified Assessment (CMA)**, an alternate assessment that is based on modified achievement standards in ELA for grades three through eleven; mathematics for grades three through seven, Algebra I, and Geometry; and science in grades five and eight, and Life Science in

grade ten. The CMA is designed to assess those students whose disabilities preclude them from achieving grade-level proficiency on an assessment of the California content standards with or without accommodations.

- **California Alternate Performance Assessment (CAPA)**, includes ELA and mathematics in grades two through eleven, and science for grades five, eight, and ten. The CAPA is given to those students with significant cognitive disabilities whose disabilities prevent them from taking either the CSTs with accommodations or modifications or the CMA with accommodations.

The assessments under the STAR Program show how well students are doing in relation to the state content standards. On each of these assessments, student scores are reported as performance levels.

For detailed information regarding the STAR Program results for each grade and performance level, including the percent of students not tested, see the CDE STAR Results Web site at http://star.cde.ca.gov.

Standardized Testing and Reporting Results for All Students – Three-Year Comparison

Subject	Percent of Students Scoring at Proficient or Advanced (meeting or exceeding the state standards)								
	School			District			State		
	2010–11	2011–12	2012–13	2010–11	2011–12	2012–13	2010–11	2011–12	2012–13
English-Language Arts	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC
Mathematics	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC
Science	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC
History-Social Science	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC

Note: Scores are not shown when the number of students tested is ten or less, either because the number of students in this category is too small for statistical accuracy or to protect student privacy.

Standardized Testing and Reporting Results by Student Group – Most Recent Year

Group	Percent of Students Scoring at Proficient or Advanced			
	English-Language Arts	Mathematics	Science	History-Social Science
All Students in the LEA	DPC	DPC	DPC	DPC
All Students at the School	DPC	DPC	DPC	DPC
Male	DPC	DPC	DPC	DPC
Female	DPC	DPC	DPC	DPC
Black or African American	DPC	DPC	DPC	DPC
American Indian or Alaska Native	DPC	DPC	DPC	DPC
Asian	DPC	DPC	DPC	DPC
Filipino	DPC	DPC	DPC	DPC
Hispanic or Latino	DPC	DPC	DPC	DPC
Native Hawaiian or Pacific Islander	DPC	DPC	DPC	DPC
White	DPC	DPC	DPC	DPC

Two or More Races	DPC	DPC	DPC	DPC
Socioeconomically Disadvantaged	DPC	DPC	DPC	DPC
English Learners	DPC	DPC	DPC	DPC
Students with Disabilities	DPC	DPC	DPC	DPC
Students Receiving Migrant Education Services	DPC	DPC	DPC	DPC

Note: Scores are not shown when the number of students tested is ten or less, either because the number of students in this category is too small for statistical accuracy or to protect student privacy.

California High School Exit Examination

The California High School Exit Examination (CAHSEE) is primarily used as a graduation requirement. However, the grade ten results of this exam are also used to establish the percentages of students at three proficiency levels (not proficient, proficient, or advanced) in ELA and mathematics to compute AYP designations required by the federal Elementary and Secondary Education Act (ESEA), also known as No Child Left Behind (NCLB).

For detailed information regarding CAHSEE results, see the CDE CAHSEE Web site at http://cahsee.cde.ca.gov/.

California High School Exit Examination Results for All Grade Ten Students – Three-Year Comparison (if applicable)

Subject	Percent of Students Scoring at Proficient or Advanced								
	School			District			State		
	2010–11	2011–12	2012–13	2010–11	2011–12	2012–13	2010–11	2011–12	2012–13
English-Language Arts	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC
Mathematics	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC

Note: Scores are not shown when the number of students tested is ten or less, either because the number of students in this category is too small for statistical accuracy or to protect student privacy.

California High School Exit Examination Grade Ten Results by Student Group – Most Recent Year (if applicable)

Group	English-Language Arts			Mathematics		
	Not Proficient	Proficient	Advanced	Not Proficient	Proficient	Advanced
All Students in the LEA	DPC	DPC	DPC	DPC	DPC	DPC
All Students at the School	DPC	DPC	DPC	DPC	DPC	DPC
Male	DPC	DPC	DPC	DPC	DPC	DPC
Female	DPC	DPC	DPC	DPC	DPC	DPC
Black or African American	DPC	DPC	DPC	DPC	DPC	DPC
American Indian or Alaska Native	DPC	DPC	DPC	DPC	DPC	DPC
Asian	DPC	DPC	DPC	DPC	DPC	DPC
Filipino	DPC	DPC	DPC	DPC	DPC	DPC
Hispanic or Latino	DPC	DPC	DPC	DPC	DPC	DPC
Native Hawaiian or Pacific Islander	DPC	DPC	DPC	DPC	DPC	DPC

White	DPC	DPC	DPC	DPC	DPC	DPC
Two or More Races	DPC	DPC	DPC	DPC	DPC	DPC
Socioeconomically Disadvantaged	DPC	DPC	DPC	DPC	DPC	DPC
English Learners	DPC	DPC	DPC	DPC	DPC	DPC
Students with Disabilities	DPC	DPC	DPC	DPC	DPC	DPC
Students Receiving Migrant Education Services	DPC	DPC	DPC	DPC	DPC	DPC

Note: Scores are not shown when the number of students tested is ten or less, either because the number of students in this category is too small for statistical accuracy or to protect student privacy.

California Physical Fitness Test Results (School Year 2012–13)

The California Physical Fitness Test (PFT) is administered to students in grades five, seven, and nine only. This table displays by grade level the percent of students meeting the fitness standards for the most recent testing period. For detailed information regarding this test, and comparisons of a school's test results to the district and state, see the CDE PFT Web page at http://www.cde.ca.gov/ta/tg/pf/.

Grade Level	Percent of Students Meeting Four of Six Fitness Standards	Percent of Students Meeting Five of Six Fitness Standards	Percent of Students Meeting Six of Six Fitness Standards
5	DPC	DPC	DPC
7	DPC	DPC	DPC
9	DPC	DPC	DPC

Note: Scores are not shown when the number of students tested is ten or less, either because the number of students in this category is too small for statistical accuracy or to protect student privacy.

IV. Accountability

Academic Performance Index

The Academic Performance Index (API) is an annual measure of state academic performance and progress of schools in California. API scores range from 200 to 1,000, with a statewide target of 800. For detailed information about the API, see the CDE API Web page at http://www.cde.ca.gov/ta/ac/ap/.

Academic Performance Index Ranks – Three-Year Comparison

This table displays the school's statewide and similar schools' API ranks. The ***statewide API rank*** ranges from 1 to 10. A statewide rank of 1 means that the school has an API score in the lowest ten percent of all schools in the state, while a statewide rank of 10 means that the school has an API score in the highest ten percent of all schools in the state.

The ***similar schools API rank*** reflects how a school compares to 100 statistically matched "similar schools." A similar schools rank of 1 means that the school's academic performance is comparable to the lowest performing ten schools of the 100 similar schools, while a similar schools rank of 10 means that the school's academic performance is better than at least 90 of the 100 similar schools.

API Rank	2010	2011	2012
Statewide	DPC	DPC	DPC
Similar Schools	DPC	DPC	DPC

Academic Performance Index Growth by Student Group – Three-Year Comparison

Group	Actual API Change 2010–11	Actual API Change 2011–12	Actual API Change 2012–13
All Students at the School	DPC	DPC	DPC
Black or African American	DPC	DPC	DPC
American Indian or Alaska Native	DPC	DPC	DPC
Asian	DPC	DPC	DPC
Filipino	DPC	DPC	DPC
Hispanic or Latino	DPC	DPC	DPC
Native Hawaiian or Pacific Islander	DPC	DPC	DPC
White	DPC	DPC	DPC
Two or More Races	DPC	DPC	DPC
Socioeconomically Disadvantaged	DPC	DPC	DPC
English Learners	DPC	DPC	DPC
Students with Disabilities	DPC	DPC	DPC

Note: "N/D" means that no data were available to the CDE or LEA to report. "B" means the school did not have a valid API Base and there is no Growth or target information. "C" means the school had significant demographic changes and there is no Growth or target information.

Academic Performance Index Growth by Student Group – 2013 Growth API Comparison

This table displays, by student group, the number of students included in the API and the 2013 Growth API at the school, LEA, and state level.

Group	Number of Students	School	Number of Students	LEA	Number of Students	State
All Students at the School	DPC	DPC	DPC	DPC	DPC	DPC
Black or African American	DPC	DPC	DPC	DPC	DPC	DPC
American Indian or Alaska Native	DPC	DPC	DPC	DPC	DPC	DPC
Asian	DPC	DPC	DPC	DPC	DPC	DPC
Filipino	DPC	DPC	DPC	DPC	DPC	DPC
Hispanic or Latino	DPC	DPC	DPC	DPC	DPC	DPC
Native Hawaiian or Pacific Islander	DPC	DPC	DPC	DPC	DPC	DPC
White	DPC	DPC	DPC	DPC	DPC	DPC
Two or More Races	DPC	DPC	DPC	DPC	DPC	DPC
Socioeconomically Disadvantaged	DPC	DPC	DPC	DPC	DPC	DPC
English Learners	DPC	DPC	DPC	DPC	DPC	DPC
Students with Disabilities	DPC	DPC	DPC	DPC	DPC	DPC

Adequate Yearly Progress

The federal ESEA requires that all schools and districts meet the following Adequate Yearly Progress (AYP) criteria:

- Participation rate on the state's standards-based assessments in ELA and mathematic
- Percent proficient on the state's standards-based assessments in ELA and mathematics
- API as an additional indicator
- Graduation rate (for secondary schools)

For detailed information about AYP, including participation rates and percent proficient results by student group, see the CDE AYP Web page at http://www.cde.ca.gov/ta/ac/ay/.

Adequate Yearly Progress Overall and by Criteria (School Year 2012–13)

AYP Criteria	School	District
Made AYP Overall	DPC	DPC
Met Participation Rate - English-Language Arts	DPC	DPC
Met Participation Rate - Mathematics	DPC	DPC
Met Percent Proficient - English-Language Arts	DPC	DPC
Met Percent Proficient - Mathematics	DPC	DPC
Met API Criteria	DPC	DPC
Met Graduation Rate	DPC	DPC

Federal Intervention Program (School Year 2013–14)

Schools and districts receiving federal Title I funding enter Program Improvement (PI) if they do not make AYP for two consecutive years in the same content area (ELA or mathematics) or on the same indicator (API or graduation rate). After entering PI, schools and districts advance to the next level of intervention with each additional year that they do not make AYP. For detailed information about PI identification, see the CDE PI Status Determinations Web page: http://www.cde.ca.gov/ta/ac/ay/tidetermine.asp.

Indicator	School	District
Program Improvement Status	DPC	DPC
First Year of Program Improvement	DPC	DPC
Year in Program Improvement	DPC	DPC
Number of Schools Currently in Program Improvement		DPC
Percent of Schools Currently in Program Improvement		DPC

Note: Cells shaded in black do not require data.

V. School Climate

Student Enrollment by Grade Level (School Year 2012–13)

Grade Level	Number of Students
Kindergarten	Data provided by the CDE
Grade 1	Data provided by the CDE
Grade 2	Data provided by the CDE
Grade 3	Data provided by the CDE
Grade 4	Data provided by the CDE
Grade 5	Data provided by the CDE

Grade 6	Data provided by the CDE
Grade 7	Data provided by the CDE
Grade 8	Data provided by the CDE
Ungraded Elementary	Data provided by the CDE
Grade 9	Data provided by the CDE
Grade 10	Data provided by the CDE
Grade 11	Data provided by the CDE
Grade 12	Data provided by the CDE
Ungraded Secondary	Data provided by the CDE
Total Enrollment	Data provided by the CDE

Student Enrollment by Student Group (School Year 2012–13)

Group	Percent of Total Enrollment
Black or African American	Data provided by the CDE
American Indian or Alaska Native	Data provided by the CDE
Asian	Data provided by the CDE
Filipino	Data provided by the CDE
Hispanic or Latino	Data provided by the CDE
Native Hawaiian or Pacific Islander	Data provided by the CDE
White	Data provided by the CDE
Two or More Races	Data provided by the CDE
Socioeconomically Disadvantaged	Data provided by the CDE
English Learners	Data provided by the CDE
Students with Disabilities	Data provided by the CDE

Average Class Size and Class Size Distribution (Elementary)

Grade Level	Avg. Class Size	2010–11 Number of Classes*			Avg. Class Size	2011–12 Number of Classes*			Avg. Class Size	2012–13 Number of Classes*		
		1-20	21-32	33+		1-20	21-32	33+		1-20	21-32	33+
K	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC
1	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC
2	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC
3	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC
4	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC
5	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC
6	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC
Other	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC

* Number of classes indicates how many classes fall into each size category (a range of total students per class).

Average Class Size and Class Size Distribution (Secondary)

Subject	Avg. Class Size	2010–11 Number of Classes*			Avg. Class Size	2011–12 Number of Classes*			Avg. Class Size	2012–13 Number of Classes*		
		1-22	23-32	33+		1-22	23-32	33+		1-22	23-32	33+
English	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC
Mathematics	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC
Science	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC
Social Science	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC

* Number of classes indicates how many classrooms fall into each size category (a range of total students per classroom). At the secondary school level, this information is reported by subject area rather than grade level.

School Safety Plan (School Year 2012–13)

Narrative provided by the LEA

Use this space to provide information about the school's comprehensive safety plan, including the dates on which the safety plan was last reviewed, updated, and discussed with faculty; as well as a brief description of the key elements of the plan.

Suspensions and Expulsions

Rate*	School 2010–11	School 2011–12	School 2012–13	District 2010–11	District 2011–12	District 2012–13
Suspensions	DPL	DPL	DPL	DPL	DPL	DPL
Expulsions	DPL	DPL	DPL	DPL	DPL	DPL

** The rate of suspensions and expulsions is calculated by dividing the total number of incidents by the total enrollment.*

VI. School Facilities

School Facility Conditions and Planned Improvements (School Year 2013–14)

Narrative provided by the LEA

Using the most recent Facility Inspection Tool (FIT) data (or equivalent) provide the following:

- *Description of the safety, cleanliness, and adequacy of the school facility*
- *Description of any planned or recently completed facility improvements*
- *Description of any needed maintenance to ensure good repair*

School Facility Good Repair Status (School Year 2013–14)

Using the most recent FIT data (or equivalent), provide the following:

- Determination of repair status for systems listed
- Description of any needed maintenance to ensure good repair
- The year and month in which the data were collected
- The Overall Rating

System Inspected	Repair Needed and Action Taken or Planned			
	Good	Fair	Poor	
Systems: Gas Leaks, Mechanical/HVAC, Sewer	DPL	DPL	DPL	Data provided by the LEA
Interior: Interior Surfaces	DPL	DPL	DPL	Data provided by the LEA
Cleanliness: Overall Cleanliness, Pest/ Vermin Infestation	DPL	DPL	DPL	Data provided by the LEA
Electrical: Electrical	DPL	DPL	DPL	Data provided by the LEA
Restrooms/Fountains: Restrooms, Sinks/ Fountains	DPL	DPL	DPL	Data provided by the LEA
Safety: Fire Safety, Hazardous Materials	DPL	DPL	DPL	Data provided by the LEA
Structural: Structural Damage, Roofs	DPL	DPL	DPL	Data provided by the LEA
External: Playground/School Grounds, Windows/ Doors/Gates/Fences	DPL	DPL	DPL	Data provided by the LEA

Overall Facility Rate

Overall Rating	Exemplary	Good	Fair	Poor
	DPL	DPL	DPL	DPL

VII. Teachers

Teacher Credentials

Teachers	School 2010–11	School 2011–12	School 2012–13	District 2012–13
With Full Credential	DPL	DPL	DPL	DPL
Without Full Credential	DPL	DPL	DPL	DPL
Teaching Outside Subject Area of Competence (with full credential)	DPL	DPL	DPL	DPL

Teacher Misassignments and Vacant Teacher Positions

Indicator	2011–12	2012–13	2013–14
Misassignments of Teachers of English Learners	DPL	DPL	DPL
Total Teacher Misassignments	DPL	DPL	DPL
Vacant Teacher Positions	DPL	DPL	DPL

Note: “Misassignments” refers to the number of positions filled by teachers who lack legal authorization to teach that grade level, subject area, student group, etc.

* Total Teacher Misassignments includes the number of Misassignments of Teachers of English Learners.

Core Academic Classes Taught by Highly Qualified Teachers (School Year 2012–13)

The federal ESEA, also known as NCLB, requires that core academic subjects be taught by Highly Qualified Teachers, defined as having at least a bachelor's degree, an appropriate California teaching credential, and demonstrated core academic subject area competence. For more information, see the CDE Improving Teacher and Principal Quality Web page at http://www.cde.ca.gov/nclb/sr/tq/.

Location of Classes	Percent of Classes In Core Academic Subjects Taught by Highly Qualified Teachers	Percent of Classes In Core Academic Subjects Not Taught by Highly Qualified Teachers
This School	Data provided by the CDE	Data provided by the CDE
All Schools in District	Data provided by the CDE	Data provided by the CDE
High-Poverty Schools in District	Data provided by the CDE	Data provided by the CDE
Low-Poverty Schools in District	Data provided by the CDE	Data provided by the CDE

Note: High-poverty schools are defined as those schools with student eligibility of approximately 40 percent or more in the free and reduced price meals program. Low-poverty schools are those with student eligibility of approximately 39 percent or less in the free and reduced price meals program.

VIII. Support Staff

Academic Counselors and Other Support Staff (School Year 2012–13)

Title	Number of FTE* Assigned to School	Average Number of Students per Academic Counselor
Academic Counselor	Data provided by the LEA	Data provided by the LEA
Counselor (Social/Behavioral or Career Development)	Data provided by the LEA	
Library Media Teacher (librarian)	Data provided by the LEA	
Library Media Services Staff (paraprofessional)	Data provided by the LEA	
Psychologist	Data provided by the LEA	
Social Worker	Data provided by the LEA	
Nurse	Data provided by the LEA	
Speech/Language/Hearing Specialist	Data provided by the LEA	
Resource Specialist (non-teaching)	Data provided by the LEA	
Other	Data provided by the LEA	

Note: Cells shaded in black do not require data.

* One Full Time Equivalent (FTE) equals one staff member working full time; one FTE could also represent two staff members who each work 50 percent of full time.

IX. Curriculum and Instructional Materials

Quality, Currency, Availability of Textbooks and Instructional Materials (School Year 2013–14)

This section describes whether the textbooks and instructional materials used at the school are from the most recent adoption; whether there are sufficient textbooks and instruction materials for each student; and information about the school's use of any supplemental curriculum or non-adopted textbooks or instructional materials.

Year and month in which data were collected: ***Data provided by the LEA***

Core Curriculum Area	Textbooks and instructional materials/year of adoption	From most recent adoption?	Percent students lacking own assigned copy
Reading/Language Arts	DPL	DPL	DPL
Mathematics	DPL	DPL	DPL
Science	DPL	DPL	DPL
History-Social Science	DPL	DPL	DPL
Foreign Language	DPL	DPL	DPL
Health	DPL	DPL	DPL
Visual and Performing Arts	DPL	DPL	DPL
Science Laboratory Equipment (grades 9-12)	DPL	DPL	DPL

Note: Schools are not required to present SARC information in a tabular format. This template is only a guide. Schools can provide a narrative or other format, as long as it includes all the information requested below:

List all textbooks and instructional materials used in the school in core subjects (reading/language arts, math, science, and history-social science), including:

- Year they were adopted
- Whether they were selected from the most recent list of standards-based materials adopted by the State Board of Education (SBE) or local governing board
- Percent of students who lack their own assigned textbooks and/or instructional materials*
- For kindergarten through grade 8 (K-8), include any supplemental curriculum adopted by local governing board

*If an insufficiency exists, the description must identify the percent of students who lack sufficient textbooks and instructional materials. Be sure to use the most recent available data collected by the LEA and **note the year and month in which the data were collected**.

X. School Finances

Expenditures Per Pupil and School Site Teacher Salaries (Fiscal Year 2011–12)

Level	Total Expenditures Per Pupil	Expenditures Per Pupil (Supplemental/ Restricted)	Expenditures Per Pupil (Basic/ Unrestricted)	Average Teacher Salary
School Site	DPL	DPL	DPL	DPL
District			DPL	DPC
Percent Difference – School Site and District			DPL	DPL
State			DPC	DPC
Percent Difference – School Site and State			DPL	DPL

Note: Cells shaded in black do not require data.

Supplemental/Restricted expenditures come from money whose use is controlled by law or by a donor. Money that is designated for specific purposes by the district or governing board is not considered restricted. ***Basic/unrestricted*** expenditures are from money whose use, except for general guidelines, is not controlled by law or by a donor.

For detailed information on school expenditures for all districts in California, see the CDE Current Expense of Education & Per-pupil Spending Web page at http://www.cde.ca.gov/ds/fd/ec/. For information on teacher salaries for all districts in California, see the CDE Certificated Salaries & Benefits Web page at http://www.cde.ca.gov/ds/fd/cs/. To look up expenditures and salaries for a specific school district, see the Ed-Data Web site at: http://www.ed-data.org.

Types of Services Funded (Fiscal Year 2012–13)

Narrative provided by the LEA

Provide specific information about the types of programs and services available at the school that support and assist students. For example, this narrative may include information about supplemental educational services related to the school's federal Program Improvement (PI) status.

Teacher and Administrative Salaries (Fiscal Year 2011–12)

Category	District Amount	State Average For Districts In Same Category
Beginning Teacher Salary	Data provided by the CDE	Data provided by the CDE
Mid-Range Teacher Salary	Data provided by the CDE	Data provided by the CDE
Highest Teacher Salary	Data provided by the CDE	Data provided by the CDE
Average Principal Salary (Elementary)	Data provided by the CDE	Data provided by the CDE
Average Principal Salary (Middle)	Data provided by the CDE	Data provided by the CDE
Average Principal Salary (High)	Data provided by the CDE	Data provided by the CDE
Superintendent Salary	Data provided by the CDE	Data provided by the CDE
Percent of Budget for Teacher Salaries	Data provided by the CDE	Data provided by the CDE
Percent of Budget for Administrative Salaries	Data provided by the CDE	Data provided by the CDE

For detailed information on salaries, see the CDE Certificated Salaries & Benefits Web page at http://www.cde.ca.gov/ds/fd/cs/.

XI. School Completion and Postsecondary Preparation

Admission Requirements for California's Public Universities

University of California

Admission requirements for the University of California (UC) follow guidelines set forth in the Master Plan, which requires that the top one-eighth of the state's high school graduates, as well as those transfer students who have successfully completed specified college course work, be eligible for admission to the UC. These requirements are designed to ensure that all eligible students are adequately prepared for University-level work.

For general admissions requirements, please visit the UC Admissions Information Web page at http://www.universityofcalifornia.edu/admissions/.

California State University

Eligibility for admission to the California State University (CSU) is determined by three factors:

- Specific high school courses
- Grades in specified courses and test scores
- Graduation from high school

Some campuses have higher standards for particular majors or students who live outside the local campus area. Because of the number of students who apply, a few campuses have higher standards (supplementary admission criteria) for all applicants. Most CSU campuses have local admission guarantee policies for students who graduate or transfer from high schools and colleges that are historically served by a CSU campus in that region. For admission, application, and fee information see the CSU Web page at http://www.calstate.edu/admission/admission.shtml.

Dropout Rate and Graduation Rate

Indicator	School			District			State		
	2009–10	2010–11	2011–12	2009–10	2010–11	2011–12	2009–10	2010–11	2011–12
Dropout Rate	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC
Graduation Rate	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC	DPC

Completion of High School Graduation Requirements

This table displays, by student group, the percent of students who were a part of the school's most recent graduating class for which CDE has available data and meet all state and local graduation requirements for grade twelve completion, including having passed both the ELA and mathematics portions of the CAHSEE or received a local waiver or state exemption.

Graduating Class of 2012

Group	School	District	State
All Students	DPC	DPC	DPC
Black or African American	DPC	DPC	DPC
American Indian or Alaska Native	DPC	DPC	DPC
Asian	DPC	DPC	DPC
Filipino	DPC	DPC	DPC
Hispanic or Latino	DPC	DPC	DPC
Native Hawaiian or Pacific Islander	DPC	DPC	DPC
White	DPC	DPC	DPC
Two or More Races	DPC	DPC	DPC
Socioeconomically Disadvantaged	DPC	DPC	DPC
English Learners	DPC	DPC	DPC
Students with Disabilities	DPC	DPC	DPC

Career Technical Education Programs (School Year 2012–13)

Narrative provided by the LEA

Use this space to provide information about Career Technical Education (CTE) programs including:

- *Programs and classes offered that are specifically focused on career preparation and or preparation for work*
- *How these programs and classes are integrated with academic courses and how they support academic achievement*
- *How the school addresses the needs of all students in career preparation and/or preparation for work, including needs unique to defined special populations of students*
- *The measurable outcomes of these programs and classes, and how they are evaluated*
- *State the primary representative of the district's CTE advisory committee and the industries represented on the committee*

Career Technical Education Participation (School Year 2012–13)

Measure	CTE Program Participation
Number of pupils participating in CTE	Data provided by the LEA
Percent of pupils completing a CTE program and earning a high school diploma	Data provided by the LEA
Percent of CTE courses sequenced or articulated between the school and institutions of postsecondary education	Data provided by the LEA

Courses for University of California and/or California State University Admission

UC/CSU Course Measure	Percent
2012–13 Students Enrolled in Courses Required for UC/CSU Admission	Data provided by the CDE
2011–12 Graduates Who Completed All Courses Required for UC/CSU Admission	Data provided by the CDE

Advanced Placement Courses (School Year 2012–13)

Subject	Number of AP Courses Offered*	Percent of Students In AP Courses
Computer Science	Data provided by the CDE	
English	Data provided by the CDE	
Fine and Performing Arts	Data provided by the CDE	
Foreign Language	Data provided by the CDE	
Mathematics	Data provided by the CDE	
Science	Data provided by the CDE	
Social Science	Data provided by the CDE	
All courses	Data provided by the CDE	Data provided by the CDE

Note: Cells shaded in black do not require data.

* Where there are student course enrollments.

XII. Instructional Planning and Scheduling

Professional Development

This section provides information on the annual number of school days dedicated to staff development for the most recent three-year period.

Narrative provided by the LEA

Use this space to share information on the number of days provided for professional development and continuous professional growth in the most recent three year period. Questions that may be answered include:

- *What are the primary/major areas of focus for staff development and specifically how were they selected? For example, was student achievement data used to determine the need for professional development in reading instruction?*
- *What are the methods by which professional development is delivered (e.g., after school workshops, conference attendance, individual mentoring, etc.)?*
- *How are teachers supported during implementation (e.g., through in-class coaching, teacher-principal meetings, student performance data reporting, etc.)?*

California State Board of Education

Meeting Agenda Items for July 10-11, 2013

ITEM 12

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2013 AGENDA

SUBJECT	
Approval of the Recommendation to the Governor and Legislature on the Development of a Growth Model as Required by *Education Code* Section 52052.5(d).	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

California *Education Code* Section 52052.5(d) states that the State Superintendent of Public Instruction (SSPI) and the State Board of Education (SBE), in consultation with the Public Schools Accountability Act (PSAA) Advisory Committee, shall make recommendations to the Legislature and Governor on the establishment of an individual academic performance growth model by utilizing individual pupil results from a longitudinally valid achievement assessment system. These recommendations are due to the Legislature and Governor by July 1, 2013.

RECOMMENDATION

The California Department of Education (CDE) recommends that the SBE approve the recommendation to the Legislature and Governor that delays implementation of a growth model until the statewide assessment system is reauthorized and new assessments based on the Common Core State Standards (CCSS) are fully implemented. Once the Smarter Balanced assessments have been finalized, California will determine how individual student academic growth results should be incorporated into the Academic Performance Index (API) or any successor measure of school and local educational agency (LEA) accountability.

BRIEF HISTORY OF KEY ISSUES

When the API was designed in 1999, it did not include a student growth component. At the time, the CDE did not have the capacity to link the test results of individual students across years. In addition, the testing system was not designed to provide growth scores to students. Although the CDE now has the ability to link student scores from one year to the next through the California Longitudinal Pupil Achievement Data System (CALPADS), neither the 1999 state standards nor the current assessment system (Standardized Testing and Reporting [STAR]) provide a clear vertical articulation from grade to grade.

In 2003, Senate Bill (SB) 257 (Alpert) (Statutes of 2003, c. 782), required the PSAA to make recommendations to the SSPI on the "appropriateness and feasibility of a methodology for generating a measurement of academic performance" based on individual student results. In 2005, on behalf of the CDE, Dr. Edward Haertel, Emeritus Professor, Graduate School of Education, Stanford University, developed a report. The PSAA Advisory Committee reviewed the report and forwarded it to the SSPI. The report concluded that limited experimentation with accountability designs based on tracking individual students' gain was warranted. However, he cautioned against rushing into statewide implementation. In 2007, SB 77 (Ducheny) allocated $150,000 for a pilot a study on a growth model. The study, conducted by Educational Testing Service in 2008, recommended the use of empirical regression as a longitudinal measurement. This approach was not implemented for technical reasons. First, the recommended model was normative and did not represent individual student progress on a continuum of academic performance. This means that students can only show growth at the expense of other students. In addition, the ability to match student assessment records from year to year was not feasible until the 2011 STAR testing. In 2010 the SBE adopted the CCSS which are vertically aligned. A new assessment system aligned to the standards is expected to be fully implemented in 2015. A growth model based on the results of the new vertically aligned assessments will provide a more robust model than the current set of assessments which are not vertically aligned.

On April 18, 2013, the CDE consulted with the Technical Design Group (TDG) regarding the implementation of a student growth model. Because the new Smarter Balanced assessments have been designed to support a student-level growth model, the TDG determined that the establishment of a growth model would be more feasible when the Smarter Balanced assessments are fully implemented. On April 23, the PSAA Advisory Committee approved the TDG's recommendation.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

N/A

FISCAL ANALYSIS (AS APPROPRIATE)

The CDE's recommendation to delay the implementation of a growth model will have no fiscal impact on the State, districts, or schools.

ATTACHMENT(S)

Attachment 1: Background Summary and Recommendations for Measuring Academic Growth for California (3 Pages)

Background Summary and Recommendations for Measuring Academic Growth for California

Introduction

The purpose of this report is to provide background on the California Department of Education's (CDE's) recommendation to the Governor and Legislature on the development of a growth model as required by California *Education Code* (*EC*) Section 52052.5(d).

The assessment and accountability system in California has provided reliable data for accountability purposes for over 13 years. The system includes two assessment programs: the Standardized Testing and Reporting (STAR) assessment program, and the California High School Exit Examination (CAHSEE). The California Standards Tests (CSTs) is the major component of the STAR program. These assessments cover numerous subjects including English-language arts (ELA), mathematics, science, history/social science. The data from the CSTs and the CAHSEE contribute to the state's school and district accountability index known as the Academic Performance Index (API), which has been used to determine school improvement from one year to the next since the 1999–2000 API reporting cycle.

The API system features annual comparisons whereby aggregate student performance is compared from one year to the next in what is known as a "base to growth" comparison. This system of assessments and accountability are a type of cohort improvement model, with "improvement" measured by how well last year's students did compared to this year's. These comparisons are reported for each school and for a variety of student groups where there are 10 or more student test scores for valid comparisons.

Summary of Results Regarding the use of the CST Assessments for Measuring Growth

Research on potential models for measuring growth using the CSTs began in 2004. The CDE and the STAR contractor, Educational Testing Service (ETS), conducted a study that examined the potential for developing a vertically articulated scale for the CSTs. Preliminary investigation of vertical scaling led to the conclusion that a valid and reliable vertical scale for reporting the results of the CSTs would require modification of the curriculum standards and the blueprints for the assessments. This was because the standards themselves were not designed to articulate curricula across grade spans. The magnitude of change required to achieve a vertical scale, at least in the short term, was recognized as unfeasible, for a variety of reasons including the expense of revising the standards and assessments.

The work on growth measurement that followed was focused on statistical procedures that could be used to link student scores from one grade to the next, recognizing the limitations and challenges of an assessment based on a non-vertical scale. Empirical regression was shown to be a reliable means of assessing student progress for

program evaluation purposes. It was, however, a measure of a student's growth relative to the performance of other students, not a measure of absolute growth along a continuous scale. This means that students can only improve their position on the growth scale if other student's performance declines. This is a limitation of all normative measures of performance. Quantile regression procedures were found to have the same limitations.

Recommendation of the PSAA Advisory Committee

On April 18, 2013, the CDE consulted with the Technical Design Group (TDG) and recommended that the implementation of an individual growth model be delayed until the statewide assessment system is reauthorized and new assessments based on the Common Core State Standards (CCSS) are fully implemented.

In reviewing the current status of the assessment system with regard to growth models, the TDG noted the following in support of this recommendation:

1. The STAR Program is scheduled to end with the spring 2014 assessments.

2. California has adopted the CCSS as the basis for assessment going forward.

3. The CCSS are designed to support the development of assessments that can report progress across grades.

4. The State of California is a governing member of the Smarter Balanced assessment consortium that is developing a set of assessments based on the common core designed to report individual student growth from one grade to another.

5. The State Superintendent of Public Instruction's (SSPI's) recommendations for transitioning to a new assessment system include the recommendation that California use the Smarter Balanced assessments as the basis for testing ELA and mathematics beginning in the 2014–15 school year.

6. Implementing any of the growth models based on the STAR assessments would be inefficient given the limited period of time remaining for the program.

At its April 23, 2013 meeting, the PSAA Advisory Committee considered the recommendations of the TDG and passed the following motion:

> "The PSAA Advisory Committee recommends that (1) implementation of an individual growth model be delayed until the statewide assessment system is reauthorized and new assessments based on the Common Core Standards are in place; and (2) the CDE closely follow the development of the SBAC reporting metrics and, once these metrics have been developed, investigate how they might best be incorporated into the API or any successor measure of school and local educational agency (LEA) accountability."

The SSPI supports the recommendation of the PSAA Advisory Committee and that the implementation of an individual growth model be delayed until the statewide assessment system is reauthorized and new assessments based on the Common Core State Standards (CCSS) are fully implemented.

California State Board of Education

Meeting Agenda Items for July 10-11, 2013

ITEM 13

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2013 AGENDA

SUBJECT STATE BOARD PROJECTS AND PRIORITIES. Including, but not limited to, future meeting plans; agenda items; and officer nominations and/or elections; State Board office budget, staffing, appointments, and direction to staff; declaratory and commendatory resolutions; Bylaw review and revision; Board policy; approval of minutes; Board liaison reports; training of Board members; and other matters of interest.	☒ **Action** ☒ **Information** ☐ **Public Hearing**

SUMMARY OF THE ISSUE(S)

1. SBE Draft Preliminary Report of Actions/Minutes for the May 8-9, 2013 meeting
2. Board member liaison reports

RECOMMENDATION(S)

The SBE staff recommends that the SBE approve the Preliminary Report of Actions/Minutes for the May 8-9, 2013 meeting. (Attachment 1)

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

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

FISCAL ANALYSIS (AS APPROPRIATE)

Not applicable.

ATTACHMENT(S)

Attachment 1: State Board of Education Draft Preliminary Report of Actions/Minutes for the May 8-9, 2013 meeting (28 Pages) may be viewed at the following link: Preliminary Report of Actions for May 8-9, 2013.

California State Board of Education

Meeting Agenda Items for July 10-11, 2013

ITEM 14

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2013 AGENDA

SUBJECT	
Petition for Establishment of a Charter School Under the Oversight of the State Board of Education: Consideration of Neighborhood Arts and Sciences Academy, which was denied by the Chino Valley Unified School District and the San Bernardino County Office of Education.	☒ Action ☒ Information ☒ Public Hearing

SUMMARY OF THE ISSUE(S)

On June 14, 2012, the Chino Valley Unified School District (CVUSD) voted to deny the Neighborhood Arts and Sciences Academy (NASA) charter petition by a vote of five to zero. The San Bernardino County Board of Education (SBCBE) voted to deny the petition on appeal by a vote of four to zero on November 5, 2012.

Pursuant to California *Education Code* (*EC*) Section 47605(j), petitioners for a charter school that has been denied at the local level may petition the State Board of Education (SBE) for approval of the charter, subject to certain conditions. The NASA petitioners submitted an appeal to the SBE on December 14, 2012 and resubmitted on April 5, 2013.

RECOMMENDATION

California Department of Education Recommendation

The California Department of Education (CDE) recommends that the SBE hold a public hearing to approve, with technical amendments as specified in Attachment 1 of Agenda Item 1 on the Advisory Commission on Charter Schools (ACCS) June12, 2013, Meeting Notice for the ACCS Web Page is located at http://www.cde.ca.gov/be/cc/cs/accsnotice061213.asp, the petition to establish NASA under the oversight of the SBE based on the CDE's findings pursuant to *EC* sections 47605(b)(1) and 47605(b)(5) as well as *California Code of Regulations*, Title 5 (5 *CCR*) Section 11967.5. The CDE recommends that the SBE approve NASA for an initial period of three years (2014–15 through 2016–17). The CDE staff recommends an initial approval for three years to allow the petitioners to present their academic progress and student enrollment to the SBE after two years of operation. The CDE will conduct a pre-opening site visit at least 30 days prior to the scheduled opening date. Written authorization from the CDE would be required prior to the operation of any additional facility.

Advisory Commission on Charter Schools Recommendation

The ACCS met on June 12, 2013, and voted to recommend approval of the NASA charter petition for an initial period of three years with technical amendments. The motion passed by a vote of eight to one.

BRIEF HISTORY OF KEY ISSUES

The NASA petitioners originally sought to establish a charter school under the oversight of CVUSD on October 31, 2011. The petition was denied on January 5, 2012 and a revised petition was written to address the findings identified in the initial attempt. The second petition was submitted to CVUSD on April 20, 2012, and denied on June 14, 2012. The petitioners appealed to the SBCBE on September 4, 2012, and were denied on November 5, 2012. The NASA petitioners submitted an appeal to the SBE on December 14, 2012. The CDE reviewed this petition, however it was brought to the CDE's attention that the charter petition submitted to CVUSD and the petition submitted to and reviewed by the SBE were not the same. The item was retracted and the petitioners resubmitted the correct version of the charter petition that had been considered and denied by the SBCBE to the SBE on April 5, 2013.

NASA included a cover letter, provided in Attachment 6 of Agenda Item 1 on the ACCS June12, 2013, Meeting Notice for the ACCS Web Page is located at http://www.cde.ca.gov/be/cc/cs/documents/accs-jun13item01a6.pdf, which outlines the contents of the charter petition and summarizes the changes made to the sections from the original submitted to the CVUSD and the petition considered and denied by the SBCBE. The school is now requesting to open in the 2014–15 school year rather than 2013–14 since there was a delay in the decision on the appeal. The CDE reviewed a copy of the charter petition as denied by the SBCBE per *CCR* Section 11967.

In considering the NASA charter petition, the CDE staff reviewed the following:

- The NASA petition, Attachment 3 of Agenda Item 1 on the ACCS June 12, 2013, 2013, Meeting Notice for the ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-jun13item01a3.pdf.

- The NASA petition appendixes, Attachment 5 of Agenda Item 1 on the ACCS June 12, 2013, Meeting Notice for the ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-jun13item01a5.pdf.

- The NASA budget information, Attachment 4 of Agenda Item 1 on the ACCS June 12, 2013, Meeting Notice for the ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-jun13item01a4.pdf.

- Educational and demographic data of the schools where pupils would otherwise be required to attend, Attachment 2 of Agenda Item 1 on the ACCS June 12,

2013, Meeting Notice for the ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/accsnotice061213.asp.

- Board agendas, minutes, and findings from the CVUSD and SBCBE regarding the denial of the NASA petition, along with the petitioners' response to CVUSD, Attachment 7 of Agenda Item 1 on the ACCS June 12, 2013, Meeting Notice for the ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-jun13item01a7.pdf.

The petitioners propose to serve approximately 810 students in kindergarten through grade eight. The petition identifies eight fundamental goals for all students: (1) preparing students for college, (2) proficiency in core academic subjects, (3) fluency in a language in addition to English, (4) developing global competency, (5) real life application of the sciences and visual arts, (6) media literacy, (7) citizenship, and (8) developing a healthy lifestyle. The student population is expected to be demographically similar to CVUSD. NASA anticipates that 16.7 percent of their students will be English learners and between 10 and 12 percent will be eligible for special education services.

The CVUSD denied the NASA charter petition on four findings: (1) the petition presents an unsound educational program, (2) the petitioners are unlikely to successfully implement the program set forth in the petition, (3) the petition does not contain reasonably comprehensive descriptions of the sixteen required elements, and (4) the petition does not contain the required affirmations of each of the conditions described in subdivision (d) of *EC* 47605. The CVUSD written findings are provided in Attachment 7 of Agenda Item 1 on the ACCS June 12, 2013, Meeting Notice for the ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-jun13item01a7.pdf.

The SBCBE denied the NASA charter petition on three findings: (1) the charter presents an unsound educational program, (2) the petitioners are unlikely to successfully implement the program set forth in the petition, and (3) the charter does not contain reasonably comprehensive descriptions of all the required elements. The SBCBE written findings are provided in Attachment 7 of Agenda Item 1 on the ACCS June 12, 2013, Meeting Notice for the ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-jun13item01a7.pdf. A summary of each of the findings, the petitioner's responses and CDE's analysis of the findings can be found starting on page 24 of Attachment 1 of Agenda Item 1 on the ACCS June 12, 2013, Meeting Notice for the ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/accsnotice061213.asp.

The CDE reviewed the NASA charter petition and the CVUSD and SBCBE findings. The CDE finds that the NASA petitioners provide a comprehensive description of the educational program, which is provided on pages 1–237 of their charter petition (Attachment 3 of Agenda Item 1 on the ACCS June 12, 2013, Meeting Notice for the ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-jun13item01a3.pdf). The NASA petitioners detail their curriculum starting on page 102 of the charter petition for each of the core subject areas, provide an academic schedule and calendar, and include a narrative about a typical day at NASA. Additionally, the education program contains a plan to meet the needs of English learners (page 185 of the charter petition), high

achieving students (page 193 of the charter petition), low achieving students (page 197 of the charter petition) and students with special needs (page 203 of the charter petition).

As described in the charter, NASA chose the Thinking Curriculum as an overarching pedagogical model for its educational program because it will integrate content and process with real world experiences and allows students to build confidence and regulate their own learning. The NASA petition states on pages 169-172 of the charter petition that the school will purchase a state-approved curriculum and provides a list of instructional materials that will be considered and will be aligned with the California state content standards. The CDE finds that the petition provides a detailed description of the core subject areas that will be taught as part of the kindergarten through grade eight curriculums.

The CDE finds that the NASA petitioners are likely to successfully implement the program set forth in the charter petition. The CVUSD and SBCBE both had concerns regarding the budget due to NASA's large enrollment target. The CDE staff has confirmed with the petitioners that they still have the interest and support of the local community; the petitioners are confident they can meet the proposed enrollment target. However, the CDE staff recommends an initial approval for three years to allow the petitioners to present their academic progress and student enrollment to the SBE after two years of operation. The CDE staff review found the budget to be fiscally sound. The NASA budget is provided as Attachment 4 of Agenda Item 1 on the ACCS June 12, 2013, Meeting Notice for the ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-jun13item01a4.pdf.

The CDE finds that the NASA charter petitioners present a sound educational program, are likely to successfully implement the program set forth in the petition, and the petition contains reasonably comprehensive descriptions of the 16 charter elements pursuant to *EC* Section 47605(b)(5) and 5 *CCR* Section 11967.5.1.

The Conditions of State Board of Education Authorization and Operation are also available as Attachment 8 of Agenda Item 1 on the ACCS June 12, 2013, Meeting Notice for the ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/accsnotice061213.asp.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Currently, 24 charter schools operate under SBE authorization as follows:

- Two statewide benefit charters, operating a total of 7 schools
- One countywide benefit charter
- Sixteen charter schools, authorized on appeal after local or county denial

The SBE delegates oversight duties of these schools to the CDE.

FISCAL ANALYSIS (AS APPROPRIATE)

If approved as a SBE-authorized charter school, the CDE would receive approximately one percent of NASA's general purpose apportionment for CDE's oversight activities. However, no additional resources are allocated to the CDE for oversight.

ATTACHMENT(S)

None

California State Board of Education

Meeting Agenda Items for July 10-11, 2013

ITEM 15

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2013 AGENDA

SUBJECT	☐ Action
Public Charter Schools Grant Program Update.	☒ Information
	☐ Public Hearing

SUMMARY OF THE ISSUE(S)

This item provides the State Board of Education (SBE) with an update on topics related to the Public Charter Schools Grant Program (PCSGP).

RECOMMENDATION

The California Department of Education (CDE) is presenting this for information only. No specific action is recommended at this time.

BRIEF HISTORY OF KEY ISSUES

PCSGP Planning and Implementation Sub-grants, Fiscal Year 2012–13 Update

The CDE received $53.6 million to administer the PCSGP for the 2012–13 fiscal year. The CDE makes funding available as sub-grants on a competitive basis to developers of charter schools.

The CDE received 118 PCSGP applications for consideration in the 2012–13 fiscal year. The PCSGP applications were processed through a multi-step review for approval of a final grant award. Initial screening by CDE staff was performed to verify that the application was complete and in accordance with the PCSGP Request for Applications (RFA) requirements. Of the 118 initial applications, 115 passed initial screening and were moved forward for scoring. Federal law requires a peer review of PCSGP applications. The CDE recruited charter school developers, governing board members, operators, and authorizers to participate in this process. The peer review was conducted on November 14-16, 2013, and 101 PCSGP applications received passing scores and were moved

forward for budget review. Of the 101 applications, 39 had an approved charter petition and 62 were pending approval by a local educational agency (LEA). The budget reviews for the 39 schools were completed in January 2013 and a Grant Award Notification (GAN) was sent to sub-grantees and payments were processed.

During the months of February through April 2013, 24 of the 62 remaining applicants received approval of their charter petition. Budget reviews were completed, the GAN was sent to each school, and payments are being processed.

CDE staff contacted the remaining 38 applicants that are pending charter petition approval. To date, 12 of the applicants are no longer pursuing charter petition approval for fiscal year (FY) 2012–13, and 26 applicants are still being considered for charter petition approval by the June 30, 2013, deadline.

PCSGP Planning and Implementation Request for Applications, FY 2013–14

At its September 13, 2012, meeting, the SBE approved the revisions for the FY 2012–13 PCSGP RFA. The CDE is proposing to make minor changes to the RFA for FY 2013–14, which include updating dates in the tentative PCSGP timeline table (Table 1), eligibility dates, and non-substantive changes in language throughout the RFA for clarity. A change to the deadline for charter school petition approval by an authorizer will be moved up to April 30, 2014, to meet the fiscal encumbrance deadline.

Table 1. PCSGP Timeline

Important Events	(Tentative) Dates
Post final RFA on the CDE Web site	**August 1, 2013**
Provide Technical Assistance Webinar (PCSGP staff: Overview of RFA and PCSGP Budget Training)	**August 12–16, 2013**
PCSGP application due date **Note:** applicants that do not yet have an approved charter by an authorizing agency must submit the charter petition by this date to their authorizing agency.	**September 16, 2013**
Conduct peer review to evaluate and score applications	**October 7–9, 2013**

Notify awardees of their approval of the peer review and post results to the CDE Web site (PCSGP staff)	**October 24, 2013**
Issue GAN to grantees. Grantees must sign and return the GAN (approximately 1–3 weeks)	**November 25, 2013**
Schedule first payments (PCSGP staff)	**Approximately 3–8 weeks upon CDE receipt of signed GANs**
Deadline for Charter School Petitions approved by authorizer identified in PCSGP application	**April 30, 2014**

PCSGP Monitoring Site Visits

During the past 10 months, CDE staff was successful in designing, developing, and implementing a statewide monitoring site visit plan. The monitoring site visit plan was developed to ensure state and federal compliance as well as to understand project implementation progress. The federal Charter Schools Program (CSP) requires specific elements be reviewed when monitoring charter school sub-grant recipients.

CDE staff conducted internal training on the site monitoring process, collection of program evidence, use of a standard monitoring instrument, and report development. The instrument and related processes were piloted and calibrated before implementation.

In response to a U.S. Department of Education (ED) Office of Inspector General (OIG) audit report finding, program staff developed and used a risk-based evaluation process to determine which of the estimated 200 active PCSGP sub-grantees to visit as part of the monitoring plan. The ED reported that the CDE developed a good instrument to use and met the deadline for posting monitoring information to an online federal program information exchange. In February 2013, eligible PCSGP sub-grantees were processed through ten risk criteria, identifying approximately 50 schools to monitor in spring 2013, and subsequent fiscal years. Ten of the 50 schools were visited in spring 2013, and the remaining 40 schools identified for monitoring will be included in the monitoring site visits during the 2013–14 school year.

The monitoring visits conducted this year were all well received by the charter schools. During the monitoring site visits, CDE staff collected local evidence of compliance, autonomy, and project progress. CDE staff also shared information from other charter schools' practices, and advised the local board members and administrator on improving their operations, including the schools monitoring of state and federal accountability progress. CDE staff will reflect on the successes and lessons learned from the spring

2013 monitoring visits and the monitoring program tools and processes prior to initiating monitoring site visits in FY 2013–14.

Dissemination Grants

In the state application to the federal CSP, California committed to awarding 20 Dissemination of Best Practices Sub-grants (Dissemination) to charter schools totaling $5 million. The first year of the Dissemination program is FY 2012–13 in which 10 sub-grants will be awarded. The grant competition will be repeated in FY 2013–14. The goal of the program is to disseminate best and promising practices to both charter schools and non-charter public schools, in order to leverage the investment in innovative educational programs or education administrative practices.

On January 16, 2013, the SBE approved the Dissemination RFA. The RFA was posted on January 17, 2013, with an application due date of March 29, 2013. CDE staff presented grant information at the November 2012 Charter Schools Development Center fall leadership conference, and at the March 2013 California Charter Schools Association annual conference. CDE staff also conducted an application technical assistance webinar on January 30, 2013.

The 2012–13 Dissemination program received 18 applications. Three applicant schools were determined ineligible based on the eligibility criteria in the RFA. On April 16–17, 2013, a peer review was conducted and 10 schools that received the highest scores were determined to be funded through the first year of the Dissemination program.

Dissemination projects are widely distributed throughout the state, from Redding to San Diego, and vary in scope. One applicant charter school requires a federal waiver, since they previously received a Dissemination sub-grant in a previous grant cycle. Currently, GANs are being processed for the proposed awardee schools.

OIG Corrective Plan

During the past 10 months, the CDE has successfully transformed the PCSGP from being considered “high-risk” by the ED CSP program office, to receiving an invitation from the ED to present program implementation best practices to other state program directors at the next quarterly meeting.

In 2011, the ED OIG conducted a nationwide audit of charter school monitoring and oversight as part of a review of ED’s Office of Innovation and Improvement’s oversight and monitoring of the CSP Planning and Implementation grants. California was selected in the OIG’s audit since it is the largest state and received the largest CSP award. The audit included three major findings, two of which California was identified needing improvement in seven sub-areas at the time of the audit.

ED staff met with CDE management on January 24, 2013, to discuss the audit findings, and specifically, findings that identified California as needing improvement. CDE staff had

already developed many new and modified processes and work products both in response to the September 25, 2012, report and to improve the state program. On February 28, 2013, the CDE responded in writing to the seven areas of improvement (Table 2). California set the final corrective action plan deadline at May 1, 2013. California included narrative descriptions of progress and listed evidence to address the findings.

Table 2. California CSP Areas of Improvement

California Finding	California Response
California had inadequate written policies and procedures for the monitoring and oversight of charter schools receiving grants	• Developed and implemented a comprehensive 46 page program monitoring strategy document • Developed and implemented a monitoring strategy workflow
California had deficiencies in its monitoring tool	• Monitoring strategy document • Designed, developed, and implemented a school monitoring instrument • Developed and implemented a monitoring schedule
California maintained poor support documentation as evidence of its monitoring	• Monitoring strategy document • Monitoring instrument • Monitoring schedule • Standard template for school monitoring evidence file
California did not use adequate risk assessment or other form of selection process to select schools for monitoring	• Monitoring strategy document • Monitoring workflow • Monitoring schedule • Monitoring risk-based assessment process and report
California did not monitor authorizing agencies because it had no authority to do so	• No response – California does not currently have statutory authority to monitor charter school authorizers
California reviewers were unqualified to conduct charter school monitoring	• Monitoring strategy document • Monitoring instrument • Monitoring schedule • Standard template for school monitoring evidence file • Monitoring training slides
California had inadequate procedures in place to handle the closure of grantee charter schools	• Monitoring strategy document • Internal charter school grantee closure procedures

On May 8, 2013, the CDE received a letter from ED stating that overall, ED staff was quite impressed with the steps California had taken to address the OIG findings. On May 23, 2013, the final two follow-up items were submitted to ED for corrective action plan

closure. California continues to implement and use the new processes that were the result of the OIG corrective action plan.

Brokers of Expertise

In March 2013, CDE staff successfully executed a contract with Imperial County Office of Education and their sub-contractor the Butte County Office of Education, to enhance the current CDE Brokers of Expertise Web portal with charter schools content and affiliated groups. Brokers of Expertise is an online Internet community where California educators can provide and download electronic copies of educational resources that aid in school activities, from administration to instructional delivery. The online groups are a place for educators to exchange ideas and collaborate amongst peers.

To date, project activities include conducting focus groups and informational sessions at multiple California charter school association conferences and meetings with charter school community representatives to identify the charter school related content areas for providing resources. CDE staff has also been working with the contractors to identify and perform steps to link and make available over 900 existing online charter school related educational resources. The contractors are focused on enhancing the computer system infrastructure to handle greater user Internet traffic to the site, and process a larger amount of educational resources. Currently, CDE staff and contractors are planning and coordinating statewide training sessions for charter school practitioners (teachers and service delivery staff), administrators, and board members.

PCSGP Technical Assistance Activities

Advisory Commission on Charter Schools – Through the bi-monthly Advisory Commission on Charter Schools meetings, since 2010, the CDE continues to provide the charter school community state-led technical assistance on charter school funding and programmatic issues, and provides advice to the SBE.

Conference Presentations – Annually at two of California's charter school association conferences, the CDE provides technical assistance through presentations covering updates to proposed legislation, new charter school related laws and regulations, and provides information about available state and federal funding opportunities, including planning and implementation grants, and dissemination of best practices grants.

Webinars – In addition to presentations at state charter school association conferences, the CDE provides webinars on subjects ranging from completing the application for grant process, completing the grant workplan, budgeting, quarterly and annual reporting requirements, public random drawing, autonomy, and the availability of the revolving fund. Webinars have been posted on the CDE Web site for charter school applicants to access after the webinar date.

Weekly Program Meetings – CDE staff conduct weekly internal program meetings to discuss various aspects of the program, including the status of incoming applications,

grant award status, funding status, monitoring progress, and determining ongoing grant awardee requests for information and technical assistance needs.

One-on-One Technical Assistance – CDE staff also provide one-on-one technical assistance for charter school grantees, when calls or e-mail requests come in with technical questions ranging from allowable grant costs, reporting, funding, and general grant application information.

Request for Applications – The planning and implementation grant and dissemination grant RFA documents also provide technical information on the grant programs, and references to sources of information about the federal grant program. After grant applications are screened through the peer review process, for those grants that were not funded because they did not meet the rubric scoring requirements, reviewer feedback is provided to the applicant, in order to improve the application in the next competitive round of funding. CDE staff is available to discuss with applicants their applications, and provide advice on how to improve their next application, or where to go for more assistance.

Sub-grant Technical Assistance – CDE staff maintains contact with each sub-grantee to ensure progress is made toward sub-grant benchmarks, and provide technical assistance as required or requested.

Collaboration with NACSA – CDE staff has reached out to leaders at the National Association of Charter School Authorizers (NASCA) to collaborate on technical assistance activities for authorizers. The initial plan is to collaborate on the development of technical assistance topics, and co-present at meetings hosted by the CDE. CDE staff has been in communication with NACSA representatives to move forward to provide a collaborative engagement for authorizer technical assistance. The first presentation is tentatively scheduled for November 2013.

PCSGP Evaluation Contract

The Request for Proposal (RFP) for the independent evaluation study of the 2010–2015 PCSGP was posted on the CDE funding Web site on April 11, 2013. An Intent to Submit a proposal was due on April 26, 2013, and proposals were due on May 29, 2013.

The purpose of the 2010–2015 PCSGP evaluation study is to provide information and recommendations for necessary or desirable modification of the program to the ED, State Superintendent of Public Instruction, CDE, Governor’s Office, Legislature, SBE, Legislative Analyst’s Office, charter school organizations and authorizers, and the California public school community.

The goal of the PCSGP is to expand the number of high quality charter schools and disseminate information from high quality charter schools to other public charter and non-charter schools in order to increase student achievement and to close the achievement gap.

The 2010–2015 PCSGP evaluation study will address evaluation questions within the framework of the four main objectives of the PCSGP grant:

- Increase the Number of High Quality Charter Schools in California
- Strengthen Charter School Sustainability through Capacity Building
- Improve Academic Achievement of Charter School Students
- Disseminate Best Practices from High Quality Charter Schools

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At its September 2012 meeting, the SBE approved the revisions to the 2012–13 PCSGP RFA and directed the CDE, in consultation with the Executive Director of the SBE and/or the SBE liaisons, to perform all necessary actions required to finalize the RFA.

FISCAL ANALYSIS (AS APPROPRIATE)

None

ATTACHMENT(S)

None

California State Board of Education

Meeting Agenda Items for July 10-11, 2013

ITEM 16

ITEM #16

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2013 AGENDA

SUBJECT	
Consideration of a Request to Amend a Determination of Funding as Required for Nonclassroom-based Charter Schools Pursuant to California *Education Code* Sections 47612.5 and 47634.2, *California Code of Regulations* Section 11963.4(d), and Associated *California Code of Regulations*, Title 5.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

Monterey County Home Charter School is requesting that the Advisory Commission on Charter Schools (ACCS) modify its recommendation to the State Board of Education (SBE) on the charter school's determination of funding. Pursuant to *California Code of Regulations*, Title 5 (5 *CCR*) Section 11963.4(d), if a charter school's determination of funding is approved at a percentage lower than that requested, then that charter school must be given 30 calendar days in which to amend its determination of funding request and/or to provide additional information in support of the request. Based upon consideration of the amended request or any additional information that may be provided, the ACCS may modify its recommendation to the SBE. The California Department of Education (CDE) received the request on May 10, 2013, within the 30-day regulatory timeframe.

RECOMMENDATION

California Department of Education Recommendation

The CDE recommends that the SBE deny the amended determination of funding for Monterey County Home Charter School, as identified in Attachment 1.

Advisory Commission on Charter Schools Recommendation

The ACCS met on June 12, 2013, and voted 8 to 1 to recommend that the SBE approve an 85 percent two-year amended determination of funding request for Monterey County Home Charter School as identified in Attachment 1. The ACCS recommendation differs from the CDE recommendation for a 70 percent four-year determination of funding.

BRIEF HISTORY OF KEY ISSUES

Monterey County Home Charter School is requesting to amend its previously approved determination of funding. At its April 10, 2013, meeting the ACCS recommended a 70 percent determination of funding rather than the 100 percent requested by the charter school. Pursuant to 5 *CCR* Section 11963.4(d), if a charter school's determination of funding is approved at a percentage lower than that requested, then that charter school must be given 30 calendar days in which to amend its determination of funding request and/or to provide additional information in support of the request. Based upon consideration of the amended request or any additional information that may be provided, the ACCS may modify its recommendation to the SBE. The SBE did not consider the school's request at its May 2013 meeting. On May 10, 2013, the CDE received the Monterey County Home Charter School's request to amend its determination of funding request. The request was received within the regulatory timeframe.

CDE staff reviewed all of the information provided by the Monterey County Home Charter School in its amended request. The charter school's amended request remains at 100 percent determination of funding with the consideration of the charter school's mitigating circumstances. In its amended request the charter school reported substantial revisions to its revenues and expenditures for Fiscal Year (FY) 2011–12. The school reported revised expenditures of 62.49 percent on certificated staff costs; however, it reported expenditures of 63.33 percent on instruction and related services, which qualifies the charter school for a 70 percent determination of funding, the same percentage as its original request. The charter school held a large reserve for economic uncertainties and funds set aside for instructional materials and related technology and professional development, which could have been used to support instruction in FY 2011–12, rather than being held for expenditures in a subsequent fiscal year. The charter school's amended request reported reserves of $1,687,153, an increase of $773,199 or 84.60 percent, from the previously reported reserves of $913,954.

The funding determination and amendment requests are provided in Attachment 2 through 3 of Agenda Item 5 on the ACCS June 12, 2013, Meeting Notice for the ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/accsnotice061213.asp.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE is responsible for approving a determination of funding to establish eligibility for apportionment funding for charter schools that offer nonclassroom-based instruction.

FISCAL ANALYSIS (AS APPROPRIATE)

If approved, the charter school listed in Attachment 1 would receive apportionment funding under the charter school block grant funding model. Funding is based on the statewide average funding levels for each grade span (kindergarten through grade three, grades four through six, grades seven through eight, and grades nine through twelve). Calculations use revenue limits for unified, elementary, and high school districts.

ATTACHMENTS

Attachment 1: California Department of Education Recommendation Determination of Funding (1 Page)

California Department of Education
Recommendation Determination of Funding

California Department of Education Recommendation – Continuing Charter School Amended Determination of Funding for Fiscal Years 2013–14 through 2016–17

County-District-School Code	Charter Number	County	Charter School	Prior ACCS Action	Charter School's Request	CDE Recommendation
27-10272-2730232	0327	Monterey	Monterey County Home Charter School	70% 4 Years 2013–14 through 2016–17	100% 5 Years	70% 4 Years 2013–14 through 2016–17

Advisory Commission on Charter Schools Recommendation – Continuing Charter School Amended Determination of Funding for Fiscal Years 2013–14 through 2014–15

County-District-School Code	Charter Number	County	Charter School	Prior ACCS Action	Charter School's Request	ACCS Recommendation
27-10272-2730232	0327	Monterey	Monterey County Home Charter School	70% 4 Years 2013–14 through 2016–17	100% 5 Years	85% 2 Years 2013–14 through 2014–15

California State Board of Education

Meeting Agenda Items for July 10-11, 2013

ITEM W-01

ITEM #W-01

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2013 AGENDA

☒ **General Waiver**

SUBJECT	
Request by **Redlands Unified School District** to waive California *Education Code* Section 48352(a) and *California Code of Regulations,* Title 5, Section 4701, to remove three schools from the Open Enrollment List of "low-achieving schools" for the 2013–14 school year. Waiver Numbers: 9-4-2013 10-4-2013 11-4-2013	☒ **Action** ☒ **Consent**

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

The California Department of Education (CDE) recommends approval of three waiver requests from the Redlands Unified School District for schools on the 2013-14 Open Enrollment list (Attachment 1) that meet the criteria for the State Board of Education (SBE) Streamlined Waiver Policy (available at http://www.cde.ca.gov/re/lr/wr/documents/sbestreamlined.doc). These waivers are recommended for approval on the condition that the local educational agencies (LEAs) granted these waivers must honor any transfer requests pursuant to the Open Enrollment Act. Granting these waivers would allow the schools to have their names removed from the 2013–14 Open Enrollment List as requested. These waivers do not affect the standing of any other schools, as these waivers are specific to the individual schools named in the attached waivers.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

This is the fourth time the SBE has heard a request from an LEA that meets the SBE streamlined waiver criteria to be removed from the 2013-14 Open Enrollment list. The SBE has approved all previous 2013-14 Open Enrollment streamlined waiver requests.

SUMMARY OF KEY ISSUES

The methodology used in creating the list of 1,000 lowest achieving schools, per the statute, resulted in some higher achieving schools being placed on the list while at the same time some schools with lower APIs were not included on the list. This was primarily due to the statutory provision that an LEA can have no more than 10 percent of its schools on the list.
Identification as a "low-achieving" school can have a significant educational, economic,

and political impact on the school community. The label of “low-achieving” does not take into account the API scores for schools whose scores have risen or are maintained closer to the higher levels of achievement. The perception that the school is “low-achieving” may cause unwarranted flight from the school community and may negatively impact fiscal issues.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in the California *Education Code (EC)* 33051(a), available at http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=33001-34000&file=33050-33053.

Demographic Information: See individual waivers

Authority for Waiver: *EC* Section 33050

Period of request: See individual waivers

Period of recommendation: July 1, 2013, to June 30, 2014

Local board approval date(s): See individual waivers

Public hearing held on date(s): See individual waivers

Bargaining unit(s) consulted on date(s): See individual waivers

Public hearing advertised by (choose one or more): See individual waivers

Advisory committee(s) consulted: See individual waivers

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval or denial.

ATTACHMENT(S)

Attachment 1: Schools Requesting a General Waiver from the 2013-14 Open Enrollment List (1 page).

Attachment 2: Redlands Unified School District General Waiver Request 9-4-2013 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Redlands Unified School District General Waiver Request 10-4-2013 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Redlands Unified School District General Waiver Request 11-4-2013 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Schools Requesting a General Waiver from the 2013-14 Open Enrollment List

Waiver #	County District School	2012 District Growth API	2012 School API Growth*		2012 API Target Met?	Met API Growth Targets (3 of last 5 yrs)	Meets SBE Waiver Policy (Yes/No)	Decile, Similar Schools Rank	Current PI Status	Position of Bargaining Unit/Date Consulted	Period of Request	Recommend for Approval (Yes/No)
9-4-2013	San Bernardino Redlands Unified Mission Elementary	824	Schoolwide	781	N/A	N/A	Yes	N/A	Not in PI	Support 02/28/2013	**Requested:** 07/01/2013 to 06/30/2014 **Recommended:** 07/01/2013 to 06/30/2014	Yes
Note: Mission Elementary is a new school that opened for grades K-2 for the 2011-12 school year; therefore they have no API growth target information.												
10-4-2013	San Bernardino Redlands Unified Lugonia Elementary	824	Schoolwide Hispanic or Latino SED English Learners	781 769 776 777	Yes Yes Yes Yes	Yes	Yes	3, 4	Year 3	Support 02/28/2013	**Requested:** 07/01/2013 to 06/30/2014 **Recommended:** 07/01/2013 to 06/30/2014	Yes
11-4-2013	San Bernardino Redlands Unified Victoria Elementary	824	Schoolwide Asian Hispanic or Latino SED English Learners SWD	753 870 727 758 759 586	Yes Yes Yes Yes Yes No	Yes	Yes	8, 10	Year 1	Support 03/05/2013	**Requested:** 07/01/2013 to 06/30/2014 **Recommended:** 07/01/2013 to 06/30/2014	Yes

*Only student groups that are numerically significant are included in this column.
SED – Socioeconomically Disadvantaged
SWD – Students with Disabilities

Prepared by the California Department of Education
Revised: 05-09-13 9:19 AM

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3667843 Waiver Number: 9-4-2013 Active Year: 2013

Date In: 4/10/2013 3:57:36 PM

Local Education Agency: Redlands Unified School District
Address: 20 West Lugonia Ave.
Redlands, CA 92374

Start: 7/1/2013 End: 6/30/2014

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Open Enrollment
Ed Code Title: Removal From the List of LEAs
Ed Code Section: 48352(a) and *CCR* Title 5 Section 4701
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: *Education Code* 48352. For purposes of this article, the following definitions apply:

[(2) "Low achieving school" means any school identified by the Superintendent pursuant to the following:

(1) Excluding the schools, and taking into account the impact of the criteria in paragraph (2), the Superintendent annually shall create a list of the 1,000 school ranked by increasing API with the same ratio of elementary, middle, and high schools as existed in decile 1 in 2008-09 school year.

(2) In constructing the list of 1,000 schools each year, the Superintendent shall ensure each of the following:

(A) A local educational agency shall not have more than 10 percent of its schools on the list. However, if the number of schools in the local education agency is not evenly divisible by 10, the Superintendent shall round up to the next whole number of schools.
(B) Court, community, or community day schools shall not be included on the list.
(C) Charter schools shall not be included on the list.]

Title 5 *CCR* 4701. Identification of Open Enrollment Schools.

[(a) The State Superintendent of Public Instruction (SSPI) shall annually construct a list of 1,000 schools for the Open Enrollment Act that maintains the same ratio of elementary, middle, and high schools as existed in decile 1 of the 2009 Base Academic Performance Index (API) file and retains only “10 percent” of a local educational agency’s (LEA’s) schools pursuant to the following methodology:

(1) the list of 1,000 schools shall include 687 elementary schools, 165 middle schools, and 148 high schools;

(2) the list of 1,000 schools shall exclude the following:
(A) schools that are court, community, or community day schools;
(B) schools that are charter Schools;
(C) schools that are closed; and
(D) schools that have fewer than 100 valid test scores.

(3) an LEA shall have on the list no more that 10 percent of its total number of schools that are not closed. However, when that total number of schools is not evenly divisible by 10, the 10 percent number of the LEA's schools shall be rounded up to the next whole number; and

(4) to produce the final list of 1,000 schools, the SSPI shall apply the following process:
(A) create a pool of schools;
1. For the purpose of constructing the Open Enrollment Schools List for transfer during the 2010-11 school year, this pool shall be created by selecting all schools from the 2009 Base API file.]

Outcome Rationale: Redlands Unified Schools District (RUSD,) with a district-wide API ranking of 825, is requesting to remove Mission Elementary from the Open Enrollment List. Mission Elementary is a new school that was opened for grades K-2 for the 2011-12 school year, earning an API of 781 in that first year. Beginning a school comes with many challenges, but despite this the staff were diligent in their work to effectively form a solid foundation and support the development of a positive and productive school culture as well as accelerated student learning. Redlands Unified School District is providing Mission with supplemental fiscal, curricular, professional development, and technology support. Placing Mission Elementary School on the list, when they are both a new school and not one of the 1,000 lowest performing schools in the state, creates a stigma of negativity that impacts students, staff, and community morale; in addition, to having a significant educational, economic, and political impact on the school, and it's community. By removing Mission Elementary School from the Open Enrollment List, the school will maintain the same sense of pride and momentum of high academic achievement for all their students that all schools in RUSD enjoy.

Student Population: 502

City Type: Suburban

Public Hearing Date: 4/9/2013
Public Hearing Advertised: announcement posted at school site, city library, local newspaper

Local Board Approval Date: 4/9/2013

Committee/Council Reviewed By: School Site Council, English Learners Advisory Committee
Committee/Council Reviewed Date: 3/22/2013
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Julie Swan
Position: Director
E-mail: julie_swan@redlands.k12.ca.us
Telephone: 909-307-5300 x6766
Fax:

Bargaining Unit: Date: 02/28/2013
Name: Readlands Teachers Association
Representative: Maria Clark
Title: President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3667843 Waiver Number: 10-4-2013 Active Year: 2013

Date In: 4/10/2013 4:12:12 PM

Local Education Agency: Redlands Unified School District
Address: 20 West Lugonia Ave.
Redlands, CA 92374

Start: 7/1/2013 End: 6/30/2014

Waiver Renewal: Y
Previous Waiver Number: 5-12-2011-W-04 Previous SBE Approval Date: 3/8/2012

Waiver Topic: Open Enrollment
Ed Code Title: Removal From the List of LEAs
Ed Code Section: 48352(a) and *CCR* Title 5 Section 4701
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: *Education Code* 48352. For purposes of this article, the following definitions apply:

[(2) "Low achieving school" means any school identified by the Superintendent pursuant to the following:

(1) Excluding the schools, and taking into account the impact of the criteria in paragraph (2), the Superintendent annually shall create a list of the 1,000 school ranked by increasing API with the same ratio of elementary, middle, and high schools as existed in decile 1 in 2008-09 school year.

(2) In constructing the list of 1,000 schools each year, the Superintendent shall ensure each of the following:

(A) A local educational agency shall not have more than 10 percent of its schools on the list. However, if the number of schools in the local education agency is not evenly divisible by 10, the Superintendent shall round up to the next whole number of schools.
(B) Court, community, or community day schools shall not be included on the list.
(C) Charter schools shall not be included on the list.]

Title 5 *CCR* 4701. Identification of Open Enrollment Schools.

[(a) The State Superintendent of Public Instruction (SSPI) shall annually construct a list of 1,000 schools for the Open Enrollment Act that maintains the same ratio of elementary, middle, and high schools as existed in decile 1 of the 2009 Base Academic Performance Index (API) file and retains only “10 percent” of a local educational agency’s (LEA’s) schools pursuant to the following methodology:

(1) the list of 1,000 schools shall include 687 elementary schools, 165 middle schools, and 148 high schools;

(2) the list of 1,000 schools shall exclude the following:
(A) schools that are court, community, or community day schools;
(B) schools that are charter Schools;
(C) schools that are closed; and
(D) schools that have fewer than 100 valid test scores.

(3) an LEA shall have on the list no more that 10 percent of its total number of schools that are not closed. However, when that total number of schools is not evenly divisible by 10, the 10 percent number of the LEA's schools shall be rounded up to the next whole number; and

(4) to produce the final list of 1,000 schools, the SSPI shall apply the following process:
(A) create a pool of schools;
1. For the purpose of constructing the Open Enrollment Schools List for transfer during the 2010-11 school year, this pool shall be created by selecting all schools from the 2009 Base API file.]

Outcome Rationale: Redlands Unified Schools District (RUSD,) with a district-wide API ranking of 825, is requesting to remove Lugonia Elementary from the Open Enrollment List. Lugonia Elementary has an API of 781, and has improved their API score by 182 points in 11 years. This impressive gain is the largest increase of any of our schools since the inception of the API. In addition, the school continues to make gains school-wide, as well as in their significant sub-groups. Redlands Unified is providing Lugonia with significant supplementary fiscal, curricular, professional development, and technology support. Placing Lugonia Elementary School on the list, when they are not one of the 1,000 lowest performing schools in the state, creates a stigma of negativity that impacts students, staff, and community morale; in addition, to having a significant educational, economic, and political impact on the school, and it's community. By removing Lugonia Elementary School from the Open Enrollment List, the school will maintain the same sense of pride and momentum of high academic achievement for all their students that all schools in RUSD enjoy.

Student Population: 613

City Type: Suburban

Public Hearing Date: 4/9/2013
Public Hearing Advertised: notices posted at school site and public library, notice in local newspaper

Local Board Approval Date: 4/9/2013

Committee/Council Reviewed By: School Site Council, English Learners Advisory Committee
Committee/Council Reviewed Date: 3/26/2013
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N
Submitted by: Ms. Julie Swan
Position: Director
E-mail: julie_swan@redlands.k12.ca
Telephone: 909-307-5300 x6766
Fax:

Bargaining Unit: Date: 02/28/2013
Name: Redlands Teachers Association (RTA)
Representative: Maria Clark
Title: President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3667843 Waiver Number: 11-4-2013 Active Year: 2013

Date In: 4/10/2013 4:25:09 PM

Local Education Agency: Redlands Unified School District
Address: 20 West Lugonia Ave.
Redlands, CA 92374

Start: 8/1/2013 End: 6/30/2014

Waiver Renewal: Y
Previous Waiver Number: 4-12-2011-W-04 Previous SBE Approval Date: 3/8/2012

Waiver Topic: Open Enrollment
Ed Code Title: Removal From the List of LEAs
Ed Code Section: 48352(a) and *CCR* Title 5 Section 4701
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: *Education Code* 48352. For purposes of this article, the following definitions apply:

[(2) "Low achieving school" means any school identified by the Superintendent pursuant to the following:

(1) Excluding the schools, and taking into account the impact of the criteria in paragraph (2), the Superintendent annually shall create a list of the 1,000 school ranked by increasing API with the same ratio of elementary, middle, and high schools as existed in decile 1 in 2008-09 school year.

(2) In constructing the list of 1,000 schools each year, the Superintendent shall ensure each of the following:

(A) A local educational agency shall not have more than 10 percent of its schools on the list. However, if the number of schools in the local education agency is not evenly divisible by 10, the Superintendent shall round up to the next whole number of schools.
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(C) Charter schools shall not be included on the list.]

Title 5 *CCR* 4701. Identification of Open Enrollment Schools.

[(a) The State Superintendent of Public Instruction (SSPI) shall annually construct a list of 1,000 schools for the Open Enrollment Act that maintains the same ratio of elementary, middle, and high schools as existed in decile 1 of the 2009 Base Academic Performance Index (API) file and retains only “10 percent” of a local educational agency’s (LEA’s) schools pursuant to the following methodology:

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(D) schools that have fewer than 100 valid test scores.

(3) an LEA shall have on the list no more that 10 percent of its total number of schools that are not closed. However, when that total number of schools is not evenly divisible by 10, the 10 percent number of the LEA's schools shall be rounded up to the next whole number; and

(4) to produce the final list of 1,000 schools, the SSPI shall apply the following process:
(A) create a pool of schools;
1. For the purpose of constructing the Open Enrollment Schools List for transfer during the 2010-11 school year, this pool shall be created by selecting all schools from the 2009 Base API file.]

Outcome Rationale: Redlands Unified Schools District (RUSD,) with a district-wide API ranking of 825, is requesting to remove Victoria Elementary from the Open Enrollment List. Victoria Elementary has an API of 754, and has improved their API score by 106 points in 11 years. This gain is the due in large part to the commitment of the staff to provide the best learning environment for their diverse student population and to the districts' highest (94%) Free & Reduced lunch site. Redlands Unified School District is providing Victoria with significant supplemental fiscal, curricular, professional development, and technology support. Placing Victoria Elementary School on the list, when they are not one of the 1,000 lowest performing schools in the state, creates a stigma of negativity that impacts students, staff, and community morale; in addition, to having a significant educational, economic, and political impact on the school, and it's community. By removing Victoria Elementary School from the Open Enrollment List, the school will maintain the same sense of pride and momentum of high academic achievement for all their students that all schools in RUSD enjoy.

Student Population: 531

City Type: Urban

Public Hearing Date: 4/9/2013
Public Hearing Advertised: Notice posted at school site and public library, posted in local paper

Local Board Approval Date: 4/9/2013

Committee/Council Reviewed By: School Site Council, English Learner Advisory Committee
Committee/Council Reviewed Date: 3/28/2013
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Julie Swan
Position: Director
E-mail: julie_swan@redlands.k12.ca.us
Telephone: 909-307-5300 x6766
Fax:

Bargaining Unit: Date: 02/28/2013
Name: Redlands Teachers Association
Representative: Maria Clark
Title: President
Position: Support
Comments:

California State Board of Education

Meeting Agenda Items for July 10-11, 2013

ITEM W-02

ITEM #02

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2013 AGENDA

☒ **Specific Waiver**

SUBJECT

Request by nine local educational agencies, under the authority of California *Education Code* Section 52863 for waivers of *Education Code* Section 52852, relating to schoolsite councils regarding changes in shared, composition, or shared and composition members.

Waiver Numbers: Centinela Valley Union High 19-3-2013
Coffee Creek Elementary 13-4-2013
Glenn County Office of Education 15-3-2013
Kern Union High 1-4-2013
Kern Union High 2-4-2013
Lakeport Unified 20-3-2013
Leggett Valley Unified 46-3-2013
Modoc Joint Unified 49-3-2013
Modoc Joint Unified 50-3-2013
Santa Barbara County Office of Education 54-3-2013
Terra Bella Union Elementary 53-3-2013

☒ **Action**

☒ **Consent**

RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

The California Department of Education recommends approval with the following conditions: See Attachment 1.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Specific authority is provided in California *Education Code* (*EC*) Section 52863 to allow the State Board of Education (SBE) to waive the Schoolsite Council (SSC) requirements of the School-Based Coordination Program (SBCP) Act that would hinder the success of school-based programs. These waivers must be renewed every two years.

SUMMARY OF KEY ISSUES

Centinela Valley Union High School District is requesting a shared SSC for two schools: R. K. Lloyde (Continuation) High School (14 teachers serving 335 students in grades nine through twelve) and Centinela Valley Independent Study School (4 teachers serving 403 students in grades nine through twelve). The two schools share one principal, two counselors, as well as professional development and related services. They are located on the same campus in an urban area.

Coffee Creek Elementary School District is requesting an SSC composition change for Coffee Creek Elementary School (1.5 teachers serving 13 students in kindergarten through grade eight). The school is in a single-school district, located in a rural area.

Glenn County Office of Education is requesting a shared SSC for three small schools: Glenn County Juvenile Court School (1 teacher serving 10 students in grades seven through twelve), Glenn County Opportunity School (10 teachers serving 33 students in grades seven through twelve), and Glenn County Special Education (7 teachers serving 61 students in kindergarten through grade twelve). The three schools share some administration and staff members in a small rural district. A joint SSC could provide savings in time and resources.

Kern Union High School District is requesting an SSC composition change for Central Valley Continuation High School (4 teachers serving 80 students in grades nine through twelve). The school is located in a rural area.

Kern Union High School District is requesting an SSC composition change for Summit Continuation High School (2 teachers serving 26 students in grades nine through twelve). The school is located in a rural area.

Lakeport Unified School District is requesting a shared SSC and composition change for three of its small alternative schools: Lakeport Alternative School (2 teachers serving 50 students in kindergarten through grade twelve), Lakeport Community Day School (1 teacher serving 10 students in grades nine and ten), and Natural High School (1.25 teachers serving 30 students in grades nine through twelve). These three schools have a common site administrator and similar student population. In addition, they are located in close geographic proximity to one another in a rural area.

Leggett Valley Unified School District is requesting an SSC composition change for two small schools: Leggett Valley Elementary School (4 teachers serving 62 students in kindergarten through grade eight) and Leggett Valley High School (3 teachers serving 9 students in grades nine through twelve). The two schools are located on the same campus in a rural area.

Modoc Joint Unified School District is requesting an SSC composition change for State Line Elementary School (1 teacher serving 10 students in kindergarten through grade five). The school is an outlying school and located in a rural area.

Modoc Joint Unified School District is requesting three shared SSCs for six of its schools: Alturas Elementary School (19 teachers serving 360 students in kindergarten through grade five) and Alturas Community Day School (currently no teachers and no enrollment with a grade span of kindergarten through grade six); Modoc High School (14 teachers serving 233 students in grades nine through twelve) and Warner Continuation High School (1 teacher serving 6 students in grades nine through twelve); and Modoc Middle School (9 teachers serving 175 students in grades six through eight) and High Desert Community Day School (1 teacher serving 4 students in grades seven through nine). Student population in some of these schools is highly transient and they are located in a rural area.

Santa Barbara County Office of Education is requesting a shared SSC for four of its schools: Santa Barbara County Community School (9 teachers serving 226 students in grades seven through twelve), Santa Barbara County Juvenile Court School (8 teachers serving 155 students in grades seven through twelve), Summit High School (sharing teachers with other schools serving 3 students in grades nine through twelve), and Summit High School, II (1 teacher serving 12 students in grades nine through twelve). These schools share a common administration, curriculum and services, and coordinate program planning. Student populations are similar, highly mobile going in and out of one school to another. In addition, some of these schools are located on the same campus. These schools are either in a small city or in a rural area.

Terra Bella Union Elementary School District is requesting a shared SSC for two schools: Terra Bella Elementary School (29 teachers serving 639 students in kindergarten through grade five) and Carl F. Smith Middle School (12 teachers serving 294 students in grades six through eight). The two schools are in close proximity to each other that lends to collaborative planning. In addition, some parents have children attending both schools. The schools are located in a rural area.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval.

ATTACHMENT(S)

Attachment 1: Local Educational Agencies Requesting a School Site Council Waiver (6 pages)

Attachment 2: Centinela Valley Union High School District Specific Waiver Request 19-3-2013 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Coffee Creek Elementary School District Specific Waiver Request 13-4-2013 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Glenn County Office of Education Specific Waiver Request 15-3-2013 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Kern Union High School District Specific Waiver Request 1-4-2013 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 6: Kern Union High School District Specific Waiver Request 2-4-2013 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 7: Lakeport Unified School District Specific Waiver Request 20-3-2013

(2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 8: Leggett Valley Unified School District Specific Waiver Request 46-3-2013 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 9: Modoc Joint Unified School District Specific Waiver Request 49-3-2013 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 10: Modoc Joint Unified School District Specific Waiver Request 50-3-2013 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 11: Santa Barbara County Office of Education Specific Waiver Request 54-3-2013 (4 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 12: Terra Bella Union Elementary School District Specific Waiver Request 53-3-2013 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Local Educational Agencies Requesting a School Site Council Waiver

Waiver Number	Local Educational Agencies for School(s) (CDS Code[s])	Local Educational Agencies Request	California Department of Education Recommendation	Previous Waiver Yes or No Period of Request/ Period Recommended	Collective Bargaining Unit Position/ Current Agreement	School Site Council/ Advisory Committee Position	Local Board Approval Date
19-3-2013	Centinela Valley Union High School District for R. K. Lloyde High School (1964352 1930239) and Centinela Valley Independent Study School (1964352 0118521)	Shared SSC	Approval with conditions; the SSC must consist of one principal, four classroom teachers (selected by peers), one other school representative (selected by peers), three parents/community members (selected by peers), and three students (selected by peers).	**No** **Period of Request:** 09/01/2012 To 06/30/2014 **Period Recommended:** 09/01/2012 To 06/30/2014	South Bay United Teachers Association Jack Foreman, President 01/29/2013 **Support**	Lloyde High School SSC 02/20/2013 **Approve**	03/05/2013
13-4-2013	Coffee Creek Elementary School District for Coffee Creek Elementary School (5371670 6053706)	SSC Composition Change	Approval with conditions; the SSC must consist of one classroom teacher (selected by peers), one other school representative (selected by peers), and two parents/community members (selected by peers).	**Yes** **Period of Request**: 01/01/2013 To 01/01/2015 **Period Recommended:** 01/01/2013 To 01/01/2015	None indicated	Coffee Creek SSC 03/19/2013 **Approve**	03/20/2013

Waiver Number	Local Educational Agencies for School(s) (CDS Code[s])	Local Educational Agencies Request	California Department of Education Recommendation	Previous Waiver Yes or No Period of Request/ Period Recommended	Collective Bargaining Unit Position/ Current Agreement	School Site Council/ Advisory Committee Position	Local Board Approval Date
15-3-2013	Glenn County Office of Education for Glenn County Juvenile Court School (1110116 1130087), Glenn County Opportunity School (1110116 1130079), and Glenn County Special Education (1110116 6077184)	Shared SSC	Approval with conditions; the SSC must consist of one principal, four classroom teachers (selected by peers), one other school representative (selected by peers), three parents/community members (selected by peers), and three students (selected by peers).	**No** **Period of Request:** 10/01/2012 To 10/01/2014 **Period Recommended:** 10/01/2012 To 09/30/2014	None indicated	LEA Planning Group 11/26/2012 **Approve**	03/05/2013
1-4-2013	Kern Union High School District for Central Valley Continuation High School (1563529 1530021)	SSC Composition Change	Approval with conditions; the SSC must consist of one principal, three classroom teachers (selected by peers), two parents/community members (selected by peers), and two students (selected by peers).	**Yes** **Period of Request:** 07/01/2013 To 06/30/2015 **Period Recommended:** 07/01/2013 To 06/30/2015	Kern High School District Teachers Association Victoria Shoenhair, President 03/11/2013 **Support**	SSC 03/12/2013 **Approve**	04/01/2013

Waiver Number	Local Educational Agencies for School(s) (CDS Code[s])	Local Educational Agencies Request	California Department of Education Recommendation	Previous Waiver Yes or No Period of Request/ Period Recommended	Collective Bargaining Unit Position/ Current Agreement	School Site Council/ Advisory Committee Position	Local Board Approval Date
2-4-2013	Kern Union High School District for Summit Continuation High School (1563529 1530294)	SSC Composition Change	Approval with conditions; the SSC must consist of one principal, two classroom teachers (selected by peers), two parents/community members (selected by peers), and one student (selected by peers).	**Yes** **Period of Request:** 07/01/2013 To 06/30/2015 **Period Recommended:** 07/01/2013 To 06/30/2015	Kern High School District Teachers Association Victoria Shoenhair, President 03/11/2013 **Support**	SSC 03/12/2013 **Approve**	04/01/2013
20-3-2013	Lakeport Unified School District for Lakeport Alternative (Home) School (1764030 1730142), Lakeport Community Day School (1764030 0114215), and Natural High (Continuation) School (1764030 1730019)	Shared SSC and Composition Change	Approval with conditions; the SSC must consist of one principal, two classroom teachers (selected by peers), 2 parents/community members (selected by peers), and one student (selected by peers).	**No** **Period of Request:** 04/01/2013 To 06/30/2014 **Period Recommended:** 04/01/2013 To 06/30/2014	None indicated	Lakeport Alternative Education Center SSC 01/29/2013 **Approve**	03/07/2013

Waiver Number	Local Educational Agencies for School(s) (CDS Code[s])	Local Educational Agencies Request	California Department of Education Recommendation	Previous Waiver Yes or No Period of Request/ Period Recommended	Collective Bargaining Unit Position/ Current Agreement	School Site Council/ Advisory Committee Position	Local Board Approval Date
46-3-2013	Leggett Valley Unified School District for Leggett Valley Elementary School (2375218 6025118) and Leggett Valley High School (2375218 2332724)	Shared SSC and Composition Change	Approval with conditions; the SSC must consist of one principal, one classroom teacher (selected by peers), one parent (selected by peers), and one student (selected by peers).	**No** **Period of Request:** 05/01/2013 To 05/01/2015 **Period Recommended:** 05/01/2013 To 05/01/2015	Leggett Association of Teachers Lisa Campbell, teacher 02/05/2013 **Support**	SSC 02/05/2013 **Approve**	02/13/2013
49-3-2013	Modoc Joint Unified School District for State Line Elementary School (2573585 6025886)	SSC Composition Change	Approval with conditions; the SSC must consist of one principal, one classroom teacher (selected by peers), one other school representative (selected by peers), and three parents/community members (selected by peers).	**No** **Period of Request:** 08/30/2013 To 06/05/2014 **Period Recommended:** 08/30/2013 To 06/05/2014	Modoc Teachers Association Amy Ward, President 02/20/2013 Teamsters 137 Ronda Christie, Negotiator 02/21/2013 **Support**	State Line Elementary School Site Council 03/01/2013 **Approve**	03/12/2013

Waiver Number	Local Educational Agencies for School(s) (CDS Code[s])	Local Educational Agencies Request	California Department of Education Recommendation	Previous Waiver Yes or No Period of Request/ Period Recommended	Collective Bargaining Unit Position/ Current Agreement	School Site Council/ Advisory Committee Position	Local Board Approval Date
50-3-2013	Modoc Joint Unified School District for Alturas Elementary School (2573585 6025845), Alturas Community Day School (2573585 6115661), Modoc High School (2573585 2535409), Warner Continuation High School (2573585 2530020), Modoc Middle School (2573585 6058697), and High Desert Community Day School (2573585 2530111)	Shared SSC	For Alturas Elementary School and Alturas Community Day School: Approval with conditions; the SSC must consist of one principal, three classroom teachers (selected by peers), one other school representative (selected by peers), and five parents/community members (selected by peers). For Modoc High School and Warner Continuation High School: Approval with conditions; the SSC must consist of one principal, four classroom teachers (selected by peers), one other school representative (selected by peers), three parents/community members (selected by peers), and three students (selected by peers). For Modoc Middle School and High Desert Community Day School: Approval with conditions: the SSC must consist of one principal, three classroom teachers (selected by peers), one other school representative (selected by peers), and five parents/community members (selected by peers).	**No** **Period of Request:** 08/30/2012 To 06/05/2014 **Period Recommended:** 08/30/2012 To 06/05/2014	Modoc Teachers Association Amy Ward, President 02/21/2013 Teamsters 137 Ronda Christie, Negotiator 02/21/2013 **Support**	Modoc High SSC, Modoc Middle SSC, Alturas Elementary SSC 02/27/2013 **Approve**	03/12/2013

Waiver Number	Local Educational Agencies for School(s) (CDS Code[s])	Local Educational Agencies Request	California Department of Education Recommendation	Previous Waiver Yes or No Period of Request/ Period Recommended	Collective Bargaining Unit Position/ Current Agreement	School Site Council/ Advisory Committee Position	Local Board Approval Date
54-3-2013	Santa Barbara County Office of Education for Santa Barbara County Community School (4210421 4230207), Santa Barbara County Juvenile Court School (4210421 4230157), Summit High School (4210421 0108654), and Summit High School, II (4210421 0116855)	Shared SSC	Approval with conditions; the SSC must consist of one principal, four classroom teachers (selected by peers), one other school representative (selected by peers), three parents/community members (selected by peers), and three students (selected by peers).	**Yes** **Period of Request:** 07/01/2013 To 06/30/2015 **Period Recommended:** 07/01/2013 To 06/30/2015	California School Employee Association Mike Ostini, CSEA Representative 12/04/2012 **Support** Santa Barbara County Education Association Laura Ishikawa, SBCEA Representative 11/30/2012 **Support**	Parent Staff Advisory Committee 01/22/2013 **Approve**	03/04/2013
53-3-2013	Terra Bella Union Elementary School District for Terra Bella Elementary School (5472199 6054415) and Carl F. Smith Middle School (5472199 6112510)	Shared SSC	Approval with conditions; the SSC must consist of one principal, three classroom teachers (selected by peers), one other school representative (selected by peers), and five parents/community members (selected by peers).	**Yes** **Period of Request:** 07/01/2013 To 06/30/2015 **Period Recommended:** 07/01/2013 To 06/30/2015	CSEA Terra Bella Chapter 764 Anthony Robison, President 02/04/2013 **Support** Terra Bella Teachers' Group Jack Berry, President 02/04/2013 **Support**	Terra Bella Elementary SSC, Carl Smith Middle School English Learner Advisory Committee, and District English Learner Advisory Committee 03/06/2013 **Approve**	02/14/2013

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 1964352 Waiver Number: 19-3-2013 Active Year: 2013

Date In: 3/7/2013 1:33:59 PM

Local Education Agency: Centinela Valley Union High School District
Address: 14901 South Inglewood Ave.
Lawndale, CA 90260

Start: 9/1/2012 End: 6/30/2014

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Schoolsite Council Statute
Ed Code Title: Shared Schoolsite Council
Ed Code Section: 52852
Ed Code Authority: 52863

Ed Code or *CCR* to Waive: 52852. ~~A schoolsite council shall be established at each school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools,pupils selected by pupils attending the school. At the elementary level the council shall be constituted to ensureparity between (a) the principal, classroom teachers and other school personnel; and (b) parents or other community members selected by parents. At the secondary level the council shall be constituted to ensureparity between (a) the principal, classroom teachers and other schoolpersonnel; and (b) equal numbers of parents, or other community members selected by parents, and pupils. At both the elementary and secondary levels, classroom teachers shall comprise the majority of persons represented under category(a). Existing schoolwide advisory groups or school support groups maybe utilized as the schoolsite council if those groups conform to this section. The Superintendent of Public Instruction shall provide several examples of selection and replacement procedures that may be considered by schoolsite councils. An employee of a school who is also a parent or guardian of a pupil who attends a school other than the school of the parent's or guardian's employment, is not disqualified by virtue of this employment from serving as a parent representative on the schoolsite council established for the school that his or her child or ward attends.~~

A waiver that would allow for a single joint schoolsite council (SSC), which will serve during the period of this waiver, to carry out the responsibilities for both Lloyde Continuation High School and Centinela Valley Independent Study School.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION: Specific authority is provided in *Education Code* (*EC*) Section 52863 to allow the State Board of Education (SBE) to waive the SSC requirements of the School-Based Coordination Program (SBCP) Act that would hinder the success of school-based programs. These waivers must be renewed every two years.

The SBE has found that there may be small schools within any size of district that provide alternative education programs like Community Day schools, and Court and Community Schools, which have very small numbers of staff and students, and yet they serve similar populations of students, with similar goals.

In these cases, it makes sense that a joint schoolsite council could easily function for multiple schools in this alternative education setting, and a joint schoolsite council would also provide a savings in time and resources in a small community.

Many of these waivers have been granted by the State Board of Education (SBE) in the past under a pre-existing Waiver Policy. All of these waivers must be renewed every two years to ensure that the situation remains the same (per *EC* 52863.)

Outcome Rationale: Lloyde is a continuation high school with 14 teachers, serving 335 students and CVISS is an Independent Study School with 4 teachers, serving 403 students. Of the 403 students enrolled at CVISS, 296 of them are in a program specific to students 18 years and older.

Both schools are located on the same campus and share one principal, two counselors, as well as professional development and related services.

Student Population: 738

City Type: Urban

Local Board Approval Date: 3/5/2013

Council Reviewed By: Lloyde High School SSC
Council Reviewed Date: 2/20/2013
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Hatha Parrish
Position: Director Federal and State Programs
E-mail: parrishh@centinela.k12.ca.us
Telephone: 310-263-3177
Fax:

Bargaining Unit: Date: 01/29/2013
Name: South Bay United Teachers Association
Representative: Jack Foreman
Title: Union President for CVUHSD
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 5371670 Waiver Number: 13-4-2013 Active Year: 2013

Date In: 4/11/2013 4:22:28 PM

Local Education Agency: Coffee Creek Elementary School District
Address: Coffee Creek Rd.
Coffee Creek, CA 96091

Start: 1/1/2013 End: 1/1/2015

Waiver Renewal: Y
Previous Waiver Number: 47-12-2010-W-5 Previous SBE Approval Date: 4/21/2011

Waiver Topic: Schoolsite Council Statute
Ed Code Title: Number and Composition of Members
Ed Code Section: 52852
Ed Code Authority: 52863

Ed Code or *CCR* to Waive: *EC* 52852 A school site council shall be established at each school which participates in school-based program coordination. The council shall be composed of the [principal] and representatives of: Teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in seconday schools, pupils selected by pupils attending the school. At both the elementary and secondary levels, [classroom teachers shall comprise the majority of persons represented under category (a)].

Outcome Rationale: The size of our student population and the number of teachers (1) make it necessary for us to request a waiver renewal in regard to the composition of our school site council. Please see the attachment below.

Student Population: 13

City Type: Rural

Local Board Approval Date: 3/20/2013

Council Reviewed By: Coffee Creek School Site Council
Council Reviewed Date: 3/19/2013
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Susan Hazard
Position: District Secretary
E-mail: shazard@tcoek12.org
Telephone: 530-623-6104 x255
Fax:

Attachment to the SPECIFIC WAIVER: SCHOOL SITE COUNCIL-COMPOSITION OF MEMBERS for Coffee Creek School 4-11-13

Description for Item 7:

Coffee Creek School has a current enrollment of thirteen students. There are no other schools in the district, which is why the school is not applying for a shared SSC waiver. With only one teacher, it is not possible to have teachers as the majority. We do not have enough staff or parents to meet the minimum size of 10 members. The administrator serves as principal and also as superintendent of another district, which is an hour's drive away. It is a hardship for the administrator to serve as the principal on the School Site Council due to the distance and snow/ice conditions during winter months.

This waiver renewal will allow us to continue in the number of teachers and parents that will be required to serve on the School Site council. It will also allow the teacher in charge to continue to serve in place of the principal. The functioning School Site Council will retain equity between staff and parents, thus providing appropriate oversight of the school's programs and budget.

Proposed number and composition of the School Site Council:

1 teacher in charge

1 other staff member

2 parents or community members

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 1110116 Waiver Number: 15-3-2013 Active Year: 2013

Date In: 3/6/2013 2:40:46 PM

Local Education Agency: Glenn County Office of Education
Address: 311 South Villa Ave.
Willows, CA 95988
Fax: 530-934-6576

Start: 10/1/2012 End: 10/1/2014

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Schoolsite Council Statute
Ed Code Title: Shared Schoolsite Council with Reduced Number and Composition
Ed Code Section: 52852
Ed Code Authority: 52863

Ed Code or *CCR* to Waive: 52852. A schoolsite council shall be established at each school which participates in school-based program coordination. The councilshall be composed of the principal and representatives of: teachersselected by teachers at the school; other school personnel selectedby other school personnel at the school; parents of pupils attendingthe school selected by such parents; and, in secondary schools,pupils selected by pupils attending the school. At the elementary level the council shall be constituted to ensureparity between (a) the principal, classroom teachers and otherschool personnel; and (b) parents or other community members selectedby parents. At the secondary level the council shall be constituted to ensureparity between (a) the principal, classroom teachers and other schoolpersonnel; and (b) equal numbers of parents, or other communitymembers selected by parents, and pupils. At both the elementary and secondary levels, classroom teachersshall comprise the majority of persons represented under category(a). Existing schoolwide advisory groups or school support groups maybe utilized as the schoolsite council if those groups conform to thissection. The Superintendent of Public Instruction shall provide several examples of selection and replacement procedures that may beconsidered by schoolsite councils.

Outcome Rationale: Schools that are part of the Glenn County Office of Education are so small and share some of the same administration and staff. It is difficult to fill the membership within the school site council and at times administrators have to attend multiple SSC meetings.

Three of our schools are small schools within a small district. The district provides alternative education programs like Opportunity school, and Court School, which have very small numbers of staff and students, and yet they serve similar populations of students, with similar goals.

A joint schoolsite council could easily function for multiple schools in this alternative education setting, and a joint schoolsite council would also provide a savings in time and resources in a small community.

Student Population: 89

City Type: Rural

Local Board Approval Date: 3/5/2013

Council Reviewed By: LEA Planning Group
Council Reviewed Date: 11/26/2012
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. April Hine
Position: Special Projects Budget Lead
E-mail: ahine@glenncoe.org
Telephone: 530-934-6575 x3175
Fax: 530-934-6576

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 1764030 Waiver Number: 20-3-2013 Active Year: 2013

Date In: 3/8/2013 9:16:48 AM

Local Education Agency: Lakeport Unified School District
Address: 2508 Howard Ave.
Lakeport, CA 95453

Start: 4/1/2013 End: 6/30/2014

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Schoolsite Council Statute
Ed Code Title: Shared Schoolsite Council with Reduced Number and Composition
Ed Code Section: 52852
Ed Code Authority: 52863

Ed Code or *CCR* to Waive: A school site council shall be established [at each school] which participates in school-based program coordination. The council shall be composed of the principal and representative of: teachers selected at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; an in secondary schools, pupils selected by pupils attending the school.

Outcome Rationale: Our three small alternative schools have a common site administrator, are located in a close geographic proximity to one another, have very small teaching staffs, and similar student populations. It would be most efficient to have a joint school site council to represent all three schools and to have a reduced number of members on the committee.

Student Population: 90

City Type: Rural

Local Board Approval Date: 3/7/2013

Council Reviewed By: Lakeport Alternative Education Center School Site Council
Council Reviewed Date: 1/29/2013
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Erin Smith-Hagberg
Position: Superintendent
E-mail: esh@lakeport.k12.ca.us
Telephone: 707-262-3000
Fax: 707-263-7332

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 1563529 Waiver Number: 1-4-2013 Active Year: 2013

Date In: 4/3/2013 12:07:03 PM

Local Education Agency: Kern Union High School District
Address: 5801 Sundale Ave.
Bakersfield, CA 93309

Start: 7/1/2013 End: 6/30/2015

Waiver Renewal: Y
Previous Waiver Number: 25-6-2011-W-36 Previous SBE Approval Date: 9/8/2011

Waiver Topic: Schoolsite Council Statute
Ed Code Title: Number and Composition of Members
Ed Code Section: 52852
Ed Code Authority: 52863

Ed Code or *CCR* to Waive: Under the authority of CA Ed Code Section 52863 for waivers of Ed Code Section 53852 relating to schoolsite councils regarding changes in shared, composition, or shared and composition members.

Outcome Rationale: There has been no change in the conditions for which the original waiver was sought and the waiver needs to be renewed. Central Valley Continuation HS is located in the rural community of Shafter, CA, served by Shafter HS. Central Valley is small, serving 80 students. Besides the site administrator, there are four teachers and one secretary. This makes it very difficult to achieve the composition detailed in *EC* Section 52852. Partnering with another school would reduce the influence our stakeholders would have with our specific plan. One option is to share SSC with the local regular high school, whose parents might dominate the discussions with traditional school focus and decision making. Another option, joining with the nearest continuation high school, is not feasible because travel time is roughly 45 minutes in on direction mostly on rural country roads.

Student Population: 80

City Type: Rural

Local Board Approval Date: 4/1/2013

Council Reviewed By: Schoolsite Council: Principal, 3 teachers, 2 parents and 2 students
Council Reviewed Date: 3/12/2013
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Fuchsia Ward
Position: Principal
E-mail: fuchsia_ward@khsd.k12.ca.us
Telephone: 661-827-3156
Fax: 661-396-2987

Bargaining Unit: Date: 03/11/2013
Name: Kern High School District Teachers Association
Representative: Victoria Shoenhair
Title: President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 1563529 Waiver Number: 2-4-2013 Active Year: 2013

Date In: 4/3/2013 11:34:46 AM

Local Education Agency: Kern Union High School District
Address: 5801 Sundale Ave.
Bakersfield, CA 93309

Start: 7/1/2013 End: 6/30/2015

Waiver Renewal: Y
Previous Waiver Number: 26-6-2011-W-35 Previous SBE Approval Date: 9/8/2011

Waiver Topic: Schoolsite Council Statute
Ed Code Title: Number and Composition of Members
Ed Code Section: 52852
Ed Code Authority: 52863

Ed Code or *CCR* to Waive: Under the authority of CA Ed Code Section 52863 for waivers of Ed Code Section 53852 relating to schoolsite councils regarding changes in shared, composition, or shared and compositionmembers

Outcome Rationale: Summit's enrollment increased from 10 to 26 students. Otherwise there has been no major change in the conditions for which the original wavier was sought. Summit Continuation High School is located in the small mountian community of Lake Isabella, CA and is served by Kern Valley HS. Because Summit is so small, besides the Site Administrator, there are only two teachers and one secretary. This makes it impossible to achieve the composition detailed in *EC* Section 52852. Partnering with another school would reduce the influence our stakeholders would have with our specific education plan. Joining with the nearest continuation high school, is not feasible because travel time is over an hour.

Student Population: 26

City Type: Rural

Local Board Approval Date: 4/1/2013

Council Reviewed By: Schoolsite Council: Principal, 2 teachers, 2 parents and 1 student
Council Reviewed Date: 3/12/2013
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Fuchsia Ward
Position: Principal
E-mail: fuchsia_ward@khsd.k12.ca.us
Telephone: 661-837-3156
Fax: 661-396-2987

Bargaining Unit: Date: 03/11/2013
Name: Kern High School Distrct Teachers Association
Representative: Victoria Shoenhair
Title: President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 2375218 Waiver Number: 46-3-2013 Active Year: 2013

Date In: 3/22/2013 11:56:59 AM

Local Education Agency: Leggett Valley Unified School District
Address: 1 School Way
Leggett, CA 95585
Fax: 707-925-6396

Start: 5/1/2013 End: 5/1/2015

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Schoolsite Council Statute
Ed Code Title: Number and Composition of Members
Ed Code Section: 52852
Ed Code Authority: 52863

Ed Code or *CCR* to Waive: *EC* 52852 ~~A schoolsite council shall be established at each school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools,pupils selected by pupils attending the school. At the elementary level the council shall be constituted to ensureparity between (a) the principal, classroom teachers and other school personnel; and (b) parents or other community members selected by parents. At the secondary level the council shall be constituted to ensure parity between (a) the principal, classroom teachers and other school personnel; and (b) equal numbers of parents, or other community members selected by parents, and pupils. At both the elementary and secondary levels, classroom teacher sshall comprise the majority of persons represented under category(a). Existing schoolwide advisory groups or school support groups maybe utilized as the schoolsite council if those groups conform to this section. The Superintendent of Public Instruction shall provide several examples of selection and replacement procedures that may be considered by schoolsite councils. An employee of a school who is also a parent or guardian of apupil who attends a school other than the school of the parent's or guardian's employment, is not disqualified by virtue of this employment from serving as a parent representative on the schoolsite council established for the school that his or her child or ward attends~~

Outcome Rationale: To allow reduction in the number and type of members required for a school site council (SSC) for a small K-12 school, Leggett Valley School, to four members: school principal, one teacher, one parent or community member, and one student.

Student Population: 71

City Type: Rural

Local Board Approval Date: 2/13/2013

Council Reviewed By: Site Council
Council Reviewed Date: 2/5/2013
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Tom Puskarich
Position: Superintendent
E-mail: tom@leggett.k12.ca.us
Telephone: 707-925-6285
Fax: 707-925-6396

Bargaining Unit: Date: 02/05/2013
Name: Leggett Association of Teachers
Representative: Lisa Campbell
Title: Teacher
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 2573585 Waiver Number: 49-3-2013 Active Year: 2013

Date In: 3/26/2013 10:52:50 AM

Local Education Agency: Modoc Joint Unified School District
Address: 906 West Fourth St.
Alturas, CA 96101

Start: 8/30/2013 End: 6/5/2014

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Schoolsite Council Statute
Ed Code Title: Number and Composition of Members
Ed Code Section: 52852
Ed Code Authority: 52863

Ed Code or *CCR* to Waive: *EC*52852 Requesting reduced composition in members for a small school. (Statute requires 12 members for a high schoolsite council and 10 members for elementary schoolsite council.)

Outcome Rationale: State Line Elementary School is 56 miles from Alturas and has a student population of 10 with 7 families. State Line Elementary School has 5 employees. The reduced composition of the Site Council would be: 1 Principal, 1 Teacher and 1 other school employee and 3 parents.

Student Population: 10

City Type: Rural

Local Board Approval Date: 3/12/2013

Council Reviewed By: State Line Elementary Site Council
Council Reviewed Date: 3/1/2013
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Mike Martin
Position: Superintendent
E-mail: mmartin@modoc.k12.ca.us
Telephone: 530-233-7201 x101
Fax:

Bargaining Unit: Date: 02/20/2013
Name: Modoc Teachers Association
Representative: Amy Ward
Title: President
Position: Support
Comments:

Bargaining Unit: Date: 02/21/2013
Name: Teamsters 137
Representative: Ronda Christie
Title: Negotiator
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 2573585 Waiver Number: 50-3-2013 Active Year: 2013

Date In: 3/26/2013 11:10:13 AM

Local Education Agency: Modoc Joint Unified School District
Address: 906 West Fourth St.
Alturas, CA 96101

Start: 8/30/2012 End: 6/5/2014

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Schoolsite Council Statute
Ed Code Title: Shared Schoolsite Council
Ed Code Section: 52852
Ed Code Authority: 52863

Ed Code or *CCR* to Waive: [*EC* 52852 Schoolsite councils for small schools sharing common services or attendance areas, administration and other characteristics.]

Outcome Rationale: Please see attachments for Modoc High School with Warner Continuation Highs School, Modoc Middle School with High Desert Community Day School and Alturas Elementary School with Alturas Community Day School.

Student Population: 792

City Type: Rural

Local Board Approval Date: 3/12/2013

Council Reviewed By: Modoc High School Site Council, Modoc Middle School Site Council and Alturas Elementary Site Council
Council Reviewed Date: 2/27/2013
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Mike Martin
Position: Superintendent
E-mail: mmartin@modoc.k12.ca.us
Telephone: 530-233-7201 x101
Fax:

Bargaining Unit: Date: 02/21/2013
Name: Modoc Teachers Association
Representative: Amy Ward
Title: President
Position: Support
Comments:

Bargaining Unit: Date: 02/21/2013
Name: Teamsters 137
Representative: Ronda Christie
Title: Negotiator
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 4210421 Waiver Number: 54-3-2013 Active Year: 2013

Date In: 3/29/2013 1:40:16 PM

Local Education Agency: Santa Barbara County Office of Education
Address: 4400 Cathedral Oaks Rd.
Santa Barbara, CA 93110

Start: 7/1/2013 End: 6/30/2015

Waiver Renewal: Y
Previous Waiver Number: 7-4-2012-W-20 Previous SBE Approval Date: 7/18/2012

Waiver Topic: Schoolsite Council Statute
Ed Code Title: Shared Schoolsite Council
Ed Code Section: 52852
Ed Code Authority: 52863

Ed Code or *CCR* to Waive: [at each school which participates in school based program coordination] The council shall be composed of the [principal] administrator and representatives of: teachers selected by teachers [at the school]; other school personnel selected by other school personnel [at the school];

Outcome Rationale: See attached

Student Population: 396

City Type: Small

Local Board Approval Date: 3/4/2013

Council Reviewed By: Parent Staff Advisory Committee
Council Reviewed Date: 1/22/2013
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Jan Clevenger
Position: Assistant Superintendent
E-mail: jclevenger@sbceo.org
Telephone: 805-964-4710 x5265
Fax: 805-964-2641

Bargaining Unit: Date: 12/04/2012
Name: California School Employee Association
Representative: Mike Ostini
Title: CSEA Representative
Position: Support
Comments:

Bargaining Unit: Date: 11/30/2012
Name: Santa Barbara County Education Association
Representative: Laura Ishikawa
Title: SBCEA Representative
Position: Support
Comments:

SPECIFIC WAIVER REQUEST: Shared School Site Council
Santa Barbara County Education Office (42-10421)

ITEM #7

Desired outcome/rationale:

By creating one council to serve all sites, we believe all interested parties can be properly represented and served. The council is composed of representatives from each site when feasible. The combined SSC will identify and address the unique student population and program requirements at each school, along with those identified program improvement needs common to all schools. We believe that the establishment of a joint school site council will allow streamlined site operations, reduce duplicated efforts, and consolidated planning. Ensuring a synergic effort to provide effective standard based instruction, program evaluation, parent engagement, and school-to-home communication resulting in greater opportunities to increase student achievement.

We believe to operate as a joint school site council, managed by by-laws and procedures, SBCEO can ensure a parity of representation with the membership composition required by the California Education Code.

Description of the situation in area:

SBCEO operates five community schools sites, two court school sites, and three community day school site, grades 7-12, in Santa Barbara County ranging at a maximum distance between north county and south county of about 100 miles.

The schools share a common administrator acting as principal for all sites. Each school shares common administration, curriculum and services, coordinated program planning, including special education services. The majority of students enrolled in the community schools and community day school are probation referred and/or expelled from the local school districts. The student populations are similar. The students are very mobile from one school to another staying with an SBCEO school for approximately 90-100 days. Students attending the court schools in many cases are some of the same students who were attending the community school before an arrest or adjudication with a pattern of going from community school to court school and back again.

The mobile student population at the community, court and community day schools also creates the challenge of having separate school site councils. It is extremely difficult to secure a consistent number of parents to meet the 50% parent mandate for the secondary site council.

ITEM #8

Demographic information:

CDS #	School Site	Location	Number of teachers	Number of students	Type of area
30207	El Puente CS *	Santa Barbara	3	77	Small City
	El Puente CS *	Lompoc	2	47	Rural
	FitzGerald CS *	Santa Maria	4	102	Small City
0116855	Summit CS	Santa Barbara	1	12	Small City
0108654	Summit II-CDS *	Santa Barbara	Shared	1	Small City
	Phoenix-CDS *	Santa Maria	Shared	1	Small City
	Phoenix II-CDS *	Lompoc	Shared	1	Small City
30157	Los Robles High, Residential camp,	Santa Barbara	4	70	Serving Santa Barbara County
	Dos Puertas, Juvenile Hall	Santa Maria	4	85	

* On same School Site as Community School (CS)

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 5472199 Waiver Number: 53-3-2013 Active Year: 2013

Date In: 3/27/2013 2:08:51 PM

Local Education Agency: Terra Bella Union Elementary School District
Address: 9121 Road 240
Terra Bella, CA 93270

Start: 7/1/2013 End: 6/30/2015

Waiver Renewal: Y
Previous Waiver Number: 19-3-2011-WC-12 Previous SBE Approval Date: 7/13/2011

Waiver Topic: Schoolsite Council Statute
Ed Code Title: Shared Schoolsite Council
Ed Code Section: 52852
Ed Code Authority: 52863

Ed Code or *CCR* to Waive: A school site council shall be established [at each school] which participates in school-based program coordination. The Council shall be composed of the principal and representatives of: teachers' selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school.

Outcome Rationale: A single school site council for the two schools and the district is the desired outcome. The combined ADA population of the two schools is less than nine hundred and six students. The principals regularly plan and collaborate on categorical programs for the district. The schools are located across the street from each other. The elementary school serves students in grades kindergarten through fifth grade. The middle school serves grades sixth through eighth. The close proximity of the campuses lends itself to collaborative planning. Usually the parents who serve on the council have students at both schools. Their commitment is to the district as a whole. Staffing and running two site councils would fragment the implementation of the LEAP and tax parent participation. Consistent parent participation would be difficult to maintain as the same parents would be serving on both site councils. Being a small district with limited revenues, single site council would enhance, not hinder the decision making process concerning the categorical programs. A single site council would provide continuity and consistency in planning and implementation. The site principals will rotate membership on the council, the other attending as non-voting participant. The current site council strongly supports a single site council.

Student Population: 933

City Type: Rural

Local Board Approval Date: 2/14/2013

Council Reviewed By: School Site Council, Terra Bella Elementary
English Learner Advisory Committee, Carl Smith Middle School
English Learner Advisory Committee, District English Learner Advisory Committee
Council Reviewed Date: 3/6/2013 (same date for all three)
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Frank Betry
Position: Superintendent
E-mail: fhbetry@tbuesd.org
Telephone: 559-535-4451 x1115
Fax: 559-535-0314

Bargaining Unit: Date: 02/04/2013
Name: CSEA Terra Bella Chapter 764
Representative: Anthony Robison
Title: President
Position: Support
Comments:

Bargaining Unit: Date: 02/04/2013
Name: Terra Bella Teachers' Group
Representative: Jack Berry
Title: President
Position: Support
Comments:

California State Board of Education

Meeting Agenda Items for July 10-11, 2013

ITEM W-03

ITEM #W-03

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2013 AGENDA

☒ **Specific Waiver**

SUBJECT	
Request by **Conejo Valley Unified School District** to waive California *Education Code* Section 51224.5(b), the requirement that all students graduating in the 2012–13 school year be required to complete a course in Algebra I (or equivalent) to be given a diploma of graduation for one special education student based on *Education Code* Section 56101, the special education waiver authority. Waiver Number: 17-4-2013	☒ **Action** ☒ **Consent**

RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the request to waive only the requirement that one student successfully completes a course in Algebra I (or its equivalent) for the 2012–13 graduating year. The student has met other course requirements stipulated by the governing board of the school district and California *Education Code (EC)* Section 51225.3 in order to receive a high school diploma. If the student does not graduate in 2012–13, this waiver does not relieve the student of the responsibility to continue to attempt to successfully complete a course in Algebra I (or its equivalent) in 2013–14 as required by *EC* Section 51224.5.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In 2000, *EC* Section 51224.5 was enacted to require students to complete a course in Algebra I, as a condition of receiving a high school diploma. The Algebra I requirement applied to students who were scheduled for graduation beginning in 2003−04. All waiver requests of this type have been granted by the SBE for students with special needs.

SUMMARY OF KEY ISSUES

For the review of this waiver request, the Conejo Valley Unified School District (CVUSD) provided the following documentation:

- A valid, current copy of the student's individualized education program (IEP) highlighting the areas of mathematic deficiencies and how the student's needs in mathematics were addressed.

- Selected pages from the student's IEP from three previous years showing that the student was consistently on a diploma-track, and that the IEPs were written to support the student's participation in diploma-track math courses, particularly algebra.

- The specific assistance the district provided to the student which included supplementary aids, services, accommodations, test modifications, and supports to attain the diploma-track goal for the algebra requirement.

- A copy of the transcript for the student highlighting attempts to pass algebra and pre-algebra classes.

- An assessment summary that reports the student participated in the Standardized Testing and Reporting program and failed multiple attempts to meet graduation requirements related to the algebra requirement.

The above documentation was confidentially reviewed by a special education consultant, and the district provided documentation indicating that failure to approve this waiver request will result in the student not meeting graduation requirements.

This district meets the criteria for the SBE Streamlined Waiver Policy, available at http://www.cde.ca.gov/re/lr/wr/documents/sbestreamlined.doc, achieving an Academic Performance Index (API) of 800 or above in the current scoring cycle.

Demographic Information: The CVUSD has a student population of 21,000 and is located in a suburban area of Los Angeles County.

Authority for Waiver: *EC* Section 51224.5(b)

Period of request: August 29, 2012 through June 12, 2013

Local board approval date(s): April 15, 2013

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval.

ATTACHMENT(S)

Attachment 1: Conejo Valley Unified School District - Specific Waiver Request 17-4-2013 for Algebra I Requirement (1 Page) (Original waiver request is signed and on file in the Waiver Office.)

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 5673759 Waiver Number: 17-4-2013 Active Year: 2013

Date In: 4/16/2013 2:35:12 PM

Local Education Agency: Conejo Valley Unified School District
Address: 1400 East Janss Rd.
Thousand Oaks, CA 91362

Start: 8/29/2012 End: 6/12/2013

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Special Education Program
Ed Code Title: Algebra I Requirement for Graduation
Ed Code Section: 51224.5
Ed Code Authority: 56101

Ed Code or *CCR* to Waive: (51224.5)
51224.5 (b):
Commencing with 2003-2004 school year and each year thereafter, at least one course, or a combination of the two courses, in mathematics required to be completed pursuant to subparagraph (B) of paragraph(1) of subdivision(a) of Section 51225.3 by pupils while in grades 9 to 12, inclusive, prior to receiving a diploma of graduation from high school, shall meet or exceed the rigor of the content standards for Algebra 1, as adopted by the State Board of education pursuant to Section 60605.

Outcome Rationale: Student is eligible for graduation in June 2013 except, due to time constraints, he is unable to complete the Algebra requirements.

Student Population: 21000

City Type: Suburban

Local Board Approval Date: 4/15/2013

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Barbara Ladny
Position: Coordinator, Special Education
E-mail: bladny@conejousd.org
Telephone: 805-497-9511 x286
Fax: 805-371-9431

California State Board of Education

Meeting Agenda Items for July 10-11, 2013

ITEM W-04

ITEM # W-04

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2013 AGENDA

☒ **General Waiver**

SUBJECT	
Request by the Imperial County Office of Education to waive *California Code of Regulations*, Title 5, Section 3051.16(b)(3), the requirement that educational interpreters for deaf and hard of hearing pupils meet minimum qualifications as of July 1, 2009, to allow two interpreters to continue to provide services to students until June 30, 2014, under a remediation plan to complete those minimum qualifications. Waiver Numbers: 21-4-2013 22-4-2013	☒ **Action** ☒ **Consent**

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

The California Department of Education (CDE) recommends approval of the waiver requests for these two interpreters, with the individual conditions noted in Attachment 4.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In 2002, the State Board of Education (SBE) approved regulations that required educational interpreters to be certified by the national Registry of Interpreters for the Deaf (RID), or equivalent, by January 1, 2007. As of July 1, 2009, they have been required to be certified by the national RID, or equivalent, or to have achieved a score of 4.0 on specified assessments.

SUMMARY OF KEY ISSUES

The Individuals with Disabilities Education Improvement Act of 2004 (IDEIA 2004) requires that interpreters for pupils who are deaf or hard of hearing meet state-approved or state-recognized certification, licensing, registration, or other comparable requirements, as defined in Title 34 of the *Code of Federal Regulations*, Section 300.156(b)(1).

To meet this federal requirement, the *California Code of Regulations,* Title 5 (5 *CCR*), Section 3051.16(b)(3) require the following:

> By **July 1, 2009**, and thereafter, an educational interpreter shall be certified by the national Registry of Interpreters for the Deaf (RID), or equivalent; in lieu of

RID certification or equivalent, an educational interpreter must have achieved a score of **4.0** or above on the Educational Interpreter Performance Assessment (EIPA), the Educational Sign Skills Evaluation-Interpreter/Receptive (ESSE-I/R), or the National Association of the Deaf/American Consortium of Certified Interpreters (NAD/ACCI) assessment. If providing Cued Language transliteration, a transliterator shall possess Testing/Evaluation and Certification Unit (TECUnit) certification, or have achieved a score of **4.0** or above on the EIPA – Cued Speech.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in the California *Education Code (EC)* 33051(a), available at http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=33001-34000&file=33050-33053.

In November 2009, the SBE approved a policy regarding educational interpreter waiver requests. That policy is on the CDE website at http://www.cde.ca.gov/re/lr/wr/documents/interpreter_000.doc

Authority for Waiver: *EC* Section 33050

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval.

ATTACHMENT(S)

Attachment 1: List of Waivers, Numbers, Interpreters, SBE Streamlined Waiver Policy, Period of Request, Local Board Approval, Date of Public Hearing, and New or Renewal (1 page)

Attachment 2: List of Waiver Numbers, Districts, Collective Bargaining Unit Information, Public Hearing Requirement, and Advisory Committee Information (1 page)

Attachment 3: List of Waiver Numbers, Districts, and Information Regarding Each Waiver (1 page)

Attachment 4: List of Waiver Conditions (1 page)

Attachment 5: Imperial County Office of Education General Waiver Request 21-4-2013 (4 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 6: Imperial County Office of Education General Waiver Request 22-4-2013 (4 pages) (Original waiver request is signed and on file in the Waiver Office.)

List of Waivers, Numbers, Interpreters, SBE Streamlined Waiver Policy, Period of Request, Local Board Approval, Date of Public Hearing, and New or Renewal

Waiver Number	LEA	Interpreter	SBE Stream-lined Waiver Policy	Period of Request	Local Board Approval Date	Date of Public Hearing	New or Renewal
21-4-2013	Imperial County Office of Education	Deneen Hitch	No	**Period of Request:** August 1, 2013, to June 30, 2014 **(from LEA)** **Period Recommended:** August 1, 2013, to June 30, 2014 **(from CDE)**	April 8, 2013	April 8, 2013	Renewal This will be Ms. Hitch's 3rd and final waiver.
22-4-2013	Imperial County Office of Education	Josefina Berrelleza	No	**Period of Request:** December 3, 2012 to June 30, 2014 **(from LEA)** **Period Recommended:** December 3, 2012 to June 30, 2014 **(from CDE)**	April 8, 2013	April 8, 2013	New Since Ms. Berrelleza was hired in December, 2012, and it took six months to get the waiver request before the State Board, the CDE recommends this waiver be permitted through June 30, 2014.

List of Waiver Numbers, Districts, Collective Bargaining Unit Information, Public Hearing Requirement, and Advisory Committee Information

Waiver Number	LEA	Date Bargaining Unit Consulted	Name of Bargaining Unit and Representative	Bargaining Unit Position	Public Hearing Requirement	Advisory Committee Consulted	Date Committee Reviewed Request	Were there any objections?
21-4-2013	Imperial County Office of Education	March 14, 2013	California School Employees Association Ruby Tagaban, President	Support	Notice in the newspaper	Schoolsite Council	March 14, 2013	No
22-4-2013	Imperial County Office of Education	March 14, 2013	California School Employees Association Ruby Tagaban, President	Support	Notice in the newspaper	Schoolsite Council	March 14, 2013	No

List of Waiver Numbers, Districts, and Information Regarding Each Waiver

Waiver Number	LEA	Interpreter	Name, Date, and Score of Most Recent Evaluation	Name, Dates, and Scores of Previous Evaluations	Date of Hire
21-4-2013	Imperial County Office of Education	Deneen Hitch	ESSE December 2012 3.3 Expressive 4.0 Receptive	ESSE September 2011 2.0 Expressive 3.5 Receptive	September 12, 2011
22-4-2013	Imperial County Office of Education	Josefina Berrelleza	EIPA Pre-Hire Screen November 29, 2012 “OK to Hire/Hire with Caution”	N/A	December 3, 2012

September 2012 Educational Interpreter Conditions

Waiver Number	LEA	Interpreter	Conditions
21-4-2013	Imperial County Office of Education	Deneen Hitch	1. The Imperial County Office of Education must provide Ms. Hitch with weekly one-on-one mentorship, based on an individualized professional development plan, by a qualified interpreter. 2. By June 2013, the Imperial County Office of Education must provide CDE with new assessment scores for Ms. Hitch.
22-4-2013	Imperial County Office of Education	Josefina Berrelleza	1. The Imperial County Office of Education must provide Ms. Berrelleza with weekly one-on-one mentorship, based on an individualized professional development plan, by a qualified interpreter. 2. By June 2013, the Imperial County Office of Education must provide CDE with new assessment scores for Ms. Berrelleza.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1310132 Waiver Number: 21-4-2013 Active Year: 2013

Date In: 4/18/2013 10:49:29 AM

Local Education Agency: Imperial County Office of Education
Address: 1398 Sperber Rd.
El Centro, CA 92243

Start: 8/1/2013 End: 6/30/2014

Waiver Renewal: Y
Previous Waiver Number: 40-04-2012-W-07 Previous SBE Approval Date: 7/10/2012

Waiver Topic: Special Education Program
Ed Code Title: Educational Interpreter for Deaf and Hard of Hearing
Ed Code Section: *CCR*, Title 5 Section 3051.16(b)(3)
Ed Code Authority: 33050-33053

Ed Code or *CCR* to Waive: 5 *CCR*3051.16 (b)(3) Specialized Services for Low-Incidence Disabilities

Outcome Rationale: This waiver is neccessary due to the lack of qualified candidates in out area. In order to meet student need for Educational Sign Language Interpreters it is neccessary to hire individuals who have been tested by Boys Town National Research Hospital's pre-hire screening and have been deemed appropriate for hire.

Student Population: 3

City Type: Rural

Public Hearing Date: 4/8/2013
Public Hearing Advertised: Newspaper

Local Board Approval Date: 4/8/2012

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 3/14/2013
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Lynda Schoonover
Position: Program Manager
E-mail: lschoonover@icoe.org
Telephone: 760-312-6582
Fax: 760-312-6530

Bargaining Unit: Date: 03/14/2013
Name: California School Employee's Association
Representative: Ruby Tagaban
Title: President
Position: Support
Comments:

Imperial County Office of Education
Anne J. Mallory
Superintendent
1398 Sperber Road El Centro, California 92243 (760) 312-6464 Fax (760) 312-6565

March 13, 2013

TO: Deneen Hitch, Educational Sign Language Interpreter position
FROM: Spencer Wavra, Senior Director, Special Education

RE: Educational Sign Language Interpreter Remediation Plan through June 30, 2013.

Dear Mrs. Hitch,

In accordance with: Title 5. EDUCATION regulation section 3051.16 (b)(3), "By July 1, 2009, and thereafter, an educational interpreter shall be certified by the national RID, or equivalent; in lieu of RID certification or equivalent, an educational interpreter must have achieved a score of 4.0 or above on the EIPA, the ESSE-I/R, or the NAD/ACCI assessment…". Therefore, this letter is to inform you that the ICOE will be submitting a waiver request in relation to this aforementioned Title 5 Education Code on your behalf. A state requirement of the waiver request is that a Remediation Plan be developed and included with the waiver request. A waiver, if granted, would allow you to work as an Educational Sign Language Interpreter for the 2013-2014 school year. You were hired by ICOE due to your Pre-hire Screening results ("hire with caution/ok to hire"), and you received a waiver for the 2012-2013 school year allowing you to continue to work in this acapacity. A 4.0 score on an acceptable sign language assessment is the state requirement, as stated above in the Title 5 Education Code, thus all Educational Sign Language Interpreters employed in the K-12 public school system must meet this requirement.

We have received the results of the ESSE taken by you in December, 2012 where you obtained a score of 3.3 expressive and 4.0 receptive, (**Attachment 1**) this score has increased from your previous score on the September 2011 testing of 2.0 expressive and 3.5 receptive however; you still need to pass the expressive portion of the test. **(Attachment 2)** Therefore the Remediation Plan below will be followed by you to assist you in meeting qualification requirements of an Educational Sign Language Interpreter in the area of receptive and expressive language.

Remediation Plan:

- The Imperial County Office of Education (ICOE) must provide CDE with your assessment scores (ESSE or EIPA); therefore, you are required to take the ESSE or EIPA exam before the end of the 2013-2014 school year. You are required to attend and take one of the exams at least one time during the 2013-2014 school year. The Special Education Department will assist you with making the arrangements to take an exam and will provide reimbursement for one exam taken during the 2013-14 school year.
- You are required to take advantage of the opportunities and resources available from ICOE to maximize your assessment score. Proof of participation in these

opportunities will strengthen the waiver application request when CDE determines whether to grant or deny your waiver. Opportunities are listed below.

The ICOE is offering opportunities to support you in and to help you meet your goal of 4.0 test score on the ESSE or EIPA. ICOE is offering the following opportunities for professional growth.

- Reimbursement for unit cost of Cypress College coursework (provided through video conferencing)
- Access to DVD library
- Reimbursement for one EIPA or ESSE assessment during 2013-2014 school year
- Access to sign language vocabulary books with previously non-accessible vocabulary
- Encouragement of all interpreters to meet regularly with colleagues to work on developing their Sign language skills; ICOE to provide location
- One-to-one mentorship from a skilled (4.0 level) Educational Sign Language Interpreter for one hour one time per week in order to continue to meet your goal of obtaining a 4.0 test score on the ESSE or EIPA. A Professional Development Plan has been written to take into account your current test scores to further guide your mentorship experience (**Attachment 3**).

The ICOE expects your full cooperation in this remediation plan. A third Waiver Request for the 2013-2014 school year will be submitted for the California State Board of Education's review during the July 8-9 Board of Education meeting. Your continued employment for the 2013-2014 school year will be contingent upon CDE Board of Education approval. There is no guarantee that the CDE will grant another waiver when requested.

Should you have any questions and/or concerns please contact Lynda Schoonover, ICOE Special Education Program Manager at (760) 312-6582 or Spencer Wavra, ICOE Senior Director of Special Education/Support Services at (760) 312-6428.

Thank you in advance for your attention and cooperation in this matter. We look forward to your successful obtainment of a passing score on the ESSE or EIPA in the near future.

Ruby Pacheco- CSEA Chapter 614 President	Lynda Schoonover -ICOE Program Administrator	Employee- Deneen Hitch

Attachments:

1. December 2012 ESSE Scores
2. September 2011 ESSE Scores
3. 2013-14 School Year Professional Development Plan

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1310132 Waiver Number: 22-4-2013 Active Year: 2013

Date In: 4/18/2013 11:04:43 AM

Local Education Agency: Imperial County Office of Education
Address: 1398 Sperber Rd.
El Centro, CA 92243

Start: 12/3/2012 End: 6/30/2013

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Special Education Program
Ed Code Title: Educational Interpreter for Deaf and Hard of Hearing
Ed Code Section: *CCR*, Title 5 Section 3051.16(b)(3)
Ed Code Authority: 33050-33053

Ed Code or *CCR* to Waive: 5 *CCR* 3051.16 (b)(3) specialized Services for Low-Incidence Disabilities
Educational Interpreter not Meeting State and Federal Qualifications

Outcome Rationale: This waiver is neccessary due to the lack of qualified candidates in our area. In order to meet student needs for Educational Sign Language Interpreters it is neccessary to hire individuals who have been tested by Boy's Town natioanl Research Hospital's pre-hire screening and been deemed appropriate for hire.

Student Population: 8

City Type: Rural

Public Hearing Date: 4/8/2013
Public Hearing Advertised: Newspaper

Local Board Approval Date: 4/8/2013

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 3/14/2013
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Lynda Schoonover
Position: Program Manager
E-mail: lschoonover@icoe.org
Telephone: 760-312-6582
Fax:

Bargaining Unit: Date: 03/14/2013
Name: Californai School Employee's Association
Representative: Ruby Tagaban
Title: President
Position: Support
Comments:

Imperial County Office of Education
Anne J. Mallory
Superintendent
1398 Sperber Road El Centro, California 92243 (760) 312-6464 Fax (760) 312-6565

March 13, 2013

TO: Josefina Berrelleza, candidate for Educational Sign Language Interpreter position
FROM: Spencer Wavra, Senior Director, Special Education

RE: Educational Sign Language Interpreter Remediation Plan through June 30, 2013.

Dear Ms. Berrelleza,

In accordance with: Title 5. EDUCATION regulation section 3051.16 (b)(3), "By July 1, 2009, and thereafter, an educational interpreter shall be certified by the national RID, or equivalent; in lieu of RID certification or equivalent, an educational interpreter must have achieved a score of 4.0 or above on the EIPA, the ESSE-I/R, or the NAD/ACCI assessment…". Therefore, this letter is to inform you that the ICOE will be submitting a waiver request in relation to this aforementioned Title 5 Education Code on your behalf. A state requirement of the waiver request is that a Remediation Plan be developed and included with the waiver request. A waiver, if granted, would allow you to work as an Educational Sign Language Interpreter for the 2013-2014 school year. You are eligible to be hired by ICOE due to your Pre-hire Screening results ("hire with caution/ok to hire"). A 4.0 score on an acceptable sign language assessment is the state requirement, as stated above in the Title 5 Education Code, thus all Educational Sign Language Interpreters employed in the K-12 public school system must meet this requirement.

Although you do not have current scores on any of the aforementioned assessments, we do have your results from the Boy's Town Pre- assessment results (ok to hire/hire with caution.) Therefore the Remediation Plan below will be followed by you to assist you in meeting qualification requirements of an Educational Sign Language Interpreter.

Remediation Plan:

- The Imperial County Office of Education (ICOE) must provide CDE with your assessment scores (ESSE or EIPA); therefore, you are required to take the ESSE or EIPA exam before the end of the 2012-2013 school year.
- You are required to take advantage of the opportunities and resources available from ICOE to maximize your assessment score. Proof of participation in these opportunities will strengthen the waiver application request when CDE determines whether to grant or deny your waiver. Opportunities are listed below.

The ICOE is offering opportunities to support you in the above remediation plan and to help you meet your goal of 4.0 test score on the ESSE or EIPA. ICOE is offering the following opportunities for professional growth:

- Reimbursement for unit cost of Cypress College coursework (provided through video conferencing)

- Access to DVD library
- Reimbursement for one EIPA or ESSE assessment during 2012-2013 school year
- Access to sign language vocabulary books with previously non-accessible vocabulary
- Encouragement of all interpreters to meet regularly with colleagues to work on developing their Sign language skills.

The ICOE expects your full cooperation in this remediation plan. A Waiver Request for the 2013-2014 school year will be submitted for the California State Board of Education's review during the July 09 and 10 CDE Board of Education meeting. Your continued employment for the 2013-2014 school year will be contingent upon CDE Board of Education approval or passage of the ESSE that you took in February 2013. There is no guarantee that the CDE will grant a waiver when requested.

Should you have any questions and/or concerns please contact Lynda Schoonover at (760) 312-6428. Thank you in advance for your attention and cooperation in this matter. We look forward to your successful obtainment of a passing score on the ESSE or EIPA in the near future.

_____	_____	_____
Ruby Pacheco- CSEA Chapter 614 President	Lynda Schoonover -ICOE Program Manager	Employee- Josefina Berrelleza

California State Board of Education

Meeting Agenda Items for July 10-11, 2013

ITEM W-05

ITEM #W-05

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2013 AGENDA

☒ **Specific Waiver**

SUBJECT	
Request by two local educational agencies, under the authority of California *Education Code* Section 56101 and *California Code of Regulations,* Title 5, Section 3100, to waive *Education Code* Section 56362(c). Approval of this waiver will allow the districts' resource specialists to each exceed the maximum caseload of 28 students by no more than four students (32 maximum). Waiver Numbers: Keyes Union School District 41-3-2013 Pacifica School District 28-4-2013 Pacifica School District 30-4-2013	☒ **Action** ☒ **Consent**

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

The California Department of Education (CDE) recommends approval with the following conditions: the districts must provide each resource specialist instructional aide time of at least five hours daily whenever the resource specialists' caseloads exceed the statutory maximum caseload of 28 students by no more than four students (32 maximum), during the effective period of the waivers, per *California Code of Regulations*, Title 5 (*5 CCR*), Section 3100(d)(2).

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

California *Education Code* (*EC*) Section 56101 allows the State Board of Education (SBE) to waive any provision of *EC* or regulation if the waiver is necessary or beneficial when implementing a student individualized education program (IEP). *California Code of Regulations*, Title 5, specifically allows the SBE to approve waivers for resource specialists providing special education services to allow them 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:

1) The requesting agency demonstrates to the satisfaction of the SBE: (A) that the excess resource specialist caseload results from extraordinary fiscal and/or programmatic conditions; and (B) that the extraordinary conditions have been resolved or will be resolved by the time the waiver expires.

2) 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 maximum during the waiver's effective period.

3) The waiver confirms that the students served by an affected resource specialist will receive all of the services called for in their individualized education programs.

4) The waiver was agreed to by any affected resource specialist, and the bargaining unit, if any, to which the resource specialist belongs, participated in the waiver's development.

5) The waiver demonstrates to the satisfaction of the SBE that the excess caseload can be reasonably managed by an affected resource specialist in particular relation to: (A) the resource specialist's pupil contact time and other assigned duties; and (B) the programmatic conditions faced by the resource specialist, including, but not limited to, student age level, age span, and the behavioral characteristics; number of curriculum levels taught at any one time or any given session; and intensity of student instructional needs.

The SBE receives about a dozen waivers of this type each year, and approximately 90 percent are approved. Due to the nature of this type of waiver, they are almost always retroactive.

SUMMARY OF KEY ISSUES

A resource specialist is a credentialed teacher who provides instruction and services to children with IEPs that are with regular education teachers for the majority of the school day. Resource specialists coordinate special education services with general education programs for his or her students.

Before recommending approval, the existing complaint/compliance database for any district requesting a caseload waiver is examined. If it appears that a particular local educational agency is requesting large numbers of waivers, or upon complaint from an individual resource specialist alleging that waiver conditions are not being followed, referrals are made to the Special Education Division for follow-up.

Resource specialist Judy Loux was contacted by Anthony Sotelo, Education Programs Consultant, on April 8, 2013, regarding the waiver request from the Keyes Union School District (SD). Ms. Loux reported that her caseload did not exceed 28 students during the 2011–12 school year but that her caseload for the 2012–13 school year is currently at 32 students. Ms. Loux’s caseload is not expected to exceed 28 students next school year.

Resource specialist Cynthia Wilkinson (Ortega Elementary School) was contacted by Matthew Hill, Special Education Consultant, on April 30, 2013, regarding the waiver request from the Pacifica SD. Mrs. Wilkinson reported that her caseload did not exceed 28 students during the 2011–12 school year but that her caseload for the 2012–13 school year is currently at 32 students. She does not expect her caseload to exceed 28 students next school year.

Resource specialist Michael Bobrowicz (Vallemar Elementary School) was contacted by Matthew Hill, Special Education Consultant, on April 30, 2013, regarding the waiver request from the Pacifica SD. Mr. Bobrowicz reported that his caseload did not exceed 28 students during the 2011–12 school year but that his caseload for the 2012–13 school year is currently at 32 students. He does not expect his caseload to exceed 28 students next school year.

The Department recommends approval. There have been no prior documented complaints registered with the CDE related to these school districts exceeding the maximum resource specialist program caseload of 28 students.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver(s) approval.

ATTACHMENT(S)

Attachment 1: Summary Table (1 pages)

Attachment 2: Keyes Union School District; Specific Waiver Request 41-3-2013, Keyes Elementary School, (4 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Pacifica School District; Specific Waiver Request 28-4-2013, Ortega Elementary School, (3 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Pacifica School District; Specific Waiver Request 30-4-2013, Vallemar Elementary School, (3 Pages) (Original waiver request is signed and on file in the Waiver Office.)

SUMMARY TABLE									
Waiver Number	**School District/ School**	**Name of teacher(s)/ agrees to excess caseload?**	**Over statutory caseload for more than two school years?**	**Current aide time/aide time w/approved waiver?**	**Demographics**	**Period of Request**	**Local Board Approval Date**	**Bargaining Unit Consulted – Date**	**Position of Bargaining Unit**
41-3-2013	Keyes Union School District (SD) Keyes Elementary School	Judy Loux Yes	No	Before: 5.5 hours After: 5.75 hours	Keyes Union SD has a student population of 1,098 and is located in a rural area in Stanislaus County	**Requested:** 03/04/2013 – 05/30/2014 **Recommended** 03/04/2013 – 05/30/2014	03/13/2013	Keyes Teacher Ass'n on 03/17/2013	Support
28-4-2013	Pacifica School District Ortega Elem School	Cynthia Wilkinson Yes	No	Before: 5.5 hours After: 8 hours	Pacifica School District has a student population of 3253 and is located in a small city in San Mateo County	**Requested:** 04/12/2013 – 06/12/2013 **Recommended** 04/12/2013 – 06/12/2013	04/17/2013	Laguna Salada Education Ass'n on 04/19/2013	Neutral
30-4-2013	Pacifica School District Vallemar Elem School	Michael Bobrowicz Yes	No	Before: 5.5 hours After: 8 hours	Pacifica School District has a student population of 3253 and is located in a small city in San Mateo County	**Requested:** 03/18/2013 – 06/12/2013 **Recommended** 03/18/2013 – 06/12/2013	04/17/2013	Laguna Salada Education Ass'n on 04/19/2013	Neutral

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 5071134 Waiver Number: 41-3-2013 Active Year: 2013

Date In: 3/17/2013 11:58:32 AM

Local Education Agency: Keyes Union School District
Address: 5680 Seventh St.
Keyes, CA 95328

Start: 3/4/2013 End: 5/30/2014

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Special Education Program
Ed Code Title: Resource Teacher Caseload
Ed Code Section: 56362 (c)
Ed Code Authority: 56101 and 5 *CCR* Section 3100

Ed Code or *CCR* to Waive: 56362. (a) The resource specialist program shall provide, but not be limited to, all of the following:

(c) Caseloads for resource specialists shall be stated in the local policies developed pursuant to Section 56195.8 and in accordance with regulations established by the board. No resource specialist shall have a caseload which exceeds 28 pupils.

Outcome Rationale: Our district has had students move in throughout the year with IEPs already in place that need to be served. Enrollment has increased this year at the elementary school site, which has increased the resource specialist's caseload.

Student Population: 556

City Type: Rural

Local Board Approval Date: 3/13/2013

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Cynthia Schaefer
Position: Superintendent
E-mail: cschaefer@keyes.k12.ca.us
Telephone: 209-669-2921
Fax: 209-669-2923

Bargaining Unit Date: 03/17/13
Name: Keyes Teacher Association
Representative: Stacey Knight
Title: President
Position: Support waiver

Comments: They support the waiver and understand that for next year if the class size goes over 32 we would be adding additional personnel to cover the additional numbers for the caseload.

California Department of Education
Created 9-21-2012

SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD
To be completed by the ADMINISTRATOR

1. SELPA/District/COE Name: Keyes Union School District	2. Name of Resource Specialist*: Judy Loux
3. School/District Assignment: Keyes Elementary School Resource Specialist	4. Status: _x_ permanent ___ probational ___ temporary
5. Number of students: (caseload) proposed 32_ students	6. Full time Equivalent (FTE%): 1
7. Number of periods or hours taught by Resource Specialist: ___ periods _6_ hours	8. Average number of students per hour taught: 5

9. Indicate amount of Instructional Aide Time _5.5_ (hours) to be provided to this resource specialist with this waiver.

Note**: At least 5 hours of aide time is required when the caseload is over 28, per *CCR*, Title 5, Section 3100 (d)(2):**

10. Provide assurance that the waiver will not hinder the implementation of a student's individualized educational program (IEP) for all students involved with the waiver or compliance with specified federal law, per *CCR*, Title 5, Section 3100(d):

The teacher and instructional aide are present at all sessions with students. Students are serviced according to their IEP service times. These times are used as a minimum.

11. Explain what extraordinary fiscal or program circumstances resulted in this request for excess caseload, per *CCR*, Title 5, Section 3100(d):

Our district has had students move in with IEPs already in place that need to be served. Enrollment has increased this year at the elementary school site, which has increased the resource specialist's caseload.

12. Indicate how your plan of action to resolve conditions by the time the waiver expires or is denied by the SBE, per *CCR*, Title 5, Section 3100(d)(1):

Our plan would include hiring a part-time FTE to serve students during part of the day.

Certification – I hereby certify that the information provided on this application is correct and complete.

Administrator/Designee Name *(Type or print)*: Cynthia Schaefer	Title: Superintendent
Authorized/Designee Signature:	Date:
Telephone number (and extension): 209-669-2921	Fax Number: 209-669-2923

*****Resource Specialist as defined in *EC* Section 56362.5

SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD
To be completed by the RESOURCE SPECIALIST (Teacher)

Name: Judy Loux	Assigned at: Keyes Elementary School

1. Is the information in Items 1-9 on the attached SW-RSC-Administrator form an accurate reflection of your current assignments, personal data, FTE, your caseload, number of periods taught and average number of students?
   YES _x__ NO ___ If not, please state where you believe these facts or numbers differ:

2. Will all students served received all of the services called for in their IEP's? Can you reasonably manage the excess caseload in relation to the programmatic condition you face, including, but not limited to, student age level, age span, and behavioral characteristics; number of curriculum levels taught at any one time or any given session, and intensity of student instructional needs. Explain below.

Yes, student will receive a minimum, if not more, of the minutes required on their IEPs. By utilizing the instructional aide and serving students beyond their required minutes, I feel all goals are being addressed in an appropriate manner.

3. Can you reasonably manage the excess caseload in relation to your student contact time, and other assigned duties? Explain below.

I am full-time resource, so I don't have other assigned duties. As explained above, contact time often exceed the minimum requirement by the IEP.

4. *EC* Section 56362(c) states that no resource specialist shall have a caseload which exceeds 28 students, per *CCR*, Title 5, Section 3100 Regulations allow your agency to request a waiver of the *EC*, providing certain conditions are met, and that in no circumstance may your caseload be raised to above 32 students.

Indicate your position regarding this waiver request by a check mark in one box.

__x_ AGREE – to the increase in my student caseload from 28 students to not more than 32 students.

____ DISAGREE – to an increase in my student caseload over the 28 students. If disagreeing, provide rational below:

5. Indicate a check mark in the appropriate box:

_x__ I did not have a student caseload of more than 28 during the last school year.

___ I did have a student caseload of more than 28 during the last school year. If yes, please respond below:

(a) Did you have an approved waiver for this caseload?

(b) Specify which months/weeks you were over caseload: ___ to ___

(c) Other pertinent information?

___ I have had a student caseload of **more than** 28 for **MORE** than **Two consecutive years**.

Note: Staff from CDE will call you to verify your acceptance of this waiver.

Instructional Aide time currently receiving

_5.5__ Hours (prior to increased caseload).

Any additional aide time with this waiver?

_0__ Total hours after increase.

Resource Specialist Signature:	Date Signed:	Telephone/extension: Fax Number:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 4168932 Waiver Number: 28-4-2013 Active Year: 2013

Date In: 4/22/2013 9:53:49 AM

Local Education Agency: Pacifica School District
Address: 375 Reina del Mar Ave.
Pacifica, CA 94044

Start: 4/12/2013 End: 6/12/2013

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Special Education Program
Ed Code Title: Resource Teacher Caseload
Ed Code Section: 56362 (c)
Ed Code Authority: 56101 and 5 *CCR* Section 3100

Ed Code or *CCR* to Waive: *EC* 56362 (c): No Resource Specialist shall have a caseload that exceeds 28 students.

Outcome Rationale: The Resourc Specialist's caseload will increase to over 28 during the school year.

Student Population: 3253

City Type: Small

Local Board Approval Date: 4/17/2013

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Ray Avila
Position: Special Education Administrator
E-mail: ravila@pacificasd.org
Telephone: 650-738-6607
Fax: 650-738-3799

Bargaining Unit: Date: 04/19/2013
Name: Laguna Salada Education Association
Representative: Debbie Skiles
Title: LSEA Bargaining Member
Position: Neutral
Comments:

California Department of Education
Created 9-21-2012

SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD
To be completed by the ADMINISTRATOR

1. SELPA/District/COE Name: **San Mateo County/Pacifica School District**	2. Name of Resource Specialist*: **Cynthia Wilkinson**
3. School/District Assignment: **Ortega School/RSP Teacher**	4. Status: _**X**_ permanent ___ probational ___ temporary
5. Number of students: (caseload) proposed **32** students	6. Full time Equivalent (FTE%): **1.0 FTE**
7. Number of periods or hours taught by Resource Specialist: ___ periods **6.5** hours	8. Average number of students per hour taught: **6-10 per hour**

9. Indicate amount of Instructional Aide Time _**8**__ (hours) to be provided to this resource specialist with this waiver.

Note**: At least 5 hours of aide time is required when the caseload is over 28, per *CCR*, Title 5, Section**

10. Provide assurance that the waiver will not hinder the implementation of a student's individualized educational program (IEP) for all students involved with the waiver or compliance with specified federal law, per *CCR*, Title 5, Section 3100(d):

Allocation of staff and resources are sufficient to meet the IEP needs.

11. Explain what extraordinary fiscal or program circumstances resulted in this request for excess caseload, per *CCR*, Title 5, Section 3100(d):

Unexpected caseload exceeding 28 at this time of the school year.

12. Indicate how your plan of action to resolve conditions by the time the waiver expires or is denied by the SBE, per *CCR*, Title 5, Section 3100(d)(1):

If RSP caseload exceeds 28 by the time waiver expires there will be an increase of RSP support allocated to this specific school site.

Certification – I hereby certify that the information provided on this application is correct and complete.

Administrator/Designee Name *(Type or print)*: **Ray Avila, Ed. D.**	Title: **Special Education Administrator**
Authorized/Designee Signature: /s/ Ray Avila	Date: 4-12-13
Telephone number (and extension): **650-738-6607**	Fax Number: **650-738-3799**

*****Resource Specialist as defined in *EC* Section 56362.5

SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD
To be completed by the RESOURCE SPECIALIST (Teacher)

Name: **Cynthia Wilkinson**	Assigned at: **Ortega School**

1. Is the information in Items 1-9 on the attached SW-RSC-Administrator form an accurate reflection of your current assignments, personal data, FTE, your caseload, number of periods taught and average number of students?
YES **_X__** NO ___ If not, please state where you believe these facts or numbers differ:

2. Will all students served received all of the services called for in their IEP's? Can you reasonably manage the excess caseload in relation to the programmatic condition you face, including, but not limited to, student age level, age span, and behavioral characteristics; number of curriculum levels taught at any one time or any given session, and intensity of student instructional needs. Explain below.
Two of my students are on consult. Six others are served only 150 minutes per week. My aide works 5.5 hour per day. My student teacher works 8 hours per week with me.

3. Can you reasonably manage the excess caseload in relation to your student contact time, and other assigned duties? Explain below.

I have a 5.5 hour aide as well as a student teacher who works with me 8 hours per week.

4. *EC* Section 56362(c) states that no resource specialist shall have a caseload which exceeds 28 students, per *CCR*, Title 5, Section 3100 Regulations allow your agency to request a waiver of the *EC*, providing certain conditions are met, and that in no circumstance may your caseload be raised to above 32 students.

Indicate your position regarding this waiver request by a check mark in one box.

_X__ AGREE – to the increase in my student caseload from 28 students to not more than 32 students.

____ DISAGREE – to an increase in my student caseload over the 28 students. If disagreeing, provide rational below:

5. Indicate a check mark in the appropriate box:

_X_ I did not have a student caseload of more than 28 during the last school year.

_ __ I did have a student caseload of more than 28 during the last school year. If yes, please respond below:

(a) Did you have an approved waiver for this caseload? **No**

(b) Specify which months/weeks you were over caseload: to

(c) Other pertinent information?

___ I have had a student caseload of **more than** 28 for **MORE** than **Two consecutive years**.

Instructional Aide time currently receiving

_5.5_ Hours (prior to increased caseload).

Any additional aide time with this waiver?

___ Total hours after increase.

Resource Specialist Signature:	Date Signed:	Telephone/extension: **650-738-6670 x 141** Fax Number: **650-738-6672**
/s/ Cynthia Wilkinson	4/12/2013	

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 4168932 Waiver Number: 30-4-2013 Active Year: 2013

Date In: 4/22/2013 10:06:56 AM

Local Education Agency: Pacifica School District
Address: 375 Reina del Mar Ave.
Pacifica, CA 94044

Start: 3/18/2013 End: 6/12/2013

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Special Education Program
Ed Code Title: Resource Teacher Caseload
Ed Code Section: 56362 (c)
Ed Code Authority: 56101 and 5 *CCR* Section 3100

Ed Code or *CCR* to Waive: *EC* 56362 (c): No Resource Specialist shall have a caseload that exceeds 28 students.

Outcome Rationale: The Resource Specialist's caseload will increase to over 28 during the school year.

Student Population: 3253

City Type: Small

Local Board Approval Date: 4/17/2013

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Ray Avila
Position: Special Education Administrator
E-mail: ravila@pacificasd.org
Telephone: 650-738-6607
Fax: 650-738-3799

Bargaining Unit: Date: 04/19/2013
Name: Laguna Salada Education Association
Representative: Debbie Skiles
Title: LSEA Bargaining Member
Position: Neutral
Comments:

Created 9-21-2012

SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD
To be completed by the ADMINISTRATOR

1. SELPA/District/COE Name: **San Mateo County/Pacifica School District**	2. Name of Resource Specialist*: **Michael Bobrowicz**
3. School/District Assignment: **Vallemar School/RSP Teacher**	4. Status: _**X**_ permanent ___ probational ___ temporary
5. Number of students: (caseload) proposed **32** students	6. Full time Equivalent (FTE%): **1.0 FTE**
7. Number of periods or hours taught by Resource Specialist: ___ periods **6.5** hours	8. Average number of students per hour taught: **6-10 per hour**

9. Indicate amount of Instructional Aide Time _**8**__ (hours) to be provided to this resource specialist with this waiver.

Note**: At least 5 hours of aide time is required when the caseload is over 28, per *CCR*, Title 5, Section 3100 (d)(2):**

10. Provide assurance that the waiver will not hinder the implementation of a student's individualized educational program (IEP) for all students involved with the waiver or compliance with specified federal law, per *CCR*, Title 5, Section 3100(d):

Allocation of staff and resources are sufficient to meet the IEP needs.

11. Explain what extraordinary fiscal or program circumstances resulted in this request for excess caseload, per *CCR*, Title 5, Section 3100(d):

Unexpected caseload exceeding 28 at this time of the school year.

12. Indicate how your plan of action to resolve conditions by the time the waiver expires or is denied by the SBE, per *CCR*, Title 5, Section 3100(d)(1):

If RSP caseload exceeds 28 by the time waiver expires there will be an increase of RSP support allocated to this specific school site.

Certification – I hereby certify that the information provided on this application is correct and complete.

Administrator/Designee Name *(Type or print)*: **Ray Avila, Ed. D.**	Title: **Special Education Administrator**
Authorized/Designee Signature: /s/ Ray Avila	Date: 3/18/13
Telephone number (and extension): **650-738-6607**	Fax Number: **650-738-3799**

*****Resource Specialist as defined in *EC* Section 56362.5

SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD
To be completed by the RESOURCE SPECIALIST (Teacher)

Name: **Michael Bobrowicz**	Assigned at: **Vallemar School**

1. Is the information in Items 1-9 on the attached SW-RSC-Administrator form an accurate reflection of your current assignments, personal data, FTE, your caseload, number of periods taught and average number of students?
   YES **_X__** NO ___ If not, please state where you believe these facts or numbers differ:

2. Will all students served received all of the services called for in their IEP's? Can you reasonably manage the excess caseload in relation to the programmatic condition you face, including, but not limited to, student age level, age span, and behavioral characteristics; number of curriculum levels taught at any one time or any given session, and intensity of student instructional needs. Explain below.
   Delivery of services, caseload management, etc. with expanded caseload will be accomplished by realigned scheduling, one student increases in group size (e.g. from three to four students in a group), adjustments to instructional strategies. Curriculum levels taught during any one session are not increasing, nor are age span.

3. Can you reasonably manage the excess caseload in relation to your student contact time, and other assigned duties? Explain below.

   Yes. Other assigned duties decreased to allow sufficient student contact time. Additions to caseload fit into existing groups based on age, academic situation, IEP goals so there in no incremental preparation time involved. Classroom has sufficient materials/supplies (books, technology access, etc.) to accommodate caseload increase.

4. *EC* Section 56362(c) states that no resource specialist shall have a caseload which exceeds 28 students, per *CCR*, Title 5, Section 3100 Regulations allow your agency to request a waiver of the *EC*, providing certain conditions are met, and that in no circumstance may your caseload be raised to above 32 students.

Indicate your position regarding this waiver request by a check mark in one box.

_X__ AGREE – to the increase in my student caseload from 28 students to not more than 32 students.

____ DISAGREE – to an increase in my student caseload over the 28 students. If disagreeing, provide rational below:

5. Indicate a check mark in the appropriate box:

_X_ I did not have a student caseload of more than 28 during the last school year.

___ I did have a student caseload of more than 28 during the last school year. If yes, please respond below:

(a) Did you have an approved waiver for this caseload? **No**

(b) Specify which months/weeks you were over caseload: to

(c) Other pertinent information?

___ I have had a student caseload of **more than** 28 for **MORE** than **Two consecutive years**.

Instructional Aide time currently receiving

_5.5_ Hours (prior to increased caseload).

Any additional aide time with this waiver?

___ Total hours after increase.

Resource Specialist Signature:	Date Signed:	Telephone/extension: **650-738-6655**
/s/ Michael Bobrowicz	3/12/13	Fax Number: **650-359-2476**

California State Board of Education

Meeting Agenda Items for July 10-11, 2013

ITEM W-06

ITEM #W-06

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2013 AGENDA

☒ **Specific Waiver**

SUBJECT	
Request by **Hydesville Elementary School District**, under the authority of California *Education Code* Section 49548, to waive *Education Code* Section 49550, the State Meal Mandate during the summer school session. Waiver Number: 47-3-2013	☒ **Action** ☒ **Consent**

RECOMMENDATION

☒ **Approval** ☐ **Approval with conditions** ☐ **Denial**

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Waiver requests fully meeting the statutory conditions are sent to the California State Board of Education consent calendar.

SUMMARY OF KEY ISSUES

One district has requested a summer school meal waiver under authority of the California *Education Code* (*EC*) Section 49548, to waive *EC* Section 49550, the requirement that meals be served each school day.

School sites operating a summer school session shall be granted a waiver so that meals do not have to be served if they meet one of the following conditions:

CONDITION ONE

Elementary schools shall be granted a waiver if a Summer Food Service Program (SFSP) for children site is available within one-half mile of the school site. Middle schools, junior high schools, and high schools shall be granted a waiver if a SFSP site is available within one mile of the school site. Additionally, one of the following conditions must exist:

- The hours of operation of the SFSP site commence no later than one-half hour after the completion of the summer school session day.

- The hours of operation of the SFSP site conclude no earlier than one hour after the completion of the summer school session day.

For purposes of this section of law, “elementary school” means a public school that maintains kindergarten or any of grades first through eighth inclusive.

CONDITION TWO

Serving meals during the summer school session would result in a financial loss to the school district, documented in a financial analysis performed by the school district, in an amount equal to one-third of the net cash resources as defined in Title 7, *Code of Federal Regulations*, Section 210.2, which, for purposes of this section of law, shall exclude funds that are encumbered. If there are no net cash resources, the financial loss must be greater than or equal to the operating costs of one month as averaged over the summer school sessions.

The financial analysis must include a projection of future meal program participation based on either of the following:

- The meal service period beginning after the commencement of the summer school session day and concluding before the completion of the summer school session day. In other words, districts must project profit or loss based on serving a breakfast or a lunch **during school hours** and not before or after the school day.

- The school site operating as an open Summer Seamless Feeding Option or a SFSP site, and providing adequate notification thereof, including flyers and banners, in order to fulfill community needs under the SFSP.

CONDITION THREE

Summer school sites that operate two hours or less including breaks and recess shall be granted a waiver.

The Hydseville Elementary School District has requested a waiver of *EC* Section 49550 for the summer of 2013 and has certified its compliance with Condition Three.

The California Department of Education (CDE) has reviewed the waiver request from the district and recommends approval based on meeting Condition Three.

Authority for Waiver: *EC* Section 49548

Bargaining unit(s) consulted on date(s): Not required

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of the waivers may reduce the draw on Proposition 98 funds at the State level. Local district finances may be affected.

ATTACHMENT

Attachment 1: Hydesville Elementary School District Specific Waiver Request 47-3-2013 (2 Pages) (Original waiver request is signed and on file in the Waiver Office)

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 1262885 Waiver Number: 47-3-2013 Active Year: 2013

Date In: 3/25/2013 11:27:31 AM

Local Education Agency: Hydesville Elementary School District
Address: 3050 Johnson Rd.
Hydesville, CA 95547

Start: 7/15/2013 End: 8/2/2013

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: State Meal Mandate
Ed Code Title: Summer School Session
Ed Code Section: 49550
Ed Code Authority: 49548

Ed Code or *CCR* to Waive: *EC* 49550 ~~(a) Notwithstanding any other provision of law, each school district or county superintendent of schools maintaining any kindergarten or any of grades 1 to 12, inclusive, shall provide for each needy pupil one nutritionally adequate free or reduced-price meal during each schoolday, except for family day care homes that shall be reimbursed for 75 percent of the meals served.~~

Outcome Rationale: Summer School sessions are 2 hours or less.

Student Population: 162

City Type: Rural

Local Board Approval Date: 3/12/2013

Audit Penalty YN: N Categorical Program Monitoring: N

Submitted by: Mr. John Blakely
Position: Superintendent/Principal
E-mail: jblakely@humboldt.k12.ca.us
Telephone: 707-768-3610
Fax:

Bargaining Unit: Date: 03/20/2013
Name: Hdesville Teachers Association
Representative: Mandy Joanie
Title: member
Position: Support
Comments:

DISTRICT INFORMATION

Site Name: Hydesville Elementary School District		
Summer School day at this site begins: 9:30 am and ends: 11:30 am Total Time: 2 hours (Hrs/Min)		
Meals offered during regular school year: Breakfast ☐ Lunch ☐X		
Meal time at this site for the summer session begins: and ends:		
Check which condition below meets your circumstances:		
Condition ONE ☐	Condition TWO ☐	Condition THREE ☐X

Site Name:		
Summer School day at this site begins: and ends: Total Time: (Hrs/Min)		
Meals offered during regular school year: Breakfast ☐ Lunch ☐		
Meal time at this site for the summer session begins: and ends:		
Check which condition below meets your circumstances:		
Condition ONE ☐	Condition TWO ☐	Condition THREE ☐

Site Name:		
Summer School day at this site begins: and ends: Total Time: (Hrs/Min)		
Meals offered during regular school year: Breakfast ☐ Lunch ☐		
Meal time at this site for the summer session begins: and ends:		
Check which condition below meets your circumstances:		
Condition ONE ☐	Condition TWO ☐	Condition THREE ☐

Site Name:		
Summer School day at this site begins: and ends: Total Time: (Hrs/Min)		
Meals offered during regular school year: Breakfast ☐ Lunch ☐		
Meal time at this site for the summer session begins: and ends:		
Check which condition below meets your circumstances:		
Condition ONE ☐	Condition TWO ☐	Condition THREE ☐

Summer meal waivers must be received by the CDE Waiver Office no later than 60 days prior to the last regular meeting of the State Board of Education (SBE) and before the commencement of the summer school session for which the waiver is sought. Therefore, please have your completed summer school meal waiver request into the CDE Waiver Office by March 8, 2013 at the latest.

If you have questions regarding the attachments to the waiver or how to meet the waiver criteria, please contact Donna Reedy, School Nutrition Programs Analyst, Nutrition Services Division, at 916-327-5866 or by e-mail at dreedy@cde.ca.gov

California State Board of Education

Meeting Agenda Items for July 10-11, 2013

ITEM W-07

ITEM #W-07

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2013 AGENDA

☒ **General Waiver**

SUBJECT	
Request by four local educational agencies to waive the State Testing Apportionment Information Report deadline of December 31 in the *California Code of Regulations*, Title 5, Section 11517.5(b)(1)(A) regarding the California English Language Development Test; or Title 5, Section 1225(b)(2)(A) regarding the California High School Exit Examination; or Title 5, Section 862(c)(2)(A) regarding the Standardized Testing and Reporting Program. Waiver Numbers: Fillmore Unified School District 45-3-2013 Glendale Unified School District 48-2-2013 Natomas Unified School District 5-4-2013 Winship-Robbins School District 10-3-2013	☒ **Action** ☒ **Consent**

RECOMMENDATION

☒ **Approval** ☐ **Approval with conditions** ☐ **Denial**

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has approved all waiver requests since the deadline for submission of the State Testing Apportionment Information Reports was added to the *California Code of Regulations* (*CCR*), and the SBE Waiver Policy 08-#: State Testing Apportionment Informational Report Deadline (available at http://www.cde.ca.gov/re/lr/wr/documents/statetesting.doc).

SUMMARY OF KEY ISSUES

Regulations for the State Testing Apportionment Information Report, amended in 2005, include an annual deadline of December 31 for the return of the Apportionment Information Report for prior year testing for the California English Language Development Test (CELDT), the California High School Exit Examination (CAHSEE), and the Standardized Testing and Reporting (STAR) Program. The California Department of Education (CDE) sent letters in September 2005 announcing the new deadline in regulations to every local educational agency (LEA). This deadline was enacted to speed the process of final reimbursement of testing costs to the LEAs.
The LEAs filing for this waiver request missed the December 31 deadline for requesting reimbursement for the 2011–12 fiscal year. CDE staff verified that these LEAs needed

the waivers and had submitted reports after the deadline.

These LEAs are now aware of this important change in the timeline and understand that future reports must be submitted to the Assessment Development and Administration Division for reimbursement. Therefore, the CDE recommends the approval of these waiver requests as required by regulation prior to final reimbursement.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *Education Code* (*EC*) Section 33051(a), available at http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=33001-34000&file=33050-33053.

Authority for Waiver: *EC* Section 33050

Period of request: various dates

Period recommended: various dates

Local board approval date(s): various dates

Public hearing held on date(s): various dates

Bargaining unit(s) consulted on date(s): various dates, Winship-Robbins School District has no bargaining unit

Name of bargaining unit/representative(s) consulted: various

Position of bargaining unit(s) (choose only one):
☐ Neutral ☒ Support ☐ Oppose

Public hearing advertised by (choose one or more):
☒ posting in a newspaper ☒ posting at each school ☒ Web site, district office, library, or board agenda

Objections raised (choose one): ☒ None ☐ Objections are as follows:

FISCAL ANALYSIS (AS APPROPRIATE)

If these waivers are approved, these four LEAs will be reimbursed for the costs of the CELDT, the CAHSEE, or the STAR for the 2011–12 school year. Total costs are indicated on Attachment 1, and the waiver requests from each LEA are included as Attachments 2 through 5.

ATTACHMENT(S)

Attachment 1: Local Educational Agencies Requesting Waiver of State Testing Apportionment Information Report Deadline — July 2013 (1 Page)

Attachment 2: Fillmore Unified School District General Waiver Request 45-3-2013 (2 Pages) (Original waiver request is signed and on file at the Waiver Office)

Attachment 3: Glendale Unified School District General Waiver Request 48-2-2013 (2 Pages) (Original waiver request is signed and on file at the Waiver Office)

Attachment 4: Natomas Unified School District General Waiver Request 5-4-2013 (2 Pages) (Original waiver request is signed and on file at the Waiver Office)

Attachment 5: Winship-Robbins School District General Waiver Request 10-3-2013 (1 Page) (Original waiver request is signed and on file at the Waiver Office)

Local Educational Agencies Requesting Waiver of State Testing Apportionment Information Report Deadline — July 2013

Local Educational Agency	Waiver Number	Period of Request	Test Report(s) Missing	Report(s) Submitted	Fiscal Year(s)	Reimbursement Amount	Union Position
Fillmore Unified School District (SD)	45-3-2013	Requested 7/1/2012 – 12/31/2012 Recommended: 7/1/2012 – 12/31/2012	California English Language Development Test (CELDT), California High School Exit Examination (CAHSEE), Standardized Testing and Reporting Program (STAR)	Yes	2011-12	$16,074.62	Support
Glendale Unified SD	48-2-2013	Requested: 12/31/2012 – 4/15/2013 Recommended: 7/1/2012 – 12/31/2012	CELDT, STAR	Yes	2011-12	$90,263.78	Support
Natomas Unified SD	5-4-2013	Requested: 7/1/2011 – 6/30/2012 Recommended: 7/1/2012 – 12/31/2012	CELDT, CAHSEE, STAR	Yes	2011-12	$39,378.02	Support
Winship-Robbins SD	10-3-2013	Requested: 7/1/2011 – 6/30/2012 Recommended: 7/1/2012 – 12/31/2012	CELDT	Yes	2011-12	$330.00	District has no bargaining unit

California Department of Education
WAIVER SUBMISSION - General

CD Code: 5672454 Waiver Number: 45-3-2013 Active Year: 2013

Date In: 3/20/2013 3:34:00 PM

Local Education Agency: Fillmore Unified School District
Address: 627 Sespe Ave.
Fillmore, CA 93016

Start: 7/1/2012 End: 12/31/2012

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: State Testing Apportionment Report
Ed Code Title: STAR, CAHSEE and CELDT
Ed Code Section: STAR – *CCR*, Title 5, Section 862(c)(2)(A); CAHSEE – *CCR*, Title 5, Section 1225(b)(2)(A); CELDT – *CCR*, Title 5, Section 11517.5(b)(1)(A)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: STAR – *CCR*, Title 5, Section 862(c)(2)(A) …postmarked by December 31…
CAHSEE – *CCR*, Title 5, Section 1225(b)(2)(A) …postmarked by December 31…
CELDT – *CCR*, Title 5, Section 11517.5(b)(1)(A) …postmarked by December 31…

Outcome Rationale: We neglected to send the final documentation into the state. We are requesting the funds so that we can continue administering the STAR, CAHSEE and CELDT testing.
Ed. Services will ensure that the forms are filled out in a timely manner each year.

Student Population: 3901

City Type: Rural

Public Hearing Date: 3/19/2013
Public Hearing Advertised: District Website, District Office Outside Bulletin Board, Board Agenda

Local Board Approval Date: 3/19/2013

Committee/Council Reviewed By: District Advisory Committee
Committee/Council Reviewed Date: 3/15/2013
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Michael Johnson
Position: Assistant Superintendent of Ed. Services
E-mail: mjohnson@fillmore.k12.ca.us
Telephone: 805-524-6036
Fax: 805-524-6014

Bargaining Unit: Date: 03/15/2013
Name: Fillmore Unified Teachers Association
Representative: John Schaper
Title: Union President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964568 Waiver Number: 48-2-2013 Active Year: 2013

Date In: 2/26/2013 4:43:55 PM

Local Education Agency: Glendale Unified School District
Address: 223 North Jackson St.
Glendale, CA 91206

Start: 12/31/2012 End: 4/15/2013

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: State Testing Apportionment Report
Ed Code Title: CELDT and STAR
Ed Code Section: *CCR*, Title 5 Section 862(c)(2)(A) and *CCR*, Title 5 Section 11517.5(b)(1)(A)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: STAR – *CCR*, Title 5, [Section 862(c)(2)(A) …postmarked by December 31]…
CELDT – *CCR*, Title 5, [Section 11517.5(b)(1)(A) …postmarked by December 31]…

Outcome Rationale: Apportionment letters were misplaced between departments. Personnel in new positions were not aware of the process and therefore did not know to go looking for the documents.

Student Population: 27909

City Type: Urban

Public Hearing Date: 2/19/2013
Public Hearing Advertised: Internet

Local Board Approval Date: 2/19/2013

Committee/Council Reviewed By: Glendale Unified School District Board of Education
Committee/Council Reviewed Date: 2/19/2013
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Bonnie Gould
Position: District Assessment & Evaluation Coordinator
E-mail: bgould@gusd.net
Telephone: 818-241-3111 x557
Fax: 818-543-0716

Bargaining Unit Date: 3/5/2013 (although she was present and reviewed the document at the Board Meeting)
Name: Tammy Carlson
Representative: Glendale Teachers Union (GTA)
Title: President
Position: Glendale Teacher and President of GTA
Comments: Approved.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3475283 Waiver Number: 5-4-2013 Active Year: 2013

Date In: 4/5/2013 3:46:11 PM

Local Education Agency: Natomas Unified School District
Address: 1901 Arena Blvd.
Sacramento, CA 95834

Start: 7/1/2011 End: 6/30/2012

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: State Testing Apportionment Report
Ed Code Title: STAR, CAHSEE and CELDT
Ed Code Section: STAR – CCR, Title 5, Section 862(c)(2)(A); CAHSEE – CCR, Title 5, Section 1225(b)(2)(A); CELDT – CCR, Title 5, Section 11517.5(b)(1)(A)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: December 31, 2012 Deadline

STAR – *CCR*, Title 5, ~~Section 862(c)(2)(A) …postmarked by December 31~~…

CAHSEE – *CCR*, Title 5, ~~Section 1225(b)(2)(A) …postmarked by December 31…~~

CELDT – *CCR*, Title 5, ~~Section 11517.5(b)(1)(A) …postmarked by December 31…~~

Outcome Rationale: Natomas Unified missed the deadline to submit.

Student Population: 12666

City Type: Urban

Public Hearing Date: 3/13/2013
Public Hearing Advertised: Board of Trustees

Local Board Approval Date: 3/13/2013

Committee/Council Reviewed By: Board of Trustees
Committee/Council Reviewed Date: 3/13/2013
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Joel Rabin
Position: Executive Director
E-mail: jrabin@natomas.k12.ca.us
Telephone: 916-567-5462
Fax:

Bargaining Unit: Date: 02/27/2013
Name: Natomas Teachers Association
Representative: Kristen Rocha
Title: President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 5171456 Waiver Number: 10-3-2013 Active Year: 2013

Date In: 3/5/2013 2:25:23 PM

Local Education Agency: Winship-Robbins School District
Address: 4305 South Meridian Rd.
Meridian, CA 95957

Start: 7/1/2011 End: 6/30/2012

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: State Testing Apportionment Report
Ed Code Title: CELDT
Ed Code Section: *CCR*, Title 5, Section 11517.5 (b)(1)(A)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: *CCR*, Title 5, Section 11517.5(b)(1)(A)

Outcome Rationale: Didn't mail the certification on time - close to winter break and superintendent is at a different site from CELDT coordinator - paperwork got lost in transition

Student Population: 175

City Type: Rural

Public Hearing Date: 2/13/2013
Public Hearing Advertised: posted at school sites and newspaper

Local Board Approval Date: 2/13/2013

Committee/Council Reviewed By: Bd of Trustees
Committee/Council Reviewed Date: 2/13/2013
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Katherine Anderson
Position: Superintendent
E-mail: katherinea@sutter.k12.ca.us
Telephone: 530-696-2451
Fax: 530-696-2262

California State Board of Education

Meeting Agenda Items for July 10-11, 2013

ITEM W-08

ITEM #W-08

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2013 AGENDA

☒ **General Waiver**

SUBJECT	
Request by four school districts to waive portions of California *Education Code* sections 48660 and 48916.1(d), relating to the allowable grade spans for community day schools and/or California *Education Code* Section 48661(a), relating to the colocation of a community day school with other types of schools. Waiver Numbers: Corcoran Joint Unified School District 35-4-2013 Denair Unified School District 42-3-2013 Firebaugh-Las Deltas Unified School District 16-4-2013 San Bernardino City Unified School District 14-3-2013	☒ **Action** ☒ **Consent**

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

The California Department of Education (CDE) recommends approval that the grade span limitations for the following community day schools (CDS) be waived subject to the conditions stated in the findings below:

The Denair Unified School District (USD) is requesting a waiver (Waiver Number 42-2-2013) to permit the Oasis CDS to serve students in grades six through twelve, inclusive from August 1, 2013 through June 30, 2014.

The Firebaugh-Las Deltas USD is requesting a waiver (Waiver Number 16-4-2013) to renew its waiver authority (Waiver Number 20-3-2012) to permit the Firebaugh CDS to serve students in grades one through twelve, inclusive. California *Education Code (EC)* to this renewal waiver request. *Education Code* (EC) Section 33051(b) will apply to this renewal request and the district will not be required to reapply if information contained on the request remains current.

The CDE recommends approval that the colocation limitations for the following CDS be waived subject to the conditions stated in the findings below:

The San Bernardino City USD is requesting a waiver (Waiver Number 14-3-2013) to permit the San Bernardino City CDS to be located on the same site as Indian Springs High School, a continuation high school, upon an annual two-thirds vote of the local board. *EC* Section 33051(b) will apply and the district will not be required to reapply if information contained on the request remains current.

The CDE recommends approval that the grade span and colocation limitations for the following CDS be waived subject to the conditions stated in the findings below:

The Corcoran Joint USD is requesting a waiver (Waiver Number 35-4-2013) to renew its waiver authority (Waiver Number 14-7-2011) to continue to permit the Mission CDS to serve students in grades six through twelve, inclusive. The district also asks that Mission CDS continue to be located on the same site as Kings Lake Continuation High School upon an annual two-thirds vote of the local board. *EC* Section 33051(b) will apply and the district will not be required to reapply annually if information contained on the request remains current.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has approved several similar requests in the past to allow the colocation of a CDS with another school when the CDS could not be located separately and the district has been able to provide for the separation of students from the other schools. The SBE has also approved previous waiver requests to expand the allowable grade span for a CDS to best serve its students when it was not feasible for the district to operate two separate schools.

SUMMARY OF KEY ISSUES

EC sections 48660 and 48916.1(d) provide, respectively, for the allowable grade spans of CDS and educational services for expelled students. *EC* Section 48916.1(a) requires school districts to ensure that each of their expelled students be provided an educational program during the period of expulsion.

EC Section 48660 provides that a CDS may serve pupils in any of kindergarten and grades one to six, inclusive, or any of grades seven to twelve, inclusive, or the same or lesser included range of grades as may be found in any individual middle or junior high school operated by the district. It further provides that if a school district is organized as a district that serves kindergarten through grade eight (K–8), inclusive, but no higher grades, the governing board of the school district may establish a CDS for any students in K–8, inclusive, upon a two-thirds vote of the board.

The Denair USD is a small rural district. In addition to a CDS for elementary students which operates at a different location, the district has operated two separate CDS for middle school and high school students together on the same campus. This year, the district found that it was unable to afford separate teachers for the middle and high school students, leading to this requested waiver to support combining the two groups of students into a single school that has a combined enrollment of 10 students in grades six through twelve. However, when it would be inappropriate to enroll a sixth grade student in the sixth through twelfth grade placement, that student would be served in the elementary CDS instead.

The Firebaugh-Las Deltas USD does not expect more than a small number of students to be enrolled in the CDS, which means it is not fiscally feasible to operate two CDS, one for students up to grade six, and a second for grades seven and above, in each of

the locations for which it is requesting a waiver. At the same time, they recognize their responsibility to ensure that educational placements are available for expelled and other high-risk students. Additionally, it is difficult to predict when and if a student in any specific grade level will need to be served in a CDS. This means that at any given time, all of the students might be in elementary grades, middle grades, high school, or any combination of these grades—just as at any time it is equally possible that no student in any one of these grade spans might be enrolled. This year, the highest enrollment has been five students, allowing for careful supervision and individualization of instruction. In order to ensure that students receive adequate academic support despite the wider span of grades, the Firebaugh-Las Deltas USD has committed to provide grade-level-appropriate mentor teacher support to CDS teachers who are teaching beyond their normal grade spans.

The Corcoran Joint USD is a small rural district and does not have the enrollment to make it fiscally feasible, especially in the present budget situation, to establish and operate two CDS, one for students up to grade six, and a second for grades seven and above. The county office of education does not serve students who are younger than twelve years old. The nearest district that serves sixth grade students in its CDS is impacted and there is often no room for Corcoran students. Additionally, attendance in that school would require a forty-mile round trip commute twice a day, a burden that Corcoran parents are unable to meet. Personal transportation is too costly or unavailable, and parents are concerned for the safety of their children who would need to use long distance public transportation that would not drop them at the school site. The CDS consists of one self-contained class with one teacher and two part-time instructional aides to provide two adults in the classroom at all times to work with the students. The district has operated the Mission CDS under the conditions of this waiver for three years without any negative incidents. Its first waiver was for one year, which was renewed for two additional years (with a day in between, so that the current renewal request is needed). The district does not expect any change in its conditions in the forthcoming years. Based on the extensive record of safe colocation to date, the CDE is supporting not requiring subsequent renewal applications to maintain the waiver status.

Given the extremely challenging fiscal environment presently facing all California schools, some districts are finding that they do not have the resources to operate a CDS at a fully separate location. *EC* Section 48661(a) authorizes a small school district with 2,500 or fewer students to waive the separation requirement based on an annual certification by at least two-thirds of the local board that separate alternative facilities are not available. The Corcoran Joint USD serves 3,421 students. The San Bernardino City USD serves 54,378 students. This waiver, if approved, would allow the districts the same local determination option as a smaller district.

Corcoran Joint USD's Mission CDS is operating on the same site as Kings Lake Continuation High School. Complete separation between the schools is maintained by having a teacher and an aide in the CDS classroom at all times, and with the physical area for the CDS, including restrooms, eating, and recreational areas fenced off from the continuation school. There have been no negative interactions between students from the two schools during the three years they have been on the same campus.

Although the San Bernardino City USD CDS is located on the same site as Indian Springs Continuation High School, the two schools do not share any facilities or space. The CDS has its own classrooms, offices, restrooms, eating, and recreational areas, and arrival/departure location. The schools also operate on different schedules. The CDS provides a very high level of supervision for its students. Currently, eight teachers, a classroom aide in each classroom, a coordinator, a counselor, a program specialist, a campus security officer, and a clerical support person are assigned full-time to work with the sixty CDS students. Additionally, no students with active expulsions are enrolled in the CDS. There have been no negative incidents involving students of the two schools.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* Section 33051(a), available at http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=33001-34000&file=33050-33053

Demographic Information: See Attachment 1

Authority for Waiver: *EC* Section 33050

Period of request: See Attachment 1

Local board approval date(s): See Attachment 1

Public hearing held on date(s): See Attachment 1

Bargaining unit(s) consulted on date(s): See Attachment 1

Name of bargaining unit/representative(s) consulted: See Attachment 1

Position of bargaining unit(s) (choose only one): See Attachment 1
☐ Neutral ☐ Support ☐ Oppose:

Advisory committee(s) consulted: See Attachment 1

Objections raised (choose one): See Attachment 1
☐ None ☐ Objections are as follows:

Date(s) consulted: See Attachment 1

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of Waiver approval.

ATTACHMENT(S)

Attachment 1: Summary Table of Community Day School State Board of Education Waivers for July 2013 (1 page)

Attachment 2: Corcoran Joint Unified School District: General Waiver Request 35-4-2013 (3 pages) (Original Waiver request is signed and on file in the Waiver Office.)

Attachment 3: Denair Unified School District: General Waiver Request 42-3-2013 (2 pages) (Original Waiver request is signed and on file in the Waiver Office.)

Attachment 4: Firebaugh-Las Deltas Unified School District: General Waiver Request 16-4-2013 (2 pages) (Original Waiver request is signed and on file in the Waiver Office.)

Attachment 5: San Bernardino City Unified School District: General Waiver Request 14-3-2013 (2 pages) (Original Waiver request is signed and on file in the Waiver Office.)

Summary Table of Community Day School State Board of Education Waivers for July 2013

Waiver Number	District Name, Size of District, and Approval Date	Grade Span Requested (if waiver of *EC* sections 48660 and 48916.1[d])	Type(s) of School(s) with which Community Day School (CDS) will be Colocated (if waiver of *EC* Section 48661[a])	Period of Request	Renewal Waiver?	If granted, this waiver will be "permanent" per *EC* Section 33501(b)	Certificated Bargaining Unit Name and Representative, Date of Action, and Position	Advisory Committee/School Site Council Name, Date of Review and any Objections
35-4-2013	Corcoran Joint Unified School District 3,421 Total Students April 23, 2013 5-0 Vote	Grades six through twelve. Too few students to support separate middle and high school CDS.	Continuation High School	**Requested:** July 1, 2013 through June 30, 2015 **Recommended:** July 1, 2013 through June 30, 2015	YES	YES	Corcoran Faculty Association Wendi Hulbert March 6, 2013 Support	Kings Lake Advisory Committee March 14, 2013 No objections
42-3-2013	Denair Unified School District 1,157 Total Students March 14, 2013 4-0 Vote	Grades six through twelve. Too few students to support separate middle and high school CDS.		**Requested:** August 1, 2013 through June 30, 2014 **Recommended:** August 1, 2013 through June 30, 2014	NO	NO	Denair Unified Teachers Association Barry Cole March 8, 2013 Support	Denair High School and Denair Middle Schoolsite Councils March 13, 2013 No objections
16-4-2013	Firebaugh-Las Deltas Unified School District 2,192 Total Students March 14, 2013 4-0 Vote	Grades one through twelve. Only five students—too few to support more than one CDS.		**Requested:** July 1, 2013 through June 30, 2014 **Recommended:** July 1, 2013 through June 30, 2014	YES	YES	California Teachers Association Tracey Gonzales and California School Employees Association Freddy Valdez February 4, 2013 Support	Schoolsite Council February 28, 2013 No objections
14-3-2013	San Bernardino Unified School District 54,378 Total Students February 5, 2013 7-0 Vote	.	Continuation High School	**Requested:** August 1, 2012 through May 22, 2013 **Recommended:** July 1, 2013 through June 30, 2015	NO	NO	San Bernardino Teachers Association Rebecca Harper January 10, 2013 Support California School Employees Association Charles Arroyo January 15, 2013 Support	Indian Springs High School Schoolsite Council March 5, 2013 No objections

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1663891 Waiver Number: 35-4-2013 Active Year: 2013

Date In: 4/26/2013 9:33:56 AM

Local Education Agency: Corcoran Joint Unified School District
Address: 1520 Patterson Ave.
Corcoran, CA 93212

Start: 7/1/2013 End: 6/30/2015

Waiver Renewal: Y
Previous Waiver Number: 14-7-2011-W-9 Previous SBE Approval Date: 11/9/2011

Waiver Topic: Community Day Schools (CDS)
Ed Code Title: Colocate Facilities and Commingle Grade Levels
Ed Code Section: 48916.1(d) and portions of 48660 and 48661(a)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: 6.*Education Code* or *California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

48660. The governing board of a school district may establish one or more community day schools for pupils who meet one or more of the conditions described in subdivision (b) of Section 48662. A community day school 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 community day school for any [of] kindergarten and grades 1 to 8, inclusive, upon a two-thirds vote of the board. It is the intent of the Legislature, that to the extent possible, the governing board of a school district operating a community day school for any of kindergarten and grades 1 to 8, inclusive, separate younger pupils from older pupils within that community day school. Except as provided in Section 47634, a charter school may not receive funding as a community day school unless it meets all the conditions of apportionment set forth in this article.

48916.1. (d) [If the pupil who is subject to the expulsion order was expelled from any of kindergarten or grades 1 to 6, inclusive, the educational program provided pursuant to subdivision (b) shall not be combined or merged with educational programs offered to pupils in any of grades 7 to 12, inclusive. The district or county program is the only program required to be provided to expelled pupils as determined by the governing board of the school district. This subdivision, as it relates to the separation of pupils by grade levels, does not apply to community day schools offering instruction in any of kindergarten and grades 1 to 8, inclusive, and established in accordance with Section 48660.]

48661. (a) A community day school shall not be situated on the same site as an elementary, middle, junior high, comprehensive senior high, opportunity, or continuation school, except as follows:

(1) When the governing board of a school district [with 2,500 or fewer units of average daily attendance reported for the most recent second principal apportionment] certifies by a two-thirds vote of its membership that satisfactory alternative facilities are not available for a community day school.
(b) A certification made pursuant to this section is valid for not more than one school year and may be renewed by a subsequent two-thirds vote of the governing board.

Outcome Rationale: Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

We are requesting to renew a waiver for students in grades sixth through twelfth, as there are no services for them within our community. Hanford Community School is the only community school in our county that accepts sixth grade students, but the school is impacted and there is no room for Corcoran students. Commencing with the 2013-14 school year, Kings Community School in Hanford will provide services for ninth through 12th grade students only. There is quite a distance to travel to reach Hanford. Many of our parents do not have available vehicles or cannot afford to purchase gas to drive their students to school a 40-mile round trip twice a day for five days a week. Parents are also uncomfortable sending their children to school on the available train or Kings Area Rural Transport bus. Those forms of transportation do not drop off the students at the school and the students must walk a few blocks to get to school. Some students do not make it to school on time or even at all if they choose to cut school. Hanford is a much larger city than Corcoran. Parents are concerned with the safety of their children that far away from home by themselves. Other parents do not trust their children to make responsible decisions due to their age and lack of adult supervision to and from school at such a far location. Parents also state that they have to work and cannot take their children to school that far away and pick them up. Many parents choose to not send their children to school at all. Some have tried online classes and have found that the cost of Internet service and technology devices, as well as lack of adult interaction with their children is not conducive to learning. We get requests from parents begging us not to send their children to a school that is out of town. Maintaining a Community Day School in Corcoran will help students continue their education while it will help parents meet their obligations to keep their children in school.

Locating this Community Day School on a different and separate campus is not an option that we have available due to the on-going financial difficulties that all school districts are currently facing.

All Community Day School students have been and continue to be kept separate from the other Continuation students on campus. The class will be self-contained with one teacher and two part-time instructional aides to allow for two adults in the classroom at all times. There have been no negative interactions between students of the two schools.

Community Day School students' classroom, restroom, eating area and recreational area are fenced off. Strict daily schedules will be followed for both programs and students will not be together any time during the school day.

Students to be assigned to the Mission Community Day School in Corcoran, CA must meet one or more of the following Conditions: (1) The pupil is expelled for any reason; (2) The pupil is probation referred pursuant to Sections 300 and 602 of the Welfare and Institutions Code; (3) The pupil is referred to a community day school by a school attendance review board or other district level referral process. First priority will be given to expelled students.

Students will enroll in their current grade levels upon entry to the Community Day School. Each student will be placed on an Individual Learning Plan. The curriculum students use will follow district-adopted materials and grade level requirements. Each student's progress will be evaluated on three week intervals and parents will be notified of student progress using progress reports and reports cards that will be sent home each quarter and semester following regular school schedules.

Each sending school will provide learning support services. Special Education services will be provided by the district through the sending schools. Mental health services and counseling support will be provided by the District's mental health support provider or as needed following parent intake appointments with Kings View Mental Health in Hanford, CA, which then provides counseling on the Kings Lake Education Center campus.

This program will be evaluated annually and changes will be made as needed.

We have completed three years of this program. It has provided a very positive environment for all of our students. The parents of our students are extremely pleased with the location of our school along with the academic curriculum that was provided for each child. Students were given the opportunity to receive counseling services and parents were referred to the appropriate agencies as deemed necessary for each student's well being. This has been a positive program for all concerned.

Student Population: 3421

City Type: Rural

Public Hearing Date: 4/23/2013
Public Hearing Advertised: Posted at sites, on website

Local Board Approval Date: 4/23/2013

Committee/Council Reviewed By: Kings Lake Advisory Committee
Committee/Council Reviewed Date: 3/14/2013
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Mary Taylor
Position: Mission Community Day School Principal
E-mail: mtaylor@corcoranunified.com
Telephone: 559-992-8885 x7012
Fax: 559-992-4858

Bargaining Unit: Date: 03/06/2013
Name: Corcoran Faculty Association
Representative: Wendi Hulbert
Title: CFA President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 5071068 Waiver Number: 42-3-2013 Active Year: 2013

Date In: 3/18/2013 4:22:01 PM

Local Education Agency: Denair Unified School District
Address: 3460 Lester Rd.
Denair, CA 95316

Start: 8/1/2013 End: 6/30/2014

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Community Day Schools (CDS)
Ed Code Title: Commingle Grade Levels
Ed Code Section: 48660 and 48916.1(d)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: 48660. A community day school may serve pupils in any [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 operated by the district.

48916.1(d) [If the pupil who is subject to the expulsion order was expelled from any of kindergarten or grades 1 to 6, inclusive, the educational program provided pursuant to subdivision (b) shall not be combined or merged with educational programs offered to pupils in any of grades 7 to 12, inclusive. The district or county program is the only program required to be provided to expelled pupils as determined by the governing board of the school district. This subdivision, as it relates to the separation of pupils by grade levels, does not apply to community day schools offering instruction in any of kindergarten and grades 1 to 8, inclusive, and established in accordance with Section 48660.]

Outcome Rationale: The District has three Community Day School (CDS) that operate under the Small School Superintendent's Waiver for Community Day Schools. One CDS operates as Denair Elementary CDS on the elementary school campus and the 6-12 CDS operates as the Oasis CDS located on the high school campus. This waiver request expands the grade configuration to 6-12 and to co-locate the middle school and high to operate as one CDS as Oasis Community Day School. A provision is included to allow a 6th grade student to be assigned to the K-5 CDS, Denair Elementary CDS, should the 6-12 placement be inappropriate for that student.

Student Population: 10

City Type: Rural

Public Hearing Date: 3/14/2013
Public Hearing Advertised: Board agenda posting, district website and posting at each site.

Local Board Approval Date: 3/14/2013

Committee/Council Reviewed By: Denair High School and Denair Middle School School Site Councils
Committee/Council Reviewed Date: 3/13/2013
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Carol Hammond
Position: Assoc. Supt of Elementary Curriculum
E-mail: chammond@dusd.k12.ca.us
Telephone: 209-632-7514 x1222
Fax: 209-632-4184

Bargaining Unit: Date: 03/08/2013
Name: Denair Unified Teachers Association
Representative: Barry Cole
Title: DUTA President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1073809 Waiver Number: 16-4-2013 Active Year: 2013

Date In: 4/15/2013 3:05:07 PM

Local Education Agency: Firebaugh-Las Deltas Unified School District
Address: 1976 Morris Kyle Dr.
Firebaugh, CA 93622

Start: 7/1/2013 End: 6/30/2014

Waiver Renewal: Y
Previous Waiver Number: 20-3-2012-W-10 Previous SBE Approval Date: 7/18/2012

Waiver Topic: Community Day Schools (CDS)
Ed Code Title: Commingle Grade Levels
Ed Code Section: 48916.1(d) and portions of Section 48660
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: 48660. The governing board of a school district may establish one or more community day schools for pupils who meet one or more of the conditions described in subdivision (b) of Section 48662. A community day school 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 community day school for any kindergarten and grades 1 to 8, inclusive, upon a two-thirds vote of the board. It is the intent of the Legislature, that to the extent possible, the governing board of a school district operating a community day school for any of kindergarten and grades 1 to 8, inclusive, separate younger pupils from older pupils within that community day school. Except as provided in Section 47634, a charter school may not receive funding as a community day school unless it meets all the conditions of apportionment set forth in this article.

[48916.1.(d) If the pupil who is subject to the expulsion order was expelled from any of kindergarten or grades 1 to 6, inclusive, the educational program provided pursuant to subdivision (b) may not be combined or merged with educational programs offered to pupils in any of grades 7 to 12, inclusive. The district or county program is the only program required to be provided to expelled pupils as determined by the governing board of the school district. This subdivision, as it relates to the separation of pupils by grade levels, does not apply to community day schools offering instruction in any of kindergarten and grades 1 to 8, inclusive, and established in accordance with Section 48660.]

Outcome Rationale: We are currently expelling students in our Elementary, Intermediate, Middle and High Schools. Our Elementary School serves grades K-3, Intermediate School serves grades 4 and 5, our Middle School serves grades 6 through 8, so we are requesting a waiver to include these younger students. As we expected, the number of students referred is low, and the lower grades especially so. When we have had younger students there were no negative interactions between the younger and older students. There are no other services for these

students in or near our community. The closest Community School is in Fresno, which does not accept students that young. The closest Charter Schools are in Fresno, which creates a hardship on the parents. The drive is approximately a 90 mile round trip, and unfortunately many of our families do not have reliable transportation or cannot afford the gas to make the trip. Other forms of public transportation do not deliver the students close to the school in Fresno, and the parents are not comfortable sending young students on their own so far away from home. They are rightfully concerned for their safety in such a large city. We have found that even students that are older and in high school are reluctant to comply with travel to such a distant campus. This lack of compliance is the reason the district decided to establish the Community Day School in our community.

Student Population: 2192

City Type: Rural

Public Hearing Date: 3/14/2013
Public Hearing Advertised: Notice posted at each school in the district

Local Board Approval Date: 3/14/2013

Committee/Council Reviewed By: School Site Councils
Committee/Council Reviewed Date: 2/28/2013
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Russell Freitas
Position: Superintendent
E-mail: rfreitas@fldusd.org
Telephone: 559-659-1976
Fax:

Bargaining Unit: Date: 02/04/2013
Name: CA School Employees Association
Representative: Freddy Valdez
Title: President
Position: Support
Comments:

Bargaining Unit: Date: 02/04/2013
Name: CA Teachers Association
Representative: Tracey Gonzales
Title: President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3667876 Waiver Number: 14-3-2013 Active Year: 2013

Date In: 3/6/2013 11:34:55 AM

Local Education Agency: San Bernardino City Unified School District
Address: 777 North F St.
San Bernardino, CA 92410

Start: 8/1/2012 End: 5/22/2013

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Community Day Schools (CDS)
Ed Code Title: Colocate Facilities
Ed Code Section: 48661(a)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: [with 2,500 or fewer units of average daily attendance reported for the most recent second principal apportionment]

Outcome Rationale: In order to better serve the needs ofthe District's at-risk students, a community day school for grades 7-12 was created in order to provide a smaller environment with a low staff to student ratio and more support services for the students. A new high school was opened at half capacity with 9th and 10th grades and the unused buildings were identified as the optimal location for the community day school while a permanent location was identified. A location has been identified and the planning proces has begun.

Student Population: 54378

City Type: Urban

Public Hearing Date: 2/5/2013
Public Hearing Advertised: It was posted online, displayed in a public binder at the main switchboard and posted on the doors of the Board of education building on February 1, 2013.

Local Board Approval Date: 2/5/2013

Committee/Council Reviewed By: Indian Springs HIgh School School Site Council
Committee/Council Reviewed Date: 3/5/2013
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Laura Strachan
Position: Director, Alternative Programs
E-mail: laura.strachan@sbcusd.com
Telephone: 909-880-6766
Fax: 909-473-8902

Bargaining Unit: Date: 01/15/2013
Name: California School Employees Association, #183
Representative: Charles Arroyo
Title: Chapter President
Position: Support
Comments:

Bargaining Unit: Date: 01/10/2013
Name: San Bernardino Teacher's Association (SBTA)
Representative: Rebecca Harper
Title: SBTA President
Position: Support
Comments:

California State Board of Education

Meeting Agenda Items for July 10-11, 2013

ITEM W-09

California Department of Education
Executive Office
SBE-005 General (REV. 08/2011)

ITEM #W-09

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2013 AGENDA

☒ **General Waiver**

SUBJECT	
Request by one county office of education and one school district to waive portions of California *Education Code* Section 51745.6, and *California Code of Regulations*, Title 5, Section 11704, and portions of Section 11963.4(a)(3), related to charter school independent study pupil-to-teacher ratio to allow an increase from 25:1 to a 27.5:1 pupil-to-teacher ratio. Waiver Numbers: Shasta County Office of Education 9-3-2013 Kingsburg Elementary Charter School District 29-3-2013	☒ **Action** ☒ **Consent**

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

The California Department of Education (CDE) recommends approval of these waiver requests with the condition that the Academic Performance Index (API) growth targets will be met in two of the last three years, schoolwide and for all numerically significant subgroups, inclusive of 2011–12, 2012–13 and 2013–14. The 2011–12 is included as 2013–14 school year's API data will not be available until fall of 2014. The CDE recommends the approval with conditions for a period of two years less one day. Therefore, *Education Code* (EC) 33051(b) will not apply and the district and county will need to reapply if they wish to renew the waiver.

Additionally, Kingsburg Elementary Charter School District (KECSD) and Shasta County Office of Education (SCOE) will spend all excess funds generated by the increased pupil-to-certificated-employee ratio on students enrolled in the Kingsburg's Central Valley Home School (CVHS) and Shasta's Magnolia Independent Learning Center (MILC) and Shasta Independent Learning Center (SILC).

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Shasta County Office of Education

This is the first time the State Board of Education (SBE) will be hearing a pupil-to-teacher ratio waiver for the MILC and SILC in the SCOE.

Kingsburg Elementary Charter School District

The SBE approved a waiver for the CVHS in the KECSD on July 18, 2012, with the following condition:

- All excess funds generated by the increased pupil-to-certificated-employee ratio will be expended on students enrolled in the Kingsburg CVHS.

The requested waivers fall within the SBE Independent Study: average daily attendance (ADA)-to-teacher ratio. The SBE Policy #01-03 (April 2001, http://www.cde.ca.gov/be/ms/po/policy01-03-apr2001.asp) states that a waiver shall not be greater than 10 percent above the ratio that would be applicable absent the waiver, and this agreed upon new maximum ratio will be maintained in all future years of the waiver.

SUMMARY OF KEY ISSUES

Education Code Section 51745.6, and *California Code of Regulations*, Title 5, Section 11704, and portions of Section 11963.4(A)(3), establish minimum requirements for pupil-to-teacher ratios in independent study that apply to non-classroom based charter schools. In essence, these sections require that the ratio meet the following criteria:

- The ratio cannot exceed the equivalent ratio of pupil to full-time certificated employees for all other educational programs operated by the high school or unified school district with the largest ADA of pupils in that county.

- In a charter school, the ratio may be calculated by using a fixed pupil to certificated-employee ratio of 25:1, or by a ratio of less than 25 pupils per certificated employee.

Shasta County Office of Education

The SCOE operates two independent study programs: the MILC and the SILC. (For additional information, see Attachments 2 and 3.)

The rationale provided by the SCOE for raising the pupil to certificated employee ratio is as follows:

- Due to the 22.5 percent reduction in revenue as well as a change in the independent study population, the program is in danger of closing. Over the past few years, SCOE independent study student population has changed dramatically, with the majority of its students no longer technically qualifying for the higher revenue limit allowed for wards of the court and students on probation. In order to maintain its technology capacity, which is vital to the success of the program, as well as provide the administrative and psychological services necessary for a quality program, the independent study programs must generate more revenue or risk not being able to meet the needs of their most at-risk students.

Kingsburg Elementary Charter School District

The rationale provided by the KECSD for raising the ADA ratio is as follows:

- The KECSD is one of only eight charter districts in the state, and it is the largest. An increase in the pupil-to-teacher ratio will allow cost savings, as well as maximize the resources that the school can offer to students.

- Given the budget constraints and despite fiscal challenges, the CVHS has integrated an intervention component for the neediest students, focusing on instructional coaching methods and effective technological resources when working with parents. Additional revenue resulting from the increased ratio will be used for services that support student learning in the home-school environment, specifically, enhanced course offerings, increased intervention classes, test preparation courses, and/or increased access to technological courses.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* Section 33051(a), available at http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=33001-34000&file=33050-33053.

FISCAL ANALYSIS (AS APPROPRIATE)

The increased pupil-to-teacher ratio would result in cost-savings for the district and increased ADA claims from the state.

ATTACHMENT(S)

Attachment 1: Summary Table of Independent Study School State Board of Education Waivers for July 2013 (1 Page)

Attachment 2: Shasta County Office of Education: General Waiver Request 9-3-2013 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Shasta County Office of Education: Academic Performance Index (API) Data Table for Shasta Independent Learning Center and Magnolia Independent Learning Center (2 Pages)

Attachment 4: Kingsburg Elementary Charter School District: General Waiver Request 29-3-2013 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Kingsburg Elementary Charter School District: Schedule of Audit Findings and Questioned Costs (2 Pages)

Summary Table of Independent Study School State Board of Education Waivers for July 2013

Waiver Number	County Office of Education/ District Name, Size of District, and Approval Date	Pupil to Teacher Ratio Requested (if waiver of *EC* Section 51745.6 and *California Code of Regulations*, Title 5, Section 11704 and portions of Section 11963.4(a)(3)	Period of Request	Renewal Waiver?	Certificated Bargaining Unit Name and Representative, Position, and Date of Action	Advisory Committee/ School Site Council Name, Date of Review, and any Objections
9-3-2013	Shasta County Office of Education 65 Total Students February 13, 2013	Increase from 22.78:1 to 25:1. Small independent study charter; no teacher will experience 27.5:1 at any given time.	**Requested:** July 1, 2012 through June 30, 2013 **Recommended:** July 1, 2012 through June 29, 2014	NO	No Bargaining Unit	Shasta County Board of Education Shasta County Office of Education Alternative Education School Site Council January 7, 2013 No objections
29-3-2013	Kingsburg Elementary Charter School District's Central Valley Home School* 2,388 Total Students March 11, 2013	Increase from 25:1 to 27.5:1. Small online independent study charter; no teacher will experience 27.5:1 at any given time.	**Requested:** July 1, 2013 through June 30, 2016 **Recommended:** July 1, 2013 through June 29, 2015	YES	No Bargaining Unit	Board of Directors of Kingsburg Elementary Charter School District March 11, 2013 No objections

* This "school" is a program of the district, and does not have Academic Performance Index or Growth Targets.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 4510454 Waiver Number: 9-3-2013 Active Year: 2013

Date In: 3/4/2013 12:43:03 PM

Local Education Agency: Shasta County Office of Education
Address: 1644 Magnolia Ave.
Redding, CA 96001

Start: 7/1/2012 End: 6/30/2013

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Independent Study Program
Ed Code Title: Pupil Teacher Ratio
Ed Code Section: 51745.6
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: 51745.6 (a) 51745.6 (b)
California Education Code Section 51745.6, and *California Code of Regulations*, Title 5, sections 11704 and portions of 11963.4(a)(3) as Follows:

…and the ratio of average daily attendance for the independent study pupils to full-time certified employees responsible for independent study does not exceed a pupil-teacher ratio of ~~25:128:1~~ 27.5:1

Outcome Rationale: Shasta County Office of Education operates two independent student programs, Magnolia Independent Learning Center (MILC) and Shasta Independent Learning Center (SILC), with a staff of 3 teachers. Due to the 22.55% reduction in revenue as well as a change in the Independent Study population, we are in danger of closing the program. In the past, the majority of students attending our Independent Study programs have been high revenue students, allowing the program to be financially viable within the class size guidelines as prescribed by the State Department of Education. Over the past few years, the Shasta County Office of Education's Independent Study student population has changed dramatically, with the majority of our students no longer technically qualifying for the higher revenue limit allowed for wards of the court and students on probation. This, is addition to the 22.55% reduction, has put the operation of our independent student programs in jeopardy. In order to continue to keep our technology capacity, which is vital to the success of our IS program, and provide the administrative and psychological services needed to provide a quality program, our Independent Study programs must generate more revenue. For that reason Shasta County Office of Education is requesting a 10% increase in our pupil/teacher ratio from our current limit of 25:1 to 27.5:1. Without this increase, we may have to discontinue the program that is currently meeting the needs of some of our most at risk students in our community.

Student Population: 65

City Type: Rural

Public Hearing Date: 2/13/2013
Public Hearing Advertised: Notice in newspaper, Notice posted at each school site, Notice on District website

Local Board Approval Date: 2/13/2013

Committee/Council Reviewed By: Shasta County Board of Education, SCOE Alternative Education School Site Council
Committee/Council Reviewed Date: 1/7/2013
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Denise Mills
Position: Executive Director
E-mail: dmills@shastacoe.org
Telephone: 530-245-7834
Fax: 530-245-7828

Bargaining Unit: Date: 01/07/2013
Name: Shasta County Certificated Educator Association
Representative: Jamie Patton
Title: President of SCCEA
Position: Neutral
Comments:

Shasta County Office of Education-Shasta
Independent Learning Center

CDS Code:45-10454-119008

Table 1: Academic Performance Index (API) Data

	2010						2011						2012					
Student Subgroups	Number Of Students	2009 Base	2010 Growth	2009-10 Growth Target	2009-10 Growth	Met Growth Target	Number Of Students	2010 Base	2011 Growth	2010-11 Growth Target	2010-11 Growth	Met Growth Target	Number Of Students	2011 Base	2012 Growth	2011-12 Growth Target	2011-12 Growth	Met Growth Target
Schoolwide	15	488	546	16	58	Yes	2	541	580	13	39	Yes	6	B	602	B	B	
African American or Black	0						0						0					
American Indian or Alaska Native	2						0						0					
Asian	0						0						1					
Filipino	0						0						0					
Hispanic or Latino	0						0						0					
Native Hawaiian or Pacific Islander	1						0						0					
White	11						2	464		--			5					
Two or More Races	1						0						0					
Socioeconomically Disadvantaged	6						0						4					
English Learners	0						0						0					
Students with Disabilities	3						0						0					
Statewide/Similar Schools Rank															**I / I**			

(blank) : The API is not displayed when there are less than 11 valid scores. (--) : Targets are not calculated for subgroups that are not numerically significant.

Statewide/Similar Schools Rank Codes:

I - Invalid Data
B - District or ASAM school
C - Special Education School
S - Schools whose School Characteristics Index (SCI) and similar schools rank also changed.
O - Schools whose SCI changed because of data change, but schools rank did not change.

Base, Growth and Target Codes:

A - Met Interim Performance Target of 800.
B - School did not have a valid API Base and there is no Growth or target information.
C - School had significant demographic changes and there is no Growth or target information.
D - There is no growth target for districts, or Special Education schools.

Shasta County Office of Education – Magnolia
Independent Learning Center

CDS Code: 45-10454-0118992

Table 1: Academic Performance Index (API) Data

	2010						2011						2012					
Student Subgroups	Number Of Students	2009 Base	2010 Growth	2009-10 Growth Target	2009-10 Growth	Met Growth Target	Number Of Students	2010 Base	2011 Growth	2010-11 Growth Target	2010-11 Growth	Met Growth Target	Number Of Students	2011 Base	2012 Growth	2011-12 Growth Target	2011-12 Growth	Met Growth Target
Schoolwide	6	B	431	B	B		13	B	493	B	B		18	493	623	15	130	Yes
African American or Black	0						0						0					
American Indian or Alaska Native	0						0						0					
Asian	0						0						0					
Filipino	0						0						0					
Hispanic or Latino	1						2						1					
Native Hawaiian or Pacific Islander	0						0						0					
White	5						10						16		612	--		
Two or More Races	0						1						1					
Socioeconomically Disadvantaged	2						6						11		650	--		
English Learners	0						0						0					
Students with Disabilities	0						1						0					
Statewide/Similar Schools Rank			**I / I**						**I / I**									

(blank) : The API is not displayed when there are less than 11 valid scores.

(--) Targets are not calculated for subgroups that are not numerically significant.

Statewide/Similar Schools Rank Codes:

I - Invalid Data
B - District or ASAM school
C - Special Education School
S - Schools whose School Characteristics Index (SCI) and similar schools rank also changed.
O - Schools whose SCI changed because of data change, but similar schools rank did not change.

Base, Growth and Target Codes:

A - Met Interim Performance Target of 800.
B - School did not have a valid API Base and there is no Growth or target information.
C - School had significant demographic changes and there is no Growth or target information.
D - There is no growth target for districts, or Special Education schools.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1062240 Waiver Number: 29-3-2013 Active Year: 2013

Date In: 3/12/2013 1:47:23 PM

Local Education Agency: Kingsburg Elementary Charter School District
Address: 1310 Stroud Ave.
Kingsburg, CA 93631

Start: 7/1/2013 End: 6/30/2016

Waiver Renewal: Y
Previous Waiver Number: 140-2-2012-W-02 Previous SBE Approval Date: 7/18/2012

Waiver Topic: Independent Study Program
Ed Code Title: Pupil Teacher Ratio
Ed Code Section: 51745.6
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: California *Education Code* Section 51745.6, and *California Code of Regulations*, Title 5, sections 11704 and portions of 11963.4(a)(3) as follows:

...and the ratio of average daily attendance for independent study pupils to full-time certificated employees responsible for independent study does not exceed a pupil-teacher ratio of [25:1] 28:1

Outcome Rationale: Central Valley Home School (CVHS) is part of the Kingsburg Elementary Charter School District and has been providing a high quality home school education to students in Central California for 16 years. Teachers work from the school office serving students in a large geographical area using a variety of techniques both traditional and technological. An increase in the pupil-to-teacher ratio will allow cost savings, as well as maximize the resources that the school can offer to students. Kingsburg Elementary Charter School District is one of only eight charter districts in the state, and is the largest. The District feels that a more equitable measure of an average class-size should be based upon its own ADA rather than that of the largest district in our county (Fresno Unified, 75,000+ students). In addition, given the budget constraints caused by the financial crisis of the last several years, CVHS has implemented needed budget cuts by utilizing focused instructional coaching methods and effective technological resources when working with parents. Despite fiscal challenges, CVHS has integrated an intervention component for the most needy students. In addition, any additional revenue resulting from the increased ratio will be used for services that support student learning in the Home-School Environment; specifically, enhanced course offerings, increased intervention classes, test preparation courses, and/or increased access to technological courses. The previous waiver was approved at a ratio of 27.5:1 for the 2011/12 and 2012/13 fiscal years.

Student Population: 2388

City Type: Small

Public Hearing Date: 3/11/2013
Public Hearing Advertised: Notice posted at each school (6 sites) and at the Public Library

Local Board Approval Date: 3/11/2013

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 2/21/2013
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: Y

Categorical Program Monitoring: N

Submitted by: Ms. Andrea Briano
Position: Chief Business Official
E-mail: abriano@kingsburg-elem.k12.ca.us
Telephone: 559-897-2331
Fax: 559-897-4784

Kingsburg Elementary Charter School District
Schedule of Audit Findings and Questioned Costs
Year Ended June 30, 2011

Student-Teacher Ratio Waiver Request Back-up Narrative
April 25, 2013

State Award Findings and Questioned Costs

Finding Identification
2011 – 1 Attendance – Independent Study Ratio #10000

Criteria or Specific Requirement
Education Code Section 51745.6 – Ratio of Average Daily Attendance for Independent Study

Condition
While calculating the ratio of ADA to supervising teacher in independent study per Education Code Section 51745.6, we noted that the ratio for the Charter School exceeded the allowed ratio of 25 to 1.

Effect
The number of supervised independent study students exceeded the allowed ratio of 25 to 1.

Cause
The Charter school did not provide an adequate number of certificated teachers to be in direct instruction of full-time independent study students.

Questioned Costs

Total ADA reported for full-time I/S on P-2	186.58
Full-time & FTE certificated teachers in direct instruction to the above students:	6.5
Ratio of above amounts (rounded down to nearest whole number)	28:1
Ratio of largest Unified District	25:1
Difference between Independent Study Ratio and ratio of largest Unified District	3 (28 – 25)
Excess ADA disallowed	19.5 (3 x 6.5)

Revenue Limit Penalty $97,234
($6,078.16 Base Revenue Limit x .82037 Deficit Factor = $4,986.34 x 19.5 ADA = $97,234)

Recommendation

The Charter School needs to ensure that it provides adequate certificated staff to be in direct instruction of students engaged in full-time independent study program.

District Response

The District will monitor enrollment and ratio of ADA to supervising teacher in independent study weekly in order to verify that it is falling under the 25 to 1 ratio. Should the District go over the 25 to 1 ratio, staffing will be adjusted accordingly.

California State Board of Education

Meeting Agenda Items for July 10-11, 2013

ITEM W-10

ITEM #W-10

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2013 AGENDA

☒ **General Waiver**

SUBJECT	
Request by **Caruthers Unified School District** for a renewal to waive California *Education Code* Section 48352(a) and *California Code of Regulations,* Title 5, Section 4701, to remove Caruthers Elementary School from the Open Enrollment List of "low-achieving schools" for the 2013–14 school year. Waiver Number: 39-3-2013	☒ **Action** ☒ **Consent**

RECOMMENDATION

☐ **Approval** ☐ **Approval with conditions** ☒ **Denial**

The California Department of Education (CDE) recommends denial of one waiver request for a school on the 2013-14 Open Enrollment list (Attachment 2) that does not meet the criteria for the State Board of Education (SBE) Streamlined Waiver Policy (available at http://www.cde.ca.gov/re/lr/wr/documents/sbestreamlined.doc). Caruthers Elementary School has failed to meet their combined schoolwide and/or student group API Growth targets in three of the last five years. This waiver is recommended for denial because the educational needs of the pupils are not adequately addressed as required under *Education Code* (*EC*) 33051(a)(1).

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

This is the fourth time the SBE has heard a request from an LEA that does not meet the SBE streamlined waiver criteria to be removed from the 2013-14 Open Enrollment list. The SBE denied the non-streamlined waiver request presented at the May 2013 meeting.

SUMMARY OF KEY ISSUES

The Caruthers Unified School District does not meet the criteria set forth in the SBE streamlined waiver policy, therefore the CDE recommends that Caruthers Elementary School remain on the Open Enrollment list. The SBE streamlined waiver policy requires the district to have an API score of 800 or above in the current scoring cycle. The Caruthers Unified School District has a 2012 Growth API score of 747. In the absence of a district API score of 800 or above, the SBE streamlined waiver policy requires the school to have an API score of 800 or above in the current scoring cycle and meet their API growth targets for all student groups. Caruthers Elementary School has a 2012 Growth API score of 769 and failed to meet all four 2012 API student group growth targets. In the absence of a district Growth API score of 800 or above, or if the school

fails to receive a Growth API score of 800 or above and does not meet its Growth API targets, the SBE streamlined waiver policy requires the school to make their API Growth targets in three of the last five years. Caruthers Elementary School has failed to meet their combined schoolwide and/or student group API Growth targets in three of the last five years.

The methodology used in creating the list of 1,000 lowest achieving schools, per the statute, resulted in some higher achieving schools being placed on the list while at the same time some schools with lower APIs were not included on the list. This was primarily due to the statutory provision that an LEA can have no more than 10 percent of its schools on the list.

Identification as a “low-achieving” school can have a significant educational, economic, and political impact on the school community. The label of “low-achieving” does not take into account the API scores for schools whose scores have risen or are maintained closer to the higher levels of achievement. The perception that the school is “low-achieving” may cause unwarranted flight from the school community and may negatively impact fiscal issues.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in the California *EC* 33051(a), available at http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=33001-34000&file=33050-33053.

Demographic Information: Caruthres Elementary School has a student population of 773 and is located in rural San Joaquin County.

Authority for Waiver: *EC* Section 33050

Period of request: July 1, 2013, to June 30, 2014

Period of recommendation:

Local board approval date(s): March 12, 2013

Public hearing held on date(s): March 12, 2013

Bargaining unit(s) consulted on date(s): Caruthers Unified Teachers Association Representative: Carla Correia, consulted on March 5, 2013

Public hearing advertised by: Notice posted at school sites

Advisory committee(s) consulted: Caruthers Elementary School Site Council

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval or denial.

ATTACHMENT(S)

Attachment 1: Schools Requesting a General Waiver from the 2013-14 Open Enrollment List (1 page)

Attachment 2: Caruthers Unified School District General Waiver Request 39-3-2013 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Schools Requesting a General Waiver from the 2013-14 Open Enrollment List

Waiver #	County District School	2011 District Growth API	2011 School API Growth*		2011 API Target Met?	Met API Growth Targets (3 of last 5 yrs)	Meets SBE Waiver Policy (Yes/No)	Decile, Similar Schools Rank	Current PI Status	Position of Bargaining Unit/Date Consulted	Period of Request	Recommend for Approval (Yes/No)
39-3-2013	Fresno Caruthers Unified Caruthers Elementary	747	Schoolwide Hispanic or Latino SED English Learners	769 743 745 717	No No No No	No	No	4, 6	Year 2	Support 03/05/2013	**Requested:** 07/01/2013 to 06/30/2014	No

*Only student groups that are numerically significant are included in this column.
SED – Socioeconomically Disadvantaged

Prepared by the California Department of Education
Revised: 05-09-2013 9:42 AM

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1075598 Waiver Number: 39-3-2013 Active Year: 2013

Date In: 3/14/2013 4:45:31 PM

Local Education Agency: Caruthers Unified School District
Address: 1 Tiller Ave.
Caruthers, CA 93609

Start: 7/1/2013 End: 6/30/2014

Waiver Renewal: Y
Previous Waiver Number: 37-12-2011 Previous SBE Approval Date: 5/9/2012

Waiver Topic: Open Enrollment
Ed Code Title: Removal From the List of LEAs
Ed Code Section: 48352(a) and *CCR* Title 5 Section 4701
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: [*Education Code* 48352. For purposes of this article, the following definitions apply:]

[(a) "Low-achieving school" means any school identified by the Superintendent pursuant to the following:]

[(1) Excluding the schools, and taking into account the impact of the criteria in paragraph] [(2), the Superintendent annually shall create a list of 1,000 schools ranked by increasing] [API with the same ratio of elementary, middle, and high schools as existed in decile 1in [the] 2008-09 school year.]

[(2) In constructing the list of 1,000 schools each year, the Superintendent shall ensure] [each of the following:]

[(A) A local educational agency shall not have more than 10 percent of its schools on the] [list. However, if the number of schools in a local educational agency is not evenly divisible] [by 10, the Superintendent shall round up to the next whole number of schools. (B) Court,] [community, or community day schools shall not be included on the list.]
[(C) Charter schools shall not be included on the list.]
[(b) "Parent" means the natural or adoptive parent or guardian of a dependent child.]
[(c) "School district of enrollment" means a school district other than the school district in] [which the parent of a pupil resides, but in which the parent of the pupil nevertheless] [intends to enroll the pupil pursuant to this article.]
[(d) "School district of residence" means a school district in which the parent of a pupil] [resides and in which the pupil would otherwise be required to enroll pursuant to Section] [48200.]

[Title 5 *CCR* 4701. Identification of Open Enrollment Schools.]

[a) The State Superintendent of Public Instruction (SSPI) shall annually construct a list of]
[1,000 schools for the Open Enrollment Act that maintains the same ratio of elementary,]

[middle, and high schools as existed in decile 1 of the 2009 Base Academic Performance] [Index (API) file and retains only “10 percent” of a local educational agency's (LEA's)] [schools pursuant to the following methodology:]

[(1) the list of 1,000 schools shall include 687 elementary schools, 165 middle schools, and] [148 high schools;]
[(2) the list of 1,000 schools shall exclude the following:]
[(A) schools that are court, community, or community day schools;]
[(B) schools that are charter schools;]
[(C) schools that are closed; and]
[(D) schools that have fewer than 100 valid test scores.]

[3) an LEA shall have on the list no more than 10 percent of its total number of schools] [that] are not closed. However, when that total number of schools is not evenly divisible by] [10, the 10 percent number of the LEA's schools shall be rounded up to the next whole] [number; and]

[(4) to produce the final list of 1,000 schools, the SSPI shall apply the following process:] [(A) create a pool of schools: 1. for the purpose of constructing the Open Enrollment] [Schools List for transfer during the 2010-2011 school year, this pool shall be created by] [selecting all schools from the 2009 Base API file.]

[The strike-out indicates the exact language being waived but is still valid.]

Outcome Rationale: Our request for a waiver is based on the fact that the Open Enrollment Act, and the regulations that govern it, unfairly punish smaller rural school districts.

First, the policy of creating a list of 1000 lowest achieving schools and then limiting any district to only 10% of their schools is both unfair and inaccurate. Caruthers Elementary has a 769 API score. This is not a low achieving school.

Secondly, the methodology to rank all schools together – high school, middle school, elementary school – does not take into consideration the fact that the state average API scores for high schools and middle schools is significantly lower than for elementary schools. One result – unintended I assume – is that the majority of the larger school districts, protected by the 10% quota, have a very high percent of high schools and middle schools as their Open Enrollment schools. This shifts the burden to rural elementary schools to fill up the list. In our region Fresno Unified is the biggest school district and most of their Open Enrollment Schools are high schools or middle schools. Our elementary has a higher API than 41 elementary schools in Fresno Unified – only two of which are on the list. This is unfair and inaccurate.

Thirdly, this is confusing and unfair to our students, staff, parents and community who have pulled together, worked hard and have improved every year. This Act sends a mixed message to parents who only want what is best for their children and deserve straight honest answers.

There are negative consequences to our district that need to be considered. In our district this will result in the families with the greatest means taking their children to neighboring suburban districts with higher socio-economic bases. This will hurt our ADA and ability to offer all of our programs.

The loss of ADA may also significantly hurt our budget because we have a commitment to the QEIA grant and will need to remain at current staff levels even with less students.

The bottom line is that our school is being included on this list because we are small. If we were in a larger district, even a moderately sized one, we would not be on the list. It is really that simple. We cannot imagine this was the intent of the legislation and are asking to be removed from the list in the best interests of our students and community.

Student Population: 773

City Type: Rural

Public Hearing Date: 3/12/2013
Public Hearing Advertised: Posted at school sites

Local Board Approval Date: 3/12/2013

Committee/Council Reviewed By: Caruthers Elementary School Site Council
Committee/Council Reviewed Date: 3/5/2013
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Orin Hirschkorn
Position: Superintendent
E-mail: orhirschkorn@caruthers.k12.ca.us
Telephone: 559-495-6402
Fax: 559-864-8857

Bargaining Unit: Date: 03/05/2013
Name: Caruthers Unified Teachers Association
Representative: Carla Correia
Title: President
Position: Support
Comments:

California State Board of Education

Meeting Agenda Items for July 10-11, 2013

ITEM W-11

ITEM #W-11

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2013 AGENDA

☒ **General Waiver**

SUBJECT	
Request by **Newark Unified School District** to waive all portions of California *Education Code* sections 17473 and 17474 and portions of 17455, 17466, 17472, and 17475, relating to the sale and lease of surplus property using a "request for proposal process," thereby maximizing the proceeds from the sale or lease of the property. The property for which the waiver is requested is Ruschin Elementary School. Waiver Number: 6-5-2013	☒ **Action** ☒ **Consent**

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

The California Department of Education recommends approval with the following conditions: the proposals the governing board determines to be most desirable shall be selected within 30 to 60 days of the public meeting when the proposals are received and the reasons for those determinations shall be identified in public sessions and included in the minutes of the meetings. Additionally, the district must comply with *Education Code* (*EC*) sections 17464, 17465, and 17485, et seq.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has approved all previous waivers regarding the bidding process and the sale or lease of surplus property. The district is requesting to waive the same provisions for the sale or lease of surplus property.

SUMMARY OF KEY ISSUES

Under the provisions of *EC* sections 33050 through 33053, the district is requesting that specific portions of the *EC* relating to the sale or lease of district property be waived. The district believes that it will maximize the returns on the sale or lease of the property to the greatest extent possible. The district is requesting that the requirement of sealed proposals and the oral bidding process be waived allowing the district to determine what constitutes the most "desirable" bid and set their own terms and conditions for the sale of surplus property.

The district is requesting the sale of the Ruschin Elementary School property. This property is approximately 10.14 acres that is located at 36120 Ruschin Drive, Newark,

CA. The district states that due to declining enrollment the school was closed approximately eight years ago.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* 33051(a), available at http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=33001-34000&file=33050-33053**.**

FISCAL ANALYSIS (AS APPROPRIATE)

The flexibility in property disposition requested herein will allow the district to maximize revenue. The applicant district will financially benefit from the sale of the property.

ATTACHMENT(S)

Attachment 1: Summary Table (1 page)

Attachment 2: General Waiver Request 6-5-2013 Newark Unified School District Ruschin Elementary School (5 pages)

SUMMARY TABLE									
Waiver Number	School District	Property	Period of Request	Local Board Approval Date	Public Hearing Date	Bargaining Unit Consulted – Date	Position of Bargaining Unit	Advisory Committee Consulted	Streamlined Waiver Policy - API
6-5-2013	Newark Unified School District	Ruschin Elementary	**Requested:** May 9, 2013 – May 8, 2015 **Recommended:** May 9, 2013 – May 7, 2015	May 7, 2013	May 7, 2013	California School Employees Association (CSEA), Newark Chapter 208 – March 7, 2013 Newark Teachers Association (NTA) – March 7, 2013	CSEA – Support NTA – Support	Audit Committee – April 26, 2013	No

California Department of Education
WAIVER SUBMISSION - General

CD Code: 0161234 Waiver Number: 6-5-2013 Active Year: 2013

Date In: 5/8/2013 11:11:46 AM

Local Education Agency: Newark Unified School District
Address: 5715 Musick Ave.
Newark, CA 94560

Start: 5/9/2013 End: 5/8/2015

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Sale or Lease of Surplus Property
Ed Code Title: Sale of Surplus Property
Ed Code Section: 17455, 17466, 17472, 17473, 17474, 17475
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: Please See Attachment A

Outcome Rationale: Please See Attachment B

Student Population: 6485

City Type: Small

Public Hearing Date: 5/7/2013
Public Hearing Advertised: Notice in a newspaper, notice posted at each school, notice at public library, noticed per Brown Act

Local Board Approval Date: 5/7/2013

Committee/Council Reviewed By: Audit Committee
Committee/Council Reviewed Date: 4/26/2013
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Elaine Neilsen
Position: Chief Business Official
E-mail: eneilsen@newarkunified.org
Telephone: 510-818-4115
Fax:

Bargaining Unit Date: 03/07/2013
Name: CSEA Newark Chapter 208
Representative: Susan Condon
Title: President
Position: Support
Comments:

Bargaining Unit Date: 03/07/2013
Name: Newark Teachers Association
Representative: Jacob Goldsmith
Title: Co-President
Position: Support
Comments:

Attachment A

The Newark Unified School District desires to waive the following sections and portions of the Education Code lined out below:

17455. The governing board of any school district may sell any real property belonging to the school district or may lease for a term not exceeding 99 years, any real property, together with any personal property located thereon, belonging to the school district which is not or will not be needed by the district for school classroom buildings at the time of delivery of title or possession. The sale or lease may be made without first taking a vote of the electors of the district~~, and shall be made in the manner provided by this article~~.

Rationale: The Newark Unified School District requests the specified Education Code sections be waived in order to allow the District to maximize the return on the sale or lease of sites in a manner that best serves our schools and community. The District would like to offer the property for sale or lease through Requests for Proposals followed by further negotiations using the services of a broker who will advertise and solicit proposals from potential buyers. The language of Education Code Section 17455 stating that the sale or lease of real property is to be made in the manner provided by this article is inconsistent with the waivers the District is seeking.

The District will work closely with consultants to ensure that the process by which the property is sold or leased is fair, open, and competitive. The process the District will use will be designed to get the best result for the District, the schools, and the community.

17466. Before ordering the sale or lease of any property the governing board, in a regular open meeting, by a two-thirds votes of all its members, shall adopt a resolution, declaring its intention to sell or lease the property, as the case may be. The resolution shall describe the property proposed to be sold or leased in such manner as to identify it~~ and shall specify the minimum price or rental and the terms upon which it will be sold or leased~~ and the commission, or rate thereof, if any, which the board will pay to a licensed real estate broker ~~out of the minimum price or rental. The resolution shall fix a time not less than three weeks thereafter for a public meeting of the governing board to be held at its regular place of meeting, at which sealed proposals to purchase or lease will be received and considered~~.

Rationale: The language to be waived provides for a minimum price or rental and requires sealed proposals to purchase or lease the property. This requirement restricts the District's flexibility in negotiating price, payments, and terms that may yield greater economic benefit to the District.

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 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 therefrom the commission, if any, to be paid 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~~.

Rationale: By striking the requirement that sealed proposals be received, and that the highest bidder be awarded the contract, the District will be able to sell or lease the

property to the party that presents the most favorable proposal to the District. The Board would, therefore, be able to sell or lease to the party submitting the proposal that best meets the District's needs. By removing the requirement that an oral bid be accepted, the District would be able to determine what constitutes the most desirable bid.

~~**17473. Before 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 lease the property, as the case may be, upon the terms and conditions specified 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 be paid a licensed real estate broker in connection therewith, then the oral bid which is the highest after deducting any commission to be paid a licensed real estate broker, in connection therewith, which is made by a responsible person, shall be finally accepted. Final acceptance shall not be made, however, until the oral bid is reduced to writing and signed by the offeror.**~~

Rationale: The entire section is to be waived because the District, in negotiating an agreement to sell or lease the property, will not be accepting oral bids in addition to sealed bids.

~~**17474. In the event of a sale on a higher oral bid to a purchaser procured by a licensed real estate broker, other than the broker who submitted the highest written proposal, and who is qualified as provided in Section 17468 of this code, the board shall allow a commission on the full amount for which the sale is confirmed. One-half of the commission on the amount of the highest written proposal shall be paid to the broker who submitted it, and the balance of the commission on the purchase price to the broker who procured the purchaser to whom the sale was confirmed.**~~

Rationale: The entire section is to be waived because the District, in negotiating an agreement to sell or lease the property, will not be accepting oral bids.

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 days next following.**

Rationale: Rather than specifying a certain number of days or a timeframe, the proposed language provides flexibility while ensuring a public process whereby the reasons for the determination of the most desirable proposal is shared openly. Prior to the decision to sell or lease a site, the District had input on property related issues several years ago by a District Advisory Committee whose purpose is to advise the Board in the development of District-wide policies and procedures governing the use or disposition of school buildings, space, or property which is not used for school purposes. (*See,* Ed. Code, § 17388.) Furthermore, the District recently consulted with the District's Audit Committee, which provides oversight for financial reporting, internal controls and auditors activities (the District does not currently have an advisory committee specifically on surplus property or related facilities issues).

Attachment B

Desired Outcome/Rationale

The Newark Unified School District desires to have the requested Education Code sections waived because the waiver of these sections will allow the District to maximize its return on the sale of the property and provide for a use that best meets the needs of the schools and community. Based on past sales of real property in our area and the location of the property, the District anticipates attracting a much greater interest from potential buyers through a Request for Proposal process than a Bid process.

The Property

The District owns approximately 10.14 acres of real property, known as the Ruschin Elementary School located at 36120 Ruschin Drive, Newark, CA 94560.

Plan

Due to ongoing declining enrollment, the District closed Ruschin as an elementary school approximately eight years ago. It is the desire of the District to attract potential buyers who will not only pay maximum price for the property, but who will also enhance the surrounding neighborhood.

California State Board of Education

Meeting Agenda Items for July 10-11, 2013

ITEM W-12

ITEM #W-12

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2013 AGENDA

☒ **General Waiver**

SUBJECT	
Request by **Empire Union Elementary School District** to waive California *Education Code* Section 5020, and portions of sections 5019, 5021, and 5030, that require approval of the county committee on school district organization and a district-wide election to establish new trustee areas. Waiver Number: 3-5-2013	☒ **Action** ☒ **Consent**

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

The California Department of Education (CDE) recommends approval of the waiver request with the condition that the language in subdivisions (a) and (c) of California *Education Code* (*EC*) Section 5019, which provides for the authority of the Stanislaus County Committee on School District Organization (County Committee) to approve the establishment of trustee areas, continue to apply. This condition effectively denies the portion of the waiver request that would eliminate the County Committee's approval authority. The CDE recommends this condition because elimination of the County Committee approval, as provided in current law, does not comply with *EC* Section 33051(a)(3)—in other words, the CDE has determined that the County Committee did not have an adequate opportunity to review the waiver request.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The California State Board of Education (SBE) has approved numerous past waiver requests to eliminate the election requirement to establish trustee areas for future governing board elections—the most recent approvals were for five districts at the May 2013 SBE meeting. However, the SBE has not previously considered a request to waive the requirement of county committee approval.

SUMMARY OF KEY ISSUES

Approval of this waiver request would eliminate the following two requirements to establish trustee areas and a by-trustee-area method of election for future governing board elections in the Empire Union Elementary School District (UESD): (1) the required approval by the County Committee and (2) a district-wide election. The CDE recommends that the SBE approve only the portion of the request that would eliminate the district-wide election (as was approved in 85 previous requests) and not approve the

portion of the request that would remove the County Committee authority to approve the trustee areas (due to the fact that the County Committee did not have an adequate opportunity to review the request).

If the waiver request is approved as CDE recommends, district voters will continue to elect all board members—however, if the waiver is approved, all board members will be elected by trustee areas, beginning with the November 2015 board election.

A county committee has authority to approve or disapprove the adoption of trustee areas and methods of election for school district governing board elections. Pursuant to *EC* Section 5020, county committee approval of trustee areas and methods of election constitutes an order to call a district-wide election on the county committee approved changes. If the SBE approves the waiver request as submitted by the Empire UESD (and not as recommended by CDE), the district's plans for establishing trustee areas for future governing board elections will be implemented without approval by the County Committee or the electorate.

A number of districts in California are facing existing or potential litigation under the California Voting Rights Act of 2001 over at-large election methods. To help protect itself from potential litigation, the Empire UESD is taking action to establish trustee areas and adopt a by-trustee-area method of election for the governing board. In order to establish these trustee areas and the method of election as expeditiously as possible, the district is requesting that the SBE waive the requirements that the trustee areas and the election method be approved by the County Committee and at a district-wide election.

This waiver request has been reviewed by CDE staff and a determination has been made that: (1) the waiver was initiated by action of the governing board and (2) there was no significant public opposition to the waiver at the public hearing held by the governing board. Moreover, approval of the waiver request will not eliminate any existing legal rights of the currently seated board members.

The CDE finds that none of the grounds specified in *EC* Section 33051, which authorize denial of a waiver, exist for the portion of the request to eliminate the district-wide election to establish trustee areas and a by-trustee-area method of election for board elections in the Empire UESD. However, the CDE finds that *EC* Section 33051(a)(3) provides grounds to deny the portion of the request that would remove the County Committee authority to approve the trustee areas (due to the fact that the County Committee did not have an adequate opportunity to review the request).

Furthermore, CDE believes that waiver of the County Committee approval authority would completely eliminate the process to establish trustee areas and, thus, not allow the district to move forward with its plans for trustee areas. The governing board of the Empire UESD apparently believes that such waiver would result in the approval authority being granted to the school district governing board, an authority that is not envisioned in the *EC*. However, the waiver process cannot grant new powers to a governing board (i.e., enact new law)—that is the province of the legislature.

The Empire UESD waiver request, as submitted, is included as Attachment 1. The CDE

recommends that the SBE approve a waiver of the *EC* sections as presented in Attachment 2, which will eliminate the district-wide election to establish trustee areas and a by-trustee-area method of election for board elections in the Empire UESD but will not eliminate the current approval authority of the County Committee.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* 33051(a), available at http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=33001-34000&file=33050-33053.

Demographic Information: The Empire UESD has a student population of 2,900 and is located in a rural setting in Stanislaus County.

Authority for Waiver: *EC* Section 33050

Period of request: July 11, 2013, to July 11, 2015 (requested)
July 11, 2013, to July 9, 2015 (recommended)

Local board approval date(s): May 6, 2013

Public hearing held on date(s): May 6, 2013

Bargaining unit(s) consulted on date(s): California School Employees' Association (CSEA) Chapter 850: April 30, 2013; Empire Teachers' Association (ETA): April 30, 2013; Classified Employees' Committee (CEC): April 30, 2013.

Name of bargaining unit/representative(s) consulted: CSEA: Leora Combs, President, and Sheri Ward, Vice-president; ETA: David Loucks, President, Evelyn Hickman, Vice-president, Jeanne White, Negotiator, Karen Retford, Negotiator, and Houkje Kroeze-Raven, Negotiator; CEC: Gerianne Jones, Representative, Kayla Rhoads, Representative, Patricia Hood, Representative, and Pam Wall, Assistant Superintendent.

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: April 30, 2013

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of the waiver request will not have negative fiscal effects on any local or state agency. Failure to approve the waiver request will result in additional costs to the district for a district-wide election.

ATTACHMENT(S)

Attachment 1: Empire Union Elementary School District General Waiver Request 3-5-2013. (11 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 2: Education Code Sections Recommended by the California Department of Education to be Waived. (5 pages)

California Department of Education
WAIVER SUBMISSION - General

CD Code: 5071076 Waiver Number: 3-5-2013 Active Year: 2013

Date In: 5/7/2013 12:18:07 PM

Local Education Agency: Empire Union Elementary School District
Address: 116 North McClure Rd.
Modesto, CA 95357

Start: 7/11/2013 End: 7/11/2015

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: School District Reorganization
Ed Code Title: Election of Governing Board
Ed Code Section: 5020, and portions of 5019, 5021 and 5030
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: SEE ATTACHMENT A

Outcome Rationale: SEE ATTACHMENT C

Student Population: 2900

City Type: Rural

Public Hearing Date: 5/6/2013
Public Hearing Advertised: Newspaper, Posted Notices at all Schools

Local Board Approval Date: 5/6/2013

Committee/Council Reviewed By: See Attachment B-2-All Six School Site Councils
Committee/Council Reviewed Date: 4/30/2013
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Nevin Trehan
Position: Attorney at Kronick Moskovitz Tiedemann Girard
E-mail: ntrehan@kmtg.com
Telephone: 916-321-4580
Fax:

Bargaining Unit Date: 04/30/2013
Name: See Attachment B-1: Classified Employees Committee
Representative: See Attachment B-1 See Attachment B-1
Title: See Attachment B-1
Position: Support
Comments:

Bargaining Unit Date: 04/30/2013
Name: See Attachment B-1: CSEA Chapter 850
Representative: See Attachment B-1 See Attachment B-1
Title: See Attachment B-1
Position: Support
Comments:

Bargaining Unit Date: 04/30/2013
Name: See Attachment B-1: Empire Teachers Association
Representative: See Attachment B-1 See Attachment B-1
Title: N/A
Position: Support
Comments:

ATTACHMENT A

6. Education Code or California Code of Regulations section to be waived

Request to waive the following sections and portions of the Education Code lined out below:

§ 5019. Trustee areas and size of school district governing boards; powers of county committee; proposal and hearing

~~(a) Except in a school district governed by a board of education provided for in the charter of a city or city and county, in any school district or community college district, the county committee on school district organization may establish trustee areas, rearrange the boundaries of trustee areas, abolish trustee areas, and increase to seven or decrease to five the number of members of the governing board, or adopt one of the alternative methods of electing governing board members specified in Section 5030~~.

(b) The county committee on school district organization may establish or abolish a common governing board for a high school district and an elementary school district within the boundaries of the high school district. The resolution of the county committee on school district organization approving the establishment or abolition of a common governing board shall be presented to the electors of the school districts as specified in Section 5020.

~~(c) (1) A proposal to make the changes described in subdivision (a) or (b) may be initiated by the county committee on school district organization or made to the county committee on school district organization either by a petition signed by 5 percent or 50, whichever is less, of the qualified registered voters residing in a district in which there are 2,500 or fewer qualified registered voters, by 3 percent or 100, whichever is less, of the qualified registered voters residing in a district in which there are 2,501 to 10,000 qualified registered voters, by 1 percent or 250, whichever is less, of the qualified registered voters residing in a district in which there are 10,001 to 50,000 qualified registered voters, by 500 or more of the qualified registered voters residing in a district in which there are 50,001 to 100,000 qualified registered voters, by 750 or more of the qualified registered voters residing in a district in which there are 100,001 to 250,000 qualified registered voters, or by 1,000 or more of the qualified registered voters residing in a district in which there are 250,001 or more qualified registered voters or by resolution of the governing board of the district. For this purpose, the necessary signatures for a petition shall be obtained within a period of 180 days before the submission of the petition to the county committee on school district organization and the number of qualified registered voters in the district shall be determined pursuant to the most recent report submitted by the county elections official to the Secretary of State under Section 2187 of the Elections Code.~~

~~(2) When a proposal is made pursuant to paragraph (1), the county committee on school district organization shall call and conduct at least one hearing in the district on the matter. At the conclusion of the hearing, the county committee on school district organization shall approve or disapprove the proposal.~~

~~(d) If the county committee on school district organization approves pursuant to subdivision (a) the rearrangement of the boundaries of trustee areas for a particular district, then the rearrangement of the trustee areas shall be effectuated for the next district election occurring at least 120 days after its approval, unless at least 5 percent of the registered voters of the district sign a petition requesting an election on the proposed rearrangement of trustee area boundaries. The petition for an election shall be submitted to the county elections official within 60 days of the proposal's adoption by the county committee on school district organization. If the qualified registered voters~~

~~approve pursuant to subdivision (b) or (c) the rearrangement of the boundaries to the trustee areas for a particular district, the rearrangement of the trustee areas shall be effective for the next district election occurring at least 120 days after its approval by the voters.~~

~~§ 5020. Presentation of proposal to electors~~

~~(a) The resolution of the county committee approving a proposal to establish or abolish trustee areas, to adopt one of the alternative methods of electing governing board members specified in Section 5030, or to increase or decrease the number of members of the governing board shall constitute an order of election, and the proposal shall be presented to the electors of the district not later than the next succeeding election for members of the governing board.~~

~~(b) If a petition requesting an election on a proposal to rearrange trustee area boundaries is filed, containing at least 5 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.~~

~~(c) If a petition requesting an election on a proposal to establish or abolish trustee areas, to increase or decrease the number of members of the board, or to adopt one of the alternative methods of electing governing board members specified in Section 5030 is filed, containing at least 10 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot. Before the proposal is presented to the electors, the county committee on school district organization may call and conduct one or more public hearings on the proposal.~~

~~(d) The resolution of the county committee approving a proposal to establish or abolish a common governing board for a high school and an elementary school district within the boundaries of the high school district shall constitute an order of election. The proposal shall be presented to the electors of the district at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.~~

~~(e) For each proposal there shall be a separate proposition on the ballot. The ballot shall contain the following words:~~

~~"For the establishment (or abolition or rearrangement) of trustee areas in _____ (insert name) School District --Yes" and "For the establishment (or abolition or rearrangement) of trustee areas in _____ (insert name) School District--No."~~

~~"For increasing the number of members of the governing board of _____ (insert name) School District from five to seven--Yes" and "For increasing the number of members of the governing board of _____ (insert name) School District from five to seven--No."~~

~~"For decreasing the number of members of the governing board of _____ (insert name) School District from seven to five--Yes" and "For decreasing the number of members of the governing board of _____ (insert name) School District from seven to five--No."~~

~~"For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--No."~~

~~"For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--Yes" and "For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--No."~~

~~"For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--No."~~

~~"For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--Yes" and "For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--No."~~
~~If more than one proposal appears on the ballot, all must carry in order for any to become effective, except that a proposal to adopt one of the methods of election of board members specified in Section 5030 which is approved by the voters shall become effective unless a proposal which is inconsistent with that proposal has been approved by a greater number of voters. An inconsistent proposal approved by a lesser number of voters than the number which have approved a proposal to adopt one of the methods of election of board members specified in Section 5030 shall not be effective.~~

§ 5021. Incumbents to serve out terms despite approval of change

(a) If a proposal for the establishment of trustee areas ~~formulated under Sections 5019 and 5020~~ is approved ~~by a majority of the voters voting at the election~~, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030. In the event two or more trustee areas are established ~~at such election~~ which are not represented in the membership of the governing board of the school district, or community college district the county committee shall determine by lot the trustee area from which the nomination and election for the next vacancy on the governing board shall be made.

(b) If a proposal for rearrangement of boundaries is approved by ~~a majority of the voters voting on the measure, or by~~ the county committee on school district organization ~~when no election is required~~, and if the boundary changes affect the board membership, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030.

(c) If a proposal for abolishing trustee areas is approved ~~by a majority of the voters voting at the election~~, the incumbent board members shall serve out their terms of office and succeeding board members shall be nominated and elected at large from the district.

§ 5030. Alternate method of election

Except as provided in Sections 5027 and 5028, in any school district or community college district having trustee areas, the county committee on school district organization and the registered voters

of a district, ~~pursuant to Sections 5019 and 5020~~, respectively, may at any time recommend one of the following alternate methods of electing governing board members:

(a) That each member of the governing board be elected by the registered voters of the entire district.

(b) That one or more members residing in each trustee area be elected by the registered voters of that particular trustee area.

(c) That each governing board member be elected by the registered voters of the entire school district or community college district, but reside in the trustee area which he or she represents.

The recommendation shall provide that any affected incumbent member shall serve out his or her term of office and that succeeding board members shall be nominated and elected in accordance with the method recommended by the county committee.

Whenever trustee areas are established in a district, provision shall be made for one of the alternative methods of electing governing board members.

~~In counties with a population of less than 25,000,~~ the county committee on school district organization or the county board of education, if it has succeeded to the duties of the county committee, may at any time, by resolution, with respect to trustee areas established for any school district~~, other than a community college district,~~ amend the provision required by this section without additional approval by the electors, to require one of the alternate methods for electing board members to be utilized.

ATTACHMENT B-1

Consultation with Bargaining Units

Consulted Bargaining Unit	Date	Position
Empire Teachers Association (ETA) David Loucks Evelyn Hickman Jeanne White Karen Retford Houkje Kroeze Raven	April 30, 2013	Support
California School Employees Association, Chapter 850 Sheri Ward Leora Combs	April 30, 2013	Support
Classified Employees Committee Gerianne Jones Kayla Rhoads Patricia Hood Pam Wall	April 30, 2013	Support

ATTACHMENT B-2

Consultation with School Site Councils

CONSULTED BODY	SCHEDULED DATE	POSITION
Capistrano Elementary School Site Council Dante Alvarez	**April 30, 2013**	**Support**
Stroud Elementary School Site Council Scott M. Borba	**April 30, 2013**	**Support**
Hughes Elementary School Site Council Jeri Hamera Kristine Jensen Jeanna Boggeri Linda Miranda	**April 30, 2013**	**Support**
Glick Middle School Site Council **Karin Kreutzer**	**April 30, 2013**	**Support**
Empire Elementary School Site Council	**April 30, 2013**	**No Opposition**
Sipherd Elementary School Site Council	**April 30, 2013**	**No Opposition**

ATTACHMENT C

7. Desired Outcome/Rationale

The waiver of the election requirements in Education Code sections 5019 and 5020 will enable the Empire Union School District ("District") to implement a new "by-trustee area" electoral system for its November 2015 elections, will ensure that the District proceeds in the most efficient and cost-effective manner, and will help protect the District from legal challenges. Approval of the waiver request will not remove the requirement that any future District governing board member be elected by voters in the District. The waiver only eliminates the requirement that an election be held to determine the method by which future board members will be elected.

The Central Valley has recently become an epicenter of potential litigation under the California Voting Rights Act of 2002, codified at sections 14025–14032 of the California Elections Code ("CVRA"). The CVRA enables voters to challenge "at-large" electoral systems in which elections are characterized by "racially-polarized voting." As importantly, it authorizes mandatory attorneys' fee and expert fee awards to successful plaintiffs.

Recent litigation under the Act has resulted in fee awards as high as 7 figures: The City of Modesto defended against a suit under the CVRA and ended up paying $3 million to plaintiffs' attorneys, in addition to $1.7 million to its own attorneys. While that case involved an appeal and (unsuccessful) petitions for review and certiorari to the California and U.S. Supreme Courts, the $4.7 million did not include any costs for an actual trial, as the case never reached that state, settling before that time. And then in 2008, Madera Unified was sued under the CVRA, and after six weeks of uncontested litigation was served with a fee demand of $1.2 million (later reduced by the local superior court, whose ruling is now on appeal).

In recent years, two nearby jurisdictions have been sued under the CVRA—the Tulare Local Healthcare District settled a suit for $500,000 in 2010, and agreed to put the question of changing its electoral system to the voters; the City of Tulare likewise settled a suit, agreeing to put a similar question to its voters, and to pay plaintiffs' attorneys' fees (rumored to be in the range of $250,000). Faced with this spate of litigation, several of the Empire Union School District's neighboring districts have adopted by-trustee elections under Education Code § 5030(b). In a by-trustee area system of election, candidates for a district's governing board must reside within a specific geographic subarea of the district called a "trustee area" and candidates are elected only by the voters of that trustee area. They have done so under threat of litigation under the CVRA. We also understand that the same organization that brought the Modesto and Madera suits has made further inquiries regarding other Central Valley districts.

The Empire Union School District currently elects its five-member board in "at-large" elections (*i.e.,* elections in which each candidate for the Board is elected by all voters in the District) pursuant to Education Code § 5030(a), and is therefore potentially vulnerable to suit under the CVRA.1

The District has determined to waive the process by which the Stanislaus County Committee on School District Organization must be consulted to change the District's method of election to "by-trustee area" elections, *i.e.,* elections in which "one or more members residing in each trustee

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1 This does not represent a concession by the District that such a suit would be meritorious. There is presently no formal allegation of racially-polarized voting in District elections. But no case has yet definitively construed the Act's many ambiguous provisions, and there are outstanding questions about what a plaintiff must prove to prevail under the Act. That uncertainty, coupled with the potential for massive fee awards, creates a significant disincentive to contest such a suit.

area [is] elected by the registered voters of that particular trustee area[,]" Cal. Elec. Code § 5030(b). If the County Committee requirement is not waived and if a measure to institute by-trustee area elections is defeated, the District would continue to be vulnerable to a legal challenge regarding the establishing of by-trustee area elections.

In the normal course, the County Committee's approval of a change to the District's electoral system would act as an order of election, submitting the change to the District's voters at the November 2013 election. That, however, will preclude the District from implementing the new system in time for that election. It will also cause undue delay and increase the risk to the District of a legal challenge. Accordingly, the Board has consulted with its advisory committees, school site councils and bargaining units, and held duly-noticed public meetings to discuss the waiver on May 6, 2013. At the May 6, 2013 meeting, the Board took formal action to approve the submission of a waiver of the electoral requirement and the submission to the Stanislaus County Committee on School District Organization (see Attachment D).

If the waiver is approved by the State Board, the change in voting procedures and the final trustee area map will be forwarded to the Stanislaus County Elections Office in time for implementation in the November 2015 elections.

If the waiver is approved, a local election would not be held: the system for electing trustees would change pursuant to the Resolution adopted by the Empire Union School District Board in May, 2013.

The trustee area boundary plan was approved by the Empire Union School District Board following an extensive public process. The District's Board of Trustees has determined that the public interest would be better served if trustees were elected by trustee areas and makes the following points in support of the waiver:

1. Issues concerning the CVRA have been active in the Central Valley and the District wishes to act responsibly. If the election requirement is not waived and if a measure to institute by-trustee area elections is defeated, the District would continue to be vulnerable to a legal challenge regarding the establishing of by-trustee area elections. Though the District does not concede that the current system would violate the CVRA, and has not itself been directly threatened with litigation, it has no desire to risk costly litigation under the Act.

2. Selecting trustees in by-trustee area elections enhances the opportunity for representation on the Board of all communities within the District

3. Selecting trustees in by-trustee area election will enhance the ability for a greater number of candidates to run for seats on the school board by reducing the costs associated with running for election district wide.

4. The decision to change to by-trustee area elections and to request this waiver was supported unanimously by the Governing Board.

5. No member of the public spoke against the trustee area plan or waiver at the duly-noticed public hearings. The public hearing was advertised in both English and Spanish in the *Modesto Bee* (see Attachment F).

6. There has been no opposition to the trustee area plan. The District encouraged the community to be involved in drafting the trustee area maps. Meeting minutes from May 6, 2013 are attached as Attachment E.

7. The Governing Board of the Empire Union High School District represents the electorate, and has unanimously resolved to adopt by-trustee area elections and to request this waiver.

8. A copy of the District's resolution dated May 6, 2013 is attached as Attachment D.

The waiver of the election requirement and the submission to the County Committee will ensure that the District proceeds in the most efficient and cost-effective manner, and is protected from legal challenges. Approval of the waiver request will not remove the requirement that any future District governing board member be elected by voters in the district. The waiver only eliminates the requirement that an election be held to determine the method by which future board members will be elected.

Education Code Sections Recommended by the California Department of Education to be Waived

§ 5019. Trustee areas and size of school district governing boards; powers of county committee; proposal and hearing

(a) Except in a school district governed by a board of education provided for in the charter of a city or city and county, in any school district or community college district, the county committee on school district organization may establish trustee areas, rearrange the boundaries of trustee areas, abolish trustee areas, and increase to seven or decrease to five the number of members of the governing board, or adopt one of the alternative methods of electing governing board members specified in Section 5030.

(b) The county committee on school district organization may establish or abolish a common governing board for a high school district and an elementary school district within the boundaries of the high school district. The resolution of the county committee on school district organization approving the establishment or abolition of a common governing board shall be presented to the electors of the school districts as specified in Section 5020.

(c) (1) A proposal to make the changes described in subdivision (a) or (b) may be initiated by the county committee on school district organization or made to the county committee on school district organization either by a petition signed by 5 percent or 50, whichever is less, of the qualified registered voters residing in a district in which there are 2,500 or fewer qualified registered voters, by 3 percent or 100, whichever is less, of the qualified registered voters residing in a district in which there are 2,501 to 10,000 qualified registered voters, by 1 percent or 250, whichever is less, of the qualified registered voters residing in a district in which there are 10,001 to 50,000 qualified registered voters, by 500 or more of the qualified registered voters residing in a district in which there are 50,001 to 100,000 qualified registered voters, by 750 or more of the qualified registered voters residing in a district in which there are 100,001 to 250,000 qualified registered voters, or by 1,000 or more of the qualified registered voters residing in a district in which there are 250,001 or more qualified registered voters or by resolution of the governing board of the district. For this purpose, the necessary signatures for a petition shall be obtained within a period of 180 days before the submission of the petition to the county committee on school district organization and the number of qualified registered voters in the district shall be determined pursuant to the most recent report submitted by the county elections official to the Secretary of State under Section 2187 of the Elections Code.

(2) When a proposal is made pursuant to paragraph (1), the county committee on school district organization shall call and conduct at least one hearing in the district on the matter. At the conclusion of the hearing, the county committee on school district organization shall approve or disapprove the proposal.

(d) If the county committee on school district organization approves pursuant to subdivision (a) ~~the rearrangement of the~~ boundaries of trustee areas for a particular district, then the ~~rearrangement of the~~ trustee areas shall be effectuated for the next district election occurring at least 120 days after ~~its~~ approval~~, unless at least 5 percent of the registered voters of the district sign a petition requesting an election on the proposed rearrangement of trustee area boundaries. The petition for an election shall be submitted to the county elections official within 60 days of the proposal's adoption by the county committee on school district organization. If the qualified registered voters approve pursuant to subdivision (b) or (c) the rearrangement of the boundaries to the trustee areas for a particular district, the rearrangement of the trustee areas shall be effective for the next district election occurring at least 120 days after its approval by the voters~~.

~~§ 5020. Presentation of proposal to electors~~

~~(a) The resolution of the county committee approving a proposal to establish or abolish trustee areas, to adopt one of the alternative methods of electing governing board members specified in Section 5030, or to increase or decrease the number of members of the governing board shall constitute an order of election, and the proposal shall be presented to the electors of the district not later than the next succeeding election for members of the governing board.~~

~~(b) If a petition requesting an election on a proposal to rearrange trustee area boundaries is filed, containing at least 5 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.~~

~~(c) If a petition requesting an election on a proposal to establish or abolish trustee areas, to increase or decrease the number of members of the board, or to adopt one of the alternative methods of electing governing board members specified in Section 5030 is filed, containing at least 10 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot. Before the proposal is presented to the electors, the county committee on school district organization may call and conduct one or more public hearings on the proposal.~~

~~(d) The resolution of the county committee approving a proposal to establish or abolish a common governing board for a high school and an elementary school district within the boundaries of the high school district shall constitute an order of election. The proposal shall be presented to the electors of the district at the next succeeding statewide primary or~~

~~general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.~~

~~(e) For each proposal there shall be a separate proposition on the ballot. The ballot shall contain the following words:~~

~~"For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District --Yes" and "For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District--No."~~

~~"For increasing the number of members of the governing board of ____ (insert name) School District from five to seven--Yes" and "For increasing the number of members of the governing board of ____ (insert name) School District from five to seven--No."~~

~~"For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--Yes" and "For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--No."~~

~~"For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--No."~~

~~"For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--Yes" and "For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--No."~~

~~"For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--No."~~

~~"For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--Yes" and "For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--No."~~
~~If more than one proposal appears on the ballot, all must carry in order for any to become effective, except that a proposal to adopt one of the methods of election of board members specified in Section 5030 which is approved by the voters shall become effective unless a proposal which is inconsistent with that proposal has been approved by a greater number~~

~~of voters. An inconsistent proposal approved by a lesser number of voters than the number which have approved a proposal to adopt one of the methods of election of board members specified in Section 5030 shall not be effective.~~

§ 5021. Incumbents to serve out terms despite approval of change

(a) If a proposal for the establishment of trustee areas formulated under Section~~s~~ 5019 ~~and 5020~~ is approved ~~by a majority of the voters voting at the election~~, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030. In the event two or more trustee areas are established ~~at such election~~ which are not represented in the membership of the governing board of the school district, or community college district the county committee shall determine by lot the trustee area from which the nomination and election for the next vacancy on the governing board shall be made.

(b) If a proposal for rearrangement of boundaries is approved by ~~a majority of the voters voting on the measure, or by~~ the county committee on school district organization ~~when no election is required~~, and if the boundary changes affect the board membership, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030.

(c) If a proposal for abolishing trustee areas is approved ~~by a majority of the voters voting at the election~~, the incumbent board members shall serve out their terms of office and succeeding board members shall be nominated and elected at large from the district.

§ 5030. Alternate method of election

Except as provided in Sections 5027 and 5028, in any school district or community college district having trustee areas, the county committee on school district organization ~~and the registered voters of a district~~, pursuant to Section~~s~~ 5019 ~~and 5020, respectively~~, may at any time recommend one of the following alternate methods of electing governing board members:

(a) That each member of the governing board be elected by the registered voters of the entire district.

(b) That one or more members residing in each trustee area be elected by the registered voters of that particular trustee area.

(c) That each governing board member be elected by the registered voters of the entire school district or community college district, but reside in the trustee area which he or she represents.

The recommendation shall provide that any affected incumbent member shall serve out his or her term of office and that succeeding board members shall be nominated and elected in accordance with the method recommended by the county committee.

Whenever trustee areas are established in a district, provision shall be made for one of the alternative methods of electing governing board members.

~~In counties with a population of less than 25,000,~~ the county committee on school district

organization or the county board of education, if it has succeeded to the duties of the county committee, may at any time, by resolution, with respect to trustee areas established for any school district, other than a community college district, amend the provision required by this section without additional approval by the electors, to require one of the alternate methods for electing board members to be utilized.

California State Board of Education

Meeting Agenda Items for July 10-11, 2013

ITEM W-13

ITEM #W-13

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2013 AGENDA

☒ **General Waiver**

SUBJECT	
Request by five local educational agencies to waive *California Code of Regulations,* Title 5, Section 3043(d), which requires a minimum of 20 school days of attendance of four hours each for an extended school year (summer school) for special education students. Waiver Numbers: El Centro Elementary School District 7-3-2013 Gateway Unified School District 43-3-2013 San Pasqual Valley Unified School District 7-4-2013 South Bay Union School District 1-5-2013 Tehama County Office of Education 48-3-2013	☒ **Action** ☒ **Consent**

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

The California Department of Education recommends that the State Board of Education (SBE) approve the request from five local educational agencies (LEAs) to provide extended school year (ESY) services for fewer than 20 days with the condition that 80 hours or more of instruction be provided. (A minimum of 76 hours of instruction may be provided if a holiday is included.) Also, special education and related services offered during the extended year period must be comparable in standards, scope, and quality to the special education program offered during the regular academic year as required by *California Code of Regulations,* Title 5, (5 *CCR*), Section 3043(d).

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In the past, the SBE approved waivers to allow school districts to provide the required minimum amount of instruction in fewer days during the ESY for special education students.

Extended school year is the term for the education of special education students "between the close of one academic year and the beginning of the next," similar to a summer school. It must be provided for each individual with exceptional needs whose individualized education program (IEP) requires it. Local educational agencies may request a waiver to provide an ESY program for fewer days than the traditional model.

SUMMARY OF KEY ISSUES

In May 2012, the SBE approved extended school year waiver number 118-2-2012 for the El Centro Elementary School District (ECESD). The ECESD proposes to continue to provide ESY services utilizing a 16-day model over a four week period of four and three quarter hours per day, providing the same number of instructional hours equal to the traditional 20-day calendar, including holidays. The district notes that a drop in attendance occurs when services are extended beyond a four-week period and finds that student learning is maximized using a 16-day modified calendar.

The Gateway Unified School District (USD proposes to provide ESY services utilizing at 15-day model of five and one half hours of instruction per day. The Gateway USD participates in a collaborative to provide regional ESY services to kindergarten through eighth grade students. This requires lengthy bus rides (up to an hour and a half one way) for students, many of whom are medically fragile. In addition to the transportation needs, many students require additional designated instruction and services that are challenging to provide in a four-hour day. An extended day allows providers to serve more students and reduce the number of days that students must be transported long distances.

The San Pasqual Valley USD proposes to provide ESY services utilizing a 16-day model over a four week period of four and three quarter hours per day, providing the same number of instructional hours equal to the traditional 20-day calendar, including holidays. The district notes that a drop in attendance occurs when services are extended beyond a four-week period and finds that student learning is maximized by modifying the ESY schedule to four days per week with extended daily time.

The South Bay Union School District proposes to provide ESY services utilizing a 16-day model over a four-week period of five hours of instruction per day. There is no general summer school program in the district. In addition, the district modified its 2013–14 school calendar, which shortened the break between the end of the current school year and the beginning of the next.

In May 2012, the SBE approved waiver number 23-1-2012 for the Tehama County Office of Education (COE). The Tehama COE proposes to continue to provide ESY services utilizing a 15-day model, including holidays, four hours per day for the preschool program and five and one half hours per day for the secondary program. In either case, the required instructional minutes will be provided and the longer day aligns better with the typical school day for all grade levels served.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* 33051(a), available at http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=33001-34000&file=33050-33053.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval.

ATTACHMENT(S)

Attachment 1: Summary Table (2 pages)

Attachment 2: El Centro Elementary School District General Waiver Request 7-3-2013 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Gateway Unified School District General Waiver Request 43-3-2013 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: San Pasqual Valley Unified School District General Waiver Request 7-4-2013 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: South Bay Union School District General Waiver Request 1-5-2013 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 6: Tehama County Office of Education General Waiver Request 48-3-2013 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

SUMMARY TABLE								
Waiver Number	**Local Educational Agency**	**Period of Request**	**Demographics**	**Local Board Approval Date**	**Bargaining Unit Consulted – Date**	**Position of Bargaining Unit**	**Advisory Committee or School Site Council Consulted – Date**	**Position of committee/ council**
7-3-2013 Renewal of 118-2-2012	El Centro Elem SD	**Requested:** 06/17/2013 – 07/12/2013 **Recommended:** 06/17/2013 – 07/12/2013	Located in a rural area in Imperial County w/student population of 5985	02/12/2013	El Centro Elementary Teacher's Ass'n (ECETA) on 01/28/2013	Support	Schoolsite Council on 02/20/2013	No objections
43-3-2013	Gateway USD	**Requested:** 6/01/2014– 7/05/2017 **Recommended:** 6/01/2013– 5/30/2015	Located in a rural area in Shasta County w/student population of 2585	03/12/2013	Gateway Teachers Ass'n on 03/08/2013	Support	District Advisory Council on 02/28/2013	No objections
7-4-2013	San Pasqual Valley USD	**Requested:** 05/28/2013 – 06/20/2013 **Recommended:** 05/28/2013 – 06/20/2013	Located in a rural area in Imperial County w/student population of 770	02/12/2013	California School Employees Ass'n on 02/06/2013 San Pasqual Teachers Ass'n on 02/06/2013	Support Support	Middle Schoolsite Council on 02/07/2013	Support

SUMMARY TABLE								
Waiver Number	**Local Educational Agency**	**Period of Request**	**Demographics**	**Local Board Approval Date**	**Bargaining Unit Consulted – Date**	**Position of Bargaining Unit**	**Advisory Committee or School Site Council Consulted – Date**	**Position of committee/ council**
1-5-2013	South Bay Union SD	**Requested:** 06/12/2013 – 07/03/2013 **Recommended:** 06/12/2013 – 07/03/2013	Located in a suburban area in San Diego County w/student population of 8000	04/18/2013	California School Employees Ass'n on 03/22/2013 South West Teachers Ass'n on 03/22/2013	Support Support	District Advisory Commission on 4/9/2013	No objections
48-3-2013 Renewal of 23-1-2012	Tehama COE	**Requested:** 06/17/2013 – 06/17/2014 **Recommended:** 06/17/2013 – 06/17/2014	Located in a rural area in Tehama County w/student population of 63	03/13/2013	California School Employees Ass'n on 02/26/2013 California Teachers Ass'n on 02/27/2013	Support Support	Community Advisory Committee on 03/01/2013	No objections

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1363123 Waiver Number: 7-3-2013 Active Year: 2013

Date In: 3/1/2013 6:01:23 PM

Local Education Agency: El Centro Elementary School District
Address: 1256 Broadway
El Centro, CA 92243

Start: 6/17/2013 End: 7/12/2013

Waiver Renewal: Y
Previous Waiver Number: 118-2-2012-W-9 Previous SBE Approval Date: 5/17/2012

Waiver Topic: Special Education Program
Ed Code Title: Extended School Year (Summer School)
Ed Code Section: CCR, Title 5, Section 3043(d)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: 3043 Extended school year services shall be provided for each individual with exceptional needs who has unique needs and requires special education and related services in excess of the regular academic year. Such individuals shall have handicaps which are likely to continue indefinitely or for a prolonged period, and interruption of the pupil's educational programming may cause regression, when coupled with limited recoupment capacity, rendering it impossible or unlikely that the pupil will attain the level of self-sufficiency and independence that would otherwise be expected in view of his or her handicapping condition. The lack of clear evidence of such factors may not be used to deny an individual an extended school year program if the individualized education program team determines the need for such a program and includes extended school year in the individualized education program pursuant to subsection (f).

(a) Extended year special education and related services shall be provided by a school district, special education local plan area, or county office offering programs during the regular academic year.

(b) Individuals with exceptional needs who may require an extended school year are those who: (1) Are placed in special classes or centers; or (2) Are individuals with exceptional needs whose individualized education programs specify an extended year program as determined by the individualized education program team.

(c) The term "extended year" as used in this section means the period of time between the close of one academic year and the beginning of the succeeding academic year. The term "academic year" as used in this section means that portion of the school year during which the regular day school is maintained, which period must include not less than the number of days required to entitle the district, special education services region, or county office to apportionments of state funds.

(d) [An extended year program shall be provided for a minimum of 20 instructional days,

including holidays]

Outcome Rationale: *EC*ESD is proposing to operate a four week Extended School Year program for sixteen days at 4.75 hours per day (16 days x 4.75 hours = 76 hours). The District will be providing the same number of instructional hours (76 hrs.) as provided within the 20 instructional day calendar, including holidays (19 days x 4 hours). The overall instructional time will remain the same; however, there will be a reduction in days of attendance to 16 days over a four week period. This will help to facilitate cost-effective services within the classrooom, and reduce related costs for transportation, electricity, custodial services, food services, administration, etc. We have also found that there is a drop in attendance on Mondays, Fridays and/or after a holiday, as well as a reduction during the final week of the ESY program. We believe we will be able to support and extend student learning by modifying the ESY schedule to 16 days with extended daily time. Our proposed ESY will operate Monday-Thursday during the weeks of 6/17/12 to 6/27/12, Monday - Wednesday 7/1-7/3, and Monday-Friday during the week of 7/8-7/12/12.

Student Population: 5985

City Type: Rural

Public Hearing Date: 2/12/2013
Public Hearing Advertised: Notice in the Newspaper

Local Board Approval Date: 2/12/2013

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 2/20/2013
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Janice Lau
Position: Director, Special Education & Student Services
E-mail: jlau@ecesd.org
Telephone: 760-352-5712 x534
Fax: 760-370-3221

Bargaining Unit: Date: 01/28/2013
Name: El Centro Elementary Teacher Association
Representative: Shealynn Smith
Title: *EC*ETA President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 4575267 Waiver Number: 43-3-2013 Active Year: 2013

Date In: 3/18/2013 4:27:08 PM

Local Education Agency: Gateway Unified School District
Address: 4411 Mountain Lakes Blvd.
Redding, CA 96003

Start: 6/1/2014 End: 7/05/2017

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Special Education Program
Ed Code Title: Extended School Year (Summer School)
Ed Code Section: CCR, Title 5, Section 3043(d)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: *California Code of Regulations* Title 5 Section 3043 (d) requires [20 days of attendance] with varied minutes depending on grade level, for an extended school year for special education students.

Gateway District proposes a 15-day extended school year calendar of 5.5 hours per day for the period of June 13–July 3, 2013.

Outcome Rationale: The Gateway Unified School District participates in a collaborative to provide ESY services to SD students K through 8th grades. This is a regional program and requires lengthy bus rides for students, many of whom are medically fragile. In addition to the transportation issues, many of the students require additional DIS services that are challenging to provide in a four hour day. By extending the day by an hour for a three week period, it will allow the providers to serve more students and reduces the number of days students are being transported long distances.

Student Population: 2585

City Type: Rural

Public Hearing Date: 3/13/2013
Public Hearing Advertised: Newspaper ad, web site posting, School Board Agenda

Local Board Approval Date: 3/13/2013

Committee/Council Reviewed By: District Advisory Council
Committee/Council Reviewed Date: 2/28/2013
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. James Harrell
Position: Superintendent, Gateway Unified School District
E-mail: jharrell@gwusd.org
Telephone: 530-245-7908
Fax:

Bargaining Unit: Date: 03/08/2013
Name: Gateway Teachers Association
Representative: Cindy Ogden
Title: GTA, President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 1363214 Waiver Number: 7-4-2013 Active Year: 2013

Date In: 4/10/2013 12:50:36 PM

Local Education Agency: San Pasqual Valley Unified School District
Address: Route 1, 676 Baseline Rd.
Winterhaven, CA 92283

Start: 5/28/2013 End: 6/20/2013

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Special Education Program
Ed Code Title: Extended School Year (Summer School)
Ed Code Section: *CCR* 3043 (d)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: *CCR* 3043 (d) An extended year program shall be provided for a minimum of [20]instructional days, including holidays.

Outcome Rationale: SPVUSD is proposing to operate a four week Extended School Year program for four days per week, 4.75 hours per day (16 days x 4.75 hours = 76 hours). The District will be providing the same number of instructional hours (76 hours) as provided within the 20 instructional day calendar, including holidays (19 days x 4 hours). The overall instructional time will remain the same; however, there will be a reduction in days of attendance to 16 days over a four week period. This will help to facilitate cost-effective services within the classroom, and reduce related costs for transportation, electricity, custodial services, administration, etc. We have also found that there is a drop in attendance on Mondays and/or Fridays, as well as a reduction during the final week of the ESY program. This was particularly evident when the District offered a five week program and the instructional days extended beyond four weeks. We believe we will be able to maximize student learning by modifying the ESY schedule to four days per week with extended daily time.

Student Population: 12

City Type: Rural

Local Board Approval Date: 2/12/2013

Committee/Council Reviewed By: Middle School Site Council (Luis Almanza-President)
Committee/Council Reviewed Date: 2/7/2013
Committee/Council Objection: Support
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Julie Corona
Position: Director of Special Education
E-mail: jcorona@spvusd.org
Telephone: 760-572-0222 x2498
Fax: 760-572-2000

Bargaining Unit: Date: 02/06/2013
Name: San Pasqual Teachers' Association
Representative: Mrs. Gina Hanna-Wilson
Title: SPTA President
Position: Support
Comments:

Bargaining Unit: Date: 02/06/2013
Name: California School Employees Association
Representative: Larissa Fernandez
Title: CSEA President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 3768395 Waiver Number: 1-5-2013 Active Year: 2013

Date In: 5/2/2013 4:05:56 PM

Local Education Agency: South Bay Union School District
Address: 601 Elm Ave.
Imperial Beach, CA 91932

Start: 6/12/2013 End: 7/3/2013

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Special Education Program
Ed Code Title: Extended School Year (Summer School)
Ed Code Section: *California Code of Regulations*, Title 5, Section 3043(d)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: *California Code of Regulations*, Title 5, Section 3043(d), which requires a minimum of 20 school days of attendance for an extended school year (summer school) for special education students.

Outcome Rationale: South Bay Union School District is requesting a waiver to modify the required 20 day extended school year (ESY) program to 16 days, due to the circumstances described below. This request is for the current school year only (2012-2013).

South Bay Union School District has approximately 100 students with IEPs who qualify for extended school year. There is no summer school program for any other students in the District.

This school year, the district modified its school calendar to align with the area secondary schools, creating a much shorter time between school years. The last day of the regular 2012-2013 school year is June 7th for students and teachers. The first day of the 2013-2014 school year is July 25, 2013 for teachers and July 29 for students. This shortened period provides only 33 days to hold an ESY session.

A 16 day ESY program (June 12, 2013-July 3, 2013 for 5 hours/day) combined with a shortened period in the summer with no school, would still allow the District to address the regression and recoupment needs of identified students. An additional benefit would be a greater likelihood that the students' teachers and aides will choose to work if the session is shorter.

The ESY program, for the purposes of reimbursement for average daily attendance, will provide instruction of at least as many minutes over the 16 day period as it would have during the typical 20 day ESY program and will receive the reimbursement for the 20 days of instruction. Longer days can provide greater opportunity for instructional impact. Fewer days saves operational and transportation costs.

Student Population: 8000

City Type: Suburban

Local Board Approval Date: 4/18/2013

Committee/Council Reviewed By: District Advisory Committee
Committee/Council Reviewed Date: 4/9/2013
Committee/Council Objection: None
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Erin Lain
Position: Director, Student Services
E-mail: elain@sbusd.org
Telephone: 619-628-1660
Fax: 619-628-1669

Bargaining Unit: Date: 03/22/2013
Name: California School Employees Association, Chapter 5
Representative: Beth Gillen
Title: President
Position: Support
Comments:

Bargaining Unit: Date: 03/22/2013
Name: South West Teachers Association
Representative: Lorie Garcia
Title: President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 5210520 Waiver Number: 48-3-2013 Active Year: 2013

Date In: 3/26/2013 9:32:50 AM

Local Education Agency: Tehama County Office of Education
Address: 1135 Lincoln St.
Red Bluff, CA 96080

Start: 6/17/2013 End: 6/17/2014

Waiver Renewal: Y
Previous Waiver Number: 23-1-2012-W-9 Previous SBE Approval Date: 5/09/2012

Waiver Topic: Special Education Program
Ed Code Title: Extended School Year (Summer School)
Ed Code Section: CCR, Title 5, Section 3043(d)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: California Code of Regulation (*CCR*), Title 5, Section 3043 – Extended School Year. Extended school year services shall be provided for each individual with exceptional needs who has unique needs and requires special education and related services in excess of the regular academic year. Such individuals shall have handicaps which are likely to continue indefinitely or for a prolonged period, and interruption of the pupil's educational programming may cause regression, when coupled with limited recoupment capacity, rendering it impossible or unlikely that the pupil will attain the level of self-sufficiency and independence that would otherwise be expected in view of his or her handicapping condition. The lack of clear evidence of such factors may not be used to deny an individual an extended school year program if the individualized education program team determines the need for such a program and includes extended school year in the individualized education program pursuant to subsection (f). [(d) An extended year program shall be provided for a minimum of 20 instructional days, including holidays.]

(a) Extended year special education and related services shall be provided by a school district, special education local plan area, or county office offering programs during the regular academic year.

(b) Individuals with exceptional needs who may require an extended school year are those who: (1) Are placed in special classes or centers; or (2) Are individuals with exceptional needs whose individualized education programs specify an extended year program as determined by the individualized education program team.

(c) The term “extended year” as used in this section means the period of time between the close of one academic year and the beginning of the succeeding academic year. The term “academic year” as used in this section means that portion of the school year during which the regular day school is maintained, which period must include no less than the number of days required to entitle the district, special education services region or county office to apportionments of state funds.

[(d) An extended year program shall be provided for a minimum of 20 instructional days, including holidays.]

Outcome Rationale: The Tehama County Department of Education, Special Schools and Services Department, has previously operated the ESY program for districts throughout the county, as well as for the County run program(s) for students with moderate to severe disabilities who are enrolled in SDC programs. On February 14, 2013, the Tehama County Administrative Council voted that Districts would run/oversee their own ESY programs for their District student's that qualify; the Districts also agreed to submit their own Waivers if deemed programmatically appropriate/necessary.

For the 2013 ESY program, the County Special Schools and Services Department will run and oversee ESY only for students that are served in the TCDE Special Schools and Services Department operated SDC's.

The Tehama County Department of Education, Special Schools and Services Department, is requesting a waiver to allow the County run Extended School Year (ESY) program to run for 15 days, including any holidays, instead of 20 days. The program will run for 4 hours (preschool) and 5.5 hours (K-Adult), for the period of June 17, 2013 through July 5, 2013. The longer ESY school day will align better with a typical school day.

Given the current fiscal crisis in California, fewer ESY days will result in substantial savings in transportation, utilities, janitorial, food service, administration and clerical costs.

Student Population: 63 City Type: Rural

Public Hearing Date: 3/13/2013
Public Hearing Advertised: Notice in a newspaper; posted on website

Local Board Approval Date: 3/13/2013

Committee/Council Reviewed By: Community Advisory Committee (CAC)
Committee/Council Reviewed Date: 3/1/2013
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N
Categorical Program Monitoring: N

Submitted by: Ms. Julie Howard
Position: Administrator II
E-mail: jhoward@tehamaschools.org
Telephone: 530-527-5733

Bargaining Unit: Date: 02/26/2013
Name: California School Employees Association
Representative: Dawn Retzlaff
Title: CSEA Steward
Position: Support
Comments:

Bargaining Unit: Date: 02/27/2013
Name: California Teachers Association
Representative: Laura Ray
Title: CTA President
Position: Support
Comments:

California State Board of Education

Meeting Agenda Items for July 10-11, 2013

ITEM W-14

ITEM #W-14

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2013 AGENDA

☒ **Specific Waiver**

SUBJECT	
Request by **Santa Cruz County Office of Education** under the authority of California *Education Code* Section 41344.3 for a retroactive waiver of the audit penalty for the 2011–12 fiscal year of *Education Code* Section 60119, regarding the annual public hearing and board resolution on the sufficiency and availability of textbooks and instructional materials for all students at all grade levels and subjects. Waiver Number: 39-2-2013	☒ **Action** ☒ **Consent**

RECOMMENDATION

☒ **Approval** ☐ **Approval with conditions** ☐ **Denial**

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

California *Education Code (EC)* Section 41344.3 allows the State Board of Education (SBE) to waive *EC* Section 60119 and the related audit penalty for county offices of education (COEs) provided that the noncompliance was minor and inadvertent. In the past, the SBE has required that the COE be compliant with all of the requirements of *EC* Section 60119 for the current fiscal year in order to receive a waiver.

Beginning in 2004, COEs were granted the authority to waive *EC* Section 60119 for school districts; however COEs must still request a waiver from the SBE.

Santa Cruz COE had a prior audit finding in 2005-06 for being out of compliance with *EC* Section 60119 because the public hearing was held at 2:00 p.m. The Santa Cruz COE's waiver 29-2-2007 was approved on May 10, 2007.

SUMMARY OF KEY ISSUES

In 2011-12, Santa Cruz COE did not provide the ten day advance notice of the public hearing as required in *EC* Section 60119. The board meeting occurred earlier in the month than normal and the timeline for the public notice was inadvertently not adjusted. The notice was posted eight days in advance instead of the required ten days. Santa Cruz COE received an audit finding on the 2011–12 hearing. Therefore, the COE is requesting a waiver for the 2011–12 fiscal year.

Santa Cruz COE held a public hearing on the sufficiency of instructional materials for the 2011-12 school year on September 8, 2011 and adopted a resolution certifying the sufficiency of instructional materials. However, the appropriate ten day advance notice of the public hearing was not provided. Instead, the notice was posted eight days in advance. Santa Cruz COE received an audit finding disallowing its 2011–12 instructional materials funding of $40,424.

The Santa Cruz COE has since added a calendar event for the end of August to alert responsible staff that a public notice must be posted at least ten days before the board meeting in fiscal year 2012–13.

The Board provided the ten day advance notice of the public hearing for the September 2012 meeting to be in compliant with the requirements of *EC* Section 60119 in the 2012–13 fiscal year.

The Santa Cruz COE provided each student with sufficient textbooks and instructional materials aligned to the academic content standards and consistent with the cycles and content of the curriculum frameworks for the 2012–13 school year.

The California Department of Education recommends approval of this waiver.

Demographic Information: Santa Cruz COE has a student population of 917 and is located in urban Santa Cruz County.

Authority for Waiver: *EC* Section 41344.3

Period of request: July 1, 2011 to June 30, 2012

Period recommended: July 1, 2011 to June 30, 2012

Local board approval date(s): February 21, 2013

Bargaining unit(s) consulted on date(s): March 27, 2013

Name of bargaining unit/representative(s) consulted: California School Employees Association - Heather Hutchinson; and Santa Cruz County Education Association - Elizabeth Burnham-Gran

Position of bargaining unit(s) (choose only one):
☐ Neutral ☒ Support ☐ Oppose**:**

Comments (if appropriate):

FISCAL ANALYSIS (AS APPROPRIATE)

If this waiver request is not approved, Santa Cruz COE will have to pay $40,424, the entire amount of its instructional materials funding for 2011-12.

ATTACHMENT(S)

Attachment 1: Santa Cruz County Office of Education Specific Waiver Request 39-2-2013. (1 page) (Original waiver request is signed and on file in the Waiver Office.)

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 4410447 Waiver Number: 39-2-2013 Active Year: 2013

Date In: 2/22/2013 7:46:13 AM

Local Education Agency: Santa Cruz County Office of Education
Address: 400 Encinal St.
Santa Cruz, CA 95060

Start: 7/1/2011 End: 6/30/2012

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Sufficiency of Instructional Materials - *EC* 60119
Ed Code Title: 10 Days Notice
Ed Code Section: 60119(b)
Ed Code Authority: 41344.3

Ed Code or *CCR* to Waive: (b) The governing board of a school shall provide 10 days' notice of the public hearings set forth in subdivision (a).

Outcome Rationale: The board meeting occured earlier in the month than normal and the time line for public notice was inadvertently not adjusted. The notice was posted eight (8) days in advance instead of the required ten (10). The Santa Cruz County Office of Education has since added additional calendar items as reminders for the posting requirement.

Student Population: 917

City Type: Urban

Local Board Approval Date: 2/21/2013

Audit Penalty YN: Y

Categorical Program Monitoring: N

Submitted by: Mr. Kyle Rucker
Position: Manager, Internal Business
E-mail: krucker@santacruz.k12.ca.us
Telephone: 831-466-5630
Fax: 831-466-5974

California State Board of Education

Meeting Agenda Items for July 10-11, 2013

ITEM W-15

ITEM #W-15

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2013 AGENDA

☒ **Specific Waiver**

SUBJECT

Request by seven districts, under the authority of California *Education Code* Section 41382, to waive portions of *Education Code* sections 41376(a), (c), and (d) and/or 41378(a) through (e), relating to class size penalties for kindergarten through grade three. For kindergarten, the overall class size average is 31 to one with no class larger than 33. For grades one through three, the overall class size average is 30 to one with no class larger than 32.

Waiver Numbers: Capistrano Unified School District 3-4-2013
Capistrano Unified School District 4-4-2013
Long Beach Unified School District 26-3-2013
Manteca Unified School District 19-4-2013
Manteca Unified School District 20-4-2013
Patterson Joint Unified School District 4-2-2013
Patterson Joint Unified School District 21-3-2013
San Bernardino City Unified School District 6-3-2013
Santa Ana Unified School District 6-4-2013
South Whittier Elementary School District 40-4-2013
South Whittier Elementary School District 41-4-2013

☒ **Action**

☒ **Consent**

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

The California Department of Education (CDE), based on the finding below, recommends that the class size penalties for kindergarten through grade three be waived provided that the overall average and individual class size average is not greater than the CDE recommended class size on Attachment 1. These waivers do not exceed two years less one day, therefore, *Education Code (EC)* Section 33051(b) will not apply, and the districts must reapply to continue the waiver.

The CDE also recommends that the State Board of Education (SBE) find that the class size penalty provisions of *Education Code (EC)* sections 41376 and/or 41378 will, if not waived, prevent the districts from developing more effective educational programs to improve instruction in reading and mathematics for students in the classes specified in the districts' applications.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Since September 2009, the SBE has approved all kindergarten through grade three class size penalty waiver requests as proposed by CDE. Before the September 2009 board meeting, no waivers had been submitted since 1999.

SUMMARY OF KEY ISSUES

Education Code Section 41382 allows the SBE to approve an exemption to the class size penalties assessed for kindergarten through grade three if the associated statutory class size requirements prevent the school and school district from developing more effective educational programs to improve instruction in reading and mathematics. Under this authority, these districts are requesting a waiver of subdivisions (a) through (e) of *EC* Section 41378, which provide for a penalty if the average class size on a district-wide basis for kindergarten exceeds 31 students or individual class levels exceed 33, and/or subdivisions (a), (c), and (d) of *EC* Section 41376, which provide for a penalty if the average class size on a district-wide basis for grades one through three exceeds 30 students, or individual class levels exceed 32. Since this particular statute regarding class size limits was written in 1964, given the current fiscal environment in school districts statewide, consideration of these and similar waivers is warranted.

The districts listed on Attachment 1 request flexibility to temporarily increase class sizes in kindergarten and/or grades one through three to reduce expenditures in light of the statewide budget crisis and the associated reductions in revenue limit funds provided by the state. Since fiscal year 2008–09, most districts have experienced at least a 10 percent reduction in revenue limit funding in addition to the elimination of statutory cost of living adjustments. In fiscal year 2012–13 school district revenue limit is reduced by 23 percent. Furthermore, payments for over one-quarter of what they are due have been deferred until the next fiscal year. Based on the Governor's 2013–14 budget, the deferrals will not be eliminated until 2016–17 and it will take several years to restore the revenue limit reductions under existing law as well as through the proposed Local Control Funding Formula.

A positive certification is assigned to a school district that will meet its financial obligations in the current and two subsequent fiscal years. A qualified certification is assigned when a district may not meet its financial obligations for the current or two subsequent fiscal years. A negative certification is assigned when a district will be unable to meet its financial obligations for the remainder of the current year or for the subsequent fiscal year. Each district's most recent status is identified on Attachment 1.

To address funding reductions, districts are using various options in addition to increasing class size, including categorical program spending flexibility, reducing the number of days in the school year, employee furloughs, salary reductions, layoffs, or school closures. Each district states that without the waiver, the core reading and math programs will be compromised by the fiscal penalties incurred. The estimated annual penalty should the district increase the class size average without a waiver is provided on Attachment 1.

The Department recommends, based on the finding above, that the class size penalties for kindergarten through grade three be waived provided the overall average and the individual class size average is not greater than the CDE recommended level shown on Attachment 1. Should any district exceed this new limit, the class size penalty would be applied per statute.

FISCAL ANALYSIS (AS APPROPRIATE)

See Attachment 1 for estimated penalty amounts for each district without the waiver approval.

ATTACHMENT(S)

Attachment 1: List of Waiver Numbers, Districts, and Information Regarding Each Waiver. (3 pages)

Attachment 2: Capistrano Unified School District Specific Waiver Request 3-4-2013 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Capistrano Unified School District Specific Waiver Request 4-4-2013 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Long Beach Unified School District Specific Waiver Request 26-3-2013 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Manteca Unified School District Specific Waiver Request 19-4-2013 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 6: Manteca Unified School District Specific Waiver Request 20-4-2013 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 7: Patterson Joint Unified School District Specific Waiver Request 4-2-2013 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 8: Patterson Joint Unified School District Specific Waiver Request 21-3-2013 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 9: San Bernardino City Unified School District Specific Waiver Request 6-3-2013 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 10: Santa Ana Unified School District Specific Waiver Request 6-4-2013 (5 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 11: South Whittier Elementary School District Specific Waiver Request 40-4-2013 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 12: South Whittier Elementary School District Specific Waiver Request 41-4-2013 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Districts Requesting Kindergarten through Grade 3 Class Size Penalty Waivers

Education Code sections 41376 and 41378: For Kindergarten:
Overall average 31; no class larger than 33. For Grades 1-3:
Overall average 30; no class larger than 32.

Waiver Number	District	Period of Request	District's Request	CDE Recommended (New Maximum)	Local Board and Public Hearing Approval Date	*Bargaining Unit, Representative(s) Consulted, Date, and Position	Potential Annual Penalty Without Waiver	Fiscal Status	Previous Waivers
3-4-2013	Capistrano Unified School District	**Requested:** July 1, 2013 to June 30, 2014 **Recommended**: July 1, 2013 to June 29, 2014	For K: Overall average 33; no class size larger than 35	For K: Overall average 33; no class size larger than 35	3/27/13	Capistrano Unified Education Association, Vicky Soderberg, President 3/4/13 **Neutral**	$221,936 FY 2013-14	Qualifie d	Yes 7/1/12 to 6/29/13
4-4-2013	Capistrano Unified School District	**Requested:** July 1, 2013 to June 30, 2014 **Recommended**: July 1, 2013 to June 29, 2014	For 1-3: Overall average 34; no class size larger than 35	For 1-3: Overall average 34; no class size larger than 35	3/27/13	Capistrano Unified Education Association, Vicky Soderberg, President 3/4/13 **Neutral**	$4,197,804 FY 2013-14	Qualifie d	Yes 7/1/12 to 6/29/13
26-3-2013	Long Beach Unified School District	**Requested:** July 1, 2011 to June 30, 2012 **Recommended**: July 1, 2011 to June 29, 2012	For 1-3: Overall average 32; no class size larger than 34	For 1-3: Overall average 32; no class size larger than 34	2/5/13	**Unknown***	$136,663 FY 2011-12	Positive	No
19-4-2013	Manteca Unified School District	**Requested:** July 1, 2013 to June 30, 2015 **Recommended**: July 1, 2013 to June 29, **2014**	For K: Overall average 33; no class size larger than 33	For K: Overall average 33; no class size larger than 33	4/9/13	Manteca Educators' Association, Ken Johnson, President 3/8/13 **Neutral**	$500,000 each year	Positive	Yes 7/1/11 to 6/29/13 7/1/10 to 6/29/11

Districts Requesting Kindergarten through Grade 3 Class Size Penalty Waivers

Education Code sections 41376 and 41378: For Kindergarten:
Overall average 31; No class larger than 33. For Grades 1-3:
Overall average 30; no class larger than 32.

Waiver Number	District	Period of Request	District's Request	CDE Recommended (New Maximum)	Local Board and Public Hearing Approval Date	*Bargaining Unit, Representative(s) Consulted, Date, and Position	Potential Annual Penalty Without Waiver	Fiscal Status	Previous Waivers
20-4-2013	Manteca Unified School District	**Requested:** July 1, 2013 to June 30, 2015 **Recommended**: July 1, 2013 to June 29, **2014**	For 1-3: Overall average 32; no class size larger than 32	For 1-3: Overall average 32; no class size larger than 32	4/9/13	Manteca Educators' Association, Ken Johnson, President 3/8/13 **Neutral**	$800,000 each year	Positive	Yes 7/1/11 to 6/29/13 7/1/10 to 6/29/11
4-2-2013	Patterson Joint Unified School District	**Requested:** July 1, 2012 to June 30, 2014 **Recommended**: July 1, 2012 to June 29**,** 2014	For K: Overall average 32; no class size larger than 33	For K: Overall average 32; no class size larger than 33	2/4/2013	Patterson Teachers Association, Nicole Souza, President 1/29/13 **Neutral**	$75,575 each year	Positive	No
21-3-2013	Patterson Joint Unified School District	**Requested:** July 1, 2012 to June 30, 2014 **Recommended**: July 1, 2012 to June 29**,** 2014	For 1-3: Overall average 32; no class size larger than 34	For 1-3: Overall average 32; no class size larger than 34	2/4/2013	Patterson Teachers Association, Nicole Souza, President 1/29/13 **Neutral**	$195,764 each year	Positive	No
6-3-2013	San Bernardino City Unified School District	**Requested:** July 1, 2012 to June 30, 2014 **Recommended**: July 1, 2012 to June 29, 2014	For 1-3: Overall average 30; no class size larger than 33	For 1-3: Overall average 30; no class size larger than 33	9/11/2012	**Unknown***	$7,655,871 each year	Positive	No

Districts Requesting Kindergarten through Grade 3 Class Size Penalty Waivers

Education Code sections 41376 and 41378: For Kindergarten:
Overall average 31; No class larger than 33. For Grades 1-3:
Overall average 30; no class larger than 32.

Waiver Number	District	Period of Request	District's Request	CDE Recommended (New Maximum)	Local Board and Public Hearing Approval Date	*Bargaining Unit, Representative(s) Consulted, Date, and Position	Potential Annual Penalty Without Waiver	Fiscal Status	Previous Waivers
6-4-2013	Santa Ana Unified School District	**Requested:** July 1, 2012 to June 30, 2014 **Recommended**: July 1, 2012 to June 29, 2014	For 1-3: Overall average 31; no class size larger than 33	For 1-3: Overall average 31; no class size larger than 33	3/12/13	Santa Ana Educators Association, Susan Mercer, President 2/28/13 **Neutral**	$484,105 each year	Qualified	No
40-4-2013	South Whittier Elementary School District	**Requested:** July 1, 2013 to June 29, 2015 **Recommended**: July 1, 2013 to June 29**, 2014**	For K: Overall average 34; no class size larger than 36	For K: Overall average 34; no class size larger than 36	4/23/13	South Whittier Teachers Association, Audrey Radley, President 3/13/13 **Neutral**	$115,668 each year	Positive	Yes 7/1/11 to 6/29/13
41-4-2013	South Whittier Elementary School District	**Requested:** July 1, 2013 to June 29, 2015 **Recommended**: July 1, 2013 to June 29**, 2014**	For 1-3: Overall average 34; no class size larger than 36	For 1-3: Overall average 34; no class size larger than 36	4/23/13	South Whittier Teachers Association, Audrey Radley, President 3/13/13 **Neutral**	$469,097 each year	Positive	Yes 7/1/11 to 6/29/13

*For specific waivers bargaining unit consultation is not required.

Created by California Department of Education
May 6, 2013

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 3066464 Waiver Number: 3-4-2013 Active Year: 2013

Date In: 4/5/2013 2:49:44 PM

Local Education Agency: Capistrano Unified School District
Address: 33122 Valle Rd.
San Juan Capistrano, CA 92675

Start: 7/1/2013 End: 6/30/2014

Waiver Renewal: Y
Previous Waiver Number: 7-7-2012-W-12 Previous SBE Approval Date: 11/8/2012

Waiver Topic: Class Size Penalties
Ed Code Title: Over Limit on Kindergarten
Ed Code Section: portions of 41378 (a) through (e)
Ed Code Authority: 41382

Ed Code or *CCR* to Waive: *EC* 41378. The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the kindergarten classes maintained by each school district maintaining kindergarten classes. [(a) The number of pupils enrolled in each kindergarten class, the total enrollment in all such classes, and the average number of pupils enrolled per class. (b) The total number of pupils which are in excess of thirty-three (33) in each class having an enrollment of more than thirty-three (33). (c) The total number of pupils by which the average class size in the district exceeds 31. (d) The greater number of pupils as determined in (b) or (c) above. (e) He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (d) of this section by ninety-seven hundredths (0.97). He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.]

Outcome Rationale: CUSD is facing a projected budget shortfall in 2013-2014 of $20 million. In order to maintain maximum flexibility in providing options to balance the budget, the district requests a waiver to increase the number of pupils per each full-time equivalent. Additional financial reductions due to class size penalties will create a further decline to classroom programs resulting in reductions that reach core academic programs such as reading, math, and science. This will negatively affect the District's ability to serve students as we're transitioning to Common Core standards and closing the achievement gap.

Yes. A principal may recommend to the governing board or the governing board of the school district may adopt a resolution determining that an exemption should be granted from any of the provisions of Section 41376 and 41378, with respect to such core classes on the basis that such provisions prevent the school and school district from developing more effective education programs to improve instruction in reading and mathematics. (Required see *EC* 41382) A potential penalty of $221,936 could be incurred by the district without this waiver.

Student Population: 3346

City Type: Suburban

Local Board Approval Date: 3/27/2013

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Julie Hatchel
Position: Assistant Superintendent, Education
E-mail: jhatchel@capousd.org
Telephone: 949-234-9229
Fax: 949-489-0467

Bargaining Unit: Date: 03/04/2013
Name: Capistrano Unified Education Association
Representative: Vicky Soderberg
Title: President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 3066464 Waiver Number: 4-4-2013 Active Year: 2013

Date In: 4/5/2013 3:23:16 PM

Local Education Agency: Capistrano Unified School District
Address: 33122 Valle Rd.
San Juan Capistrano, CA 92675

Start: 7/1/2013 End: 6/30/2014

Waiver Renewal: Y
Previous Waiver Number: 7-7-2012-W-12 Previous SBE Approval Date: 11/8/2012

Waiver Topic: Class Size Penalties
Ed Code Title: Over Limit on Grades 1-3
Ed Code Section: portions of 41376 (a) (c) and (d)
Ed Code Authority: 41382

Ed Code or *CCR* to Waive: *EC* 41376 (a)(c) and (d) The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: [(a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30.](b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above. [(c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3

reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.]

Outcome Rationale: CUSD is facing a projected budget shortfall in 2013-2014 of $20 million. In order to maintain maximum flexiblity in providing options to balance the budget, the district requests a waiver to increase the number of pupils per each full-time equivalent. Additional financial reductions due to class size penalties will create a further decline to classroom programs resulting in reductions that reach core academic programs such as reading, math, and science. This will negatively affect the District's ability to serve students as we're transitioning to Common Core standards and closing the achievement gap.

Yes. A principal may recommend to the governing board or the governing board of the school district may adopt a resolution determining that an exemption should be granted from any of the provisions of Section 41376 and 41378, with respect to such core classes on the basis that such provisions prevent the school and school district from developing more effective education programs to improve instruction in reading and mathematics. (Required see *EC* 41382) A potential penalty of $4,197,804 could be incurred by the district without this waiver.

Student Population: 10892

City Type: Suburban

Local Board Approval Date: 3/27/2013

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Julie Hatchel
Position: Assistant Superintendent
E-mail: jhatchel@capousd.org
Telephone: 949-234-9229
Fax: 949-489-0467

Bargaining Unit: Date: 03/04/2013
Name: Capistrano Unified Education Association
Representative: Vicky Soderberg
Title: President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 1964725 Waiver Number: 26-3-2013 Active Year: 2013

Date In: 3/8/2013 3:31:42 PM

Local Education Agency: Long Beach Unified School District
Address: 1515 Hughes Way
Long Beach, CA 90810

Start: 7/1/2011 End: 6/30/2012

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Class Size Penalties
Ed Code Title: Over Limit on Grades 1-3
Ed Code Section: 41376 (a) (c) and (d)
Ed Code Authority: 41382

Ed Code or *CCR* to Waive: 41376. The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district:

[(a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class.

For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30.]

(b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner:

(1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board.

(2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year.

(3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above.

[(c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year.

(d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.]

Outcome Rationale: The District is requesting the class size limit to be waived and allow the individual class size maximum be increased from 32 in grades 1-3 to 34. The class size exceeded 32 in one school in order to provide more students access to a dual immersion program.

Yes. A principal may recommend to the governing board or the governing board of the school district may adopt a resolution determining that an exemption should be granted from any of the provisions of Section 41376 and 41378, with respect to such core classes on the basis that such provisions prevent the school and school district from developing more effective education programs to improve instruction in reading and mathematics. (Required see EC 41382)

A potential penalty of $136,663 could be incurred by the district without this waiver.

Student Population: 82334

City Type: Urban

Local Board Approval Date: 2/5/2013

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Susan Ginder
Position: Executive Director of Fiscal Services
E-mail: sginder@lbschools.net
Telephone: 562-997-8126
Fax:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 3968593 Waiver Number: 19-4-2013 Active Year: 2013

Date In: 4/17/2013 10:13:10 AM

Local Education Agency: Manteca Unified School District
Address: 2271 W. Louise Ave.
Manteca, CA 95337

Start: 7/1/2013 End: 6/30/2015

Waiver Renewal: Y
Previous Waiver Number: 11-6-2011-W-5 Previous SBE Approval Date: 9/8/2011

Waiver Topic: Class Size Penalties
Ed Code Title: Over Limit on Kindergarten
Ed Code Section: portions of 41378 (a) through (e)
Ed Code Authority: 41382

Ed Code or *CCR* to Waive: [*Education Code* 41378] [(a) The number of pupils enrolled in each kindergarten class, the total enrollment in all such classes, and the average number of pupils enrolled per class. (b) The total number of pupils which are in excess of thirty-three (33) in each class having an enrollment of more than thirty-three (33). (c) the total number of pupils by which the average class size in the district exceeds 31. (d) the greater number of pupils as determined in (b) or (c) above. (e) He shall compute the product obtained by multiplying the excess number of pupils computed pursant to subdivision (d) of this section by ninety-seven hundredths (0.97). He shall decrease the average daily attendance reported under the provisions of Secion 41601 by the resulting product.]

Outcome Rationale: The District is seeking to temporarily increase average class size in grades Kindergarten up to the maximum class size of 33 in order to reduce expenditures and avoid penalties. The District faces severe fiscal challenges from persistent State funding reductions. The District is requesting that [Ed Code Section 41378] and the associated penalties be waived in order to increase average class sizes until additional revenues are available. The waiver would end on June 30, 2015 unless otherwise extended. The staffing cost savings from a temporary increase in average class sizes is crucial as the District attempts to balance budgets.

The District's current class size maximum matches the staffing ratios found in the Manteca Unified School District's Collective Bargaining Agreement. In light of the current statewide budget crisis and the reduced revenue to school districts the District is interested in exploring the option of increasing the current staffing ratios in order to potentially reduce personnel costs.

Manteca Unified School District has worked to enhance and strengthen core academic programs for our students. The District has been forced to make difficult budget decisions while balancing our student's need for strong early grade reading and math programs. Additional funding reductions imposed due to loss of revenue from potential class-size penalties would result in further impact to our classrooms resulting in reductions that reach the core academic programs such as reading, mathematics, and science. Manteca Unified's goal is to continue

our momentum towards increased academic achievement, and it is our hope that additional revenue reductions due to class-size penalties will not occur.

Yes. A principal may recommend to the governing board or the governing board of the school district may adopt a resolution determining that an exemption should be granted from any of the provisions of Section 41376 and 41378, with respect to such core classes on the basis that such provisions prevent the school and school district from developing more effective education programs to improve instruction in reading and mathematics. (Required see *EC* 41382) A potential penalty of $500000 could be incurred by the district without this waiver.

Student Population: 22961

City Type: Small

Local Board Approval Date: 4/9/2013

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Don Halseth
Position: Assistant Superintendent
E-mail: dhalseth@musd.net
Telephone: 209-858-0742
Fax:

Bargaining Unit: Date: 03/08/2013
Name: Manteca Educator's Association
Representative: Ken Johnson
Title: President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 3968593 Waiver Number: 20-4-2013 Active Year: 2013

Date In: 4/17/2013 10:30:01 AM

Local Education Agency: Manteca Unified School District
Address: 2271 W. Louise Ave.
Manteca, CA 95337

Start: 7/1/2013 End: 6/30/2015

Waiver Renewal: Y
Previous Waiver Number: 11-6-2011-W-5 Previous SBE Approval Date: 9/8/2011

Waiver Topic: Class Size Penalties
Ed Code Title: Over Limit on Grades 1-3
Ed Code Section: portions of 41376 (a) (c) and (d)
Ed Code Authority: 41382

Ed Code or *CCR* to Waive: *Education Code* 41376 [(a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such class, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30. (c) He shall compute the product obtained by multiplying the excess nuber of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97) and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1,2 and 3 reported for purposes of the first princiapl apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivsion (b) of this section, he shall decrease the average daily attendance reported under the provision of Section 41601 by the product determined under subdivision (c) of this section.

Outcome Rationale: The District is seeking to temporarily increase average class size in grades 1-3 up to the maximum class size of 32 in grades 1-3 in order to reduce expenditures and avoid penalties. The District faces severe fiscal challenges from persistent State funding reductions. The District is requesting that *Education Code* Section 41376 (a) (c) and (d) and the associated penalties be waived in order to increase average class sizes until additional revenues are available. The waiver would end on June 30, 2015 unless otherwise extended. The staffing cost savings from a temporary increase in average class sizes is crucial as the District attempts to balance budgets.

The District's current class size maximum matches the staffing ratios found in the Manteca Unified School District's Collective Bargaining Agreement. In light of the current statewide budget crisis and the reduced revenue to school districts the District is interested in exploring the option of increasing the current staffing ratios in order to potentially reduce personnel costs.

Manteca Unified School District has worked to enhance and strengthen core academic programs for our students. The District has been forced to make difficult budget decisions while balancing our student's need for strong early grade reading and math programs. Additional funding reductions imposed due to loss of revenue from potential class-size penalties would result in further impact to our classrooms resulting in reductions that reach the core academic programs such as reading, mathematics, and science. Manteca Unified's goal is to continue our momentum towards increased academic achievement, and it is our hope that additional revenue reductions due to class-size penalties will not occur.

Yes. A principal may recommend to the governing board or the governing board of the school district may adopt a resolution determining that an exemption should be granted from any of the provisions of Section 41376 and 41378, with respect to such core classes on the basis that such provisions prevent the school and school district from developing more effective education programs to improve instruction in reading and mathematics. (Required see *EC* 41382) A potential penalty of $800000 could be incurred by the district without this waiver.

Student Population: 22961

City Type: Small

Local Board Approval Date: 4/9/2013

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Don Halseth
Position: Assistant Superintendent
E-mail: dhalseth@musd.net
Telephone: 209-858-0742
Fax:

Bargaining Unit: Date: 03/08/2013
Name: Manteca Educator's Association
Representative: Ken Johnson
Title: President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 5071217 Waiver Number: 4-2-2013 Active Year: 2013

Date In: 2/6/2013 2:38:13 PM

Local Education Agency: Patterson Joint Unified School District
Address: 510 Keystone Blvd.
Patterson, CA 95363

Start: 7/1/2012 End: 6/30/2014

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Class Size Penalties
Ed Code Title: Over Limit on Kindergarten
Ed Code Section: portions of 41378 (a) through (e)
Ed Code Authority: 41382

Ed Code or *CCR* to Waive: EC 41382. The principal of any elementary school maintaining kindergarten classes or regular day classes in grades 1 to 3, inclusive, may recommend to the governing board of the school district, or the governing board may adopt a resolution determining, that an exemption should be granted from any of the provisions of Section 41376, 41378, or 41379 with respect to such classes on the basis that such provisions prevent the school and school district from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes. Upon approval of such recommendation, or the adoption of such resolution, the governing board shall make application to the State Board of Education on behalf of the school for an exemption for such classes from the specified provisions. The State Board of Education shall grant the application if it finds that the specified provisions of Section 41376, 41378, or 41379 prevent the school from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes and shall, upon granting the application, exempt the school district from the penalty provision of such sections.

Outcome Rationale: The current state fiscal crisis has led to significant reduction in revenues to our District. In response to these reductions Patterson Joint USD has implemented extensive budget cuts since 2008-09, including closing two elementary schools and one middle school, reducing the instructional year to 175 days, and negotiating reductions in salary through (7) seven furlough days.In order to meet current budget challenges and remain fiscally solvent, the District is pursuing every opportunity to reduce costs to the unrestricted general fund. Current bargaining agreements with certificated staff allows the District flexibility for class sizes contract reads strive for 25. Since salaries and benefits are the largest expense item in the budget, we have had to increase class sizes to the contract maximum in order to meet our budget reduction goals. Our District has been nearly flat in enrollment for the past two years. When new families arrive and request their neighborhood school or a specific site, we are reluctant to refuse their request because we don't want them to leave the district. As a result, there were a few classes that ended up having more students than originally anticipated.

We request that Patterson Joint Unified be allowed to have our individual class sizes for grades

Kinder at 33 for 2012-2013 and 2013-2014. Funding reductions imposed due to class-size penalties are estimated to be $72,943 for the 2012-13 fiscal year and $78,208 for the 2013-14 fiscal year. Any loss of revenue will severely impact our educational programs through reductions that reach the core academic programs such as reading and mathematics. The District has had to make so many cuts that only the core program remains. This waiver will help the District protect its fragile fiscal condition and preserve core instructional programs that directly benefit students.

Yes. A principal may recommend to the governing board or the governing board of the school district may adopt a resolution determining that an exemption should be granted from any of the provisions of Section 41376 and 41378, with respect to such core classes on the basis that such provisions prevent the school and school district from developing more effective education programs to improve instruction in reading and mathematics. (Required see EC 41382)

A potential penalty of $72,994 could be incurred by the district without this waiver.

Student Population: 5545

City Type: Rural

Local Board Approval Date: 2/4/2013

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Steve Menge
Position: Assistant Superintendent of Adm Services
E-mail: smenge@patterson.k12.ca.us
Telephone: 209-895-7700
Fax:

Bargaining Unit: Date: 01/29/2013
Name: Patterson Teachers Association
Representative: Niclole Souza
Title: Union Presendent
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 5071217 Waiver Number: 21-3-2013 Active Year: 2013

Date In: 3/8/2013 11:24:46 AM

Local Education Agency: Patterson Joint Unified School District
Address: 510 Keystone Blvd.
Patterson, CA 95363

Start: 7/1/2012 End: 6/30/2014

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Class Size Penalties
Ed Code Title: Over Limit on Grades 1-3
Ed Code Section: portions of 41376 (a), (c) and (d)
Ed Code Authority: 41382

Ed Code or *CCR* to Waive: *EC* 41376 (a)(c) and (d) The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: (a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30. (b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above. (c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3

reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.

Outcome Rationale: The current state fiscal crisis has led to significant reduction in revenues to our District. In response to these reductions Patterson Joint USD has implemented extensive budget cuts since 2008-09, including closing two elementary schools and one middle school, reducing the instructional year to 175 days, and negotiating reductions in salary through (7) seven furlough days.In order to meet current budget challenges and remain fiscally solvent, the District is pursuing every opportunity to reduce costs to the unrestricted general fund. Current bargaining agreements with certificated staff allows the District flexibility for class sizes contract reads strive for 25. Since salaries and benefits are the largest expense item in the budget, we have had to increase class sizes to the contract maximum in order to meet our budget reduction goals. Our District has been nearly flat in enrollment for the past two years. When new families arrive and request their neighborhood school or a specific site, we are reluctant to refuse their request because we don’t want them to leave the district. As a result, there were a few classes that ended up having more students than originally anticipated.

We request that Patterson Joint Unified be allowed to have our individual class sizes for grades 1 to 3 at 33 for 2012-2013 and 2013-2014. Funding reductions imposed due to class-size penalties are estimated to be $156,416 for the 2012-13 fiscal year and $235,113 for the 2013-14 fiscal year. Any loss of revenue will severely impact our educational programs through reductions that reach the core academic programs such as reading and mathematics. The District has had to make so many cuts that only the core program remains. This waiver will help the District protect its fragile fiscal condition and preserve core instructional programs that directly benefit students.

Yes. A principal may recommend to the governing board or the governing board of the school district may adopt a resolution determining that an exemption should be granted from any of the provisions of Section 41376 and 41378, with respect to such core classes on the basis that such provisions prevent the school and school district from developing more effective education programs to improve instruction in reading and mathematics. (Required see EC 41382)

A potential penalty of $72,994 could be incurred by the district without this waiver.

Student Population: 5700

City Type: Rural

Local Board Approval Date: 2/4/2013

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Steve Menge
Position: Assistant Superintendent of Adm Services
E-mail: smenge@patterson.k12.ca.us
Telephone: 209-895-7700
Fax:

Bargaining Unit: Date: 01/29/2013
Name: Patterson Teachers Association
Representative: Nicole Souza
Title: Union President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 3667876 Waiver Number: 6-3-2013 Active Year: 2013

Date In: 3/1/2013 4:30:09 PM

Local Education Agency: San Bernardino City Unified School District
Address: 777 North F St.
San Bernardino, CA 92410

Start: 7/1/2012 End: 6/30/2014

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Class Size Penalties
Ed Code Title: Over Limit on Grades 1-3
Ed Code Section: portions of 41376 (a), (c) and (d)
Ed Code Authority: 41382

Ed Code or *CCR* to Waive: [(a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class.]

[For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30.]

[(c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2,and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year.]

[(d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.]

Outcome Rationale: The San Bernardino City Unified School District is requesting a waiver of class size penalties in an effort to resolve a budget deficit over $23 million. One solution is to increase the class size of grades one through three which will generate an estimated savings of $1,561,826.

Yes. A principal may recommend to the governing board or the governing board of the school district may adopt a resolution determining that an exemption should be granted from any of the provisions of Section 41376 and 41378, with respect to such core classes on the basis that such provisions prevent the school and school district from developing more effective education programs to improve instruction in reading and mathematics. (Required see EC 41382)

A potential penalty of $17,200.00 could be incurred by the district without this waiver.

Student Population: 50844

City Type: Urban

Local Board Approval Date: 9/11/2012

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. James Cunningham
Position: Director, Accounting Services
E-mail: jim.cunningham@sbcusd.k12.ca.us
Telephone: 909-381-1152
Fax: 909-383-1375

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 3066670 Waiver Number: 6-4-2013 Active Year: 2013

Date In: 4/8/2013 3:23:17 PM

Local Education Agency: Santa Ana Unified School District
Address: 1601 East Chestnut Ave.
Santa Ana, CA 92701

Start: 7/1/2012 End: 6/30/2014

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Class Size Penalties
Ed Code Title: Over Limit on Grades 1-3
Ed Code Section: portions of 41376 (a) (c) and (d)
Ed Code Authority: 41382

Ed Code or *CCR* to Waive: See Attachment A

Outcome Rationale: See Attachment B

Yes. A principal may recommend to the governing board or the governing board of the school district may adopt a resolution determining that an exemption should be granted from any of the provisions of Section 41376 and 41378, with respect to such core classes on the basis that such provisions prevent the school and school district from developing more effective education programs to improve instruction in reading and mathematics. (Required see *EC* 41382) A potential penalty of $484,105 could be incurred by the district without this waiver.

Student Population: 53967

City Type: Urban

Local Board Approval Date: 3/12/2013

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Anthony Wold
Position: Executive Director Business Services
E-mail: anthony.wold@sausd.us
Telephone: 714-558-5895
Fax: 714-558-5601

Bargaining Unit: Date: 02/28/2013
Name: Santa Ana Educators Association
Representative: Susan Mercer
Title: President
Position: Neutral
Comments:

ATTACHMENT A

EC 41376 (a)(c) and (d) The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district:[(a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30.] (b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above. [(c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.]

ATTACHMENT B

For the Santa Ana Unified School District, the impact of the state budget and the subsequent reductions to revenue apportioned to school districts indicates that anticipated expenditures for the 2012-2013 and 2013-2014 school years will significantly exceed revenues. This will result in the district being faced with structural deficits of approximately $27 M for 2012-13 and $ 41.5 M for 2013-14.

The Santa Ana Unified School District requests a waiver of penalties that may be incurred as defined in Education Code Sections 41376 and 41378 which specify the average class size for grades one through three as 30 students and further state that no class can be larger than 32 students. If the prescribed average class size limit is exceeded, the Superintendent of Public Instruction is required by law to reduce the district's revenue limit apportionment for each student over the limit.

The Santa Ana Unified School District average class size for grades one through three is 30 students, with no class larger than 33 students. Santa Ana Unified School District is facing potential penalty for each student over the individual class limit.

Utilizing the CDE Class Size Penalty Estimator to collect and report class size penalty data and estimate a class size penalty, the Grades One Through Three Excess Enrollment Calculation for the last full school month ending on or before April 15th indicates that the average class size limit has been exceeded. Due to an excess of 93 students in grades one through three, the estimated loss of all revenue funding for each student over the average class size limit is approximately $484,105.00.

Class Size Penalty Estimator
Grades One Through Three - Average Over 30 and Classes Over 32 (EC 41376)

Grades One Through Three Excess Enrollment Calculation

Total Classes	452.00
Total Pupils Enrolled	13,264.00
Average Number of Pupils per Class	29.30
Total Excess Enrollment	93.00

Grades One Through Three Penalty Computations:

Average Size for All Classes	29.30
Number of Classes With enrollment of More Than 32	1.00
Total Number of Enrollments in Excess of 30 in Each Class with Enrollment of Over 30 (If B-1<=30 and B-2=0, B-3 =0)	93.00
ADA Factor	0.97
Excess Enrollment converted to ADA, Before	

Applying Ration (B-3 x B-4)	90.21
State/District Ratio	1.0330
Excess Enrollment converted to ADA (B-5 * B-6)	93.00
Base Revenue Limit	$5,205.43
Penalty (B-7 * B-8)	$484,105.00

Approval of the request to waive Education Code Section 41376(a), (c), (d) and the associated penalty will allow the Santa Ana Unified School District to accommodate increased class sizes and ensure funding for students enrolled until additional revenues are available. This waiver would end on June 30, 2014 at which time it is anticipated that the District will be in a better position to support lower class sizes.

Recently the Santa Ana Unified School District has been recognized for its efforts to implement Common Core State Standards to provide a world-class education to all students, having identified key components that explicitly and purposefully address the needs of all district students in a consistent and coherent manner. Without the waiver of the class size penalty provisions of Education Code sections 41376 and 41378, the district's ability to provide the required program offerings in all core subjects, including reading and mathematics, will be severely compromised by the fiscal penalties incurred. The granting of the waiver request will allow the Santa Ana Unified School District to continue its focus and emphasis on an established theory of action, the development of a theoretical framework and intentional professional development without the specter of extreme fiscal penalty casting a shadow that eclipses the progress made to date.

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 1965037 Waiver Number: 40-4-2013 Active Year: 2013

Date In: 4/30/2013 11:50:36 AM

Local Education Agency: South Whittier Elementary School District
Address: 11200 Telechron Ave.
Whittier, CA 90605

Start: 7/1/2013 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 17-8-2011 Previous SBE Approval Date: 11/10/2011

Waiver Topic: Class Size Penalties
Ed Code Title: Over Limit on Kindergarten
Ed Code Section: portions of 41378 (a) through (e)
Ed Code Authority: 41382

Ed Code or *CCR* to Waive: *EC* 41378: [(a) The number of pupils enrolled in each kindergarten class, the total enrollment in all such classes, and the average number of pupils enrolled per class. (b) The total number of pupils which are in excess of thirty-three (33) in each class having an enrollment of more than thirty-three (33). (c) The total number of pupils by which the average class size in the district exceeds 31. (d) The greater number of pupils as determined in (b) or (c) above. (e) He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (d) of this section by ninety-seven hundredths (0.97). He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.]

Outcome Rationale: Fiscal Distress
The South Whittier School District (District) has been managing a precarious budget situation for the last several years. Starting in April 2009, the District was unable to meet its financial obligations, was identified as “not a going concern,” and required the involvement of the Los Angeles County Office of Education (LACOE). In that year, the LACOE appointed a Fiscal Advisor with stay or rescind authority to the District and at the Second Interim reporting period, the District had a negative certification. The District had a negative cash balance and was unable to maintain the state-required reserves in the current and two subsequent fiscal years. On June 30, 2009, in response to the District’s fiscal distress, across-the-board reductions were made in salaries and benefits for all District employees in the amount of approximately $4,131,280 including:

1. Reductions to all salary schedules by 9%

2. A cap on the District’s health and welfare benefits premiums contribution for certificated bargaining unit members

3. Suspending step requirements and column adjustments

Additionally, large numbers of both certificated and classified personnel were laid off. A total of

nearly $7 million in cuts were made in 2009-10 just to allow the District to meet the payroll obligations to its employees.

The District has had a structural deficit problem ever since 2009, which simply put means that the District's expenditures exceed its revenues. Due to extensive budget reductions, including increasing class size, the District has been able to be certified as Positive the last three years. This fiscal solvency may be short-lived, however, for a number of reasons.

1. If the District is not successful in obtaining waivers to increase class size in grades K-8 without penalty, the District will be forced to hire 11 additional teachers for the 2013-14 school year. This would increase the expenditures of the District by over $1 million without a change in revenues and cause the District to significantly increase deficit spending. If this happens, the District's certification status could be downgraded. The District has developed staffing plans for the 2013-14 school year based on the higher class size as requested in the waiver requests.

2. At the second interim report for 2012-13, the multiyear projection shows that the District will be deficit spending by $407,928 on the unrestricted side of the budget. In 2013-14 the District is projecting further deficit spending. The projected deficit spending would greatly increase if the District must hire additional staff.

3. Increased costs associated with health and welfare benefits, coupled with the loss of some federal funding, will add additional strain on district finances.

The South Whittier Teachers Association's collective bargaining agreement does not place restrictions on class sizes and class loading, therefore there is no need for the District to negotiate increased class sizes with the Association.

Declining Enrollment
The District's enrollment has been declining steadily for many years. From 2008-09 to 2011-12, the District lost 649 students, a loss of today's revenue limit approximating $3.2 million (649 students times $4,994). This loss of revenue in each year of enrollment decline has placed continuous pressure on the District to reduce expenditures. The flat state funding in the State Budget allocated to school districts for the 2012-13 school year does not help the District make up this lost revenue over the last several years. Declining enrollment coupled with a state budget deficit factor of 22.272%—meaning schools get approximately 77.73 cents for every dollar of funding owed—has resulted in significant revenue reductions for the South Whittier School District.

Overall Impact
The District continues to maintain its commitment to effective educational programs and to District staff during these difficult fiscal years, however, without a waiver of class size penalty, the District will either be required to hire back additional staff or pay a heavy penalty for exceeding the class size maximums. The District's ability to maintain quality instruction and required program offerings in all core subjects, including reading and mathematics, will be seriously compromised by the additional cost or financial penalties that the District would incur without the requested waiver. Therefore, the South Whittier School District is requesting a waiver of class size penalties that will all the district to raise the district wide average class size for kindergarten to 34 students with no kindergarten class exceeding 36 students.

Yes. A principal may recommend to the governing board or the governing board of the school

district may adopt a resolution determining that an exemption should be granted from any of the provisions of Section 41376 and 41378, with respect to such core classes on the basis that such provisions prevent the school and school district from developing more effective education programs to improve instruction in reading and mathematics. (Required see *EC* 41382) A potential penalty of $115668 could be incurred by the district without this waiver.

Student Population: 3200

City Type: Urban

Local Board Approval Date: 4/23/2013

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Erich Kwek
Position: Superintendent
E-mail: ekwek@swhittier.k12.ca.us
Telephone: 562-944-6231 x2011
Fax: 562-946-4301

Bargaining Unit: Date: 03/13/2013
Name: South Whittier Teachers Association
Representative: Audrey Radley
Title: President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 1965037 Waiver Number: 41-4-2013 Active Year: 2013

Date In: 4/30/2013 12:00:23 PM

Local Education Agency: South Whittier Elementary School District
Address: 11200 Telechron Ave.
Whittier, CA 90605

Start: 7/1/2013 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 17-8-2011 Previous SBE Approval Date: 11/10/2011

Waiver Topic: Class Size Penalties
Ed Code Title: Over Limit on Grades 1-3
Ed Code Section: portions of 41376 (a) (c) and (d)
Ed Code Authority: 41382

Ed Code or *CCR* to Waive: *EC* 41376: [(a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30. (c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.]

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made in salaries and benefits for all District employees in the amount of approximately $4,131,280 including:

1. Reductions to all salary schedules by 9%

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The District continues to maintain its commitment to effective educational programs and to District staff during these difficult fiscal years, however, without a waiver of class size penalty, the District will either be required to hire back additional staff or pay a heavy penalty for exceeding the class size maximums. The District's ability to maintain quality instruction and required program offerings in all core subjects, including reading and mathematics, will be seriously compromised by the additional cost or financial penalties that the District would incur without the requested waiver. Therefore, the South Whittier School District is requesting a waiver of class size penalties that will allow the district to raise the district wide average class size for grades 1-3 to 34 students with no grades 1-3 class exceeding 36 students.

Yes. A principal may recommend to the governing board or the governing board of the school district may adopt a resolution determining that an exemption should be granted from any of the provisions of Section 41376 and 41378, with respect to such core classes on the basis that such provisions prevent the school and school district from developing more effective education programs to improve instruction in reading and mathematics. (Required see *EC* 41382) A potential penalty of $469097 could be incurred by the district without this waiver.

Student Population: 3200

City Type: Urban

Local Board Approval Date: 4/23/2013

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Erich Kwek
Position: Superintendent
E-mail: ekwek@swhittier.k12.ca.us
Telephone: 562-944-6231 x2011
Fax: 562-946-4301

Bargaining Unit: Date: 03/13/2013
Name: South Whittier Teachers Association
Representative: Audrey Radley
Title: President
Position: Neutral
Comments:

California State Board of Education

Meeting Agenda Items for July 10-11, 2013

ITEM W-16

ITEM #W-16

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2013 AGENDA

☒ **Specific Waiver**

SUBJECT	
Request by two districts, under the authority of California *Education Code* Section 41382, to waive portions of *Education Code* sections 41376(a), (c), and (d) and/or 41378(a) through (e), relating to class size penalties for kindergarten through grade three. For kindergarten, the overall class size average is 31 to one with no class larger than 33. For grades one through three, the overall class size average is 30 to one with no class larger than 32. Waiver Numbers: Carlsbad Unified School District 29-4-2013 Carlsbad Unified School District 31-4-2013 Natomas Unified School District 37-4-2013	☒ **Action** ☒ **Consent**

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

The California Department of Education (CDE), based on the finding below, recommends that the class size penalties for kindergarten through grade three be waived provided that the overall average and individual class size average is not greater than the CDE recommended class size on Attachment 1. These waivers do not exceed two years less one day, therefore, *Education Code (EC)* Section 33051(b) will not apply, and the districts must reapply to continue the waiver.

The CDE also recommends that the State Board of Education (SBE) find that the class size penalty provisions of *Education Code (EC)* sections 41376 and/or 41378 will, if not waived, prevent the districts from developing more effective educational programs to improve instruction in reading and mathematics for students in the classes specified in the districts' applications.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Since September 2009, the SBE has approved all kindergarten through grade three class size penalty waiver requests as proposed by CDE. Before the September 2009 board meeting, no waivers had been submitted since 1999.

SUMMARY OF KEY ISSUES

Education Code Section 41382 allows the SBE to approve an exemption to the class size penalties assessed for kindergarten through grade three if the associated statutory class size requirements prevent the school and school district from developing more effective educational programs to improve instruction in reading and mathematics. Under this authority, these districts are requesting a waiver of subdivisions (a) through (e) of *EC* Section 41378, which provide for a penalty if the average class size on a district-wide basis for kindergarten exceeds 31 students or individual class levels exceed 33, and/or subdivisions (a), (c), and (d) of *EC* Section 41376, which provide for a penalty if the average class size on a district-wide basis for grades one through three exceeds 30 students, or individual class levels exceed 32. Since this particular statute regarding class size limits was written in 1964, given the current fiscal environment in school districts statewide, consideration of these and similar waivers is warranted.

The districts listed on Attachment 1 request flexibility to temporarily increase class sizes in kindergarten and/or grades one through three to reduce expenditures in light of the statewide budget crisis and the associated reductions in revenue limit funds provided by the state. Since fiscal year 2008–09, most districts have experienced at least a 10 percent reduction in revenue limit funding in addition to the elimination of statutory cost of living adjustments. In fiscal year 2012–13 school district revenue limit is reduced by 23 percent. Furthermore, payments for over one-quarter of what they are due have been deferred until the next fiscal year. Based on the Governor's 2013–14 budget, the deferrals will not be eliminated until 2016–17 and it will take several years to restore the revenue limit reductions under existing law as well as through the proposed Local Control Funding Formula.

A positive certification is assigned to a school district that will meet its financial obligations in the current and two subsequent fiscal years. A qualified certification is assigned when a district may not meet its financial obligations for the current or two subsequent fiscal years. A negative certification is assigned when a district will be unable to meet its financial obligations for the remainder of the current year or for the subsequent fiscal year. Each district's most recent status is identified on Attachment 1.

To address funding reductions, districts are using various options in addition to increasing class size, including categorical program spending flexibility, reducing the number of days in the school year, employee furloughs, salary reductions, layoffs, or school closures. Each district states that without the waiver, the core reading and math programs will be compromised by the fiscal penalties incurred. The estimated annual penalty should the district increase the class size average without a waiver is provided on Attachment 1.

The Department recommends, based on the finding above, that the class size penalties for kindergarten through grade three be waived provided the overall average and the individual class size average is not greater than the CDE recommended level shown on Attachment 1. Should any district exceed this new limit, the class size penalty would be applied per statute.

FISCAL ANALYSIS (AS APPROPRIATE)

See Attachment 1 for estimated penalty amounts for each district without the waiver approval.

ATTACHMENT(S)

Attachment 1: List of Waiver Numbers, Districts, and Information Regarding Each Waiver. (1 page)

Attachment 2: Carlsbad Unified School District Specific Waiver Request 29-4-2013 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Carlsbad Unified School District Specific Waiver Request 31-4-2013 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Natomas Unified School District Specific Waiver Request 37-4-2013 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Districts Requesting Kindergarten through Grade 3 Class Size Penalty Waivers

Education Code sections 41376 and 41378:
For Kindergarten: Overall average 31; no class larger than 33.
For Grades 1-3: Overall average 30; no class larger than 32.

Waiver Number	District	Period of Request	District's Request	CDE Recommended (New Maximum)	Local Board and Public Hearing Approval Date	Bargaining Unit, Representative(s) Consulted, Date, and Position	Potential Annual Penalty Without Waiver	Fiscal Status	Previous Waivers
29-4-2013	Carlsbad Unified School District	**Requested:** July 1, 2013 to June 30, 2015 **Recommended**: July 1, 2013 to June 29, **2014**	For K: Overall average 33; no class size larger than 35	For K: Overall average 33; no class size larger than 35	4/17/13	Carlsbad Unified Teachers Association, Sally Estep, President 3/25/13 **Oppose**	$650,000 each year	Qualified	Yes 7/1/11 to 6/29/13
31-4-2013	Carlsbad Unified School District	**Requested:** July 1, 2013 to June 30, 2015 **Recommended**: July 1, 2013 to June 29, **2014**	For 1-3: Overall average 33; no class size larger than 35	For 1-3: Overall average 33; no class size larger than 35	4/17/13	Carlsbad Unified Teachers Association, Sally Estep, President 3/25/13 **Oppose**	$650,000 each year	Qualified	Yes 7/1/11 to 6/29/13
37-4-2013	Natomas Unified School District	**Requested:** July 1, 2013 to June 30, 2015 **Recommended**: July 1, 2013 to June 29, **2014**	For 1-3: Overall average 32; no class size larger than 34	For 1-3: Overall average 32; no class size larger than 34	4/10/13	Natomas Teachers Association, Kristen Rocha, President 3/12/13 **Oppose**	$1,080,000 each year	Qualified	Yes 7/1/11 to 6/29/13

Created by California Department of Education
May 8, 2013

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 3773551 Waiver Number: 29-4-2013 Active Year: 2013

Date In: 4/22/2013 10:04:36 AM

Local Education Agency: Carlsbad Unified School District
Address: 6225 El Camino Real
Carlsbad, CA 92009

Start: 7/1/2013 End: 6/30/2015

Waiver Renewal: Y
Previous Waiver Number: 38-7-2012 Previous SBE Approval Date: 11/8/2012

Waiver Topic: Class Size Penalties
Ed Code Title: Over Limit on Kindergarten
Ed Code Section: portions of 41378 (a) through (e)
Ed Code Authority: 41382

Ed Code or *CCR* to Waive: *EC* 41378. The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the kindergarten classes maintained by each school district maintaining kindergarten classes. [(a) The number of pupils enrolled in each kindergarten class, the total enrollment in all such classes, and the average number of pupils enrolled per class. (b) The total number of pupils which are in excess of thirty three (33) in each class having an enrollment of more than thirty three (33). (c) The total number of pupils by which the average class size in the district exceeds 31. (d) The greater number of pupils as determined in (b) or (c) above, (e) He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (d) of this section by ninety seven hundredths (0.97). He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.]

Outcome Rationale: The ongoing fiscal crisis at the State level has directly impacted our school district's ability to maintain a positive fund balance without additional staff reductions, furlough days, and increased class sizes. This is a temporary waiver request for an additional two years. It is important to note that while the District has had this same waiver in place for the last two school years, it has not been necessary to fully utilize its protections. However, as a safety net for the next two years, we would like to renew this waiver in case it becomes necessary to increase individual classes. The district faced a shortfall of almost $11 million in 2012-13 due to the State budget crisis and sharp revenue reductions. To address this shortfall, all employees accepted five days of furlough for the current school year. Ongoing revenue reductions have cost the district more than $25 million over the past five years. While the state and local economies appear to be improving, we project continued deficit spending until which time our revenues increase drastically. In our 2012-2013 Second Interim Report, our district "self-qualified" for the second year in a row due to our inability to show a balanced budget in the outer years. Increasing the average class size would require a renewal waiver of *Education Code* 41378 which states that a district will be penalized for exceeding an enrollment of 33 or an average number of pupils in excess of 31 in kindergarten. The District is asking that *Education Code* section 41378 and the associated penalty be waived in order to continue to have the

flexibility to increase class sizes in kindergarten. We are again requesting that our average class size be permitted to be 33 with a maximum of 35 in 2013-14 and 2014-2015 (only if absolutely necessary.)

The fiscal crisis at the state level has also created a domino effect on the classroom and our ability to maintain core programs. From this lack of funding flows a lack of instructional materials, lack of staff to deliver instruction, lack of staff development time and limited program offerings. Additional financial reductions due to class size penalties will create a further decline to our classrooms resulting in additional reductions that reach to the core academic programs such as reading, mathematics, and science. The Carlsbad Unified School District continues to set priorities that result in the least impact on our students. While increased class size is never desirable, CUSD believes that this is a more prudent course of action than reducing the instructional calendar. Should the waiver be denied, we will have no other recourse but to further reduce the school year resulting in significant loss of class time.

Yes. A principal may recommend to the governing board or the governing board of the school district may adopt a resolution determining that an exemption should be granted from any of the provisions of Section 41376 and 41378, with respect to such core classes on the basis that such provisions prevent the school and school district from developing more effective education programs to improve instruction in reading and mathematics. (Required see *EC* 41382) A potential penalty of $650,000 could be incurred by the district without this waiver.

Student Population: 10942

City Type: Suburban

Local Board Approval Date: 4/17/2013

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Suzanne O'Connell
Position: Deputy Superintendent, Administrative Services
E-mail: soconnell@carlsbadusd.net
Telephone: 760-331-5035

Bargaining Unit: Date: 03/25/2013
Name: Carlsbad Unified Teachers Association
Representative: Sally Estep
Title: President
Position: Oppose
Comments: The district should delay opening the new high school before class size increases are considered.

Bargaining Unit: Date: 04/17/2013
Name: Laborer's International Union of North America-777
Representative: Jennifer Wozniak
Title: Field Services Coordinator
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 3773551 Waiver Number: 31-4-2013 Active Year: 2013

Date In: 4/22/2013 10:42:17 AM

Local Education Agency: Carlsbad Unified School District
Address: 6225 El Camino Real
Carlsbad, CA 92009

Start: 7/1/2013 End: 6/30/2015

Waiver Renewal: Y
Previous Waiver Number: 38-7-2012 Previous SBE Approval Date: 11/8/2012

Waiver Topic: Class Size Penalties
Ed Code Title: Over Limit on Grades 1-3
Ed Code Section: portions of 41376 (a), (c), and (d)
Ed Code Authority: 41382

Ed Code or *CCR* to Waive: *EC* 41376 (a)(c) and (d) The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: [(a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess for thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30.] (b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above. [(c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provision of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1,2 and 3

reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.]

Outcome Rationale: The ongoing fiscal crisis at the State level has directly impacted our school district's ability to maintain a positive fund balance without additional staff reductions, furlough days, and increased class sizes. This is a temporary waiver request for an additional two years. It is important to note that while the District has had this same waiver in place for the last two school years, it has not been necessary to fully utilize its protections. However, as a safety net for the next two years, we would like to renew this waiver in case it becomes necessary to increase individual classes. The district faced a shortfall of almost $11 million in 2012-13 due to the State budget crisis and sharp revenue reductions. To address this shortfall, all employees accepted five days of furlough for the current school year. Ongoing revenue reductions have cost the district more than $25 million over the past five years. While the state and local economies appear to be improving, we project continued deficit spending until which time our revenues increase drastically. In our 2012-2013 Second Interim Report, our district "self-qualified" for the second year in a row due to our inability to show a balanced budget in the outer years. Increasing the average class size would require a renewal waiver of *Education Code* section 41376(a), (c), and (d), which states that a district will be penalized for exceeding an enrollment of 32 or whose average size for all the classes exceeds 30. It would also require a waiver of *Education Code* 41378 which states that a district will be penalized for exceeding an enrollment of 33 or an average number of pupils in excess of 31 in kindergarten. The District is asking that *Education Code* section 41376(a), (c), (d) and the associated penalty be waived in order to continue to have the flexibility to increase class sized in grades 1-3. We are again requesting that our average class size be permitted to be 33 with a maximum of 35 in 2013-14 and 2014-2015 (only if absolutely necessary.)

The fiscal crisis at the state level has also created a domino effect on the classroom and our ability to maintain core programs. From this lack of funding flows a lack of instructional materials, lack of staff to deliver instruction, lack of staff development time and limited program offerings. Additional financial reductions due to class size penalties will create a further decline to our classrooms resulting in additional reductions that reach to the core academic programs such as reading, mathematics, and science. The Carlsbad Unified School District continues to set priorities that result in the least impact on our students. While increased class size is never desirable, CUSD believes that this is a more prudent course of action than reducing the instructional calendar. Should the waiver be denied, we will have no other recourse but to further reduce the school year resulting in significant loss of class time.

Yes. A principal may recommend to the governing board or the governing board of the school district may adopt a resolution determining that an exemption should be granted from any of the provisions of Section 41376 and 41378, with respect to such core classes on the basis that such provisions prevent the school and school district from developing more effective education programs to improve instruction in reading and mathematics. (Required see *EC* 41382) A potential penalty of $650,000 could be incurred by the district without this waiver.

Student Population: 10942

City Type: Suburban

Local Board Approval Date: 4/17/2013

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Suzanne O'Connell
Position: Deputy Superintendent, Administrative Services
E-mail: soconnell@carlsbadusd.net
Telephone: 760-331-5035
Fax:

Bargaining Unit: Date: 03/25/2013
Name: Carlsbad Unified Teachers Association
Representative: Sally Estep
Title: President
Position: Oppose
Comments: The district should delay opening the new high school before class size increases are considered.

Bargaining Unit: Date: 04/17/2013
Name: Laborer's International Union of North America-777
Representative: Jennifer Wozniak
Title: Field Services Coordinator
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 3475283 Waiver Number: 37-4-2013 Active Year: 2013

Date In: 4/26/2013 3:27:19 PM

Local Education Agency: Natomas Unified School District
Address: 1901 Arena Blvd.
Sacramento, CA 95834

Start: 7/1/2013 End: 6/30/2015

Waiver Renewal: Y
Previous Waiver Number: 22-8-2010 Previous SBE Approval Date: 11/9/2010

Waiver Topic: Class Size Penalties
Ed Code Title: Over Limit on Grades 1-3
Ed Code Section: portions of 41376 (a) (c) and (d)
Ed Code Authority: 41382

Ed Code or *CCR* to Waive: 41376. The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district:
[(a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class.
For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30.]
[(c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment ofthe preceding year.]
[(d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.]

Outcome Rationale: Based on enrollment & staffing projections for 2013-14,the District is anticipating an average class size of 33 in six of its third grades, which requires the District to continue its waiver to allow for an individual class size of 34 instead of 32, and an overall district average of 32 instead of 30. However, due to the District maintaining an average class size

goal of 24:1 for grades 1 and 2, the District does not anticipate utilizing the the waiver for grades 1 and 2. In addition, please note that the District is not seeking a class size waiver for Kindergarten, since the class size goal remains at 24:1.

Therefore, in order to keep classes at current average staffing level ratios, the District is requesting to renew its waiver (22-8-2010) for an additional two years. If the waiver request is not renewed by the State, the District may incur an additional $240,000 of additional costs that would add to the District' estimated deficit.

Yes. A principal may recommend to the governing board or the governing board of the school district may adopt a resolution determining that an exemption should be granted from any of the provisions of Section 41376 and 41378, with respect to such core classes on the basis that such provisions prevent the school and school district from developing more effective education programs to improve instruction in reading and mathematics. (Required see *EC* 41382) A potential penalty of $1080000 could be incurred by the district without this waiver.

Student Population: 12,454

City Type: Urban

Local Board Approval Date: 4/10/2013

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Douglas Crancer
Position: Assistant Superintendent of Business
E-mail: dcrancer@natomas.k12.ca.us
Telephone: 916-567-5457
Fax: 916-567-5464

Bargaining Unit: Date: 03/12/2013
Name: Natomas Teachers Association
Representative: Kristen Rocha
Title: President
Position: Oppose
Comments: The Unit stated that "small class sizes are important for alll students"

California State Board of Education

Meeting Agenda Items for July 10-11, 2013

ITEM W-17

ITEM #W-17

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2013 AGENDA

☒ **General Waiver**

SUBJECT	
Request by four districts to waive portions of California *Education Code* Section 41376(b) and (e), related to class size penalties for grades four through eight. A district's current class size maximum is the greater of the 1964 statewide average of 29.9 to one or the district's 1964 average.	☒ Action
Waiver Numbers: Capistrano Unified School District 55-3-2013 Patterson Joint Unified School District 22-3-2013 South Whittier Unified School District 39-4-2013 Windsor Unified School District 8-4-2013	☒ Consent

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

The California Department of Education recommends that the class size penalty in grades four through eight be waived provided the class size average is not greater than the recommended new maximum average shown on Attachment 1 for each district. These waivers do not exceed two years less one day, therefore, *Education Code (EC)* Section 33051(b) will not apply, and the districts must reapply to continue the waiver.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Since September 2009, the State Board of Education (SBE) has approved all grades four through eight class size penalty waiver requests. Before the September 2009 board meeting, no waivers had been submitted since 1999.

SUMMARY OF KEY ISSUES

The various districts listed on Attachment 1 request a waiver of subdivisions (b) and (e) of *EC* Section 41376, which relates to class size penalties for grades four through eight that reduce a district's revenue limit funding. A class size penalty is assessed for grades four through eight if a district exceeds the greater of the district's class size average in 1964 or the statewide average set in 1964. Statewide, 292 districts out of 883 or 33 percent of districts in California can have a class size average greater than 29.9. The districts listed on Attachment 1 request to temporarily increase class sizes in grades four through eight to reduce expenditures in light of the statewide budget crisis and reductions in revenue limit funding. Since fiscal year 2008–09 most districts have experienced at least a 10 percent reduction in revenue limit funding in addition to the elimination of statutory cost of living adjustments. In fiscal year 2012–13 school district revenue limit is reduced by 23 percent. Furthermore, payments for over one-quarter of

what they are due have been deferred until the next fiscal year. Based on the Governor's 2013–14 budget, the deferrals will not be eliminated until 2016–17 and it will take several years to restore the revenue limit reductions under the existing law as well as through the proposed Local Control Funding Formula.

A positive certification is assigned to a school district that will meet its financial obligations in the current and two subsequent fiscal years. A qualified certification is assigned when a district may not meet its financial obligations for the current or two subsequent fiscal years. A negative certification is assigned when a district will be unable to meet its financial obligations for the remainder of the current year or for the subsequent fiscal year. Each district's most recent status is identified on Attachment 1.

To address funding reductions, districts are using various options in addition to increasing class size, including categorical program spending flexibility, reducing the number of days in the school year, employee furloughs, salary reductions, layoffs, or school closures. The statutes being waived do not preclude a district from increasing class sizes above certain maximums. By denying the waiver, the SBE does not ensure that the districts will not raise class size averages and lose funding.

The Department recommends the class size penalty in grades four through eight be waived for each district provided the class size average is not greater than the recommended new maximum shown on Attachment 1. Should the district exceed this limit, the class size penalty would be calculated as required by statute. The estimated annual penalty should the district increase the class size average without a waiver is provided on Attachment 1.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* 33051(a), available at http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=33001-34000&file=33050-33053

FISCAL ANALYSIS (AS APPROPRIATE)

See Attachment 1 for estimated penalty amounts for each district without the waiver approval.

ATTACHMENT(S)

Attachment 1: List of Waiver Numbers, Districts, and Information Regarding Each Waiver. (1 page)

Attachment 2: Capistrano Unified School District General Waiver Request 55-3-2013 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Patterson Joint Unified School District General Waiver Request 22-3-2013 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: South Whittier Unified School District General Waiver Request 39-4-2013 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Windsor Unified School District General Waiver Request 8-4-2013 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Districts Requesting Grades Four Through Eight Class Size Penalty Waivers

California *Education Code* Section 41376 (b) and (e): A district's current class size maximum is the greater of the 1964 statewide average of 29.9 to one or the district's 1964 average.

Waiver Number	District	Period of Request	1964 Class Size Average (Current Maximum)	District's Request	CDE Recommended (New Maximum)	Bargaining Unit, Representatives Consulted, Date, and Position	Local Board & Public Hearing Approval Date	Potential Annual Penalty Without Waiver	Fiscal Status	Previous Waivers
55-3-2013	Capistrano Unified School District	**Requested:** July 1, 2013 to June 30, 2014 **Recommended**: July 1, 2013 to June 29, 2014	29.9	33	33	Capistrano Unified Education Association, Vicky Soderberg, President 3/4/13 **Neutral**	3/27/13	$90,447 FY 2013-14	Qualified	Yes 7/1/11 to 6/29/13
22-3-2013	Patterson Joint Unified School District	**Requested:** July 1, 2012 to June 30, 2014 **Recommended**: July 1, 2012 to June 29, 2014	29.9	34	34	Patterson Teachers Association, Nicole Souza, President 1/29/13 **Neutral**	3/4/13	$220,000 each year	Positive	Yes 7/1/10 to 6/29/12
39-4-2013	South Whittier Unified School District	**Requested:** July 1, 2013 to June 30, 2015 **Recommended**: July 1, 2013 to June 29, 2014	29.9	34	34	South Whittier Teachers Association, Audrey Radley, President 3/13/13 **Neutral**	4/23/13	$1,336,606 each year	Positive	Yes 7/1/11 to 6/29/13
8-4-2013	Windsor Unified School District	**Requested:** July 1, 2013 to June 30, 2014 **Recommended**: July 1, 2013 to June 29, 2014	29.9	34	34	Windsor District Educators Association, Jeff Reed, President 4/9/13 **Support**	4/2/13	$965,015 FY 2013-14	Positive	No

Created by California Department of Education
May 2, 2013

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3066464 Waiver Number: 55-3-2013 Active Year: 2013

Date In: 3/30/2013 11:28:34 AM

Local Education Agency: Capistrano Unified School District
Address: 33122 Valle Rd.
San Juan Capistrano, CA 92675

Start: 7/1/2013 End: 6/30/2014

Waiver Renewal: Y
Previous Waiver Number: 9-5-2011-W-1 Previous SBE Approval Date: 7/13/2011

Waiver Topic: Class Size Penalties
Ed Code Title: Over Limit on Grades 4-8
Ed Code Section: portions of 41376 (b) and (e)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: 41376(b) and (e) The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: (a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30.[(b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above.] (c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3

reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section. [(e) If the school district reports that it has maintained, during the current fiscal year, no classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation: He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven hundredths (0.97) and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to the district change in average daily attendance. He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.]

Outcome Rationale: CUSD is facing a projected budget shortfall in 2013-2014 of 20 million. In order to maintain maximum flexibility in providing options to balance the budget, the district requests a waiver to increase the number of pupils per each full-time equivalent.

A potential penalty of $90,447 could be incurred by the district without this waiver.

Student Population: 19293

City Type: Suburban

Public Hearing Date: 3/27/2013
Public Hearing Advertised: newspaper, school site, website

Local Board Approval Date: 3/27/2013

Committee/Council Reviewed By: District Restructuring Council
Committee/Council Reviewed Date: 3/11/2013
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Julie Hatchel
Position: Assistant Superintendent, Education Services
E-mail: jhatchel@capousd.org
Telephone: 949-234-9229
Fax: 949-489-0467

Bargaining Unit: Date: 03/04/2013
Name: Capistrano Unified Education Association
Representative: Vicky Soderberg
Title: President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 5071217 Waiver Number: 22-3-2013 Active Year: 2013

Date In: 3/8/2013 11:50:56 AM

Local Education Agency: Patterson Joint Unified School District
Address: 510 Keystone Blvd.
Patterson, CA 95363

Start: 7/1/2012 End: 6/30/2014

Waiver Renewal: Y
Previous Waiver Number: 21-10-2010-W-2 Previous SBE Approval Date: 2/10/2011

Waiver Topic: Class Size Penalties
Ed Code Title: Over Limit on Grades 4-8
Ed Code Section: portions of 41376 (b) and (e)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: 41376.[(b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above].

Outcome Rationale: Education Code Section 41382 allows the SBE to approve an exemption to the class size penalties assessed for kindergarten through grade three if the associated statutory class size requirements prevent the school and school district from developing more effective educational programs to improve instruction in reading and mathematics. Under this authority, these districts are requesting a waiver of subdivisions (a) through (e) of *EC* Section 41378, which provide for a penalty if the average class size on a district-wide basis for kindergarten exceeds 31 students or individual class levels exceed 33, and/or subdivisions (a), (c), and (d) of *EC* Section 41376, which provide for a penalty if the average class size on a district-wide basis for grades one through three exceeds 30 students, or individual class levels exceed 32. Since this particular statute regarding class size limits was written in 1964, given the current fiscal environment in school districts statewide, consideration of this and similar waivers is warranted.The districts requests flexibility to temporarily increase class sizes in kindergarten through grade three or grades one through three to reduce expenditures in light of the statewide budget crisis and the associated reductions in revenue limit funds provided by the state. Since

fiscal year 2008–09, most districts have experienced at least a 10 percent reduction in revenue limit funding in addition to the elimination of statutory cost of living adjustments. Furthermore, payments for over one-quarter of what they are due have been deferred until the next fiscal year.

A potential penalty of $220,000 could be incurred by the district without this waiver.

Student Population: 5700

City Type: Rural

Public Hearing Date: 3/4/2013
Public Hearing Advertised: posted at same locations as board agenda and on District website

Local Board Approval Date: 3/4/2013

Committee/Council Reviewed By: PJUSD Board of Trustees
Committee/Council Reviewed Date: 2/4/2013
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Steve Menge
Position: Assistant Superintendent of Adm Services
E-mail: smenge@patterson.k12.ca.us
Telephone: 209-895-7700
Fax:

Bargaining Unit: Date: 01/29/2013
Name: Patterson Teachers Association
Representative: Nicole Souza
Title: Union President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1965037 Waiver Number: 39-4-2013 Active Year: 2013

Date In: 4/30/2013 11:12:26 AM

Local Education Agency: South Whittier Elementary School District
Address: 11200 Telechron Ave.
Whittier, CA 90605

Start: 7/1/2013 End: 6/29/2015

Waiver Renewal: Y
Previous Waiver Number: 18-8-2011 Previous SBE Approval Date: 11/10/2011

Waiver Topic: Class Size Penalties
Ed Code Title: Over Limit on Grades 4-8
Ed Code Section: portions of 41376 (b) and (e)
Ed Code Authority: 33050-33053

Ed Code or *CCR* to Waive: 41376: [(b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above. (e) If the school district reports that it has maintained, during the current fiscal year, no classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation: He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven hundredths (0.97) and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to the district change in average daily attendance. He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.]

Outcome Rationale: Fiscal Distress
The South Whittier School District (District) has been managing a precarious budget situation for the last several years. Starting in April 2009, the District was unable to meet its financial obligations, was identified as “not a going concern,” and required the involvement of the Los Angeles County Office of Education (LACOE). In that year, the LACOE appointed a Fiscal Advisor with stay or rescind authority to the District and at the Second Interim reporting period,

the District had a negative certification. The District had a negative cash balance and was unable to maintain the state-required reserves in the current and two subsequent fiscal years. On June 30, 2009, in response to the District's fiscal distress, across-the-board reductions were made in salaries and benefits for all District employees in the amount of approximately $4,131,280 including:

1. Reductions to all salary schedules by 9%

    a. A cap on the District's health and welfare benefits premiums contribution for certificated bargaining unit members

2. Suspending step requirements and column adjustments

Additionally, large numbers of both certificated and classified personnel were laid off. A total of nearly $7 million in cuts were made in 2009-10 just to allow the District to meet the payroll obligations to its employees.

The District has had a structural deficit problem ever since 2009, which simply put means that the District's expenditures exceed its revenues. Due to extensive budget reductions, including increasing class size, the District has been able to be certified as Positive the last three years. This fiscal solvency may be short-lived, however, for a number of reasons.

1. If the District is not successful in obtaining waivers to increase class size in grades K-8 without penalty, the District will be forced to hire 11 additional teachers for the 2013-14 school year. This would increase the expenditures of the District by over $1 million without a change in revenues and cause the District to significantly increase deficit spending. If this happens, the District's certification status could be downgraded. The District has developed staffing plans for the 2013-14 school year based on the higher class size as requested in the waiver requests.

2. At the second interim report for 2012-13, the multiyear projection shows that the District will be deficit spending by $407,928 on the unrestricted side of the budget. In 2013-14 the District is projecting further deficit spending. The projected deficit spending would greatly increase if the District must hire additional staff.

3. Increased costs associated with health and welfare benefits, coupled with the loss of some federal funding, will add additional strain on district finances.

The South Whittier Teachers Association's collective bargaining agreement does not place restrictions on class sizes and class loading, therefore there is no need for the District to negotiate increased class sizes with the Association.

Declining Enrollment

The District's enrollment has been declining steadily for many years. From 2008-09 to 2011-12, the District lost 649 students, a loss of today's revenue limit approximating $3.2 million (649 students times $4,994). This loss of revenue in each year of enrollment decline has placed continuous pressure on the District to reduce expenditures. The flat state funding in the State Budget allocated to school districts for the 2012-13 school year does not help the District make up this lost revenue over the last several years. Declining enrollment coupled with a state budget deficit factor of 22.272%—meaning schools get approximately 77.73 cents for every dollar of funding owed—has resulted in significant revenue reductions for the South Whittier

School District.

Overall Impact
The District continues to maintain its commitment to effective educational programs and to District staff during these difficult fiscal years, however, without a waiver of class size penalty, the District will either be required to hire back additional staff or pay a heavy penalty for exceeding the class size maximums. The District's ability to maintain quality instruction and required program offerings in all core subjects, including reading and mathematics, will be seriously compromised by the additional cost or financial penalties that the District would incur without the requested waiver.

Student Population: 3200

City Type: Urban

Public Hearing Date: 4/23/2013
Public Hearing Advertised: In the Whittier Daily News

Local Board Approval Date: 4/23/2013

Committee/Council Reviewed By: District Advisory Council
Committee/Council Reviewed Date: 4/11/2013
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Erich Kwek
Position: Superintendent
E-mail: ekwek@swhittier.k12.ca.us
Telephone: 562-944-6231 x2011
Fax: 562-946-4301

Bargaining Unit: Date: 03/13/2013
Name: South Whittier Teachers Association
Representative: Audrey Radley
Title: President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 4975358 Waiver Number: 8-4-2013 Active Year: 2013

Date In: 4/10/2013 2:13:42 PM

Local Education Agency: Windsor Unified School District
Address: 9291 Old Redwood Hwy., Bldg. 500
Windsor, CA 95492

Start: 7/1/2013 End: 6/30/2014

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Class Size Penalties
Ed Code Title: Over Limit on Grades 4-8
Ed Code Section: portions of 41376 (b) and (e)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: 41376(b) and (e) The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: (a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30.[(b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above.] (c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3

reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section. [(e) If the school district reports that it has maintained, during the current fiscal year, no classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation: He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven hundredths (0.97) and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to the district change in average daily attendance. He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.]

Outcome Rationale: Due to the severity of our current fiscal crisis, a Fiscal Adviser has recently been appointed to provide fiscal oversight for our district. Therefore the Windsor unified School District is requesting a waiver to allow the district to increase the district-wide average number of student per full-time teacher in grades 4-8 from the current 29.9 to a maximum of 34 students.

A potential penalty of $965,015 could be incurred by the district without this waiver.

Student Population: 5617

City Type: Suburban

Public Hearing Date: 4/2/2013
Public Hearing Advertised: Board Meeting Agenda / packet posted on District website, at every school, District Office, local press

Local Board Approval Date: 4/2/2013

Committee/Council Reviewed By: Board of Trustees, Windsor Unified School District
Committee/Council Reviewed Date: 3/29/2013
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Jane Bunting
Position: Director of Educational Services
E-mail: jbunting@wusd.org
Telephone: 707-837-7721
Fax: 707-838-4031

Bargaining Unit: Date: 04/09/2013
Name: Windsor District Educators Association
Representative: Jeff Reed
Title: Windsor District Educators Association President
Position: Support
Comments:

California State Board of Education

Meeting Agenda Items for July 10-11, 2013

ITEM W-18

ITEM #W-18

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2013 AGENDA

☒ **General Waiver**

SUBJECT	
Request by two districts to waive portions of California *Education Code* Section 41376(b) and (e), relating to class size penalties for grades four through eight. A district's current class size maximum is the greater of the 1964 statewide average of 29.9 to one or the district's 1964 average. Waiver Numbers: Carlsbad Unified School District 32-4-2013 Natomas Unified School District 36-4-2013	☒ Action ☒ Consent

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

The California Department of Education recommends that the class size penalty in grades four through eight be waived provided the class size average is not greater than the recommended new maximum average shown on Attachment 1 for each district. These waivers do not exceed two years less one day, therefore, *Education Code (EC)* Section 33051(b) will not apply, and the districts must reapply to continue the waiver.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Since September 2009, the State Board of Education (SBE) has approved all grades four through eight class size penalty waiver requests. Before the September 2009 board meeting, no waivers had been submitted since 1999.

SUMMARY OF KEY ISSUES

The various districts listed on Attachment 1 request a waiver of subdivisions (b) and (e) of *EC* Section 41376, which relates to class size penalties for grades four through eight that reduce a district's revenue limit funding. A class size penalty is assessed for grades four through eight if a district exceeds the greater of the district's class size average in 1964 or the statewide average set in 1964. Statewide, 292 districts out of 883 or 33 percent of districts in California can have a class size average greater than 29.9. The districts listed on Attachment 1 request to temporarily increase class sizes in grades four through eight to reduce expenditures in light of the statewide budget crisis and reductions in revenue limit funding. Since fiscal year 2008–09 most districts have experienced at least a 10 percent reduction in revenue limit funding in addition to the elimination of statutory cost of living adjustments. In fiscal year 2012–13 school district revenue limit is reduced by 23 percent. Furthermore, payments for over one-quarter of what they are due have been deferred until the next fiscal year. Based on the Governor's 2013–14 budget, the deferrals will not be eliminated until 2016–17 and it will

take several years to restore the revenue limit reductions under the existing law as well as through the proposed Local Control Funding Formula.

A positive certification is assigned to a school district that will meet its financial obligations in the current and two subsequent fiscal years. A qualified certification is assigned when a district may not meet its financial obligations for the current or two subsequent fiscal years. A negative certification is assigned when a district will be unable to meet its financial obligations for the remainder of the current year or for the subsequent fiscal year. Each district's most recent status is identified on Attachment 1.

To address funding reductions, districts are using various options in addition to increasing class size, including categorical program spending flexibility, reducing the number of days in the school year, employee furloughs, salary reductions, layoffs, or school closures. The statutes being waived do not preclude a district from increasing class sizes above certain maximums. By denying the waiver, the SBE does not ensure that the districts will not raise class size averages and lose funding.

The Department recommends the class size penalty in grades four through eight be waived for each district provided the class size average is not greater than the recommended new maximum shown on Attachment 1. Should the district exceed this limit, the class size penalty would be calculated as required by statute. The estimated annual penalty should the district increase the class size average without a waiver is provided on Attachment 1.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* 33051(a), available at http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=33001-34000&file=33050-33053

FISCAL ANALYSIS (AS APPROPRIATE)

See Attachment 1 for estimated penalty amounts for each district without the waiver approval.

ATTACHMENT(S)

Attachment 1: List of Waiver Numbers, Districts, and Information Regarding Each Waiver. (1 page)

Attachment 2: Carlsbad Unified School District General Waiver Request 32-4-2013 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Natomas Unified School District General Waiver Request 36-4-2013 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Districts Requesting Grades Four Through Eight Class Size Penalty Waivers

California *Education Code* Section 41376 (b) and (e): A district's current class size maximum is the greater of the 1964 statewide average of 29.9 to one or the district's 1964 average.

Waiver Number	District	Period of Request	1964 Class Size Average (Current Maximum)	District's Request	CDE Recommended (New Maximum)	Bargaining Unit, Representatives Consulted, Date, and Position	Local Board & Public Hearing Approval Date	Potential Annual Penalty Without Waiver	Fiscal Status	Previous Waivers
32-4-2013	Carlsbad Unified School District	**Requested:** July 1, 2013 to June 30, 2015 **Recommended**: July 1, 2013 to June 29**, 2014**	31.3	36	36	Carlsbad Unified Teachers Association, Sally Estep, President 3/25/13 **Oppose**	4/17/13	$650,000 each year	Qualified	Yes 7/1/12 to 6/29/13
36-4-2013	Natomas Unified School District	**Requested:** July 1, 2013 to June 30, 2015 **Recommended**: July 1, 2013 to June 29**, 2014**	29.9	32	32	Natomas Teachers Association, Kristen Rocha, President 3/12/13 **Oppose**	4/10/13	$1,100,000 each year	Qualified	Yes 7/1/11 to 6/29/13

Created by California Department of Education
May 3, 201

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3773551 Waiver Number: 32-4-2013 Active Year: 2013

Date In: 4/22/2013 11:08:56 AM

Local Education Agency: Carlsbad Unified School District
Address: 6225 El Camino Real
Carlsbad, CA 92009

Start: 7/1/2013 End: 6/30/2015

Waiver Renewal: Y
Previous Waiver Number: 37-7-2012 Previous SBE Approval Date: 11/8/2012

Waiver Topic: Class Size Penalties
Ed Code Title: Over Limit on Grades 4-8
Ed Code Section: portions of 41376 (b) and (e)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: *EC* 41376 (b) and (e). The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: (a)For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30. [(b)For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1)Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2)Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3)Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above.] (c)He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3

reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d)If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.[(e)If the school district reports that it has maintained, during the current fiscal year, no classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation: He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven hundredths (0.97) and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to the district change in average daily attendance. He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.]

Outcome Rationale: The ongoing fiscal crisis at the State level has directly impacted our school district's ability to maintain a positive fund balance without additional staff reductions, furlough days, and increased class sizes. This is a temporary waiver request for an additional two years. It is important to note that while the District has had this same waiver in place for the last two school years, it has not been necessary to fully utilize its protections. However, as a safety net for the next two years, we would like to renew this waiver in case it becomes necessary to increase individual classes. The district faced a shortfall of almost $11 million in 2012-13 due to the State budget crisis and sharp revenue reductions. To address this shortfall, all employees accepted five days of furlough for the current school year. Ongoing revenue reductions have cost the district more than $25 million over the past five years. While the state and local economies appear to be improving, we project continued deficit spending until which time our revenues increase drastically. In our 2012-2013 Second Interim Report, our district "self-qualified" for the second year in a row due to our inability to show a balanced budget in the outer years. Increasing the average class size in grades 4-8 would require a renewal waiver of *Education Code* section 41376(b), and (e), which states that a district will be penalized for exceeding the greater of its average class size in grades 4-8 in 1964 or the statewide average of 29.9. The District is asking that *Education Code* section 41378 and 41376(b) and (e) and the associated penalty be waived in order to continue to have the flexibility to increase class sizes in grades 4-8. We are requesting that our average class size be permitted to be 36 in 2013-14 and 2014-2015 (only if absolutely necessary.)

The fiscal crisis at the state level has also created a domino effect on the classroom and our ability to maintain core programs. From this lack of funding flows a lack of instructional materials, lack of staff to deliver instruction, lack of staff development time and limited program offerings. Additional financial reductions due to class size penalties will create a further decline to our classrooms resulting in additional reductions that reach to the core academic programs such as reading, mathematics, and science. The Carlsbad Unified School District continues to set priorities that result in the least impact on our students. While increased class size is never desirable, CUSD believes that this is a more prudent course of action than reducing the instructional calendar. Should the waiver be denied, we will have no other recourse but to further reduce the school year resulting in significant loss of class time.

Student Population: 10942

City Type: Suburban

Public Hearing Date: 4/17/2013
Public Hearing Advertised: Notice posted at each school; posted in three (3) public places

Local Board Approval Date: 4/17/2013

Committee/Council Reviewed By: Parent Superintendent Advisory Council
Committee/Council Reviewed Date: 4/8/2013
Committee/Council Objection: Y
Committee/Council Objection Explanation: Increased demands on teacher/student/parent relationship; education compromised; discipline issues

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Suzanne O'Connell
Position: Deputy Superintendent, Administrative Services
E-mail: soconnell@carlsbadusd.net
Telephone: 760-331-5035
Fax:

Bargaining Unit: Date: 03/25/2013
Name: Carlsbad Unified Teachers Association
Representative: Sally Estep
Title: President
Position: Oppose
Comments: The district should delay opening the new high school before class size increases are considered.

Bargaining Unit: Date: 04/17/2013
Name: Laborer's International Union of North America-777
Representative: Jennifer Wozniak
Title: Field Services Coordinator
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3475283 Waiver Number: 36-4-2013 Active Year: 2013

Date In: 4/26/2013 3:07:18 PM

Local Education Agency: Natomas Unified School District
Address: 1901 Arena Blvd.
Sacramento, CA 95834

Start: 7/1/2013 End: 6/30/2015

Waiver Renewal: Y
Previous Waiver Number: 18-8-2010 Previous SBE Approval Date: 11/9/2010

Waiver Topic: Class Size Penalties
Ed Code Title: Over Limit on Grades 4-8
Ed Code Section: portions of 41376 (b) and (e)
Ed Code Authority: 33050-33053

Ed Code or *CCR* to Waive: 41376. The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district:

[(b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner:

(1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board.

(2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year.

(3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above.]

[(e) If the school district reports that it has maintained, during the current fiscal year, no classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation:

He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven hundredths (0.97) and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to the district change in average daily attendance. He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.]

Outcome Rationale: Based on enrollment & staffing projections for 2013-14, the District's student/teacher ratio is projected to be below the State maximum of 29.9:1. However, if the District experiences growth of more than 100 students in grades 4-8, the District may need to utilize the waiver based on current staffing projections.

Therefore, in order to keep classes at current average staffing level ratios, the District is requesting to renew its waiver (18-8-2010) for an additional two years. If the waiver request is not renewed by the State, the District may incur $560,000 (approximately 7 FTEs) of additional costs that would add to the District's estimated deficit.

Student Population: 12454

City Type: Urban

Public Hearing Date: 4/10/2013
Public Hearing Advertised: Local Newspaper, District Office, Board Agenda

Local Board Approval Date: 4/10/2013

Committee/Council Reviewed By: Parent Advisory Committee
Committee/Council Reviewed Date: 2/27/2013
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Douglas Crancer
Position: Assistant Superintendent of Business
E-mail: dcrancer@natomas.k12.ca.us
Telephone: 916-567-5457
Fax: 916-567-5464

Bargaining Unit: Date: 03/12/2013
Name: Natomas Teachers Association
Representative: Kristen Rocha
Title: President
Position: Oppose
Comments: The Unit stated that "small class sizes are important for all students"

California State Board of Education

Meeting Agenda Items for July 10-11, 2013

ITEM W-19

ITEM #W-19

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2013 AGENDA

☒ **General Waiver**

SUBJECT	
Request by **Kern Union High School District** to waive portions of California *Education Code* Section 52055.760(c)(3), regarding alternative program and Academic Performance Index requirements under the Quality Education Investment Act. Waiver Numbers: 53-2-2013 54-2-2013 55-2-2013	☒ **Action** ☐ **Consent**

RECOMMENDATION

☐ **Approval** ☐ **Approval with conditions** ☒ **Denial**

The California Department of Education (CDE) recommends denial of this waiver request because its approval would not adequately address the educational needs of pupils per California *Education Code* (*EC*) Section 33051(a)(1). If approved, termination is effective as of June 30, 2013. The school is receiving QEIA funds for 2012–13 and is not obligated to return 2012–13 funds if the funds are expended by June 30, 2013.

See Attachments 1, 3, and 5 for details.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The CDE Waiver Office has previously presented requests to waive the Academic Performance Index (API) target as defined by the Quality Education Investment Act (QEIA) to the State Board of Education (SBE). All but one API waiver previously presented has been denied by the SBE.

SUMMARY OF KEY ISSUES

Schools participating in the QEIA program were monitored by their county offices of education for compliance with program requirements for the first time at the end of the 2008–09 school year. At that time, local educational agencies (LEAs) were required to demonstrate one-third progress toward full implementation of program requirements.

Monitoring for compliance with second-year program requirements was completed to ensure that schools made two-thirds progress toward full implementation in the

2009–10 school year. QEIA schools were required to demonstrate full compliance with all program requirements at the end of the 2010–11 school year.

Alternative Programs

California *EC* Section 52055.760(a) allows a school district or chartering authority to apply for authority from the State Superintendent of Public Instruction (SSPI) to use alternative program requirements if the district or authority demonstrates that compliance with alternative program requirements would provide a higher level of academic achievement among pupils than compliance with the interim and program requirements. Alternative program requirements must serve no more than 15 percent of the pupils funded by QEIA and must serve the entire school.

A school district or chartering authority may use alternative program requirements at a funded school if all the following criteria are satisfied:

(1) The proposed alternative requirements are based on reliable data and are consistent with sound scientifically based research consistent with subdivision (j) of *EC* Section 44757.5 on effective practices.

(2) The costs of complying with the proposed alternative requirements do not exceed the amount of funding received by the school district or chartering authority pursuant to this article.

(3) Funded schools agree to comply with the alternative program requirements and be subject to the termination procedures specified in subdivision (c) of *EC* Section 52055.740. Funded schools with alternative programs shall exceed the API growth target for the school averaged over the first three fully funded years and annually thereafter.

(4) The SSPI and the President of the SBE or his or her designee jointly have reviewed the proposed alternative funded schools of the school district or chartering authority for purposes of this section and have recommended to the SBE for its approval those schools, using the same process as for the regular program recommendations.

The SSPI was to give priority for approval of schools with alternative programs to any school serving any of grades nine through twelve, inclusive, that has demonstrated to the satisfaction of the SSPI and the President of the SBE or his or her designee that the school cannot decrease class sizes as required under this article due to extraordinary issues relating to facilities, or due to the adverse impact of the requirements of this program, if implemented in the school, on the eligibility of the school district for state school facility funding.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* Section 33051(a), available at http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=33001-34000&file=33050-33053.

FISCAL ANALYSIS (AS APPROPRIATE)

There are no statewide costs as a result of waiver approval. If the waiver is denied, the school must implement the alternative program goals based on statute requirements to stay in the program. Any school in the program not meeting those targets will risk the loss of future funding. The QEIA statute calls for any undistributed annual QEIA funding to be redistributed to other schools currently in the program (no new schools are funded).

ATTACHMENT(S)

Attachment 1: Kern Union High School District Request 53-2-2013 for a Quality Education Investment Act Alternative Program and Academic Performance Index Waiver (2 Pages)

Attachment 2: Kern Union High School District General Waiver Request 53-2-2013 (3 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Kern Union High School District Request 54-2-2013 for a Quality Education Investment Act Alternative Program and Academic Performance Index Waiver (2 Pages)

Attachment 4: Kern Union High School District General Waiver Request 54-2-2013 (3 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Kern Union High School District Request 55-2-2013 for a Quality Education Investment Act Alternative Program and Academic Performance Index Waiver (2 Pages)

Attachment 6: Kern Union High School District General Waiver Request 55-2-2013 (3 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Waiver Number: 53-2-2013 **Period of Request:** July 1, 2013, to June 30, 2015

Period Recommended: Denial

East Bakersfield High School **CDS Code**: 15 63529
1532290
Kern Union High School District

Local Educational Agency Request:

Kern Union High School District (UHSD) is an urban school district located in Kern County with a student population of approximately 37,070 students. East Bakersfield High School (HS) serves 2,172 students in grades nine through twelve. Academic Performance Index (API) data for East Bakersfield HS indicates that the school did not meet or exceed the schoolwide growth target requirement of the Quality Education Investment Act (QEIA). East Bakersfield HS's growth target for 2011–12 is 6.0, but its API growth is negative 1.0.

Kern UHSD states that in analysis of contributing factors to the API score, a testing anomaly was discovered in its Special Education sub-group, which resulted in a 60 point decrease. This error was not due to classroom instruction or a lack of learning for these students, but due to an inexperienced Testing Coordinator who gave several students in this sub-group the wrong test for their Special Education designation. The district states that it has taken steps to ensure that this oversight does not occur again, not only due to a potential negative effect on its API score, but also to ensure that it is collecting truly relevant data for this group of students that can be used to offer the necessary instruction and intervention in order for them to achieve at the highest level commensurate with their abilities.

Kern UHSD requests a waiver of the QEIA API growth requirement for East Bakersfield HS for school year 2011–12.

Additional Local Educational Agency and School Information for Consideration:

School Locale Code	36*
LEA Average Daily Attendance (ADA)	37,070
School ADA	2,172
Grade Span	9–12
2008 API Base	627
2008–09 Target/Growth	9/19
2008–09 API	646
2009–10 Target/Growth	8/20
2009–10 API	667
2010–11 Target/Growth	7/24
2010–11 API	690
2011–12 Target/Growth	6/-1
2011–12 API	689
Made API Growth?	No
Made AYP Growth?	No

*__City, Mid-size__: Territory inside an urbanized area and inside a principal city with a population less than 250,000 and greater than or equal to 100,000.

California Department of Education Recommendation and Conditions:

The California Department of Education recommends denial of this waiver request because its approval would not adequately address the educational needs of pupils per California *Education Code* (*EC*) Section 33051(a)(1).

Specifically: (1) Although East Bakersfield HS has experienced gains in API, school year 2011–12 demonstrated negative growth; (2) QEIA funding is expected to result in increased academic achievement over time; and (3) *EC* Section 52055.760(c)(3) states that funded schools agree to comply with the alternative program requirements and be subject to the termination procedures specified in subdivision (c) of Section 52055.740. Funded schools with alternative programs shall also be required to exceed the API growth target for the school averaged over the first three fully funded years and annually thereafter.

Reviewed by East Bakersfield HS Schoolsite Council on February 2, 2013.

Supported by Kern HS Faculty Association, January 15, 2013.

Local Board Approval: February 25, 2013.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1563529 Waiver Number: 53-2-2013 Active Year: 2013

Date In: 2/27/2013 3:56:13 PM

Local Education Agency: Kern Union High School District
Address: 5801 Sundale Ave.
Bakersfield, CA 93309

Start: 7/1/2013 End: 6/30/2015

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Quality Education Investment Act
Ed Code Title: API Growth Target
Ed Code Section: 52055.760(c)(3)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: Funded schools agree to comply with alternative program requirements and be subject to the termination procedures specified in subdividion (c) of Section 52055.740. Funded schools with alternative programs shall also be required to exceed the API growth target for the school averaged over the first three full funded years [and annually thereafter].

Outcome Rationale: Please accept the following as a request for reconsideration of East Bakersfield High School continuing participation in the Quality Education Investment Act (QEIA) grant. Over the past several years significant progress has been made in the area of academic achievement and student success. The multiple measures used to determine the effectiveness of the site's plan demonstrate to a greater degree the improvements attributable to QEIA funding. The loss of funding will negatively impact the ability to sustain academic progress and continue to meet the needs of the students at this school.

Please examine the attached document which details the progress which has been made in the attainment of a variety of QEIA goals as alternative measures of academic outcomes. Additionally, this report details the history of API growth for the school. The report illustrates the long term academic success of the school as measured by the API. The other QEIA goals being monitored for QEIA have been exceeded during the study period. Showing the widespread impact the program has had on students.

This data shows how the educational needs of pupils are being adequately addressed by the use of QEIA funding. Since monitoring of the program began, only a single indicator has failed to meet the expectation of the county Superintendent's office, the current API. All other historic measures of meeting educational needs show positive results and a history of steady and sustained progress. None of the other reasons to deny this application as found in *Education Code* Section 33051(a)(1) apply.

EBHS has met all five QEIA goals with exceptional growth for the years 2008-2012. Our data reflects steady progress denoted by many indicators with the added support of QEIA funding. We submit to you that we have achieved and continue to achieve the purpose set forth by the legislation of Senate Bill 1133, “to improve student academic success in California’s lowest performing schools by creating substantially improved conditions for teaching and learning.”

The sole indicator which was not met in 2012 and has thereby resulted in the potential loss of QEIA funding is a failure to meet the school-wide API growth target. In analysis of contributing factors to the API score, it was discovered that a testing anomaly occurred for our Special Education sub-group which resulted in a 60 point decrease. This error was not due to classroom instruction or a lack of learning for these students, but error on the part of our Program Specialist who retired last year and an inexperienced Testing Coordinator which resulted in several students in this sub-group being given the wrong test for their Special Education designation. We have taken steps to insure that this oversight does not occur again, not only due to a potential negative affect on our API score, but also to insure that we are collecting truly relevant data for this group of students that can be used to offer the necessary instruction and intervention in order for them to achieve at the highest level commensurate with their abilities.

We submit to you that had the testing anomaly described above not occurred for this specific sub-group, East Bakersfield High School would have continued its upward trend of progress in its API scores as demonstrated by the chart above. We ask you to review this chart and other relevant data which shows that EBHS has accomplished the goal of improved academic success for our students by utilizing the QEIA funding in an appropriate manner. We would also ask that you would extend this funding to EBHS for the 2013-14 school year as originally granted so that it might continue to be utilized to improve and maintain an excellent instructional program for the continued academic success of all students.

If terminated from the QEIA program, the loss of funding would result in increased class sizes within all core content areas, a reduction in the CTE and elective programs the school is able to support as a result of the diversion of resources to maintain some components of the QEIA funded programs.

Please accept our appeal for a State Board of Education waiver from the single year API requirement and prevent the negative impact termination from this program will have on the students and community.

Student Population: 2172

City Type: Urban

Public Hearing Date: 2/25/2013
Public Hearing Advertised: School Postings

Local Board Approval Date: 2/25/2013

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 2/4/2013
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Michael Zulfa
Position: Assistant Superintendent, Instruction
E-mail: mike_zulfa@khsd.k12.ca.us
Telephone: 661-827-3129
Fax:

Bargaining Unit: Date: 01/15/2013
Name: Kern High Faculty Association
Representative: Vickie Shoenhair
Title: President
Position: Support
Comments:

Waiver Number: 54-2-2013 **Period of Request:** July 1, 2013, to June 30, 2015
Period Recommended: Denial

Foothill High School **CDS Code**: 15 63529
1532605
Kern Union High School District

Local Educational Agency Request:

Kern Union High School District (UHSD) is an urban school district located in Kern County with a student population of approximately 37,070 students. Foothill High School (HS) serves 1,994 students in grades nine through twelve. Academic Performance Index (API) data for Foothill HS indicates that the school did not meet or exceed the schoolwide growth target requirement of the Quality Education Investment Act (QEIA). Foothill HS's growth target for 2011–12 is 5.0, but its API growth is 1.0.

Kern UHSD states that since monitoring of the program began, only a single indicator, the current API, has failed to meet the expectation of the county superintendent's office. The district further states that other QEIA goals being monitored have been exceeded during the study period, showing the widespread impact the program has had on the students. In addition, the district states that all other historic measures of meeting educational needs show positive results and a history of steady and sustained progress.

Kern UHSD requests a waiver of the QEIA API growth requirement for Foothill HS for school year 2011–12.

Additional Local Educational Agency and School Information for Consideration:

School Locale Code	36*
LEA Average Daily Attendance (ADA)	37,070
School ADA	1,994
Grade Span	9–12
2008 API Base	622
2008–09 Target/Growth	9/21
2008–09 API	643
2009–10 Target/Growth	8/9
2009–10 API	642
2010–11 Target/Growth	7/64
2010–11 API	713
2011–12 Target/Growth	5/1
2011–12 API	714
Made API Growth?	No
Made AYP Growth?	No

*__City, Mid-size__: Territory inside an urbanized area and inside a principal city with a population less than 250,000 and greater than or equal to 100,000.

California Department of Education Recommendation and Conditions:

The California Department of Education recommends denial of this waiver request because its approval would not adequately address the educational needs of pupils per California *Education Code* (*EC)* Section 33051(a)(1).

Specifically: (1) Although Foothill HS has experienced gains in API, school year 2011–12 demonstrated a slowdown in growth; (2) QEIA funding is expected to result in increased academic achievement over time; and (3) *EC* Section 52055.760(c)(3) states that funded schools agree to comply with the alternative program requirements and be subject to the termination procedures specified in subdivision (c) of Section 52055.740. Funded schools with alternative programs shall also be required to exceed the API growth target for the school averaged over the first three fully funded years and annually thereafter.

Reviewed by Foothill HS Schoolsite Council on February 20, 2013.

Supported by Kern High Faculty Association, January 15, 2013.

Local Board Approval: February 25, 2013.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1563529 Waiver Number: 54-2-2013 Active Year: 2013

Date In: 2/27/2013 4:03:13 PM

Local Education Agency: Kern Union High School District
Address: 5801 Sundale Ave.
Bakersfield, CA 93309

Start: 7/1/2013 End: 6/30/2015

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Quality Education Investment Act
Ed Code Title: API Growth Target
Ed Code Section: 52055.760(c)(3)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: Funded schools agree to comply with alternative program requirements and be subject to the termination procedures specified in subdividion (c) of Section 52055.740. Funded schools with alternative programs shall also be required to exceed the API growth target for the school averaged over the first three full funded years [and annually thereafter].

Outcome Rationale: Please accept the following as a request for reconsideration of Foothill High School continuing participation in the Quality Education Investment Act (QEIA) grant. Over the past several years significant progress has been made in the area of academic achievement and student success. The multiple measures used to determine the effectiveness of the site's plan demonstrate to a greater degree the improvements attributable to QEIA funding. The loss of funding will negatively impact the ability to sustain academic progress and continue to meet the needs of the students at this school.

Please examine the attached document which details the progress which has been made in the attainment of a variety of QEIA goals as alternative measures of academic outcomes. Additionally, this report details the history of API growth for the school. The report illustrates the long term academic success of the school as measured by the API. The other QEIA goals being monitored for QEIA have been exceeded during the study period. Showing the widespread impact the program has had on students.

This data shows how the educational needs of pupils are being adequately addressed by the use of QEIA funding. Since monitoring of the program began, only a single indicator has failed to meet the expectation of the county Superintendent's office, the current API. All other historic measures of meeting educational needs show positive results and a history of steady and sustained progress. None of the other reasons to deny this application as found in *Education Code* Section 33051(a)(1) apply.

For the past six years, the administration and staff focus at Foothill High School has been directed towards improving student learning through a change in culture, and through staff development. The improvements in student learning are readily seen in the increase in our school-wide and subgroup API and CAHSEE scores. These improved scores are a result of the variety of support programs that we have in place which were made possible by the QEIA funding that we have received, strategically and cautiously used. Our plan with the QEIA funding from the onset was to use the funds to provide successful support programs, instructional materials, instructional equipment, and staff development. Because carry-over was guaranteed from the onset of QEIA, we planned for funding to sustain the support programs and the instructional and staff development needs once we were no longer eligible for QEIA. We have begun a shift in expectations and performance here at Foothill High School that we want to continue. We are moving toward an API of 800 and it is my belief as the principal and our belief as a staff that we can do it. Our work in creating a culture focused on learning is changing the way that our students respond to our idea that “Failure Is Not an Option.” QEIA funding is a vital piece to the continued cultural shift that we are experiencing with our staff, students, and parents. We have spent time and resources towards after-school intervention programs such as Academic Intervention for our freshmen and sophomore students, mandatory tutoring for freshmen, and schoolwide drop-in tutoring. We also have Saturday California High School Exit Exam (CAHSEE) Boot camps for our sophomores, and for our juniors and seniors who have not yet passed the CAHSEE. We have support mentoring programs in place such as LINK Crew and Ninth grade retention and pre-ninth grade retention for our freshmen and sophomore students.

QEIA funding has enabled us to provide student incentives, student activities, funding for instructional materials, and numerous staff development workshops and activities for teachers and support staff.
It is our desire that the following data will support our request for a waiver of the API growth requirement when you review the substantial gains that our school has made over the past five years. It is also our desire that our request for a waiver for the return of carry-over QEIA funding will be approved in order to sustain implemented interventions for a period of time as our school culture changes from a focus on teaching to a focus on learning. Change takes time and QEIA funding has put us on the path of change and to suddenly remove the financial support has the possibility of undoing the progress we have made thus far.

If terminated from the QEIA program, the loss of funding would result in increased class sizes within all core content areas, a reduction in the CTE and elective programs the school is able to support as a result of the diversion of resources to maintain some components of the QEIA funded programs.

Please accept our appeal for a State Board of Education waiver from the single year API requirement and prevent the negative impact termination from this program will have on the students and community.

Student Population: 1994

City Type: Urban

Public Hearing Date: 2/25/2013
Public Hearing Advertised: School Postings

Local Board Approval Date: 2/25/2013

Committee/Council Reviewed By: School Site Council
Committee/Council Reviewed Date: 2/20/2013
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Michael Zulfa
Position: Assistant Superintendent, Instruction
E-mail: mike_zulfa@khsd.k12.ca.us
Telephone: 661-827-3129
Fax:

Bargaining Unit: Date: 01/15/2013
Name: Kern High Faculty Association
Representative: Vickie Shoenhair
Title: President
Position: Support
Comments:

Waiver Number: 55-2-2013 **Period of Request:** July 1, 2013, to June 30, 2015

Period Recommended: Denial

Arvin High School **CDS Code**: 15 63529
1530252
Kern Union High School District

Local Educational Agency Request:

Kern Union High School District (UHSD) is an urban school district located in Kern County with a student population of approximately 37,070 students. Arvin High School (HS) serves 2,462 students in grades nine through twelve. Academic Performance Index (API) data for Arvin HS indicates that the school did not meet or exceed the schoolwide growth target requirement of the Quality Education Investment Act (QEIA). Arvin HS's growth target for 2011–12 is 7.0, but its API growth is negative 3.0.

Kern UHSD states it is seeking a waiver of the API goal requirement for the following five reasons: (1) Arvin HS has seen a 52 point growth in three of the last four years under QEIA funding; (2) Arvin HS's student population has a significant need given the poverty, mobility, and other complex educational needs inherent in the Arvin/Lamont/Weedpatch community; (3) Arvin HS's commitment to student achievement shows a strong will to use every resource, including QEIA and other funding sources, to improve instructional and student services; (4) Arvin HS has developed school practices that have created working conditions and classroom learning environments that have attracted and retained highly qualified teachers, administrators, and staff; and (5) Arvin HS has met all other QEIA goals.

Kern UHSD requests a waiver of the QEIA API growth requirement for Arvin HS for school year 2011–12.

Additional Local Educational Agency and School Information for Consideration:

School Locale Code	36*
LEA Average Daily Attendance (ADA)	37,070
School ADA	2,462
Grade Span	9–12
2008 API Base	606
2008–09 Target/Growth	10/0
2008–09 API	606
2009–10 Target/Growth	10/37
2009–10 API	644
2010–11 Target/Growth	8/17
2010–11 API	664
2011–12 Target/Growth	7/-3
2011–12 API	658
Made API Growth?	No
Made AYP Growth?	No

*__City, Mid-size__: Territory inside an urbanized area and inside a principal city with a population less than 250,000 and greater than or equal to 100,000.

California Department of Education Recommendation and Conditions:

The California Department of Education recommends denial of this waiver request because its approval would not adequately address the educational needs of pupils per California *Education Code (EC)* Section 33051(a)(1).

Specifically: (1) Although Arvin HS has experienced gains in API, school year 2011–12 demonstrated negative growth; (2) QEIA funding is expected to result in increased academic achievement over time; and (3) *EC* Section 52055.760(c)(3) states that funded schools agree to comply with the alternative program requirements and be subject to the termination procedures specified in subdivision (c) of Section 52055.740. Funded schools with alternative programs shall also be required to exceed the API growth target for the school averaged over the first three fully funded years and annually thereafter.

Reviewed by Arvin HS Schoolsite Council on February 2, 2013.

Supported by Kern High Faculty Association, January 15, 2013.

Local Board Approval: February 25, 2013.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1563529 Waiver Number: 55-2-2013 Active Year: 2013

Date In: 2/27/2013 4:23:25 PM

Local Education Agency: Kern Union High School District
Address: 5801 Sundale Ave.
Bakersfield, CA 93309

Start: 7/1/2013 End: 6/30/2015

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Quality Education Investment Act
Ed Code Title: API Growth Target
Ed Code Section: 52055.760(c)(3)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: Funded schools agree to comply with alternative program requirements and be subject to the termination procedures specified in subdividion (c) of Section 52055.740. Funded schools with alternative programs shall also be required to exceed the API growth target for the school averaged over the first three full funded [years and annually thereafter].

Outcome Rationale: Please accept the following as a request for reconsideration of Arvin High School continuing participation in the Quality Education Investment Act (QEIA) grant. Over the past several years significant progress has been made in the area of academic achievement and student success. The multiple measures used to determine the effectiveness of the site's plan demonstrate to a greater degree the improvements attributable to QEIA funding. The loss of funding will negatively impact the ability to sustain academic progress and continue to meet the needs of the students at this school.

Please examine the attached document which details the progress which has been made in the attainment of a variety of QEIA goals as alternative measures of academic outcomes. Additionally, this report details the history of API growth for the school. The report illustrates the long term academic success of the school as measured by the API. The other QEIA goals being monitored for QEIA have been exceeded during the study period. Showing the widespread impact the program has had on students.

This data shows how the educational needs of pupils are being adequately addressed by the use of QEIA funding. Since monitoring of the program began, only a single indicator has failed to meet the expectation of the county Superintendent's office, the current API. All other historic measures of meeting educational needs show positive results and a history of steady and sustained progress. None of the other reasons to deny this application as found in *Education Code* Section 33051(a)(1) apply.

This waiver request will focus primarily on the three overriding principles of QEIA support, as outlined in *Education Code* section 52055.700 (c), (d), and (e). With these guiding principles, AHS is seeking a waiver on the API goal requirement for the following six reasons: a) AHS has seen a 52 point growth in three of the last four years under QEIA funding; b) AHS' student population has a significant need given the poverty, mobility, and other complex educational needs inherent in the Arvin/Lamont/Weedpatch community; c) AHS' commitment to student achievement shows a strong will to use every resource, QEIA and other funding sources, to improve instructional and student services; d) AHS has developed school practices that have created working conditions and classroom learning environments that have attracted and retained highly qualified teachers, administrators, and staff; e) AHS has met all other QEIA goals; f) California *Education Code* 52055.740(a)(1)(D)(5) permits schools to be subject to review and assistance after failing to meet API growth targets beginning in their fifth year of the program. In short, AHS has been a good steward of the QEIA funding, shown positive API growth overall, and therefore should be granted an opportunity to continue to provide the high quality services that QEIA funding has allowed.

If terminated from the QEIA program, the loss of funding would result in increased class sizes within all core content areas, a reduction in the CTE and elective programs the school is able to support as a result of the diversion of resources to maintain some components of the QEIA funded programs.

Please accept our appeal for a State Board of Education waiver from the single year API requirement and prevent the negative impact termination from this program will have on the students and community.

Student Population: 2462

City Type: Rural

Public Hearing Date: 2/25/2013
Public Hearing Advertised: School Postings

Local Board Approval Date: 2/25/2013

Committee/Council Reviewed By: School Site council
Committee/Council Reviewed Date: 2/19/2013
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Michael Zulfa
Position: Assistant Superintendent, Instruction
E-mail: mike_zulfa@khsd.k12.ca.us
Telephone: 661-827-3129
Fax:

Bargaining Unit: Date: 01/15/2013
Name: Kern High Faculty Association
Representative: Vickie Shoenhair
Title: President
Position: Support
Comments:

California State Board of Education

Meeting Agenda Items for July 10-11, 2013

ITEM W-20

ITEM #W-20

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2013 AGENDA

☒ **General Waiver**

SUBJECT

Request by seven local educational agencies to waive portions of California *Education Code* Section 52055.740(a), regarding class size reduction requirements under the Quality Education Investment Act.

Waiver Numbers: Banning Unified School District 24-4-2013
Fullerton Elementary School District 34-3-2013
Lake Tahoe Unified School District 33-4-2013
Pajaro Valley Unified School District 31-3-2013
Placentia-Yorba Linda Unified School District 40-3-2013
Ravenswood City Elementary School District 23-4-2013
San Francisco Unified School District 35-3-2013
San Francisco Unified School District 36-3-2013
San Francisco Unified School District 37-3-2013
San Francisco Unified School District 38-3-2013

☒ **Action**

☒ **Consent**

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

See Attachments 1, 3, 5, 7, 9, 11, 13, 15, 17, and 19 for details.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The California Department of Education (CDE) Waiver Office has previously presented requests to the State Board of Education (SBE) to waive the class size reduction (CSR) target as defined by the Quality Education Investment Act (QEIA). Over 90 percent of CSR waiver requests previously presented have requested adjusted class size averages of 25.0 or lower, and have indicated a commitment to meeting that target for the life of the grant; because of the current fiscal climate, these have been approved by the SBE. A small number of CSR waiver requests have proposed CSR targets above 25.0; these have been denied. However, it is noted that QEIA is supplemental funding. Therefore, the CDE will continue to weigh QEIA CSR in the context of fiscal changes. If class sizes are generally decreased in the coming year, the CDE would expect proportional decreases in QEIA class sizes.

SUMMARY OF KEY ISSUES

Class Size Reduction

Schools participating in the QEIA program were monitored by their county offices of education for compliance with program requirements for the first time at the end of the 2008–09 school year. At that time, local educational agencies (LEAs) were required to demonstrate one-third progress toward full implementation of program requirements. Monitoring for compliance with second-year program requirements was completed to ensure that schools made two-thirds progress toward full implementation in the 2009–10 school year. QEIA schools were required to demonstrate full compliance with all program requirements at the end of the 2010–11 school year.

QEIA schools are required to reduce class sizes by 5 students compared to class sizes in the base year (either 2005–06 or 2006–07), or to an average of 25 students per classroom, whichever is lower, with no more than 27 students per classroom regardless of the average classroom size. The calculation is done by grade level, as each grade level has a target average class size based on QEIA CSR rules. For small schools with a single classroom at each grade level, some grade level targets may be very low. If, for example, a school had a single grade four classroom of 15 students in 2005–06, the school's target QEIA class size for grade four is 10 students. Absent a waiver, an unusually low grade level target may result in a greater number of combination classes at the school, or very small classes at the grade level, which is prohibitively costly and may result in withdrawal or termination from the program.

QEIA schools are required to not increase any other (non-core) class sizes in the school above the size used during the 2005–06 school year.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* 33051(a), available at http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=33001-34000&file=33050-33053.

FISCAL ANALYSIS (AS APPROPRIATE)

There are no statewide costs as a result of waiver approval. If the waiver is denied, the school must implement the CSR targets based on statute requirements to stay in the program. Any school in the program not meeting those targets will risk the loss of future funding. The QEIA statute calls for any undistributed annual QEIA funding to be redistributed to other schools currently in the program (no new schools are funded).

ATTACHMENT(S)

Attachment 1: Banning Unified School District Request 24-4-2013 for a Quality Education Investment Act Class Size Reduction Waiver (1 Page)

Attachment 2: Banning Unified School District General Waiver Request 24-4-2013 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Fullerton Elementary School District Request 34-3-2013 for a Quality Education Investment Act Class Size Reduction Waiver (2 Pages)

Attachment 4: Fullerton Elementary School District General Waiver Request 34-3-2013 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Lake Tahoe Unified School District Request 33-4-2013 for a Quality Education Investment Act Class Size Reduction Waiver (2 Pages)

Attachment 6: Lake Tahoe Unified School District General Waiver Request 33-4-2013 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 7: Pajaro Valley Unified School District Request 31-3-2013 for a Quality Education Investment Act Class Size Reduction Waiver (1 Page)

Attachment 8: Pajaro Valley Unified School District General Waiver Request 31-3-2013 (3 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 9: Placentia-Yorba Linda Unified School District Request 40-3-2013 for a Quality Education Investment Act Class Size Reduction Waiver (1 Page)

Attachment 10: Placentia-Yorba Linda Unified School District General Waiver Request 40-3-2013 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 11: Ravenswood City Elementary School District Request 23-4-2013 for a Quality Education Investment Act Class Size Reduction Waiver (2 Pages)

Attachment 12: Ravenswood City Elementary School District General Waiver Request 23-4-2013 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 13: San Francisco Unified School District Request 35-3-2013 for a Quality Education Investment Act Class Size Reduction Waiver (1 Page)

Attachment 14: San Francisco Unified School District General Waiver Request 35-3-2013 (3 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 15: San Francisco Unified School District Request 36-3-2013 for a Quality Education Investment Act Class Size Reduction Waiver (1 Page)

Attachment 16: San Francisco Unified School District General Waiver Request 36-3-2013 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 17: San Francisco Unified School District Request 37-3-2013 for a Quality Education Investment Act Class Size Reduction Waiver (1 Page)

Attachment 18: San Francisco Unified School District General Waiver Request 37-3-2013 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 19: San Francisco Unified School District Request 38-3-2013 for a Quality Education Investment Act Class Size Reduction Waiver (1 Page)

Attachment 20: San Francisco Unified School District General Waiver Request 38-3-2013 (3 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Waiver Number: 24-4-2013 **Period of Request:** July 1, 2011, to June 30, 2012

Period Recommended: July 1, 2011, to June 30, 2012

Nicolet Middle School **CDS Code**: 33 66985 6112080
Banning Unified School District

Local Educational Agency Request:

Banning Unified School District (USD) is an urban district located in Riverside County with a student population of approximately 4,524 students. Nicolet Middle School (MS) serves 656 students in grades seven and eight. Monitoring performed by the Riverside County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met by Nicolet MS in school year 2011–12. The school's current QEIA CSR targets for core classes of English, mathematics, history-social science, and science are an average of 22.8 and 23.4 in grades seven and eight, respectively.

Banning USD states that in order to comply with current QEIA CSR targets, it must encroach on the General Fund. In addition, the district states that in its effort to resolve and mitigate the ongoing budget deficit and remain fiscally solvent, it may need to adjust class size ratios, but only as high as is necessary to correct the budget deficit.

Banning USD requests a waiver of the QEIA CSR targets for grades seven and eight at Nicolet MS for school year 2011–12, and the establishment of alternative CSR targets of 25.78 and 23.64 students on average in core classes in grades seven and eight, respectively.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Banning USD's request to increase its CSR targets for grades seven and eight at Nicolet MS for school year 2011–12.

The CDE recommends approval with the following conditions: (1) Applies only to grades seven and eight at Nicolet MS for school year 2011–12; (2) Nicolet MS increases enrollment to 25.78 and 23.64 students on average in core classes in grades seven and eight, respectively; and (3) Within 30 days of approval of this waiver, Banning USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Nicolet MS Schoolsite Council on October 16, 2012.

Supported by Banning Teachers Association, April 2, 2013.

Local Board Approval: April 18, 2013.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3366985 Waiver Number: 24-4-2013 Active Year: 2013

Date In: 4/19/2013 11:03:01 AM

Local Education Agency: Banning Unified School District
Address: 161 West Williams St.
Banning, CA 92220

Start: 7/1/2011 End: 6/30/2012

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740(a)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: 52055.740. (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:
[(1) Meet all of the following class size requirements:
(A) For kindergarten and grades 1 to 3, inclusive, no more than 20 pupils per class, as set forth in the Class Size Reduction Program (Chapter 6.10 (commencing with Section 52120)).
(B) For self-contained classrooms in grades 4 to 8, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
(i) At least five pupils fewer per classroom than was the average in 2006-07.
(ii) An average of 25 pupils per classroom.]

Outcome Rationale: In order for Banning Unified School District to comply with current QEIA class size targets, Grades 7-8 must maintain the following class size targets: 7=22.8 and 8=23.4. This requirement encroaches on the General Fund. In an effort to resolve and mitigate the ongoing budget deficit and remain fiscally solvent, the district may need to adjust class size ratios. The District's intent is to adjust the ratio only as high as is necessary to correct the budget deficit. The District is requesting a QEIA class size target of 25 students per classroom in grades 7-8 not to exceed 27 pupils per classroom (Nicolet Middle School).

Student Population: 656

City Type: Small

Public Hearing Date: 4/18/2013
Public Hearing Advertised: Notice posted at each school

Local Board Approval Date: 4/18/2013

Committee/Council Reviewed By: Nicolet School Site Council
Committee/Council Reviewed Date: 10/16/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Felicia Adkins
Position: Coordinator Categorical Programs
E-mail: fadkins@banning.k12.ca.us
Telephone: 951-922-0218
Fax: 951-922-2725

Bargaining Unit: Date: 04/02/2013
Name: Banning Teachers Association
Representative: Elizabeth Syria
Title: President
Position: Support
Comments:

Bargaining Unit: Date: 04/02/2013
Name: CSEA Chapter#147
Representative: Jennifer Serrano
Title: President
Position: Support
Comments:

Waiver Number: 34-3-2013 **Period of Request:** July 1, 2013, to June 30, 2015

Period Recommended: July 1, 2013, to June 30, 2014

Valencia Park Elementary School **CDS Code**: 30 66506 6028179
Fullerton Elementary School District

Local Educational Agency Request:

Fullerton Elementary School District (ESD) is a suburban district located in Orange County with a student population of approximately 13,830 students. Valencia Park Elementary School (ES) serves 697 students in kindergarten and grades one through six. Monitoring performed by the Orange County Department of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were fully met by Valencia Park ES in school year 2011–12, but the district is asking for an alternative QEIA CSR target for school years 2013–14 and 2014–15. The school's current QEIA CSR targets for core classes of English, mathematics, history-social science, and science are 20.44 in kindergarten and grades one through three, and an average of 24.0, 25.0, and 25.0 in grades four through six, respectively.

Fullerton ESD states that the school is now experiencing a rise in test scores. As a result, enrollment has increased because community members are seeking to keep their children within the school. The district adds that classroom space is now being completely utilized, forcing the principal to either turn away community-based enrollment or create very awkward combination classrooms in order to keep families intact. Further, the district states that raising the current class size ratio would allow for flexibility, as well as not requiring the expensive additions of buildings.

Fullerton ESD requests a waiver of the QEIA CSR targets for kindergarten and grades one through six at Valencia Park ES for school years 2013–14 and 2014–15, and the establishment of alternative CSR targets of 21.0 students per class in core classes in kindergarten and grades one through three, and 26.0 students on average in core classes in grades four through six.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Fullerton ESD's request to increase its CSR targets for kindergarten and grades one through four at Valencia Park ES for school year 2013–14.

The CDE recommends approval with the following conditions: (1) Applies only to kindergarten and grades one through four at Valencia Park ES for school year 2013–14; (2) Valencia Park ES increases enrollment to 21.0 students per class in core classes in kindergarten and grades one through three, and 25.0 students on average in core classes in grade four; (3) No core class in grades four through six may exceed 27 students per classroom regardless of the average classroom size; and (4) Within 30 days of approval of this waiver, Fullerton ESD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by the Board of Trustees on March 12, 2013.

Supported by the California School Employees Association, March 8, 2013.

Local Board Approval: March 8, 2013.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3066506 Waiver Number: 34-3-2013 Active Year: 2013

Date In: 3/14/2013 9:30:03 AM

Local Education Agency: Fullerton Elementary School District
Address: 1401 West Valencia Dr.
Fullerton, CA 92833

Start: 7/1/2013 End: 6/30/2015

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 520550.740(a)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: 52055.740. (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:
(1) Meet all of the following class size requirements:
(A) For kindergarten and grades 1 to 3, inclusive, [no more than 20 pupils per class,] no more than 21 pupils per class, as set forth in the Class Size Reduction Program (Chapter 6.10 (commencing with Section 52120)).
(B) For self-contained classrooms in grades 4 to 8, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
(i) At least five pupils fewer per classroom than was the average in 2006-07.
[(ii) An average of 25 pupils per classroom.]
(ii) An average of 26 pupils per classroom.

Outcome Rationale: Valencia Park Elementary School implemented QEIA in the 2007-2008 school year with class size targets of 20:1 for grades K-3, 24:1 for grade 4, and 25:1 for grades 5 and 6. The program has been very successful; a school with declining enrollment and test scores is now on the rise in test scores and enrollment. The API score in the 2007-2008 was 695; in 2011-2012 it was 826 which is a significant increase of +131.

Community members are now seeking to keep their children within the school, which usually is not a problem. However, classroom space is completely utilized. The principal and staff will now have to turn away community-based enrollment or create very awkward combination classrooms in order to keep families in tact and accept new registrants. Raising the current class size ratio to an average of 20.75 for the primary grades (K-3) with no class exceeding 21:1 would allow for flexibility and inclusion of new families. Utilizing the same rational for the upper grades (4-6) of 25.75 across the grades with no class exceeding 26:1 should also allow for flexibility and not require expensive additions of buildings or turn away families excited about returning to their neighborhood schools.

Student Population: 13650

City Type: Suburban

Public Hearing Date: 3/12/2013
Public Hearing Advertised: Newspaper (OC Register)

Local Board Approval Date: 3/12/2013

Committee/Council Reviewed By: Board of Trustees
Committee/Council Reviewed Date: 3/12/2013
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Mark Douglas
Position: Assistant Superintendent, Personnel Services
E-mail: mark_douglas@fullertonsd.org
Telephone: 714-447-7450
Fax: 714-447-7538

Bargaining Unit: Date: 03/08/2013
Name: California School Employees Association, Chapter 130
Representative: Al La Cuesta
Title: President
Position: Support
Comments:

Bargaining Unit: Date: 03/08/2013
Name: Fullerton Elementary Teachers Association (FETA)
Representative: Karla Turner
Title: President
Position: Support
Comments:

Waiver Number: 33-4-2013 **Period of Request:** July 1, 2013, to June 30, 2014

Period Recommended: July 1, 2013, to June 30, 2014

Bijou Community School **CDS Code**: 09 61903 6005540

Lake Tahoe Unified School District

Local Educational Agency Request:

Lake Tahoe Unified School District (USD) is a rural district located in El Dorado County with a student population of approximately 3,793 students. Bijou Community School serves 538 students in kindergarten and grades one through five. Monitoring performed by the El Dorado County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were fully met by Bijou Community School in school year 2011–12, but the district is asking for a renewal of alternative QEIA CSR targets for school year 2013–14. The school's current QEIA CSR targets for core classes of English, mathematics, history-social science, and science are 20.44 in kindergarten and grades one through three, and an average of 23.3 and 20.3 in grades four and five, respectively.

Lake Tahoe USD states that although lower class sizes have been a priority of the local Board of Education, state level cuts to revenue in recent years have resulted in teacher reductions and an increase in student-to-teacher ratio in all schools. In addition, the district states that a waiver would allow the district to continue to reduce the number of combination classes. Furthermore, the district states that the previously approved QEIA CSR waiver avoided the need to split siblings between schools due to over-enrollment, allowed enrollment of new students, and eliminated the need for students to be transported across the district to where a space might exist at another elementary school.

Lake Tahoe USD requests a waiver of the QEIA CSR targets for kindergarten and grades one through three, and grade five at Bijou Community School for school year 2013–14, and the establishment of alternative CSR targets of 22.0 students per class in core classes in kindergarten and grades one through three, and 23.0 students on average in core classes in grade five.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Lake Tahoe USD's request to increase its CSR targets for kindergarten and grades one through three, and grade five at Bijou Community School for school year 2013–14.

The CDE recommends approval with the following conditions: (1) Applies only to kindergarten and grades one through three, and grade five at Bijou Community School for school year 2013–14; (2) Bijou Community School increases enrollment to 22.0 per class in core classes in kindergarten and grades one through three, and 23.0 students on average in core classes in grade five; (3) No core class in grades five may exceed 27 students per classroom regardless of the average classroom size; and (4) Within 30 days of approval of this waiver, Lake Tahoe USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school

improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Bijou Community School Schoolsite Council on April 22, 2013.

Supported by South Tahoe Educators Association, April 27, 2013.

Local Board Approval: April 23, 2013.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 0961903 Waiver Number: 33-4-2013 Active Year: 2013

Date In: 4/24/2013 1:43:01 PM

Local Education Agency: Lake Tahoe Unified School District
Address: 1021 Al Tahoe Blvd.
South Lake Tahoe, CA 96150

Start: 7/1/2013 End: 6/30/2014

Waiver Renewal: Y
Previous Waiver Number: 41-3-2012-W-30 Previous SBE Approval Date: 7/18/2012

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740(a)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: 52055.740(a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:
(1) Meet all of the following class size requirements:
[(A) For kindergarten and grades 1 to 3, inclusive, no more than 20 pupils per class, as set forth in the Class Size Reduction program (Chapter 6.10 (commencing with Section 52120)).
(B) For self-contained classrooms in grades 4 to 8, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
(i) At least five pupils fewer per classroom than was the average in 2006-07.]

Outcome Rationale: Lake Tahoe Unified School District is requesting an increase in the QEIA class size average from 20 to 22 pupils per classroom in grades kindergarten through third and 20 to 23 pupils per classroom in fifth grade (fourth grade has a class size average of 23 and will remain the same) for the period of July 1, 2013 through June 30, 2014 at its only QEIA school - Bijou Community School.

Lower class sizes have always been a priority of the Board of Education of the Lake Tahoe Unified School District. However, in recent years, state level cuts to revenue limit funding have resulted in teacher reductions, causing an increase in the student-to-teacher ratio in all schools in the district.

Currently, all K-5 classrooms are at capacity with 23:5 in grades K-3 and 32:1 in grade 5 at all non-QEIA schools. This ratio has allowed schools to continue to qualify for CSR funding with penalties. In the 2012-2013 school year, class sizes in non-QEIA schools at grades K-3 increased to 24 and 32 at grades 4-5.

Prior to the approval of the previous QEIA CSR Waiver, there were three K-3 combination classes at Bijou Community School. With a second year of an approved waiver, an increase in

class size average from 20 to 22 pupils in grades K-3 and 20 to 23 pupils in grade 5 per classroom at this school would allow the District to continue to reduce the number of combination classes.

Furthermore, the previously approved QEIA CSR Waiver avoided the need to split siblings between schools due to over-enrollment, allowed enrollment of new students and eliminated the need for students to be transported across the District where a space might exist at another elementary school. Hiring additional teachers to maintain the QEIA targets is unattainable at this time due to budget constraints.

Continuing with an approved QEIA CSR Waiver would allow the District to keep students at their home school with siblings and in a class with their grade level peers. Consistent enrollment in the neighborhood school with teachers focused on one grade level curricula is in the best interest of these students.

Student Population: 3793

City Type: Rural

Public Hearing Date: 4/23/2013
Public Hearing Advertised: Notice posted at each school, Notice posted at Education Center Public Poster Board, Notice posted at County Library, Notice posted online on District website

Local Board Approval Date: 4/23/2013

Committee/Council Reviewed By: Bijou School Site Council
Committee/Council Reviewed Date: 4/22/2013
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Wilma Hoppe
Position: Executive Services Specialist
E-mail: whoppe@ltusd.org
Telephone: 530-541-2850 x229
Fax:

Bargaining Unit: Date: 04/17/2013
Name: South Tahoe Educators Association
Representative: Jodi Dayberry
Title: President
Position: Support
Comments:

Waiver Number: 31-3-2013 **Period of Request:** July 1, 2011, to June 30, 2012

Period Recommended: July 1, 2011, to June 30, 2012

Ohlone Elementary School **CDS Code**: 44 69799 6108138
Pajaro Valley Unified School District

Local Educational Agency Request:

Pajaro Valley Unified School District (USD) is an urban district located in Santa Cruz County with a student population of approximately 20,000 students. Ohlone Elementary School (ES) serves 498 students in kindergarten and grades one through five. Monitoring performed by the Santa Cruz County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met by Ohlone ES in school year 2011–12. The school's current QEIA CSR targets for core classes of English, mathematics, history-social science, and science are 20.44 in kindergarten and grades one through three, and an average of 25.0 in grades four and five. Through approval of a prior waiver, the QEIA CSR requirement targets for kindergarten and grades one through three and the QEIA 27-student cap in grades four and five at Ohlone ES were waived for school year 2010–11.

Pajaro Valley USD states that it worked closely with the school to meet the QEIA CSR requirement in 2011–12, but was not successful due to ongoing student mobility throughout the schools in the district. The district asserts that even though it has been a challenge to maintain the QEIA CSR requirement in all grades due to budget constraints and high student mobility, only one grade three class was over by .3 and grade five was over by only .1 on average.

Pajaro Valley USD requests a waiver of the QEIA CSR targets for grades three and five at Ohlone ES for school year 2011–12, and the establishment of alternative CSR targets of 20.7 students per class in core classes in grade three, and 25.1 students on average in core classes in grade five.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Pajaro Valley USD's request to increase its CSR targets for grades three and five at Ohlone ES for school year 2011–12.

The CDE recommends approval with the following conditions: (1) Applies only to grades three and five at Ohlone ES for school year 2011–12; (2) Ohlone ES increases enrollment to 20.7 students per class in core classes in grade three and 25.1 students on average in core classes in grade five; and (3) Within 30 days of approval of this waiver, Pajaro Valley USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Ohlone ES Schoolsite Council on December 6, 2012.

Supported by Pajaro Valley Federation of Teachers, February 21, 2013.

Local Board Approval: December 13, 2012.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 4469799 Waiver Number: 31-3-2013 Active Year: 2013

Date In: 3/13/2013 11:15:37 AM

Local Education Agency: Pajaro Valley Unified School District
Address: 294 Green Valley Rd.
Watsonville, CA 95076

Start: 7/1/2011 End: 6/30/2014

Waiver Renewal:Y
Previous Waiver Number: 78-2-2012-W-32 Previous SBE Approval Date: 05/10/2012

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740(a)(i)A; Section (a)(i)(B)(1) and (ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: 52055.740. (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:
(1) Meet all of the following class size requirements:
(A) [For kindergarten and grades 1 to 3, inclusive, no more than 20 pupils per class, as set forth in the Class Size Reduction Program (Chapter 6.10 (commencing with Section 52120)).]
(B) For self-contained classrooms in grades 4 to 8, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
(i) [At least five pupils fewer per classroom than was the average in 2006-07.]
(ii) An average of 25 pupils per classroom.
(iii) [For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of self-contained classrooms in that grade at the schoolsite. If the self-contained classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph.] A school that receives funding under this article shall not have a self-contained classroom in grades 4 to 8, inclusive, with more than 27 pupils regardless of its average classroom size.

Outcome Rationale: See attachments

Student Population: 498

City Type: Urban

Public Hearing Date: 2/13/2013
Public Hearing Advertised: Notice in the newspaper and Notice Posted at the school

Local Board Approval Date: 2/13/2013

Committee/Council Reviewed By: Ohlone Elementary School Site Council
Committee/Council Reviewed Date: 12/6/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Ylda Nogueda
Position: Assistant Superintendent
E-mail: ylda_nogueda@pvusd.net
Telephone: 831-786-2133
Fax: 831-761-0334

Bargaining Unit: Date: 12/05/2012
Name: Pajaro Valley Federation of Teachers
Representative: Francisco Rodriguez
Title: President
Position: Support
Comments:

Pajaro Valley Unified School District, on behalf of Ohlone Elementary School, requests a three-year waiver (2011-12), (2012-2013), (2013-2014) in regards to Education Code 52055.740(a): QEIA Class Size Reductions. The district asked for a one-year waiver in 2010-2011. The district worked closely with the school to meet the QEIA requirement in 2011-2012, but was not successful due to ongoing movement of student throughout the schools in the district. It has been a challenge to maintain the QEIA class size requirements in K-3 and 4-5 due to budget constraints and high student mobility. The district is asking for a waiver in K-3 and 4-5 with the following targets for kindergarten and grades one through three and for grades four through fifth for the school years 2011-2012, 2012-2013 and 2013-2014.

- K-3 21:1
- 4-5 27:1

The schools QEIA CSR targets for the average size of the core classes haYe been 22 in kindergarten and grades one through three and 28 students per class in core classes in grades fourth and fifth.

Pajaro Valley Unified School District states that, due to district instructional decisions, budget constraints, increasing class size in non-QEIA schools causing increased student/teacher ratio, the district is committed to supporting the QEIA schools with the QEIA CSR. Ohlone Elementary student population is predominantly composed of English learners from low income and migrant families, resulting in a high mobility rate. The district also experiences many students coming and going throughout the school year, causing a high transit student population. We are a unified school district with a high number of student mobility from school to school. Consequently, daily enrollment fluctuates significantly while staffing normally remains constant to create stability and consistency for the students. The district has explored other options, such as moving student to other classes or to non-QEIA school, but overall the district has experienced a growth in our elementary student enrollment

The QEIA grant has provided resources that have reduced class stzes, provided professional development to improve instruction and increase student achievement. Without the QEIA's funding, the school would not be able to continue to implement these programs that have had a positive effect in student learning. The district is also committed to supporting the QEIA program at Ohlone Elementary School.

Additional Information:

- PVUSD hired two additional elementary school teachers for 2011-2012 school year to meet class size reduction
- PVUSD hired an additional elementary school teacher for 2012-2013 school year to meet class size reduction

Please note that PVUSD is committed to ensuring compliance with CSR target requirements. Additionally, Ohlone Elementary School met the other Requirements for 2011-2012: Teachers: Experienced, Academic Performance Index, Highly Qualified, Professional Development, and the Williams Settlement.

Local Board Approval: February 13, 2013

Waiver Number: 40-3-2013 **Period of Request:** July 1, 2013, to June 30, 2014

Period Recommended: July 1, 2013, to June 30, 2014

Melrose Elementary School **CDS Code**: 30 66647 0102897

Placentia-Yorba Linda Unified School District

Local Educational Agency Request:

Placentia-Yorba Linda Unified School District (USD) is an urban district located in Orange County with a student population of approximately 25,622 students. Melrose Elementary School (ES) serves 650 students in transitional kindergarten, kindergarten, and grades one through five. Monitoring performed by the Orange County Department of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were fully met by Melrose ES in school year 2011–12, but the district is asking for an alternative QEIA CSR target for school year 2013–14. The school's current QEIA CSR targets for core classes of English, mathematics, history-social science, and science are 20.44 in transitional kindergarten, kindergarten and grades one through three, and an average of 25.0 in grades four and five.

Placentia-Yorba Linda USD states that due to the ongoing and severe fiscal crisis, it can no longer reasonably continue to fund the low class sizes required by QEIA. The district further states that it has experienced a cumulative loss in revenue of $90 million. In addition, the district states that Melrose ES has met all program requirements under QEIA and anticipates the school will continue to do so in the 2012–13 school year.

Placentia-Yorba Linda USD requests a waiver of the QEIA CSR targets for transitional kindergarten and kindergarten and grades one through three at Melrose ES for school year 2013–14, and the establishment of alternative CSR targets of 25.0 students per class in core classes in transitional kindergarten and kindergarten and grades one through three.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Placentia-Yorba Linda USD's request to increase its CSR targets for kindergarten and grades one through three at Melrose ES for school year 2013–14.

The CDE recommends approval with the following conditions: (1) Applies only to kindergarten and grades one through three at Melrose ES for school year 2013–14; (2) Melrose ES increases enrollment to 25.0 students per class in core classes in transitional kindergarten and kindergarten and grades one through three; and (3) Within 30 days of approval of this waiver, Placentia-Yorba Linda USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Melrose ES Schoolsite Council on February 14, 2013.

Neutral position by the Association of Placentia Linda Educators, February 8, 2013.

Local Board Approval: March 12, 2013.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3066647 Waiver Number: 40-3-2013 Active Year: 2013

Date In: 3/14/2013 5:08:54 PM

Local Education Agency: Placentia-Yorba Linda Unified School District
Address: 1301 East Orangethorpe Ave.
Placentia, CA 92870

Start: 7/1/2013 End: 6/30/2014

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: *CCR* 52055.740(A)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:
(1) Meet all of the following class size requirements:
[(A) For kindergarten and grades 1 to 3, inclusive, no more than 20 pupils per class, as set forth in the Class Size Reduction Program (Chapter 6.10 (commencing with Section 52120)).]
(B) For self-contained classrooms in grades 4 to 8, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
(i) At least five pupils fewer per classroom than was the average in 2006-07.
(ii) An average of 25 pupils per classroom.
(iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of self-contained classrooms in that grade at the schoolsite. If the self-contained classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph. A school that receives funding under this article shall not have a self-contained classroom in grades 4 to 8, inclusive, with more than 27 pupils regardless of its average classroom size.d Code section:

Outcome Rationale: Melrose Elementary School has a Transitional K-5 student population of 605 students and is located in a small city in Orange County. Students are 97.1% Hispanic/Latino, 86.4% socioeconomically disadvantaged, and 68.8 % English learners. The Placentia-Yorba Linda Unified School District (PYLUSD) requests the State Board of Education to waive the *Education Code* Sections listed above that have been crossed out. We are asking to increse the class size to 25:1 in grades TK-3.

Due to the ongoing and severe fiscal crisis that the State of California is suffering, PYLUSD can no longer reasonably continue to fund the extremely low class sizes required by the Quality Education Investment Act (QEIA). Since the implementation of the QEIA Program in the 2007-

08 school year, PYLUSD has experienced a cumulative loss in revenue of $90 million in general fund revenue.

Currently, Melrose Elementary School has required class size ratios of 20.0 for grades Transitional Kindergarten to three. The average teacher to student ratio for all other elementary school classes, grades Kindergarten to three, in PYLUSD is 29.31.

Melrose Elementary School has met all funding requirements during under QEIA including teacher qualifications, class size, and API growth. In fact, Melrose has far exceeded the API Growth targets. See Table1 Attachment.

We anticipate the school will once again meet all requirements for the 2012-13 school year. Since the inception of the Melrose QEIA program, the school has made significant progress. The progress has been steady across the years demonstrating that the staff has internalized the instructional processes they have implemented and continues to build upon the success of each prior year. We are asking to increse the class size to 25:1 in grades TK-3.

Student Population: 605

City Type: Suburban

Public Hearing Date: 3/12/2013
Public Hearing Advertised: Notices of Public Hearing were posted at the PYLUSD Educational Services Center, Yorba Linda, the PYLUSD District Office, Placentia, and all of the elementary schools in the district.

Local Board Approval Date: 3/12/2013

Committee/Council Reviewed By: Melrose Elementary School Site Council
Committee/Council Reviewed Date: 2/14/2013
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Dorie Staack
Position: Director, Educational Services
E-mail: dstaack@pylusd.org
Telephone: 714-985-8654
Fax: 714-577-8104

Bargaining Unit: Date: 02/08/2013
Name: Association of Placentia Linda Educators (APLE)
Representative: Linda Manion
Title: President
Position: Support
Comments:

Waiver Number: 23-4-2013 **Period of Request:** July 1, 2011, to June 30, 2012

Period Recommended: July 1, 2011, to June 30, 2012

Cesar Chavez Elementary School **CDS Code**: 41 68999 6044366
Ravenswood City Elementary School District

Local Educational Agency Request:

Ravenswood City Elementary School District (USD) is an urban district located in San Mateo County with a student population of approximately 4,077 students. Cesar Chavez Elementary School (ES) serves 277 students in grades six through eight. Monitoring performed by the San Mateo County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met by Cesar Chavez ES in three grade six classes, three grade seven classes, and three grade eight classes that exceeded the QEIA 27-student cap per classroom requirement in school year 2011–12.The school's current QEIA CSR targets for core classes of English, mathematics, history-social science, and science are an average of 20.5, 23.9, and 22.8 in grades six through eight, respectively.

Ravenswood City ESD states that due to budget constraints and cuts, the school district was forced to close James Flood ES, which offered kindergarten and grades one through eight. The district states that this impacted the enrollment of Cesar Chavez ES by increasing its enrollment more than anticipated. In addition, the district states that a larger number of families elected to attend Cesar Chavez ES than had been anticipated. Due to the higher enrollment, the district states, the CSR targets at Cesar Chavez ES were not met during school year 2011–12 and the school exceeded the QEIA 27-student cap per classroom requirement. Lastly, the district states that the school has started work on school restructuring in order to meet the requested 25.0 students on average in core classes in grades six through eight by school year 2014–15. The district also has a QEIA CSR waiver for grades six through eight at Cesar Chavez ES for school year 2011–12 requesting the establishment of alternative CSR targets greater than 25.0 students on average in core classes that is recommended for denial.

Ravenswood City ESD requests a waiver of the QEIA 27-student cap per classroom requirement for three grade six classes, three grade seven classes, and three grade eight classes at Cesar Chavez ES for school year 2011–12.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Ravenswood City ESD's request to waive the QEIA 27-student cap per core classroom CSR requirement for grades six through eight at Cesar Chavez ES for school year 2011–12.

The CDE recommends approval with the following conditions: (1) Applies only to grades six through eight at Cesar Chavez ES for school year 2011–12 and (2) Within 30 days of approval of this waiver, Ravenswood City ESD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Ravenswood City School District Board of Trustees on March 14, 2013.

Supported by Ravenswood Teacher Association, March 4, 2013.

Local Board Approval: March 14, 2013.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 4168999 Waiver Number: 23-4-2013 Active Year: 2013

Date In: 4/18/2013 5:22:49 PM

Local Education Agency: Ravenswood City Elementary School District
Address: 2120 Euclid Ave.
East Palo Alto, CA 94303

Start: 7/1/2011 End: 6/30/2012

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Quality Education Investment Act
Ed Code Title: Rule of 27
Ed Code Section: 52055.740(c)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
(i) At least five pupils fewer per classroom than was the average in 2006-07.
(ii) An average of 25 pupils per classroom.
(iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of subject-specific classrooms in that grade at the schoolsite. If the subject-specific classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph. A school that receives funding under this article shall not have a class in English language arts, reading, mathematics, science, or history and social science in grades 4 to 12, inclusive, with more than 27 pupils regardless of its average classroom size.

Outcome Rationale: Due to budget constraints/cuts, the school district was forced to close Flood School a K-8 school. This impacted the enrollment of Cesar Chavez School, increasing the enrollment higher than anticipated, a larger number of families elected to attend Cesar Chavez than had been anticipated. Due to the higher enrollment, the school did not meet the CSR target and exceeded the 27 rule. We are asking for a CSR waiver for the 2011-12 school year. We would like to establish new CSR targets of an average of 25 pupils per classroom in grades 6th through 8th by 2014-15, and have started work on school restructuring in order to meet this target.

Student Population: 277

City Type: Urban

Public Hearing Date: 3/14/2013

Public Hearing Advertised: Public posting 72 hours prior to meeting and distributed fliers to all district parents

Local Board Approval Date: 3/14/2013

Committee/Council Reviewed By: RAvenswood City School District Board of Trustees
Committee/Council Reviewed Date: 3/14/2013
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maria Ibarra
Position: Categorical Compliance Coordinator
E-mail: mibarra@ravenswoodschools.org
Telephone: 650-329-2800 x60197
Fax: 650-329-1793

Bargaining Unit: Date: 03/04/2013
Name: Ravenswood Teacher Association
Representative: Luis Rodriguez
Title: Acting Vice President
Position: Support
Comments:

Waiver Number: 35-3-2013 **Period of Request:** July 1, 2012, to June 29, 2014

Period Recommended: July 1, 2012, to June 29, 2014

Mission High School **CDS Code**: 38 68478 3834082
San Francisco Unified School District

Local Educational Agency Request:

San Francisco Unified School District (USD) is an urban district located in San Francisco County with a student population of approximately 56,970 students. Mission High School (HS) serves 932 students in grades nine through twelve. Monitoring performed by the Alameda County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were fully met by Mission HS in school year 2011–12, but the district is asking for a renewal of an alternative QEIA CSR target for school years 2012–13 and 2013–14. The school's current QEIA CSR targets for core classes of English, mathematics, history-social science, and science are an average of 15.0, 22.5, 24.0, and 22.5 in grades nine through twelve, respectively. Through approval of a prior waiver, the QEIA CSR target for grade nine at Mission HS for school year 2011–12 was 22.5 per class on average.

San Francisco USD states that due to the low enrollment in grade nine at the onset of QEIA, the class size target is very low. The district further states that adjusting the CSR target would allow students to enroll in these classes, which have small class size targets, while the range would give the site flexibility in scheduling the incoming class.

San Francisco USD requests a waiver of the QEIA CSR target for grade nine at Mission HS for school years 2012–13 and 2013–14, and the establishment of an alternative CSR target of 20.0 students on average in core classes in grade nine.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports San Francisco USD's request to increase its CSR target for grade nine at Mission HS for school years 2012–13 and 2013–14.

The CDE recommends approval with the following conditions: (1) Applies only to grade nine at Mission HS for school years 2012–13 and 2013–14; (2) Mission HS increases enrollment to 20.0 students on average in core classes in grade nine; (3) No core class in grades nine through twelve may exceed 27 students per classroom regardless of the average classroom size; and (4) Within 30 days of approval of this waiver, San Francisco USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Mission HS Schoolsite Council on November 13, 2012.

Supported by United Educators of San Francisco, February 21, 2013.

Local Board Approval: March 12, 2013.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3868478 Waiver Number: 35-3-2013 Active Year: 2013

Date In: 3/14/2013 11:07:23 AM

Local Education Agency: San Francisco Unified School District
Address: 555 Franklin St.
San Francisco, CA 94102

Start: 7/1/2012 End: 6/29/2014

Waiver Renewal: Y
Previous Waiver Number: 160-2-2012 Previous SBE Approval Date: 5/9/2012

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740(a)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: *EC* 52055.740 (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:
(1) Meet all of the following class size requirements:
(A) For kindergarten and grades 1 to 3, inclusive, no more than 20 pupils per class, as set forth in the Class Size Reduction Program (Chapter 6.10 (commencing with Section 52120)).
(B) For self-contained classrooms in grades 4 to 8, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
(i) At least five pupils fewer per classroom than was the average in 2006-07.
(ii) An average of 25 pupils per classroom.
(iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of self-contained classrooms in that grade at the school site. If the self-contained classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph. A school that receives funding under this article shall not have a self-contained classroom in grades 4 to 8, inclusive, with more than 27 pupils regardless of its average classroom size.
(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
(i) At least five pupils fewer per classroom than was the average in 2006-07.
(ii) An average of 25 pupils per classroom
(iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of subject-specific classrooms in that grade at the school site. [If the subject-specific classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph.] A school that receives funding under this article shall not have a class in English language arts, reading, mathematics, science, or history and social

science in grades 4 to 12, inclusive, with more than 27 pupils regardless of its average classroom size.

Outcome Rationale: We request an adjustment to the QEIA regulation for class size reduction (CSR) achievement for Mission High School. Mission an enrollment of 932 students, 56.96% qualify for free or reduced lunch and 30.9% are English Learners.

The challenge for Mission has been maintaining class size target for the 9th grade. Low enrollment at the onset of QEIA resulted in very low class size targets:

Grade	9	10	11	12
Target	15.00	22.50	24.00	22.50
Avg. to Date		15.44	16.60	19.75	19.26

While Mission has maintained class size averages for 10th, 11th and 12th grades, the class size average for 9th grade is currently at 15.44.

We ask that the class size targets for grade 9 be raised up to but not exceed 20. This target adjustment would still offer small class sizes at the site, with class size average across all grades below 25. However, this modification would allow students to enroll in these classes which have small class size targets and the range would give the site flexibility in scheduling the incoming class.

Student Population: 932

City Type: Urban

Public Hearing Date: 3/12/2013
Public Hearing Advertised: Email, website and office postings

Local Board Approval Date: 3/12/2013

Committee/Council Reviewed By: School site council
Committee/Council Reviewed Date: 11/13/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Jill Hoogendyk
Position: Director, State and Federal Programs
E-mail: hoogendykj@sfusd.edu
Telephone: 415-379-7618
Fax:

Bargaining Unit: Date: 02/21/2013
Name: United Educators of San Francisco
Representative: Dennis Kelly
Title: President
Position: Support
Comments:

Waiver Number: 36-3-2013 **Period of Request:** July 1, 2012, to June 29, 2014

Period Recommended: July 1, 2012, to June 29, 2014

John Muir Elementary School **CDS Code**: 38 68478 6041255
San Francisco Unified School District

Local Educational Agency Request:

San Francisco Unified School District (USD) is an urban district located in San Francisco County with a student population of approximately 56,970 students. John Muir Elementary School (ES) serves 256 students in kindergarten and grades one through five. Monitoring performed by the Alameda County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were fully met by John Muir ES in school year 2011–12, but the district is asking for a renewal of an alternative QEIA CSR target for school years 2012–13 and 2013–14. The school's current QEIA CSR targets for core classes of English, mathematics, history-social science, and science are 20.44 in kindergarten and grades one through three, and an average of 10.10 and 8.70 in grades four and five, respectively. Through approval of a prior waiver, the QEIA CSR target for grades four and five at John Muir ES for school year 2011–12 was 17.8 per class on average.

San Francisco USD states that due to the low enrollment in grades four and five at the onset of QEIA, the class size targets are very low. The district further states that maintaining low CSR targets in grades four and five have posed a challenge. The district also states that an alternative CSR target would still offer class sizes below 25.0 at the site.

San Francisco USD requests a waiver of the QEIA CSR targets for grades four and five at John Muir ES for school years 2012–13 and 2013–14, and the establishment of an alternative CSR target of 17.8 students on average in core classes in grades four and five.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports San Francisco USD's request to increase its CSR targets for grades four and five at John Muir ES for school years 2012–13 and 2013–14.

The CDE recommends approval with the following conditions: (1) Applies only to grades four and five at John Muir ES for school years 2012–13 and 2013–14; (2) John Muir ES increases enrollment to 17.8 students on average in core classes in grades four and five; (3) No core class in grades four and five may exceed 27 students per classroom regardless of the average classroom size; and (4) Within 30 days of approval of this waiver, San Francisco USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by John Muir ES Schoolsite Council on November 15, 2012.

Supported by United Educators of San Francisco, February 21, 2013.

Local Board Approval: March 12, 2013.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3868478 Waiver Number: 36-3-2013 Active Year: 2013

Date In: 3/14/2013 11:41:41 AM

Local Education Agency: San Francisco Unified School District
Address: 555 Franklin St.
San Francisco, CA 94102

Start: 7/1/2012 End: 6/29/2014

Waiver Renewal: Y
Previous Waiver Number: 163-2-2012 Previous SBE Approval Date: 5/9/2012

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740(a)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: *EC* 52055.740 (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:
(1) Meet all of the following class size requirements:
(A) For kindergarten and grades 1 to 3, inclusive, no more than 20 pupils per class, as set forth in the Class Size Reduction Program (Chapter 6.10 (commencing with Section 52120)).
(B) For self-contained classrooms in grades 4 to 8, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
(i) At least five pupils fewer per classroom than was the average in 2006-07.
(ii) An average of 25 pupils per classroom.
(iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of self-contained classrooms in that grade at the school site. [If the self-contained classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph]. A school that receives funding under this article shall not have a self-contained classroom in grades 4 to 8, inclusive, with more than 27 pupils regardless of its average classroom size.

Outcome Rationale: We request an adjustment to the QEIA regulation for class size reduction (CSR) achievement for John Muir Elementary. Muir's mission is to create an environment where learners are empowered to excel in academic achievement, build character, affirm cultural and linguistic diversity while fostering an interconnected global community. Muir has a diverse student population with 36.7% African American students and 49.6% Hispanic or Latino. 80% of the students qualify for free or reduced lunch and 35.2% are English Learners.

The challenge for Muir has been maintaining class size target for the 4th and 5th grades. Low enrollment at the onset of QEIA resulted in very low class size targets. QEIA class targets and current averages are reflected below:

Grade	K	1	2	3	4	5
Target	20.4	20.4	20.4	20.4	10.10	8.70
Avg. to Date		15.06	17.07	12.00	16.44	13.96	13.50

While Muir has maintained class size averages for K-3, maintaining low targets at 4th and 5th grade has posed a challenge. Muir has met all other QEIA targets, including 27 API point gain in the 2011-12 school year, increasing the school wide API from 615 in 2006-07 to 715 in 2011-12.
We ask that the class size targets for grades 4 and 5 be raised to 17.8 at John Muir School. This target adjustment would still offer small class sizes at the site, with class size average across all grades below 25. This is the same class size target request that was approved in the Muir QEIA Class Size waiver that was approved by the State Board of Education for the 11-12 school year.

Student Population: 256

City Type: Urban

Public Hearing Date: 3/12/2013
Public Hearing Advertised: Email, website and office postings

Local Board Approval Date: 3/12/2013

Committee/Council Reviewed By: School site council
Committee/Council Reviewed Date: 11/15/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Jill Hoogendyk
Position: Director, State and Federal Programs
E-mail: hoogendykj@sfusd.edu
Telephone: 415-379-7618
Fax:

Bargaining Unit: Date: 02/21/2013
Name: United Educators of San Francisco
Representative: Dennis Kelly
Title: President
Position: Support
Comments:

Waiver Number: 37-3-2013 **Period of Request:** July 1, 2012, to June 29, 2014

Period Recommended: July 1, 2012, to June 29, 2014

Malcolm X Elementary School **CDS Code**: 38 68478 6041586
San Francisco Unified School District

Local Educational Agency Request:

San Francisco Unified School District (USD) is an urban district located in San Francisco County with a student population of approximately 56,970 students. Malcolm X Elementary School (ES) serves 112 students in kindergarten and grades one through five. Monitoring performed by the Alameda County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were fully met by Malcolm X ES in school year 2011–12, but the district is asking for a renewal of an alternative QEIA CSR target for school years 2012–13 and 2013–14. The school's current QEIA CSR targets for core classes of English, mathematics, history-social science, and science are 20.44 in kindergarten and grades one through three, and an average of 13.6 and 10.8 in grades four and five, respectively. Through approval of a prior waiver, the QEIA CSR target for grades four and five at Malcolm X ES for school year 2011–12 was 20.4 per class on average.

San Francisco USD states that due to the low enrollment in grades four and five at the onset of QEIA, the class size targets are very low. The district further states that maintaining low targets in grades four and five have posed a challenge. The district also states that an alternative CSR target would still offer class sizes below 25.0 at the site.

San Francisco USD requests a waiver of the QEIA CSR targets for grades four and five at Malcolm X ES for school years 2012–13 and 2013–14, and the establishment of an alternative CSR target of 20.4 students on average in core classes in grades four and five.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports San Francisco USD's request to increase its CSR targets for grades four and five at Malcolm X ES for school years 2012–13 and 2013–14.

The CDE recommends approval with the following conditions: (1) Applies only to grades four and five at Malcolm X ES for school years 2012–13 and 2013–14; (2) Malcolm X ES increases enrollment to 20.4 students on average in core classes in grades four and five; (3) No core class in grades four and five may exceed 27 students per classroom regardless of the average classroom size; and (4) Within 30 days of approval of this waiver, San Francisco USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Malcolm X ES Schoolsite Council on November 8, 2012.

Supported by United Educators of San Francisco, February 21, 2013.

Local Board Approval: March 12, 2013.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3868478 Waiver Number: 37-3-2013 Active Year: 2013

Date In: 3/14/2013 3:04:05 PM

Local Education Agency: San Francisco Unified School District
Address: 555 Franklin St.
San Francisco, CA 94102

Start: 7/1/2012 End: 6/29/2014

Waiver Renewal: Y
Previous Waiver Number: 159-2-2012 Previous SBE Approval Date: 5/9/2012

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740(a)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: *EC* 52055.740 (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:
(1) Meet all of the following class size requirements:
(A) For kindergarten and grades 1 to 3, inclusive, no more than 20 pupils per class, as set forth in the Class Size Reduction Program (Chapter 6.10 (commencing with Section 52120)).
(B) For self-contained classrooms in grades 4 to 8, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
(i) At least five pupils fewer per classroom than was the average in 2006-07.
(ii) An average of 25 pupils per classroom.
(iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of self-contained classrooms in that grade at the school site.[If the self-contained classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph.] A school that receives funding under this article shall not have a self-contained classroom in grades 4 to 8, inclusive, with more than 27 pupils regardless of its average classroom size.

Outcome Rationale: We request an adjustment to the QEIA regulation for class size reduction (CSR) achievement for Malcolm X Elementary. Malcolm X has worked to provide each of their students with the academic and social skills needed to become successful 21st century citizens.

The challenge for Malcolm X this year has been maintaining class size target for the 4th and 5th grades. Low enrollment at the onset of QEIA resulted in very low class size targets. QEIA class targets and current averages are reflected below:

Grade	K	1	2	3	4	5
Target	20.4	20.4	20.4	20.4	13.60	10.80
Avg. to Date		16.30	12.30	14.39	20.4	15.00	10.00

While Malcolm X has maintained class size averages for K-3, and is holding the class size target in 5th grade, maintaining low targets at 4th and 5th grade has posed a challenge.

We ask that the class size targets for grades 4 and 5 be allowed to increase up to, but not exceeding, 20.4 at Malcolm X. This target adjustment would still offer small class sizes at the site, with class size average across all grades below 25, and allow for primary grade matriculation into 4th and 5th grade.

Student Population: 112

City Type: Urban

Public Hearing Date: 3/12/2013
Public Hearing Advertised: Email, website and office postings

Local Board Approval Date: 3/12/2013

Committee/Council Reviewed By: School site council
Committee/Council Reviewed Date: 11/8/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Jill Hoogendyk
Position: Director, State and Federal Programs
E-mail: hoogendykj@sfusd.edu
Telephone: 415-379-7618
Fax:

Bargaining Unit: Date: 02/21/2013
Name: United Educators of San Francisco
Representative: Dennis Kelly
Title: President
Position: Support
Comments:

Waiver Number: 38-3-2013 **Period of Request:** July 1, 2012, to June 29, 2014

Period Recommended: July 1, 2012, to June 29, 2014

Everett Middle School **CDS Code**: 38 68478 6062038
San Francisco Unified School District

Local Educational Agency Request:

San Francisco Unified School District (USD) is an urban district located in San Francisco County with a student population of approximately 56,970 students. Everett Middle School (MS) serves 406 students in grades six through eight. Monitoring performed by the Alameda County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were fully met by Everett MS in school year 2011–12, but the district is asking for a renewal of an alternative QEIA CSR target for school years 2012–13 and 2013–14. The school's current QEIA CSR targets for core classes of English, mathematics, history-social science, and science are an average of 16.23, 21.47, and 23.04 in grades six through eight, respectively. Through approval of a prior waiver, the QEIA CSR target for grade six at Everett MS for school year 2011–12 was 21.47 per class on average.

San Francisco USD states that due to the low enrollment in grade six at the onset of QEIA, the class size target is very low. The district further states that an alternative CSR target would still offer class sizes below 25.0 at the site.

San Francisco USD requests a waiver of the QEIA CSR target for grade six at Everett MS for school years 2012–13 and 2013–14, and the establishment of an alternative CSR target of 19.0 students on average in core classes in grade six.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports San Francisco USD's request to increase its CSR target for grade six at Everett MS for school years 2012–13 and 2013–14.

The CDE recommends approval with the following conditions: (1) Applies only to grade six at Everett MS for school years 2012–13 and 2013–14; (2) Everett MS increases enrollment to 19.0 students on average in core classes in grade six; (3) No core class in grades six through eight may exceed 27 students per classroom regardless of the average classroom size; and (4) Within 30 days of approval of this waiver, San Francisco USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Everett MS Schoolsite Council on November 28, 2012.

Supported by United Educators of San Francisco, February 21, 2013.

Local Board Approval: March 12, 2013.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3868478 Waiver Number: 38-3-2013 Active Year: 2013

Date In: 3/14/2013 3:09:48 PM

Local Education Agency: San Francisco Unified School District
Address: 555 Franklin St.
San Francisco, CA 94102

Start: 7/1/2012 End: 6/29/2014

Waiver Renewal: Y
Previous Waiver Number: 162-2-2012 Previous SBE Approval Date: 5/9/2012

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740(a)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: *EC* 52055.740 (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:
(1) Meet all of the following class size requirements:
(A) For kindergarten and grades 1 to 3, inclusive, no more than 20 pupils per class, as set forth in the Class Size Reduction Program (Chapter 6.10 (commencing with Section 52120)).
(B) For self-contained classrooms in grades 4 to 8, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
(i) At least five pupils fewer per classroom than was the average in 2006-07.
(ii) An average of 25 pupils per classroom.
(iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of self-contained classrooms in that grade at the school site. If the self-contained classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph. A school that receives funding under this article shall not have a self-contained classroom in grades 4 to 8, inclusive, with more than 27 pupils regardless of its average classroom size.
(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
(i) At least five pupils fewer per classroom than was the average in 2006-07.
(ii) An average of 25 pupils per classroom
(iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of subject-specific classrooms in that grade at the school site.[If the subject-specific classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph.] A school that receives funding under this article shall not have a class in English language arts, reading, mathematics, science, or history and social

science in grades 4 to 12, inclusive, with more than 27 pupils regardless of its average classroom size.

Outcome Rationale: We request an adjustment to the QEIA regulation for class size reduction (CSR) achievement for Everett Middle School. Everett was granted a QEIA Class Size waiver for the 11-12 school year. Everett has an enrollment of 406 students, 73.15% qualify for free or reduced lunch and 34.24% are English Learners.

The challenge for Everett has been maintaining class size target for the 6th grade. Low enrollment at the onset of QEIA resulted in very low class size targets:

6th grade	7th grade	8th grade
16.23	21.47	23.04

While Everett has maintained class size averages for 2012-13 for 7th grade at 16.13 and 8th grade at 18.22, the class size average for 6th grade is currently at 17.36. Everett has met all other QEIA targets, including exceeding the school wide API target with a 54 point growth in the 11-12 school year. Everett's API has increased from 582 in 2006-07 to 693 in 2011-12.

We ask that the class size targets for grade 6 continue to be raised up to but not to exceed 19 at Everett Middle School. This target adjustment would still offer small class sizes at the site, with class size average across all grades below 25.

Student Population: 406

City Type: Urban

Public Hearing Date: 3/12/2013
Public Hearing Advertised: Email, website and office postings

Local Board Approval Date: 3/12/2013

Committee/Council Reviewed By: School site council
Committee/Council Reviewed Date: 11/28/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Jill Hoogendyk
Position: Director, State and Federal Programs
E-mail: hoogendykj@sfusd.edu
Telephone: 415-379-7618
Fax:

Bargaining Unit: Date: 02/21/2013
Name: United Educators of San Francisco
Representative: Dennis Kelly
Title: President
Position: Support
Comments:

California State Board of Education

Meeting Agenda Items for July 10-11, 2013

ITEM W-21

ITEM #W-21

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2013 AGENDA

☒ **General Waiver**

SUBJECT	
Request by three local educational agencies to waive portions of California *Education Code* Section 52055.740(a), regarding class size reduction requirements under the Quality Education Investment Act. Waiver Numbers: Corcoran Joint Unified School District 14-4-2013 Pajaro Valley Unified School District 32-3-2013 Pajaro Valley Unified School District 33-3-2013 Ravenswood City Elementary School District 44-3-2013	☒ **Action** ☐ **Consent**

RECOMMENDATION

☐ **Approval** ☐ **Approval with conditions** ☒ **Denial**

The California Department of Education (CDE) recommends denial of these waiver requests because its approval would not adequately address the educational needs of pupils per California *Education Code* (*EC*) Section 33051(a)(1). If approved, termination is effective as of June 30, 2013. The school is receiving QEIA funds for 2012–13 and is not obligated to return 2012–13 funds if the funds are expended by June 30, 2013.

See Attachments 1, 3, 5, and 7 for details.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The CDE Waiver Office has previously presented requests to waive the class size reduction (CSR) target as defined by the Quality Education Investment Act (QEIA) to the State Board of Education (SBE). Over 90 percent of CSR waiver requests previously presented have requested adjusted class size averages of 25.0 or lower, and have indicated a commitment to meeting that target for the life of the grant; because of the current fiscal climate, these have been approved by the SBE. A small number of CSR waiver requests have proposed CSR targets above 25.0; these have been denied.

SUMMARY OF KEY ISSUES

Class Size Reduction

Schools participating in the QEIA program were monitored by their county offices of education for compliance with program requirements for the first time at the end of the 2008–09 school year. At that time, local educational agencies (LEAs) were required to demonstrate one-third progress toward full implementation of program requirements.

Monitoring for compliance with second-year program requirements was completed to ensure that schools made two-thirds progress toward full implementation in the 2009–10 school year. QEIA schools were required to demonstrate full compliance with all program requirements at the end of the 2010–11 school year.

QEIA schools are required to reduce class sizes by 5 students compared to class sizes in the base year (either 2005–06 or 2006–07), or to an average of 25 students per classroom, whichever is lower, with no more than 27 students per classroom regardless of the average classroom size. The calculation is done by grade level, as each grade level has a target average class size based on QEIA CSR rules. For small schools with a single classroom at each grade level, some grade level targets may be very low. If, for example, a school had a single grade four classroom of 15 students in 2005–06, the school's target QEIA class size for grade four is 10 students. Absent a waiver, an unusually low grade level target may result in a greater number of combination classes at the school, or very small classes at the grade level, which is prohibitively costly and may result in withdrawal or termination from the program.

QEIA schools are required to not increase any other (non-core) class sizes in the school above the size used during the 2005–06 school year.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* 33051(a), available at http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=33001-34000&file=33050-33053.

FISCAL ANALYSIS (AS APPROPRIATE)

There are no statewide costs as a result of waiver approval. If the waiver is denied, the school must implement the CSR targets based on statute requirements to stay in the program. Any school in the program not meeting those targets will risk the loss of future funding. The QEIA statute calls for any undistributed annual QEIA funding to be redistributed to other schools currently in the program (no new schools are funded).

ATTACHMENT(S)

Attachment 1: Corcoran Joint Unified School District Request 14-4-2013 for a Quality Education Investment Act Class Size Reduction Waiver (2 Pages)

Attachment 2: Corcoran Joint Unified School District General Waiver Request 14-4-2013 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Pajaro Valley Unified School District Request 32-3-2013 for a Quality Education Investment Act Class Size Reduction Waiver (2 Pages)

Attachment 4: Pajaro Valley Unified School District General Waiver Request 32-3-2013 (3 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Pajaro Valley Unified School District Request 33-3-2013 for a Quality Education Investment Act Class Size Reduction Waiver (2 Pages)

Attachment 6: Pajaro Valley Unified School District General Waiver Request 33-3-2013 (3 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 7: Ravenswood City Elementary School District Request 44-3-2013 for a Quality Education Investment Act Class Size Reduction Waiver (2 Pages)

Attachment 8: Ravenswood City Elementary School District General Waiver Request 44-3-2013 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Waiver Number: 14-4-2013 **Period of Request:** July 1, 2011, to June 30, 2014
Period Recommended: Denial

Corcoran High School **CDS Code**: 16 63891 1632207
Corcoran Joint Unified School District

Local Educational Agency Request:

Corcoran Joint Unified School District (JUSD) is an urban district located in Kings County with a student population of approximately 3,334 students. Corcoran High School (HS) serves 920 students in grades nine through twelve. Monitoring performed by the Kings County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met by Corcoran HS in school year 2011–12. The school's current QEIA CSR targets for core classes of English, mathematics, history-social science, and science are 24.0 in grades nine and ten, and an average of 23.3 and 21.0 in grades eleven and twelve, respectively. Through approval of a prior waiver, the present QEIA CSR targets were established for grades nine, ten, and twelve for 2010–11 and in all subsequent years in which the school receives QEIA funding at Corcoran HS.

Corcoran JUSD states that class sizes were larger than anticipated due to an increase of students in grade twelve because of transfer or wanting to remain at the school. In addition, the district states that hiring staff mid-year for a small rural high school with limited class offerings creates difficulties in managing class sizes. The district states all attempts were made to stay within the QEIA CSR requirement; however, the average class size in grade twelve went above the target by .8 students.

Corcoran JUSD requests a waiver of the QEIA CSR target for grade twelve at Corcoran HS for school year 2011–12, and the establishment of an alternative CSR target of 21.8 students on average in core classes in grade twelve.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) recommends denial of this waiver request because its approval would not adequately address the educational needs of pupils per California *Education Code* (*EC*) Section 33051(a)(1).

The CDE recommends denial of this request based on four factors: (1) Corcoran JUSD was granted a CSR waiver for Corcoran HS for 2010–11 with the condition that the school satisfy future QEIA CSR requirements; (2) QEIA funding is expected to be used to hire teachers resulting in significantly reduced class sizes for students at QEIA schools; (3) significant increases in classroom sizes will potentially impact academic performance in the near future, causing student performance to suffer; and (4) approximately 80 percent of all QEIA schools have been successful in meeting QEIA program requirements and staying within the parameters of the program.

Reviewed by Corcoran HS Schoolsite Council on December 19, 2012.

Supported by Corcoran Teachers Association, August 13, 2012.

Local Board Approval: January 22, 2013.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1663891 Waiver Number: 14-4-2013 Active Year: 2013

Date In: 4/12/2013 1:16:32 PM

Local Education Agency: Corcoran Joint Unified School District
Address: 1520 Patterson Ave.
Corcoran, CA 93212

Start: 7/1/2011 End: 6/30/2014

Waiver Renewal: Y
Previous Waiver Number: 90-2-2011-W-6 Previous SBE Approval Date: 5/12/2011

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740 (a)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii) , as follows:
(i) At least five pupils fewer per classroom than was the average in 2006-07.
(ii) An average of 25 pupils per classroom.

Outcome Rationale: Corcoran High School has seen many positive changes due to its involvement in the QEIA Program. Funding has allowed the school to add young, energetic, experienced and innovative staff members who have helped in creating a positive, academic cultural change within the CHS campus. As a result, the school has seen dramatic increases in academic achievement including high growth rates in the number of students passing the California High School Exit Exam in both English/Language Arts and Mathematics, with a first time pass rate of 82 % for ELA and 81% for Math. In addition, an increase in the school Academic Performance Index (API) with an 18 point gain for the 2011-2012 school year, with a total API of 47 API point gain over the past 3 years. The graduation rate has also continued to increase to a high of 95%.

Unfortunately, the CSR target was “not met” for 2011-12 in 12th grade. The average class size went above by the target of 0.7%. All other class size targets were met.
We had an increase of students in 12th grade students that remained at CHS and/or transferred in that resulted in slightly larger class sizes than anticipated. In addition, hiring staff mid year for a small rural high school, with limited class offering, creates difficulties. However, all attempts were made to stay within the class size requirements.

Student Population: 3421

City Type: Rural

Public Hearing Date: 4/9/2013

Public Hearing Advertised: Posted at the District Office, on the District Website & at each School Site within the District

Local Board Approval Date: 4/9/2013

Committee/Council Reviewed By: CHS School Site Council Committee Members
Committee/Council Reviewed Date: 4/8/2013
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Lora Cartwright
Position: Director of Educational Services
E-mail: lcartwright@corcoranunified.com
Telephone: 559-992-8888 x1231
Fax: 559-992-3957

Bargaining Unit Date: 4/15/2013
Name: Corcoran Faculty Association
Representative: Wendi Hulbert
Title: President
Position: Supportive
Comments: None

Waiver Number: 32-3-2013 **Period of Request:** July 1, 2011, to June 30, 2014
Period Recommended: Denial
Freedom Elementary School **CDS Code**: 44 69799 6049696
Pajaro Valley Unified School District

Local Educational Agency Request:

Pajaro Valley Unified School District (USD) is an urban district located in Santa Cruz County with a student population of approximately 20,000 students. Freedom Elementary School (ES) serves 635 students in kindergarten and grades one through five. Monitoring performed by the Santa Cruz County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met by Freedom ES in school year 2011–12. The school's current QEIA CSR targets for core classes of English, mathematics, history-social science, and science are 20.44 in kindergarten and grades one through three, and an average of 25.0 in grades four and five. Through approval of a prior waiver, the QEIA CSR targets for grades one through three and grade five were waived only for school year 2010–11 at Freedom ES.

Pajaro Valley USD states that it worked closely with the school to meet the QEIA CSR in 2011–12, but was not successful due to ongoing student mobility throughout the schools in the district. The district asserts that it has been a challenge to maintain the QEIA CSR in all grades due to budget constraints and high student mobility.

Pajaro Valley USD requests a waiver of the QEIA CSR targets for grade one and grades four and five at Freedom ES for school year 2011–12, and the establishment of alternative CSR targets of 20.8 students per class in core classes in grade one, and 26.6 and 26.5 students on average in core classes in grades four and five, respectively.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) recommends denial of this waiver request because its approval would not adequately address the educational needs of pupils per California *Education Code* (*EC*) Section 33051(a)(1).

The CDE recommends denial of this request based on five factors: (1) Pajaro Valley USD was granted a CSR waiver for Freedom ES for 2010–11 with the condition that the school satisfy future QEIA CSR requirements; (2) QEIA funding is expected to be used to hire teachers resulting in significantly reduced class sizes for students at QEIA schools; (3) QEIA legislation requires an average classroom size of 25 students or lower for core subjects, with no more than 27 students per classroom regardless of the average classroom size; (4) significant increases in classroom sizes will potentially impact academic performance in the near future, causing student performance to suffer; and (5) approximately 80 percent of all QEIA schools have been successful in meeting QEIA program requirements and staying within the parameters of the program.

Reviewed by Freedom ES Schoolsite Council on December 13, 2012.

Supported by Pajaro Valley Federation of Teachers, December 5, 2012.

Local Board Approval: February 13, 2013.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 4469799 Waiver Number: 32-3-2013 Active Year: 2013

Date In: 3/13/2013 11:50:58 AM

Local Education Agency: Pajaro Valley Unified School District
Address: 294 Green Valley Rd.
Watsonville, CA 95076

Start: 7/1/2011 End: 6/30/2014

Waiver Renewal: Y
Previous Waiver Number: 73-2-2012-W-38 Previous SBE Approval Date: 05/10/2012

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740(a)(1)(A); Section (a) (1)(B)(1) and (ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: 52055.740. (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:
(1) Meet all of the following class size requirements:
(A) [For kindergarten and grades 1 to 3, inclusive, no more than 20 pupils per class, as set forth in the Class Size Reduction Program (Chapter 6.10 (commencing with Section 52120)).]
(B) For self-contained classrooms in grades 4 to 8, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
(i) [At least five pupils fewer per classroom than was the average in 2006-07.]
(ii) An average of 25 pupils per classroom.
(iii) [For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of self-contained classrooms in that grade at the schoolsite. If the self-contained classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph.] A school that receives funding under this article shall not have a self-contained classroom in grades 4 to 8, inclusive, with more than 27 pupils regardless of its average classroom size.

Outcome Rationale: See attachments

Student Population: 635

City Type: Urban

Public Hearing Date: 2/13/2013
Public Hearing Advertised: Notice in the newspaper and Notice posted at the school

Local Board Approval Date: 2/13/2013

Committee/Council Reviewed By: Freedom Elementary School Site Council
Committee/Council Reviewed Date: 12/13/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Ylda Nogueda
Position: Assistant Superintendent
E-mail: ylda_nogueda@pvusd.net
Telephone: 831-786-2133
Fax:

Bargaining Unit: Date: 12/05/2012
Name: Pajaro Valley Federation of Teachers
Representative: Francisco Rodriguez
Title: President
Position: Support
Comments:

Pajaro Valley Unified School District, on behalf of Freedom Elementary School, requests a three-year waiver (2011-12), (2012-2013), (2013-2014) in regards to Education Code 52055.740(a): QEIA Class Size Reductions. The district asked for a one-year waiver in 2010-2011. The district worked closely with the school to meet the QEIA requirement in 2011-2012, but was not successful due to ongoing movement of student throughout the schools in the district. It has been a challenge to maintain the QEIA class size requirements in K-3 and 4-5 due to budget constraints and high student mobility. The district is asking for a waiver in K-3 and 4-5 with the following targets for kindergarten and grades one through three and for grades four through fifth for the school years 2011-2012, 2012-2013 and 2013-2014.

- K-3 21:1
- 4-5 27:1

The schools QEIA CSR targets for the average size of the core classes have been 22 in kindergarten and grades one through three and 28 students per class in core classes in grades fourth and fifth.

Pajaro Valley Unified School District states that, due to district instructional decisions, budget constraints, increasing class size in non-QEIA schools causing increased student/teacher ratio, the district is committed to supporting the QEIA schools with the QEIA CSR. Freedom Elementary student population is predominantly composed of English learners from low income and migrant families, resulting in a high mobility rate. Daily enrolment fluctuates significantly while staffing normally remains constant to create stability and consistency for the students. The district also experiences many students coming and going throughout the school year, causing a high transit student population.

The QEIA grant has provided resources that have reduced class sizes, provided professional development to improve instruction and increase student achievement. Without the QEIA's funding, the school would not be able to continue to implement these programs that have had a positive effect in student learning. Freedom School has had steady increase in academic growth rate of the API. The district is also committed to supporting the QEIA program at Freedom Elementary School.

Additional Information:

- PVUSD hired two additional elementary school teachers for 2011-2012 school year to meet class size reduction
- PVUSD hired two additional elementary teachers for the 2012-2013 school year to meet class size reduction

Please note that PVUSD is committed to ensuring compliance with CSR target requirements. Additionally, Freedom Elementary School met the other Requirements for 2011-2012: Teachers: Experienced, Academic Performance Index, Highly Qualified, Professional Development, and the Williams Settlement.

Local Board Approval: February 13,2013

Waiver Number: 33-3-2013 **Period of Request:** July 1, 2011, to June 30, 2014
Period Recommended: Denial
Starlight Elementary School **CDS Code**: 44 69799 6108146
Pajaro Valley Unified School District

Local Educational Agency Request:

Pajaro Valley Unified School District (USD) is an urban district located in Santa Cruz County with a student population of approximately 20,000 students. Starlight Elementary School (ES) serves 657 students in kindergarten and grades one through five. Monitoring performed by the Santa Cruz County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met by Starlight ES in school year 2011–12. The school's current QEIA CSR targets for core classes of English, mathematics, history-social science, and science are 20.44 in kindergarten and grades one through three, and an average of 25.0 in grades four and five. Through approval of a prior waiver, the QEIA CSR targets for kindergarten and grades one through three and the QEIA 27-student cap in grades four and five were waived only for school year 2010–11 at Starlight ES.

Pajaro Valley USD states that it worked closely with the school to meet the QEIA CSR requirement in 2011–12, but was not successful due to ongoing student mobility throughout the schools in the district. The district asserts that it has been a challenge to maintain the QEIA CSR in all grades due to budget constraints and high student mobility.

Pajaro Valley USD requests a waiver of the QEIA CSR targets for kindergarten and grades one through five at Starlight ES for school year 2011–12, and the establishment of alternative CSR targets of 20.8, 21.9, 21.4, and 22.3 students per class in core classes in kindergarten and grades one through three, respectively, and 27.8 and 27.9 students on average in core classes in grades four and five, respectively.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) recommends denial of this waiver request because its approval would not adequately address the educational needs of pupils per California *Education Code* (*EC*) Section 33051(a)(1).

The CDE recommends denial of this request based on five factors: (1) Pajaro Valley USD was granted a CSR waiver for Starlight ES for 2010–11 with the condition that the school satisfy future QEIA CSR requirements; (2) QEIA funding is expected to be used to hire teachers resulting in significantly reduced class sizes for students at QEIA schools; (3) QEIA legislation requires an average classroom size of 25 students or lower for core subjects, with no more than 27 students per classroom regardless of the average classroom size; (4) significant increases in classroom sizes will potentially impact academic performance in the near future, causing student performance to suffer; and (5) approximately 80 percent of all QEIA schools have been successful in meeting QEIA program requirements and staying within the parameters of the program.

Reviewed by Starlight ES Schoolsite Council on December 17, 2012.

Supported by Pajaro Valley Federation of Teachers, December 5, 2012.

Local Board Approval: February 13, 2013.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 4469799 Waiver Number: 33-3-2013 Active Year: 2013

Date In: 3/13/2013 11:59:05 AM

Local Education Agency: Pajaro Valley Unified School District
Address: 294 Green Valley Rd.
Watsonville, CA 95076

Start: 7/1/2011 End: 6/30/2014

Waiver Renewal: Y
Previous Waiver Number: 76-2-2012W-38 Previous SBE Approval Date:05/10/2012

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740(a)(1) A; Section (a)(1)(B)(i) and (ii)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: 52055.740. (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:
(1) Meet all of the following class size requirements:
(A) [For kindergarten and grades 1 to 3, inclusive, no more than 20 pupils per class, as set forth in the Class Size Reduction Program (Chapter 6.10 (commencing with Section 52120)).]
(B) For self-contained classrooms in grades 4 to 8, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
(i) [At least five pupils fewer per classroom than was the average in 2006-07.]
(ii) An average of 25 pupils per classroom.
(iii) [For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of self-contained classrooms in that grade at the schoolsite. If the self-contained classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph.] A school that receives funding under this article shall not have a self-contained classroom in grades 4 to 8, inclusive, with more than 27 pupils regardless of its average classroom size.

Outcome Rationale: See attachments

Student Population: 657

City Type: Urban

Public Hearing Date: 2/13/2013
Public Hearing Advertised: Notice in the newspaper and Notice posted at the school

Local Board Approval Date: 2/13/2013

Committee/Council Reviewed By: Starlight Elementary School Site Council
Committee/Council Reviewed Date: 12/17/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Ylda Nogueda
Position: Assistant Superintendent
E-mail: ylda_nogueda@pvusd.net
Telephone: 831-786-2133
Fax:

Bargaining Unit: Date: 12/05/2012
Name: Pajaro Valley Federation of Teachers
Representative: Francisco Rodriguez
Title: President
Position: Support
Comments:

Pajaro Valley Unified School District, on behalf of Starlight Elementary School, requests a three-year waiver (2011-12), (2012-2013), (2013-2014) in regards to Education Code 52055.740(a): QEIA Class Size Reductions. The district asked for a one-year waiver in 2010-2011. The district worked closely with the school to meet the QEIA requirement in 2011-2012, but was not successful due to ongoing movement of student throughout the schools in the district. It has been a challenge to maintain the QEIA class size requirements in K-3 and 4-5 due to budget constraints and high student mobility. The district is asking for a waiver in K-3 and 4-5 with the following targets for kindergarten and grades one through three and for grades four through fifth for the school years 2011-2012, 2012-2013 and 2013-2014.

- K-3 22:1
- 4-5 27:1

The schools QEIA CSR targets for the average size of the core classes have been 22 in kindergarten and grades one through three and 28 students per class in core classes in grades fourth and fifth.

Pajaro Valley Unified School District states that, due to district instructional decisions, budget constraints, increasing class size in non-QEIA schools causing increased student/teacher ratio, the district is committed to supporting the QEIA schools with the QEIA CSR. Starlight Elementary student population is predominantly composed of English learners from low income and migrant families, resulting in a high mobility rate. The district also experiences many students coming and going throughout the school year, causing a high transit student population. Daily enrollment fluctuates significantly while staffing remains constant to create stability and consistency for students.

The QEIA grant has provided resources that have reduced class sizes, provided professional development to improve instruction and increase student achievement. Without the QEIA's funding, the school would not be able to continue to implement these programs that have had a positive effect in student learning. The district is also committed to supporting the QEIA program at Starlight Elementary School. The approval of this waiver would allow the district to continue QEIA class size implementation while meeting the demands of the student mobility.

Additional Information:

- PVUSD hired two additional elementary school teachers for 2011-2012 school year to meet class size reduction
- PVUSD hired two additional elementary school teacher for 2012-2013 school year to meet class size reduction

Please note that PVUSD is committed to ensuring compliance with CSR target requirements. Additionally, Starlight Elementary School met the other Requirements for 2011-2012: Teachers: Experienced, Highly Qualified, Professional Development, and the Williams Settlement.

Local Board Approval: February 13, 2013

Waiver Number: 44-3-2013 **Period of Request:** July 1, 2011, to June 30, 2012
Period Recommended: Denial
Cesar Chavez Elementary School **CDS Code**: 41 68999 6044366
Ravenswood City Elementary School District

Local Educational Agency Request:

Ravenswood City Elementary School District (ESD) is an urban district located in San Mateo County with a student population of approximately 4,077 students. Cesar Chavez Elementary School (ES) serves 277 students in grades six through eight. Monitoring performed by the San Mateo County Office of Education indicates that the class size reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met by Cesar Chavez ES in school year 2011–12.The school's current QEIA CSR targets for core classes of English, mathematics, history-social science, and science are an average of 20.5, 23.9, and 22.8 in grades six through eight, respectively.

Ravenswood City ESD states that due to budget constraints and cuts, the school district was forced to close James Flood ES, which offered kindergarten and grades one through eight. The district states that this impacted the enrollment of Cesar Chavez ES by increasing its enrollment more than anticipated. In addition, the district states that a larger number of families elected to attend Cesar Chavez ES than had been anticipated. Due to the higher enrollment, the district states, the school did not meet the CSR per classroom requirement. Lastly, the district states that since then, the school has restructured to accommodate higher enrollment.

Ravenswood City ESD requests a waiver of the QEIA CSR targets for grades six through eight at Cesar Chavez ES for school year 2011–12, and the establishment of alternative CSR targets of 30.6, 29.3, and 28.6 students on average in core classes in grades six through eight, respectively. In addition, Ravenswood City ESD requests the establishment of an alternative CSR target of 25.0 students on average in core classes in grades six through eight for school year 2014–15.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) recommends denial of this waiver request because its approval would not adequately address the educational needs of pupils per California *Education Code* (*EC*) Section 33051(a)(1).

The CDE recommends denial of this request based on five factors: (1) QEIA funding is expected to be used to hire teachers resulting in significantly reduced class sizes for students at QEIA schools; (2) QEIA legislation requires an average classroom size of 25 students or lower for core subjects, with no more than 27 students per classroom regardless of the average classroom size; (3) class size data provided by Ravenswood City ESD shows that class size averages for school year 2012–13 are currently at 27 students for grades six and seven, and 26 students for grade eight; (4) significant increases in classroom sizes will potentially impact academic performance in the near future, causing student performance to suffer; and (5) approximately 80 percent of all QEIA schools have been successful in meeting QEIA program requirements and

staying within the parameters of the program.

Reviewed by Ravenswood City School District Board of Trustees on March 14, 2013.

Supported by Ravenswood Teacher Association, March 4, 2013.

Local Board Approval: March 14, 2013.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 4168999 Waiver Number: 44-3-2013 Active Year: 2013

Date In: 3/19/2013 2:14:43 PM

Local Education Agency: Ravenswood City Elementary School District
Address: 2120 Euclid Ave.
East Palo Alto, CA 94303

Start: 7/1/2011 End: 6/30/2012

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Quality Education Investment Act
Ed Code Title: Class Size Reduction Requirements
Ed Code Section: 52055.740(c)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (c) For classes in English language arts, reading, mathematics, science, or history and social science sourses in grades 4 to 12, inclusive, an average clasroom size that is lesser of clause (i) or (ii) as follows:
[(i) At least five pupils fewer per classroom than was the average in 2006-07.]
[(ii) An average of 25 pupils per classroom.]
(iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of subject specific classrooms in that grade at the school site. If the subject specific classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph. A school that receives funding under this article shall not have a class in English language arts, reading, mathematics, science, or history and social science in grades 4th-12th inclusive, with more than 27 pupils regardless of its average classroom size.

Outcome Rationale: Due to budget constraints/cuts the school district was forced to close Flood School a K-8 school. This impacted the enrollment of Cesar Chavez School, increasing its enrollment higher than anticipated, larger number of families elected to attend Cesar Chavez than had been anticipated. Since then, the school has restructured to accomodate higher enrollment.

Student Population: 277

City Type: Urban

Public Hearing Date: 3/14/2013
Public Hearing Advertised: public posting 72 hours prior to meeting and distributed fliers to all district parents

Local Board Approval Date: 3/14/2013

Committee/Council Reviewed By: Ravenswood City School District Board of Trustees
Committee/Council Reviewed Date: 3/14/2013
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Maria Ibarra
Position: Categorical Compliance Programs Coordinator
E-mail: mibarra@ravenswoodschools.org
Telephone: 650-329-2800 x 60197
Fax: 650-329-1793

Bargaining Unit: Date: 03/04/2013
Name: Ravenswood Teacher Association
Representative: Luis Rodriguez
Title: Acting Vice-President
Position: Support
Comments:

California State Board of Education

Meeting Agenda Items for July 10-11, 2013

ITEM W-22

ITEM #W-22

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2013 AGENDA

☒ **General Waiver**

SUBJECT	
Request by **Banning Unified School District** to waive California *Education Code* Section 52055.750(a)(9), regarding the fund expenditure requirements of the Quality Education Investment Act in order to allow funds from Susan B. Coombs Intermediate School to follow identified students who will transfer to Nicolet Middle School to ensure that they will not lose the benefits of the Quality Education Investment Act. Waiver Number: 27-4-2013	☒ **Action** ☒ **Consent**

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

The California Department of Education (CDE) recommends approval with the following conditions: (1) Applies only to grade six at Nicolet Middle School (MS) for school year 2013–14; (2) Quality Education Investment Act (QEIA) funds intended for Susan B. Coombs Intermediate School (IS) may follow the students who have transferred to Nicolet MS as a result of the school reconfiguration beginning in school year 2013–14; and (3) Nicolet MS continues to meet all QEIA program requirements in all subsequent years the school receives QEIA funds.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The CDE Waiver Office has previously presented requests to the State Board of Education (SBE) to waive the prohibition against funds following students as defined by QEIA. These waivers have been granted.

SUMMARY OF KEY ISSUES

Banning Unified School District (USD) is located in Riverside County and has a student population of approximately 4,524 students. Nicolet MS serves 565 students in grades seven and eight. Susan B. Coombs IS serves 590 students in grades five and six. Both are QEIA funded schools.

Susan B. Coombs IS is closing for school year 2013–14 and approximately 252 students, currently in grade five, will be transferring to Nicolet MS as students in grade six. Nicolet MS is reconfiguring its grade spans to include grades six through eight.

Banning USD states that it is necessary to close Susan B. Coombs IS due to budget constraints. The district contends that the grade five students that are transferring from the QEIA-funded Susan B. Coombs IS to its other QEIA-funded school, Nicolet MS, are already generating QEIA funding. Since the closure of Susan B. Coombs IS will make it necessary for students now in grade five to transfer to Nicolet MS, a QEIA school, it is requesting that the QEIA funding that would be generated by the students remain with them as the class transitions to Nicolet MS. The district adds that the present grade four students that would have transferred to Susan B. Coombs IS as grade five students will now remain at their respective four elementary schools that do not receive QEIA funds.

Banning USD requests that the QEIA funds generated from Susan B. Coombs IS continue to fund the students transferring to Nicolet MS (CDS code 33 66985 6112080) as grade six students beginning in school year 2013–14.

If granted, the following conditions will apply: (1) Applies only to grade six at Nicolet MS for school year 2013–14; (2) QEIA funds intended for Susan B. Coombs IS may follow the students who have transferred to Nicolet MS as a result of the school reconfiguration beginning in school year 2013–14; and (3) Nicolet MS continues to meet all QEIA program requirements in all subsequent years the school receives QEIA funds.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* 33051(a), available at http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=33001-34000&file=33050-33053.

Authority for Waiver: *EC* Section 33050

Period of request: July 1, 2013, to June 30, 2014

Period recommended: July 1, 2013, to June 30, 2014

Local board approval date(s): April 18, 2013

Public hearing held on date(s): April 18, 2013

Bargaining unit(s) consulted on date(s): April 2, 2013

Name of bargaining unit/representative(s) consulted: Banning Teachers Association, Elizabeth Syria, President

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: Nicolet MS Schoolsite Council and Susan B. Coombs IS Schoolsite Council.
Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: October 16, 2012, and November 8, 2012, respectively.

FISCAL ANALYSIS (AS APPROPRIATE)

Denial of this waiver will disallow QEIA funds from being distributed to the grade six class being relocated from Susan B. Coombs IS to Nicolette MS. QEIA funding for Nicolette MS in school year 2013–14 will only be for grades seven and eight. No QEIA funds will be distributed to Susan B. Coombs IS as it will be closed for school year 2013–14. The QEIA statute calls for any undistributed annual QEIA funding be redistributed to other schools in the program (no new schools are funded).

ATTACHMENTS

Attachment 1: Banning Unified School District General Waiver Request 27-4-2013 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3366985 Waiver Number: 27-4-2013 Active Year: 2013

Date In: 4/19/2013 11:29:59 AM

Local Education Agency: Banning Unified School District
Address: 161 West Williams St.
Banning, CA 92220

Start: 7/1/2013 End: 6/30/2014

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Quality Education Investment Act
Ed Code Title: Money to Follow Identified Students
Ed Code Section: 52055.750(a)(9)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: 52055.750. (a) A school district or chartering authority that receives funding pursuant to this article shall agree to do all of the following for each funded school within its jurisdiction:
(9) Ensure that the funds received on behalf of funded schools are [expended on that school], except that during the first partial year of funding districts may use funding under this article for facilities necessary to meet the class size reduction requirements of this article, if all funds are spent on funded schools within the district.

Outcome Rationale: Coombs Intermediate School (grades 5-6) is closing for the 2013-2014 year. Banning Unified School district is request that the funds for our sixth grade students follow to Nicolet Middle School. Nicolet Middle School currently housed seventh and eith grade and for the 2013-2014 school year will also house sixth grade.

Student Population: 346

City Type: Small

Public Hearing Date: 4/18/2013
Public Hearing Advertised: Notice posted at all schools.

Local Board Approval Date: 4/18/2013

Committee/Council Reviewed By: Coombs Intermediate School Site Council 11/08/2012 Nicolet Middle School Site Council 10/16/2012
Committee/Council Reviewed Date: 11/8/2012
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Felicia Adkins
Position: Coordinator Categorical Programs
E-mail: fadkins@banning.k12.ca.us
Telephone: 951-922-0218
Fax: 951-922-0218

Bargaining Unit: Date: 04/02/2013
Name: Banning Teachers Association
Representative: Elizabeth Syria
Title: President
Position: Support
Comments:

Bargaining Unit: Date: 04/02/2013
Name: CSEA Chapter #147
Representative: Jennifer Serrano
Title: President
Position: Support
Comments:

California State Board of Education

Meeting Agenda Items for July 10-11, 2013

ITEM W-23

ITEM #W-23

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2013 AGENDA

☒ **General Waiver**

SUBJECT	
Request by **San Diego Unified School District** to waive portions of California *Education Code* Section 52055.740(a), regarding the Teacher Experience Index under the Quality Education Investment Act. Waiver Number: 1-3-2013	☒ **Action** ☒ **Consent**

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

See Attachment 1 for details.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The California Department of Education (CDE) Waiver Office has previously presented requests to waive the Teacher Experience Index (TEI) target as defined by the Quality Education Investment Act (QEIA) to the State Board of Education (SBE). All TEI waivers previously presented have been approved by the SBE.

SUMMARY OF KEY ISSUES

Teacher Experience Index

Schools participating in the QEIA program were monitored by their county offices of education for compliance with program requirements for the first time at the end of the 2008–09 school year. At that time, local educational agencies (LEAs) were required to demonstrate one-third progress toward full implementation of program requirements. Monitoring for compliance with second-year program requirements was completed to ensure that schools made two-thirds progress toward full implementation in the 2009–10 school year. QEIA schools were required to demonstrate full compliance with all program requirements at the end of the 2010–11 school year.

QEIA schools are required to include an index based on the 2005–06 California Basic Educational Data System Professional Assignment Information Form as the base-reporting year to evaluate annual improvements of funded schools toward balancing the index of teacher experience. Approved by the district superintendent, the index is an aggregate indicator of the teaching experience on a scale of one to ten. QEIA schools are required to have a TEI equal to or exceeding the average for the school district for

this type of school and maintain or exceed this experience level for the duration of funding.

If an LEA requests a waiver of the TEI, the CDE reviews a range of information regarding the unique circumstances of the school and the LEA when formulating a recommendation to the SBE.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* 33051(a), available at http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=33001-34000&file=33050-33053.

FISCAL ANALYSIS (AS APPROPRIATE)

There are no statewide costs as a result of waiver approval. If the waiver is denied, the school must implement the TEI targets based on statute requirements to stay in the program. Any school in the program not meeting those targets will risk the loss of future funding. The QEIA statute calls for any undistributed annual QEIA funding to be redistributed to other schools currently in the program (no new schools are funded).

ATTACHMENT(S)

Attachment 1: San Diego Unified School District Request 1-3-2013 for a Quality Education Investment Act Teacher Experience Index Waiver (2 Pages)

Attachment 2: San Diego Unified School District General Waiver Request 1-3-2013 (5 Pages) (Original waiver request is signed and on file in the SBE Office or the Waiver Office.)

Waiver Number: 1-3-2013 **Period of Request:** July 1, 2011, to June 30, 2012
Period Recommended: July 1, 2011, to June 30, 2012
Horace Mann Middle School **CDS Code:** 37 68338 6059646
San Diego Unified School District

Local Educational Agency Request:

San Diego Unified School District (USD) is an urban school district located in San Diego County and has a student population of approximately 130,271 students. Horace Mann Middle School (MS) serves 980 students in grades six through eight. San Diego USD provided teacher experience information from 2005–06, the base year upon which Quality Education Investment Act (QEIA) Teacher Experience Index (TEI) targets are calculated, showing that the average San Diego USD middle school TEI is 6.6. San Diego USD's average TEI for 2011–12 for this type of school is 7.3.

San Diego USD states that Horace Mann MS has been battling a reputation of being an undesirable site at which to work and therefore had a high teacher turnover rate. In addition, the district states that when the school was restructured in 2008–09, 70 percent of the staff Horace Mann MS hired were predominantly newly credentialed teachers willing to work at a Program Improvement school with an Academic Performance Index score of 594. Further, the district states that Horace Mann MS has struggled to meet the QEIA TEI for two reasons: (1) Horace Mann MS's newly credentialed teachers, and (2) because of Horace Mann MS's very successful school improvements, student enrollment has increased, making it necessary to hire 20 more teachers, some new, in order to fulfill QEIA requirements for class size reduction.

San Diego USD requests a waiver of the QEIA TEI target for Horace Mann MS and establishment of an alternative TEI target of 5.5 for school year 2011–12.

Additional Local Educational Agency and School Information for Consideration:

School Locale Code	11*
LEA Average Daily Attendance (ADA)	130,271
School ADA	948
Grade Span	6–8
Total Number Of Schools With Similar Grade Span	23
2005–06 TEI (Baseline Calculation)	6.6
2011–12 QEIA School TEI	5.5
2012–13 QEIA School TEI	6.2
2011–12 Similar Type School TEI	7.3
2012–13 Similar Type School TEI	7.5
Percent of Similar Type School (2011–12 Data)	75%
Made API Growth Target?	No
Made AYP?	No

***City, Large:** Territory inside an urbanized area and inside a principal city with population of 250,000 or more.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports San Diego USD's request to reduce its TEI target for Horace Mann MS for school year 2011–12.

The CDE recommends approval with the following conditions: (1) Applies only to teachers at Horace Mann MS; (2) For the period of July 1, 2011, through June 30, 2012, the alternate TEI target of 5.5 shall be established at Horace Mann MS; and (3) Within 30 days of approval of this waiver, San Diego USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the TEI requirement.

Reviewed by Horace Mann MS Schoolsite Council on February 19, 2013.

Neutral position by San Diego Education Association, February 26, 2013.

Local Board Approval: February 26, 2013.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3768338 Waiver Number: 1-3-2013 Active Year: 2013

Date In: 3/1/2013 12:15:57 PM

Local Education Agency: San Diego Unified School District
Address: 4100 Normal St.
San Diego, CA 92103

Start: 7/1/2011 End: 6/30/2012

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Quality Education Investment Act
Ed Code Title: Teacher Experience Index
Ed Code Section: 52055.740 (a)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: [*EC* Section 52055.740(a)(4)]
(4) Using the index established under Section 502055.730 have an average experience of classroom teachers in the school equal to or exceeding the average for the school district for this type of school.

Outcome Rationale: On behalf of Mann Middle School, the San Diego Unified School District requests an adjustment in the QEIA Teacher Experience target for the 2011-12 school year, from 6.6 to 5.7 years of teacher experience.

Mann Middle School has 60 teachers with 343 years of experience (QEIA TEI adjusted) and 455 actual years of experience or an average of 7.58.

Student Population: 980

City Type: Urban

Public Hearing Date: 2/26/2013
Public Hearing Advertised: Local newspaper ad (San Diego Union Tribune)

Local Board Approval Date: 2/26/2013

Committee/Council Reviewed By: Mann School Site Council
Committee/Council Reviewed Date: 2/19/2013
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Ron Rode
Position: Executive Director, Office of Accountability
E-mail: rrode@sandi.net
Telephone: 619-725-7190
Fax: 619-725-7180

Bargaining Unit: Date: 02/26/2013
Name: San Diego Education Association (SDEA)
Representative: Bill Freeman
Title: President, SDEA
Position: Neutral
Comments:

To: California State Board of Education
From: Courtney Young, Principal, Mann Middle School
Re: Proposal for Granting Mann Middle School of the SDUSD a QEIA Waiver for TEI

Background on Mann Middle School

Intervention reforms under Quality Education Investment Act (QEIA), such as class size reduction and increased teacher and principal training have directly and positively contributed to the levels of achievement of Mann Middle.

Horace Mann Middle School is located in the heart of a community of low socioeconomic status. The school is home to approximately 1,000 students from all corners of the world. With over 30 languages spoken on our campus and approximately 40% of the students learning English as a second language, 30% of our students receiving special education services and 100% students receiving free school lunch, Mann is quite unique in its diversity. The surrounding community happens to be the first San Diego settlement for new immigrant arrivals.

Six years ago, the school's academic performance was in steep decline. Mann did not show significant growth based on the CST scores. In 2005-2006, the school fell under state monitoring and as a result, the site was restructured. This plan resulted in the creation of three thematically focused schools. The test results showed marginal gains at the end of the third year. At this time, the district was beginning to experience budget crisis and Mann Middle restructured from three small schools back into one.

Since the restructuring, Mann has made significant academic gains in all categories for all students. In its first year of restructuring, Horace Mann exited the state monitoring process. This was highly significant because it allowed the school to provide more elective courses and establish an A-G curriculum with a high school and college bound focus. One year after Mann's restructuring, the API score increased to 630 from 594.

Although the teachers at Mann lack the years of experience required for QEIA funding, they certainly possess the ability to improve the academic culture and achievement levels among the students. The decision to maintain our staff of less senior teachers has been made to support student achievement. This is evidenced through the increased proficiency levels of our students. It is notable that throughout the 2009 - 2012 school years, Horace Mann's API score of 630 increased to 746. According to QEIA teaching index, our teachers have a low average number of teaching years, but it is important to note that each year they still produce an increase in academic results. Clearly, Mann's group of less senior teachers is functioning to improve the educational experiences of all students, as substantiated by the data.

Since 2008, Mann has maintained a stable group of staff members. This has greatly contributed to the stabilization of Mann and its academic focus. As a QEIA school, Mann teachers have received hundreds of specialized, professional development hours with a focus on student academic achievement. We have created strong PLCs centered on excelling student achievement in all content areas among all subgroups. Today our API goal is 820. Retaining the stable group of Mann teachers is essential to our continued progress to meet that target. The staff has consistently implemented the learning that has taken place during the Professional Developments, which is evidenced in the consistent trend of academic gains.

Horace Mann has a strong focus on pathway college curriculum such as Junior Urban Medical Professionals Program, Gateway to Technology (an engineering based course that fosters and

nurtures a deeper understanding of mathematical applications) foreign languages (Arabic, Mandarin Chinese and French), and a strong and successful music program. Our academic focus is to prepare each student to be college bound and leave Mann prepared in English, Math, History, and Science content standards so they may enter and succeed the Advanced Placement and A-G required high school courses. With an established group of teachers, who have consistently received specialized instruction geared to meet the particular needs of Mann, we have continued to provide a successful, rigorous, college bound curriculum for all students. Denying the waiver would effectively penalize the students of Mann Middle. Programs will not remain and implementation of class size reduction instructional practices would be jeopardized. Mann Middle is confident that this waiver renewal request maintains the intent of QEIA to improve student performance and maintain fiscal responsibility, while it also provides a path for Mann to provide every student with an excellent education. Without the funds offered from the Quality Education Investment Act, Mann Middle School would not be able to continue to provide the successful academic programs currently in place.

Arguments in Favor of the Waiver

In March of 2012, I was the newly appointed Principal of Mann Middle School. It is my intent and purpose to ensure that the requirements of QEIA will be met without failure. As I began my tenure as Principal, I realized as a Vice Principal of the site I had a narrow understanding of the QEIA guidelines. Once I realized the TEI was not met at Mann, I worked with Human Resources and the district QEIA representative, Cynthia Craft to rectify the discrepancies. Since my appointment, I have thoroughly researched QEIA and have made it a priority to meet all conditions of QEIA.

Mann Middle recognizes that any QEIA waiver must meet the intent of the QEIA law. In effect, this waiver is similar the waiver from last year under our previous administrator.

Mann Middle has been battling a reputation of being an undesirable site at which to work and therefore had a very high teacher turnover rate. In the past, Mann Middle School struggled to create an academically achieving environment. In 2005-2006, the school was restructured into three small schools because of consistent insufficiencies in the targeted areas described by the Testing and Accountability Offices of the California Department of Education. In 2008-2009, when the school restructured back into one comprehensive site the administrative team hired 70% of the new staff from a pool of applicants that were predominately newly credentialed teachers, but willing to work at a Program Improvement school with an API 594. Few applicants were tenured teachers.

Current Teaching Staff

Currently, Mann houses a consistent group of teachers that have been at the site since 2008-2009 school year and have received three years of consistent professional development funded with QEIA funds.

Today, the majority of the teaching staff remains and they continue to work together with a common vision to exceed our present API of 746, which relatively compares to the state at 778. In subsequent years, the staff that has been added to Mann is new credentialed. Because of Mann’s newly credentialed teachers we have struggled to meet the QEIA TEI. However, working together the stabilized staff and the addition of new teachers have successfully met and often surpassed the educational goals, supported by QEIA funds.

Increasing Enrollment

Due to improved professional development, rigorous academic programs, appropriate curriculum implementation and instruction and increased school safety, student enrollment has consistently increased. Enrollment was approximately 750 in 2008 and is currently 980. As our enrollment expanded, so has our need to hire additional teachers. In the 2008-2009 school year we had approximately 40 teachers. Currently, we have 60 content area teachers in order to match enrollment and fulfill QEIA requirements for class size reduction.

The loss of support from the Quality Education Investment Act would severely hinder the successful work occurring at Mann Middle School in regard to increasing student achievement. Please consider renewing this waiver so that we are able to continue to offer professional development to the teaching staff and maximize the benefits of small class size.

California State Board of Education

Meeting Agenda Items for July 10-11, 2013

ITEM W-24

ITEM #W-24

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2013 AGENDA

☒ **General Waiver**

SUBJECT	
Request by two local educational agencies to waive portions of California *Education Code* Section 52055.740(a), regarding Highly Qualified Teachers and/or the *Williams* case settlement requirements under the Quality Education Investment Act. Waiver Numbers: Banning Unified School District 26-4-2013 San Diego Unified School District 3-3-2013	☒ **Action** ☒ **Consent**

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

See Attachments 1 and 3 for details.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The California Department of Education (CDE) Waiver Office has previously presented requests to waive the Highly Qualified Teachers (HQT) target and the *Williams* case settlement requirements as defined by the Quality Education Investment Act (QEIA) to the State Board of Education (SBE). All HQT and *Williams* case settlement requirement waivers previously presented have been approved by the SBE.

SUMMARY OF KEY ISSUES

Quality Education Investment Act

Per California *Education Code* (*EC*) Section 52055.710(c) and (d), it is the intent of the Legislature that QEIA funding accomplish the following:

> (c) Improve the quality of academic instruction and the level of pupil achievement in schools in which pupils have high levels of poverty and complex educational needs.
>
> (d) Develop exemplary school district and school practices that will create the working conditions and classroom learning environments that will attract and retain well qualified teachers, administrators, and other staff.

To assist local educational agencies (LEAs) in properly implementing requirements to meet statutory timelines, schools participating in the QEIA program were monitored by

their county offices of education for compliance with program requirements for the first time at the end of the 2008–09 school year. At that time, QEIA schools were required to demonstrate one-third progress toward full implementation of program requirements. At the end of the 2009–10 school year, QEIA schools were required to demonstrate two-thirds progress toward full program implementation. QEIA schools were required to demonstrate full compliance with all program requirements at the end of the 2010–11 school year.

Highly Qualified Teachers

California *EC* Section 52055.740(a)(3) requires, in QEIA funded schools, that by the end of the 2010–11 school year and each year after, each teacher, including intern teachers, be highly qualified in accordance with the federal No Child Left Behind Act (NCLB) of 2001.

The federal NCLB statutes require that all elementary, middle, and high school teachers assigned to teach core academic subjects be highly qualified. In California, the NCLB core academic subjects are defined as:

- English/language arts/reading (including reading intervention and California High School Exit Exam [CAHSEE] English classes)
- Mathematics (including math intervention and CAHSEE math classes)
- Biological sciences; chemistry; geosciences; and physics
- Social science (history; government; economics; and geography)
- Foreign languages (specific)
- Drama/theater; visual arts (including dance); and music

Meeting the federal requirement for HQT is determined based on the number of classes in core academic subjects taught by highly qualified teachers as reported in the California Longitudinal Pupil Achievement Data System (CALPADS).

***Williams* Case Settlement Requirements**

California *EC* Section 52055.740(b)(4) requires QEIA funded schools, by the end of the 2008–09 school year and each year thereafter, to meet all of the requirements of the settlement agreement in *Eliezer Williams, et al., vs. State of California, et al.*

These requirements include:

- Ensuring students have sufficient instructional materials.
- Ensuring school facilities pose no emergency or urgent threat to health and safety.

- Ensuring there are no teacher vacancies or misassignments.

If an LEA requests a waiver of the HQT or *Williams* case settlement requirements, the CDE reviews a range of information regarding the unique circumstances of the school and the district to formulate a recommendation to the SBE.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* 33051(a), available at http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=33001-34000&file=33050-33053.

FISCAL ANALYSIS (AS APPROPRIATE)

There are no statewide costs as a result of waiver approval. If the waiver is denied, the school must implement the *Williams* case settlement requirements to stay in the program. Any school in the program not meeting those targets will risk the loss of future funding. The QEIA statute calls for any undistributed annual QEIA funding to be redistributed to other schools currently in the program (no new schools are funded).

ATTACHMENT(S)

Attachment 1: Banning Unified School District Request for a Quality Education Investment Act *Williams* Waiver 26-4-2013 (1 Page)

Attachment 2: Banning Unified School District General Waiver Request 26-4-2013 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: San Diego Unified School District Request for a Quality Education Investment Act *Williams* Waiver 3-3-2013 (1 Page)

Attachment 4: San Diego Unified School District General Waiver Request 3-3-2013 (3 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Waiver Number: 26-4-2013 **Period of Request:** July 1, 2011, to June 30, 2012
Period Recommended: July 1, 2011, to June 30, 2012
Nicolet Middle School **CDS Code**: 33 66985 6112080
Banning Unified School District

Local Educational Agency Request:

Banning Unified School District (USD) is an urban district located in Riverside County and has a student population of approximately 4,524 students. Nicolet Middle School (MS) serves 656 students in grades seven and eight. Monitoring performed by the Riverside County Office of Education indicates that the *Williams* case settlement requirements of the Quality Education Investment Act (QEIA) were not fully met by Nicolet MS in school year 2011–12.

Banning USD states that a teacher at Nicolet Middle School died suddenly and created a vacancy. Further, the district states that it put a long-term substitute teacher in the classroom, and then chose to keep the long-term substitute in the class to create less of a disruption to the students.

Banning USD is requesting that the *Williams* case settlement requirement for teachers at Nicolet MS be waived for school year 2011–12.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Banning USD's request that the *Williams* case settlement requirements for teachers at Nicolet MS be waived for school year 2011–12.

The CDE recommends approval with the following conditions: (1) Applies only to teachers at Nicolet MS for school year 2011–12; (2) Nicolet MS meets the *Williams* case settlement requirements in school year 2012–13 and all subsequent years that the district receives QEIA funds; and (3) Within 30 days of approval of this waiver, Banning USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the *Williams* case settlement requirements.

Reviewed by Nicolet MS Schoolsite Council on October 16, 2012.

Neutral position by Banning Teachers Association, April 2, 2013.

Local Board Approval: April 18, 2013.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3366985 Waiver Number: 26-4-2013 Active Year: 2013

Date In: 4/19/2013 11:19:06 AM

Local Education Agency: Banning Unified School District
Address: 161 West Williams St.
Banning, CA 92220

Start: 7/1/2012 End: 6/30/2013

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Quality Education Investment Act
Ed Code Title: Williams Settlement
Ed Code Section: 52055.740(b)(4)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: 52055.740. (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:
(b) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following interim requirements:
(4) Meet all of the requirements of the settlement agreement in Williams v. State of California (Case Number CGC-00-312236 of the Superior Court for the County of San Francisco), including, among other things, [the requirements regarding teachers], instructional materials, and school facilities, by the end of the first full year of funding, and in each year of funding thereafter.

Outcome Rationale: A teacher at Nicolet Middle School died suddenly and caused a vacancy. The district put a long term substitute in the classroom. Because of the death, district chose to keep the long term substitute in the class to create less of a disruption to the students.

Student Population: 656

City Type: Small

Public Hearing Date: 4/18/2013
Public Hearing Advertised: Notice posted at each school.

Local Board Approval Date: 4/18/2013

Committee/Council Reviewed By: Nicolet Middle School Site Council
Committee/Council Reviewed Date: 10/16/2012
Committee/Council Objection: N

Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Felicia Adkins
Position: Coordinator Categorical Programs
E-mail: fadkins@banning.k12.ca.us
Telephone: 951-922-0218
Fax: 951-922-2725

Bargaining Unit: Date: 04/02/2013
Name: Banning Teachers Association
Representative: Elizabeth Syria
Title: President
Position: Support
Comments:

Bargaining Unit: Date: 04/02/2013
Name: CSEA Chapter #147
Representative: Jennifer Serrano
Title: President
Position: Support
Comments:

Waiver Number: 3-3-2013 **Period of Request:** July 1, 2011, to June 30, 2012
Period Recommended: July 1, 2011, to June 30, 2012
Edison Elementary School **CDS Code:** 37 68338 6039499
San Diego Unified School District

Local Educational Agency Request:

San Diego Unified School District (USD) is an urban school district located in San Diego County and has a student population of approximately 130,271 students. Edison Elementary School (ES) serves 600 students in kindergarten and grades one through five. Monitoring performed by the San Diego County Office of Education indicates that the *Williams* case settlement requirements of the Quality Education Investment Act (QEIA) were not fully met by Edison ES in school year 2011–12.

San Diego USD states that due to an unexpected enrollment increase in grade four, a new classroom needed to be opened after the spring break. However, the district states that it informed Edison ES that it would not be contracting an additional teacher at that time and to proceed with a substitute teacher. The district states that a long-term visiting teacher started teaching the new grade four class on May 7, 2012, 10 weeks before the school term ended, but the teacher did not have the proper credentials to instruct special education students.

San Diego USD is requesting that the *Williams* case settlement requirement for teachers at Edison ES be waived for school year 2011–12.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports San Diego USD's request that the *Williams* case settlement requirements for teachers at Edison ES be waived for school year 2011–12.

The CDE recommends approval with the following conditions: (1) Applies only to teachers at Edison ES for school year 2011–12; (2) Edison ES meets the *Williams* case settlement requirements in school year 2012–13 and all subsequent years that the district receives QEIA funds; and (3) Within 30 days of approval of this waiver, San Diego USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the *Williams* case settlement requirements.

Reviewed by Edison ES Schoolsite Council on February 1, 2013.

Neutral position by San Diego Education Association, February 26, 2013.

Local Board Approval: February 26, 2013.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3768338 Waiver Number: 3-3-2013 Active Year: 2013

Date In: 3/1/2013 12:59:48 PM

Local Education Agency: San Diego Unified School District
Address: 4100 Normal St.
San Diego, CA 92103

Start: 7/1/2011 End: 6/30/2012

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Quality Education Investment Act
Ed Code Title: Williams Settlement
Ed Code Section: 52055.740(a)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: California *EC* Section 52055.740(b)(4) requires QEIA funded schools, by the end of 2008-09 school year and each year thereafter, to meet all the requirements of the settlement agreement. These requirements include: Ensuring there are no teacher vacancies or misassignments.

Outcome Rationale: An unexpected increase in enrollment at Edison Elementary School, late in the school year, created a need for additional staffing. With only a few weeks left in the school year, no teachers were being hired and a visiting teacher filled the position until the end of the school year.

Student Population: 600

City Type: Urban

Public Hearing Date: 2/26/2013
Public Hearing Advertised: Local newspaper ad (San Diego Union Tribune)

Local Board Approval Date: 2/26/2013

Committee/Council Reviewed By: Edison School Site Council
Committee/Council Reviewed Date: 2/1/2013
Committee/Council Objection: N
Committee/Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Ron R
Position: Executive Director, Office of Accountability
E-mail: rrode@sandi.net
Telephone: 619-725-7190
Fax: 619-725-7180

Bargaining Unit: Date: 02/26/2013
Name: San Diego Education Association (SDEA)
Representative: Bill Freeman
Title: President, SDEA
Position: Neutral
Comments:

EDISON ELEMENTARY
QEIA Williams Act - Teacher Misassignment 2011-12
OLGA COSIO

During a meeting on 3/23/12 Tavga Bustani, Principal; Charmaine Lawson, SDCOE; and Cynthia Craft SDUSD QEIA Resource Teacher, came to the conclusion that; due to unexpected increase on enrollment in 4th grade a new classroom needed to be open. Being that Edison Elementary is a year around school and students were scheduled to be off for Spring break the month of April 2012, it was agreed that the new classroom would open in May 2012.

Principal Bustani contacted SDUSD HR Department to obtain names of candidates for this position. At this point she was informed that at time of the year; they wouldn't be contracting an additional teacher to fill the position and to proceed with a Substitute Teacher.

Mrs. Olga Cosio was assigned to the classroom as a Long Term Visiting Teacher and started teaching the new 4th grade class on Monday, May 7, 2012.

Mrs. Cosio did participate in grade level Collaboratives on the following dates:

May 11, 2012
June 22, 2012
June 29, 2012

California State Board of Education

Meeting Agenda Items for July 10-11, 2013

ITEM 17

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2013 AGENDA

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

SUMMARY OF THE ISSUE(S)

This is a standing item on the agenda, which allows the members of the public to address the board on any matter that is not included in this meeting's agenda.

RECOMMENDATION

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

BRIEF HISTORY OF KEY ISSUES

Not applicable.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Not applicable.

FISCAL ANALYSIS (AS APPROPRIATE)

Not applicable.

ATTACHMENT(S)

Not applicable.

California State Board of Education

Meeting Agenda Items for July 10-11, 2013

ITEM 18

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2013 AGENDA

SUBJECT	
Request for Approval of Desert/Mountain Charter Special Education Local Plan Area.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

The Desert/Mountain (D/M) Special Education Local Plan Area (SELPA) is requesting approval for a membership-only charter schools local educational agency (LEA).

The State Superintendent of Public Instruction (SSPI) is referring the local plan of the D/M Charter SELPA to the State Board of Education (SBE) for its review and approval.

The new Charter SELPA will exclusively serve charter schools as LEA members of its SELPA. The D/M SELPA will continue to serve 15 traditional member school districts.

RECOMMENDATION

The California Department of Education (CDE) recommends that the SBE approve the D/M Charter SELPA local plan (Attachment 1) for a membership-only charter schools LEA, subject to the following conditions: the D/M Charter SELPA must submit annual budget and service plans pursuant to California *Education Code (EC)* Section 56205(b); and a community advisory committee certification of participation, compatibility, and compliance assurances pursuant to *EC* sections 56194, 56195.9, and 56205(b).

BRIEF HISTORY OF KEY ISSUES

Pursuant to *EC* Section 56205 et seq., each SELPA submits a local plan to the state that describes the range of services available in the SELPA, delineates the governance structure, and describes the structure of support that students with disabilities require for obtaining a free appropriate public education. The local plan includes: (1) plans for specific groups of students; (2) provision of a variety of programs; (3) provisions to utilize expertise in areas related to severe and low incidence disabilities; and (4) assurance of qualified special education teachers. The governing board typically includes participating member LEA and/or county chief operating officers and/or superintendents. The local plan also describes how the participating members of the

SELPA follow federal and state special education laws and regulations. It also describes how the SELPA will ensure access to special education programs and services for all identified students with disabilities who reside in the SELPA service area. Each SELPA has a community advisory committee (CAC) that provides active community involvement in the development and review of the local plan. Each CAC meets to review policies and procedures on a regular basis as specified in the local plan.

The CDE's review of the D/M Charter SELPA local plan indicates the local plan addresses all statutory requirements in *EC* sections 56205–56206

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In September 2007, as part of a pilot study of charter school SELPA membership, the SBE approved the D/M SELPA local plan, even though it did not adhere to current SBE size and scope standards. In its approval of nine High Tech High charter schools to participate as LEA members in the D/M SELPA, the SBE restricted the inclusion of additional out-of-geographic region charter school LEA members due to capacity issues.

At its January 2010 meeting, the SBE removed the D/M SELPA's pilot status and allowed it to expand to serve students with disabilities in charter schools. The D/M SELPA currently serves 10 charter school LEAs with its 15 traditional member school districts.

In January 2010, the SBE also required the SSPI to refer any new SELPAs that exclusively serve charter schools to the SBE for approval. In July 2010, the SBE approved the Los Angeles County Office of Education (COE) Charter SELPA request and, in November 2011, approved the Sonoma COE Charter SELPA, both referred by the SSPI.

FISCAL ANALYSIS

In general, the funding effects for an increase or decline in average daily attendance (ADA) due to the addition or loss of a charter school member is dependent on the growth status of the SELPAs that are receiving or losing members. A funding increase or reduction will occur that is equal to the statewide target rate multiplied by the gain or loss in ADA in the year that it receives or loses a charter school.

ATTACHMENT(S)

Attachment 1: Desert/Mountain Charter Special Education Local Plan Area Local Plan (36 pages)

Attachment 2: Elements of the Local Plan (9 pages)

Desert/Mountain Charter SELPA

Special Education Local Plan

April 2013

Gary S. Thomas, Ed.D, County Superintendent
Ronald J. Powell, Ph.D, Administrator
17800 Highway 18 · Apple Valley · CA 92307

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CHAPTER I

CERTIFICATION OF PARTICIPATION, COMPATIBILITY AND COMPLIANCE ASSURANCES

California Department of Education
(Revised 10/08)

Special Education Division

CERTIFICATION OF PARTICIPATION, COMPATIBILITY, AND COMPLIANCE ASSURANCES

SED-LP-1

1. Check one, as applicable: **[ ] Single District [x] Multiple District [ ] District/County**

CDS Code / SELPA Code 36--	SELPA Name Desert/Mountain Charter SELPA	Application Date April 12, 2013
SELPA Address 17800 Highway 18.	SELPA City Apple Valley	SELPA Zip 92307
2. Name SELPA Administrator (Print) Ronald J. Powell, Ph.D.		SELPA Administrator's Telephone Number (760) 242-6333

3. CERTIFICATION BY AGENCY DESIGNATED AS ADMINISTRATIVE AND FISCAL AGENCY FOR THIS PROGRAM [Responsible Local Agency (RLA) or Administrative Unit (AU)]

RLA/AU Name San Bernardino County Superintendent of Schools	Name/Title of RLA Superintendent Gary S. Thomas, Ed.D.	Telephone Number (909) 386-2406
RLA/AU Street Address 601 North E Street	RLA/AU City San Bernardino	RLA/AU Zip 92415
Date of Governing Board Approval April 12, 2013		

3. CERTIFICATION OF ASSURANCES

I certify that this plan has been adopted by the appropriate local board(s) (district/county) and is the basis for the operation and administration of special education programs; and that the agency(ies) herein represented will meet all applicable requirements of state and federal laws, regulations and state policies and procedures, including compliance with the Individuals with Disabilities Education Act, 20 *USC* 1400 et.seq, and implementing regulations under 34 *CFR*, Parts 300 and 303, 29 USC 705 (20), 794-794b, the Federal Rehabilitation Act of 1973, as amended, and the provisions of the California *Education Code* (*EC*), Part 30 and Chapter 3, Division 1 of Title V of the California *Code of Regulations*.

Signature of RLA Superintendent Date

4. CERTIFICATION OF COMPATIBILITY BY THE COUNTY SUPERINTENDENT OF SCHOOLS

Pursuant to *Education Code* Section 56140, this plan ensures that all individuals with exceptional needs residing within the county, including those enrolled in alternative education programs, including but not limited to, alternative schools, charter schools, opportunity schools and classes, community day schools operated by school districts, community schools operated by the county office of education, and juvenile court schools, will have access to appropriate special education programs and related services.

County Office Name San Bernardino County Superintendent of Schools	Name of County Superintendent or Authorized Representative Gary S.Thomas, Ed.D.	Title County Superintendent
Street Address 601 North E Street	Signature of County Superintendent or Authorized Representative	Date
City San Bernardino	Zip 92415	Telephone Number (909) 386-2406

5. CERTIFICATION OF COMMUNITY ADVISORY COMMITTEE (See attached)

FOR DEPARTMENT OF EDUCATION USE ONLY

Recommended for Approval by the Superintendent of Public Instruction:
Date: _____ By: _____ Date of Approval: _____

SED-LP-2

COMMUNITY ADVISORY COMMITTEE (CAC) CERTIFICATION		
CAC signature and verification: I certify :	YES	NO
1. that the Community Advisory Committee (CAC) has advised the policy and administrative agency during the development of the local plan pursuant to *Education Code* (*EC*) Section 56194;		
2. that to ensure adequate and effective participation and communication pursuant to *EC* 56195.9, parent members of the CAC, or parents selected by the CAC, participated in the development and update of the plan for special education;		
3. that the plan has been reviewed by the CAC and that the committee had at least 30 days to conduct this review prior to submission of the plan to the Superintendent pursuant to *EC* 56205 (b)(6);		
4. that the CAC has reviewed any revisions made to the local plan as a result of recommendations or requirements from the California Department of Education.		
CERTIFICATION OF COMMUNITY ADVISORY COMMITTEE		
Signature of CAC Chairperson	Date	
Name of Chairperson (print)	Telephone Number	

If you checked [✓] NO for any of the above certifications, you may submit specific information, in writing, as to why you did not certify that the SELPA met the requirement. (Attach separate sheet, if necessary.) The Department will take this into consideration in its review of this local plan application.

CHAPTER II

ASSURANCE STATEMENT

Desert/Mountain Charter Special Education Local Plan Area

RONALD J. POWELL, Ph.D., SELPA Administrator

SPECIAL EDUCATION LOCAL PLAN AREA
LOCAL EDUCATION AGENCY (LEA)
ASSURANCE STATEMENT

1. FREE APPROPRIATE PUBLIC EDUCATION (20 USC § 1412 (a)(1))

It shall be the policy of this LEA that a free appropriate public education is available to all children residing in the LEA between the ages of three through 21 inclusive, including students with disabilities who have been suspended or expelled from school.

2. FULL EDUCATIONAL OPPORTUNITY (20 USC § 1412 (a)(2))

It shall be the policy of this LEA that all pupils with disabilities have access to educational programs, nonacademic programs, and services available to non-disabled pupils.

3. CHILD FIND (20 USC § 1412 (a)(3))

It shall be the policy of this LEA that all children with disabilities residing in the State, including children with disabilities who are homeless or are wards of the State and children attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services are identified, located and evaluated. A practical method is developed and implemented to determine which students with disabilities are currently receiving needed special education and related services.

4. INDIVIDUALIZED EDUCATION PROGRAM (IEP) AND INDIVIDUALIZED FAMILY SERVICE PLAN (IFSP) (20 USC § 1412 (a)(4))

It shall be the policy of this LEA that an Individualized Education Program (IEP) or an Individualized Family Service Plan (IFSP) is developed, reviewed and revised for each child with a disability who requires special education and related services in order to benefit from his/her individualized education program. It shall be the policy of this LEA

that a review of an IEP will be conducted on at least an annual basis to review a student's progress and make appropriate revisions.

5. LEAST RESTRICTIVE ENVIRONMENT (20 USC § 1412 (a)(5))

It shall be the policy of this LEA that to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled. Special class, separate schooling, or other removal of a student with disabilities from the general educational environment, occurs only when the nature or severity of the disability of the student is such that education in general classes with the use of supplemental aids and services cannot be achieved satisfactorily.

6. PROCEDURAL SAFEGUARDS (20 USC § 1412 (a)(6))

It shall be the policy of this LEA that children with disabilities and their parents shall be afforded all procedural safeguards throughout the provision of a free appropriate public education including the identification, evaluation, and placement process.

7. EVALUATION (20 USC § 1412 (a)(7))

It shall be the policy of this LEA that a reassessment of a student with a disability shall be conducted at least once every three years or more frequently, if appropriate.

8. CONFIDENTIALITY (20 USC § 1412 (a)(8))

It shall be the policy of this LEA that the confidentiality of personally identifiable data information and records maintained by the LEA relating to children with disabilities and their parents and families shall be protected pursuant to the Family Educational Rights and Privacy Act (FERPA).

9. PART C, TRANSITION (20 USC § 1412 (a)(9))

It shall be the policy of this LEA that a transition process for a child who is participating in Early Intervention Programs (IDEA, Part C) with an IFSP is begun prior to a toddler's third birthday. The transition process shall be smooth, timely and effective for the child and family.

10. PRIVATE SCHOOLS (20 USC § 1412 (a)(10))

It shall be the policy of this LEA to assure that children with disabilities voluntarily enrolled by their parents in private schools shall receive appropriate special education and related services pursuant to LEA coordinated procedures. The proportionate amount of federal funds will be allocated for the purpose of providing special education services to children with disabilities voluntarily enrolled in private school by their parents.

11. LOCAL COMPLIANCE ASSURANCES (20 USC § 1412 (a)(11))

It shall be the policy of this LEA that the local plan shall be adopted by the appropriate local board(s) (district/county) and is the basis for the operation and administration of special education programs; and that the agency(ies) herein represented will meet all applicable requirements of state and federal laws and regulations, including compliance with the Individuals with Disabilities Education Act, the Federal Rehabilitation Act of 1973, Section 504 of Public Law and the provisions of the California Education Code, Part 30.

12. INTERAGENCY (20 USC § 1412 (a)(12))

It shall be the policy of this LEA that interagency agreements or other mechanisms for interagency coordination are in effect to ensure services required for FAPE are provided, including the continuation of services during an interagency dispute resolution process.

13. GOVERNANCE (20 USC § 1412 (a)(13))

It shall be the policy of this LEA to support and comply with the provisions of the governance bodies and any necessary administrative support to implement the Local Plan. A final determination that an LEA is not eligible for assistance under this part will not be made without first affording that LEA with reasonable notice and an opportunity for a hearing through the State Educational Agency.

14. PERSONNEL QUALIFICATIONS (20 USC § 1412 (a)(14))

It shall be the policy of this LEA to ensure that personnel providing special education related services meet the highly qualified requirements as defined under federal law, including that those personnel have the content knowledge and skills to serve children with disabilities.

This policy shall not be construed to create a right of action on behalf of an individual student for the failure of a particular LEA staff person to be highly qualified or to prevent a parent from filing a State complaint with the CDE about staff qualifications.

15. PERFORMANCE GOALS & INDICATORS (20 USC § 1412 (a)(15))

It shall be the policy of this LEA to comply with the requirements of the performance goals and indicators developed by the CDE and provide data as required by the CDE.

16. PARTICIPATION IN ASSESSMENTS (20 USC § 1412 (a)(16))

It shall be the policy of this LEA that all students with disabilities shall participate in state and district-wide assessment programs. The IEP team determines how a student will access assessments with or without accommodations, or access alternate assessments, consistent with state standards governing such determinations.

17. SUPPLEMENTATION OF STATE/FEDERAL FUNDS (20 USC § 1412 (a)(17))

It shall be the policy of this LEA to provide assurances that funds received from Part B of the IDEA will be expended in accordance with the applicable provisions of the IDEA; will be used to supplement and not to supplant state, local and other Federal funds.

18. MAINTENANCE OF EFFORT (20 USC § 1412 (a)(18))

It shall be the policy of this LEA that federal funds will not be used to reduce the level of local funds and/or combined level of local and state funds expended for the education of children with disabilities except as provided in Federal law and regulations.

19. PUBLIC PARTICIPATION (20 USC § 1412 (a)(19))

It shall be the policy of this LEA that public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals

with disabilities and parents of children with disabilities are held prior to the adoption of any policies and/or regulations needed to comply with Part B of the IDEA.

20. RULE OF CONSTRUCTION (20 USC § 1412 (a)(20))
(Federal requirement for State Education Agency only)

21. STATE ADVISORY PANEL (20 USC § 1412 (a)(21))
(Federal requirement for State Education Agency only)

22. SUSPENSION/EXPULSION (20 USC § 1412 (a)(22))

The LEA assures that data on suspension and expulsion rates will be provided in a manner prescribed by the CDE. When indicated by data analysis, the LEA further assures that policies, procedures and practices related to the development and implementation of the IEPs will be revised.

23. ACCESS TO INSTRUCTIONAL MATERIALS (20 USC § 1412 (a)(23))

It shall be the policy of this LEA to provide instructional materials to blind students or other students with print disabilities in a timely manner according to the state adopted National Instructional Materials Accessibility Standard.

24. OVERIDENTIFICATION AND DISPROPORTIONALITY (20 USC § 1412 (a)(24))

It shall be the policy of this LEA to prevent the inappropriate disproportionate representation by race and ethnicity of students with disabilities.

25. PROHIBITION ON MANDATORY MEDICINE (20 USC § 1412 (a)(25))

It shall be the policy of this LEA to prohibit school personnel from requiring a student to obtain a prescription for a substance covered by the Controlled Substances Act as a condition of attending school or receiving a special education assessment and/or services.

26. DISTRIBUTION OF FUNDS (20 USC § 1411(e),(f)(1-3)
(Federal requirement for State Education Agency only)

27. DATA (20 USC § 1418 a-d)

It shall be the policy of this LEA to provide data or information to the California Department of Education that may be required by regulations.

28. READING LITERACY (State Board requirement, 2/99)

It shall be the policy of this LEA that in order to improve the educational results for students with disabilities, SELPA Local Plans shall include specific information to ensure that all students who require special education will participate in the California Reading Initiative.

29. CHARTER SCHOOLS (E.C. 56207.5 (a-c))

It shall be the policy of this LEA that a request by a charter school to participate as a local educational agency in a special education local plan area may not be treated differently from a similar request made by a school district.

In accordance with Federal and State laws and regulations,

Desert/Mountain Charter SELPA

certifies that this plan has been adopted by the appropriate local board(s) (district/county) and is the basis for the operation and administration of special education programs; and that the agency herein represented will meet all applicable requirements of state and federal laws, regulations and state policies and procedures, including compliance with the Individuals with Disabilities Education Act, 20 USC 1400 et.seq, and implementing regulations under 34 *CFR*, Parts 300 and 303, 29 *USC* 794, 705 (20), 794- 794b, the Federal Rehabilitation Act of 1973, as amended, and the provisions of the California *Education Code*, Part 30 and Chapter 3, Division 1 of Title V of the California *Code of Regulations*.

Be it further resolved, the LEA superintendent shall administer the local implementation of procedures, in accordance with state and federal laws, rules, and regulations, which will ensure full compliance.

Furthermore, the LEA superintendent ensures that policies and procedures covered by this assurance statement are on file at the Local Education Agency and the SELPA office.

Adopted this 12th day of April, 2013.

Signed: _____

Gary S.Thomas, Ed.D.

Title: County Superintendent of Schools

CHAPTER III

GOVERNANCE AND ADMINISTRATION

GOVERNANCE AND ADMINISTRATION

PURPOSE

The Desert/Mountain Charter SELPA is composed of participating local education agency charter schools (LEAs) and is the governance structure responsible for the implementation of the provisions of the local plan. By participating in the Desert/Mountain Charter SELPA, each LEA agrees to carry out the duties and responsibilities assigned to it, or which may be designated at a later date through agreement of the participating LEAs within the plan. The Desert/Mountain Charter SELPA has designated the Office of the San Bernardino County Superintendent of Schools as the Responsible Local Agency (RLA) and the County Superintendent of Schools as the Superintendent of the RLA.

The function of the Special Education Local Plan Area and participating agencies is to provide a quality educational program appropriate to the needs of each eligible child with a disability who is enrolled in an LEA of the Charter SELPA. Participating agencies may enter into additional contractual arrangements to meet the requirements of applicable federal and state law (E.C. 56195).

All such programs are operated in a cost effective manner consistent with the funding provisions of Education Code Section 56700 et seq, IDEA, all other laws and policies, and the procedures of the Desert/Mountain Charter Special Education Local Plan Area.

CHANGES IN THE GOVERNANCE STRUCTURE

Any changes in the governance structure of the Desert/Mountain Charter Special Education Local Plan Area, including the dividing of the SELPA into more than one operating entity, changing the designation of and/or responsibilities of the Responsible Local Agency, are subject to specific Provisions of Education Code Sections 56140, 56195, et seq., 56195.7 et seq., 56200 et seq., and 56205 et seq.

1. Any local agency which is currently designated as a Local Education Agency (LEA) participating in the Desert/Mountain Charter Local Plan for Special Education may elect to pursue an alternative option from those specified in Education Code Section 56195.1 by notifying the appropriate county superintendent at least one year prior to the date the alternative plan would become effective (E.C. 56195.3(b)).

2. Approval of a proposed alternative plan by the appropriate county superintendent may be based on the capacity of the LEA Charter(s) to ensure that special education programs and services are provided to all children with disabilities. (E.C. 56140(b))

3. If an alternative plan is disapproved by a county superintendent, the county office shall return the plan with comments and recommendations to the LEA charter(s). The charter or charters participating in the alternative plan may appeal the decision to the Superintendent of Public Instruction. (E.C. 56140 (b) (2))

4. Any changes in the designation of the responsible local agency for the Desert/Mountain Charter Special Education Local Plan Area must conform to the above code provisions and the administrative provisions for approval as specified in the Local Plan.

Disagreements among the participating agencies of the Desert/Mountain Charter Local Plan are attempted to be resolved within the standard operating procedures and committee structure. If

not resolved at a lower committee level, the issue would come to the Desert/Mountain Charter Chief Executive Officers' (CEO) Council for discussion and resolution.

DISPUTE RESOLUTION (EDUCATION CODE SECTION 56205(b)(a)

In the event of a disagreement regarding the distribution of funding, responsibility for service provision and any other governance activities specified within the Local Plan, it is the intent of the Charter CEO Council that issues be resolved at the lowest level possible in the governance structure outlined in the Local Plan. The Charter CEO Council is considered to be the board of last resort. This policy is intended to resolve disagreements within a period of 45 days, but is not intended to undermine local authority.

If a LEA, including those that are out of geographic boundaries, disagrees with a decision or practice of another agency or the Charter SELPA Office that LEA charter(s) has a responsibility to discuss and attempt resolution of the disagreement with the party, or parties, directly involved. The parties involved will present the issues to their respective superintendent/CEO, or designees, who will attempt to resolve the matter. Either party may request the direct assistance of the Charter SELPA Administrator, or his/her designee, or the services of a neutral mediator from outside the SELPA. In the event the issue cannot be resolved either party may request review by the Charter Special Education Steering Committee or Charter Executive Committee as appropriate. If the issue cannot be resolved with the recommendation of the Charter Special Education Steering Committee, or Charter Executive Committee, either party may request that the issue be placed on the agenda of the Charter CEO Council for a hearing on the issues and ultimate resolution. The decision of the Charter CEO Council shall be final.

GOVERNANCE STRUCTURE OF THE PLAN

California Education Code Section 56200 (c) (2) requires that the Local Plan, "specify the responsibilities of each participating county office and district governing board in the policy-making process, the responsibilities of the superintendent of each participating district and county in the implementation of the plan, and the responsibilities of district and county administrators of special education in coordinating the administration of the plan." In accordance with this provision, the Desert/Mountain Charter SELPA has developed the following governance structure, policy development and approval process.

RESPONSIBILITIES OF EACH GOVERNING BOARD IN THE POLICY- MAKING PROCESS AND PROCEDURES FOR CARRYING OUT THE RESPONSIBILITY

The governing board for each LEA charter and the County Superintendent of Schools approves the Agreement for Participation, and the Local Plan for Special Education. As described within those documents, the Boards of Directors of the charter schools delegate the administrative policy-making process and procedures for carrying out that responsibility to the governance structure of the Charter SELPA.

RESPONSIBILITIES OF CHIEF EXECUTIVE OFFICERS – CHARTER EXECUTIVE COMMITTEE

The Charter Executive Committee, which includes the SELPA Administrator, approves policies and makes recommendations on special education financial matters to the Charter CEO Council. The Executive Committee is made up of members of the CEO Council who are selected by the CEO Council by majority vote. The San Bernardino County Superintendent of Schools serves as an ex-officio member of the Executive Committee.

The Charter Executive Committee is responsible for:

1. Approval of policy for special education programs and services that relate to the Charter SELPA;
2. Approval of requests to the risk pool as appropriate;
3. Addressing specific needs of individual LEA Charters as the need arises;
4. Organizing the subcommittees as necessary to meet special needs of the Charter SELPA; and
5. Receiving and reviewing input from the Community Advisory Committee.

Minutes of the Executive Committee meetings are transmitted to the full membership of the Charter CEO Council. In addition, financial issues regarding special education and other issues which should be considered by the CEO Council shall be placed on the agenda for discussion and/or action at the scheduled meetings.

Policies governing the Desert/Mountain Charter SELPA shall be adopted by the Charter CEO Council and are included as part of the Local Plan. Input may be received from parents, staff, public and non-public agencies and members of the public at large. Individuals wishing an opportunity to address the SELPA Board on a particular agenda item or have the Board consider a topic are invited to complete a Request to Address the SELPA CEO Council form.

The Charter Executive Committee shall review the Desert/Mountain Charter SELPA Local Plan and recommend modifications as necessary to the Charter CEO Council. The Desert/Mountain SELPA Administrator, with the SELPA Steering Committee, shall assist the Charter Executive Committee with these reviews.

The SELPA CEO Council may initiate and carry on an activity, or may otherwise act in any manner which is not inconsistent with or preempted by law, and which is not in conflict with the purposes for which the Desert/Mountain Charter Special Education Local Plan Area is established.

The SELPA CEO Council shall have responsibility for overall management and direction of the Local Plan development, implementation and operation. Charter Executive Committee members shall be involved in the budget review and approval process for the Local Plan. The County Superintendent of Schools as the RLA shall have responsibility for employing the number and type of Special Education Local Plan Area staff to meet the program and service requirements necessary for the implementation of the SELPA Local Plan as determined by the SELPA CEO Council.

CHARTER CHIEF EXECUTIVE OFFICER'S (CEO) COUNCIL

A Charter CEO Council consists of the Chief Executive Officers of each LEA. Organizations that operate more than one charter school may have a single representative for all schools operated, but such representative shall have a number of votes equal to the number of schools represented. This group meets regularly with the County Superintendent of Schools and/or designees to direct and supervise the implementation of the Local Plan.

RATIONALE for a CHARTER SELPA

Charter schools are required to provide special education programs and services for students who attend their schools. Charter schools must be members of a Special Education Local Plan Area. The State Board of Education allows for charter schools to participate as an LEA in an

out-of-geographic area SELPA. The State Board of Education also recognizes the need for Charter SELPAs in various regions throughout California.

The Desert/Mountain Charter SELPA effectively and efficiently supports the membership of LEA charter schools and their implementation of appropriate and compliant special education services. This Local Plan addresses the required elements needed to support the charter schools.

Charter School Admission Criteria:

It is the intent of the Desert/Mountain Charter SELPA to provide options for Charter Schools in terms of SELPA membership. While it is always preferable for a Charter School to participate with their geographic SELPA, the Charter SELPA has been developed to allow for a viable alternative for SELPA membership. Therefore, there are specific criteria which must be met in order for a Charter School to be considered for membership in the Desert/Mountain Charter SELPA.

1. For existing Charter Schools, the following guidelines must be met:

    a) Charter Schools must give a one-year notice of intent to leave their current SELPA. Schools must also notify the California Department of Education Special Education Division.

    b) During the one-year notice period, the Charter School must work collaboratively with its geographic SELPA and the Desert/Mountain Charter SELPA to mitigate the differences in order to determine if remaining in the geographic SELPA is a viable alternative. These attempts will be directly facilitated by Desert/Mountain Charter SELPA Administrative staff.

    c) The reason for the Charter School to leave their geographic SELPA must not primarily be a fiscal decision. The primary reasons must be a desire for increased access to appropriate Special Education services and a desire to implement quality programs for students with disabilities.

    d) The Desert/Mountain Charter SELPA firmly believes in adherence to State Standards for all students. Therefore Charter Schools wishing to join this SELPA must ensure that State Standards are strictly followed in their programs. Charter SELPA members will be subject to the same self-review and monitoring process as the Charter SELPA in general.

2. Admission to the Charter SELPA

    a) Process

    Charter Schools will follow Education Code requirements when submitting applications for review to the Desert/Mountain Charter SELPA Review Committee. The Desert/Mountain Charter SELPA Review committee is comprised of:

    - Desert/Mountain Charter SELPA Administrator;
    - A representative from the current Charter SELPA Executive Committee;
    - A representative of Charter Schools designated by the County Superintendent for Year 1 of the SELPA; and

- The CEO Council will designate the Charter Schools representative to this committee in Year 2 and beyond.

b) Criteria for Admission

The Desert/Mountain Charter SELPA Review Committee will develop specific criteria by which each application will be reviewed and rated. The criteria will include legal requirements and key indicators that would ensure that the Charter School is capable of implementing the legal requirements within the Local Plan and to provide a quality educational program for all children.

FULL CONTINUUM OF SERVICES

Both state and federal law provides that students with exceptional needs are entitled to a free, appropriate public education (FAPE) that includes special education and related services to meet their unique needs in the least restrictive environment (LRE). Each SELPA member must ensure that all children served under their jurisdiction who have disabilities, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, evaluated and served. Therefore, a full continuum of services is available within the Charter SELPA.

Members of the Charter SELPA are expected to be somewhat diverse geographically. Given this fact, the plan provides funding per the Desert/Mountain Charter SELPA Allocation Plan to the Charter Schools so that they may appropriately provide for all the students with special education needs attending their schools. This obligation can be met in several ways, which may include:

1. Hire appropriately credentialed special education staff to provide necessary services;

2. Contract with its geographic SELPA to provide the necessary services; or

3. Contract with a private entity to provide all necessary personnel to appropriately implement IEPs.

These methods of providing necessary services may be used by a single school in the Charter SELPA, or several schools within the Charter SELPA could join together to provide the services.

EVALUATION

E. C. 56600 was written, in part, to ensure that SELPAs participate with all State efforts to provide for ongoing comprehensive evaluation of special education programs in order to refine and improve programs, policies, regulations, guidelines, and procedures on a continuing basis, and to assess the overall merits of these efforts.

The Desert/Mountain Charter SELPA annually submits all information required by the California Department of Education, Special Education Division, in this effort, including statistical data, program information, and fiscal information related to the programs and services for children with disabilities in the Desert/Mountain Charter SELPA.

The Charter SELPA Administration is responsible for collecting all data required by the California Department of Education related to special education budgets and services, and reports them annually.

SELPA staff supports all members of the Charter SELPA in the collection of data related to compliance, due process procedures, availability of services, key performance indicators, etc., as needed.

DATA COLLECTION AND DEVELOPMENT OF MANAGEMENT INFORMATION SYSTEMS

California Department of Education (CDE) requires of each SELPA the collection of specified data in such a manner as to be aligned with the CASEMIS – California Management Information System.

The Charter SELPA has adopted and implemented a data collection and storage system that provides for the management and reporting of required data for state and federal systems. The SELPA continues to work with the CDE's CASEMIS to collect and report all required data related to special education student, fiscal and program services, and to provide other pertinent information necessary for the operation of the SELPA.

The Charter SELPA staff supports all the member LEA charter schools in the Charter SELPA in their collection and reporting of required data.

The Charter SELPA staff strives to support a system which is responsive to the data needs of the member LEA charter schools.

The Charter SELPA staff implements a continuous improvement model of data collection.

PROVISION FOR ONGOING REVIEW OF PROGRAMS

The State has in place a system for review of the special education programs in the districts. It is the responsibility of the SELPA to support the delivery of effective programs and services in its districts, to support a continuum of appropriate service options, to improve the quality of the programs offered, and to monitor them and participate in review processes, including the Annual Performance Reports and other required State measures. The SELPA will also monitor compliance with the Procedural Safeguards, complaint processes, mediation and due process procedures.

The Desert/Mountain Charter SELPA endeavors first to provide adequate information, resources and support to all member LEA charters, so that they may deliver compliant, quality services. Further, the Charter SELPA staff , under the direction of the Executive Committee and CEO Council and in conjunction with CAC, participates in all State review processes and any local review processes to ensure that appropriate and necessary services are offered for all children with disabilities and to support continuous improvement of those services.

The SELPA ensures that adequate information related to all areas of compliance is available to all the charter LEA members.

The SELPA ensures the availability of a full continuum of options, supplemental aids and services, and regionalized programs, for all children with disabilities, including low incidence, severe and non-severe.

PROCESS FOR ALLOCATING PROGRAM SPECIALIST SERVICE THROUGHOUT THE REGION

The SELPA currently employs program specialist(s). In addition, in accordance with Education Code Section 56780, all coordination responsibilities for program specialist services as outlined

are fully supported through the governance structure of the SELPA. This includes the administrative staff, program specialist services, Charter Special Education Steering Committee, Charter Executive Committee, and Charter CEO Council.

Under the direction of the SELPA Administrator, the duties of program specialists are those specified in Education Code Section 56368 and the Local Plan:

1. Assist special education service providers, Education Specialists, and Designated Instruction and Service instructors in the planning and implementation of individual education programs for students with disabilities.

2. In conjunction with the SELPA Administrator, review and monitor compliance and program effectiveness.

3. Provide and conduct school staff development, program development, and innovation or special methods and approaches.

4. Provide coordination, consultation, and program development in areas to which the program specialist is assigned.

5. Assure that pupils have full educational opportunity, regardless of the Local Education Agency in the Special Education Local Plan Area.

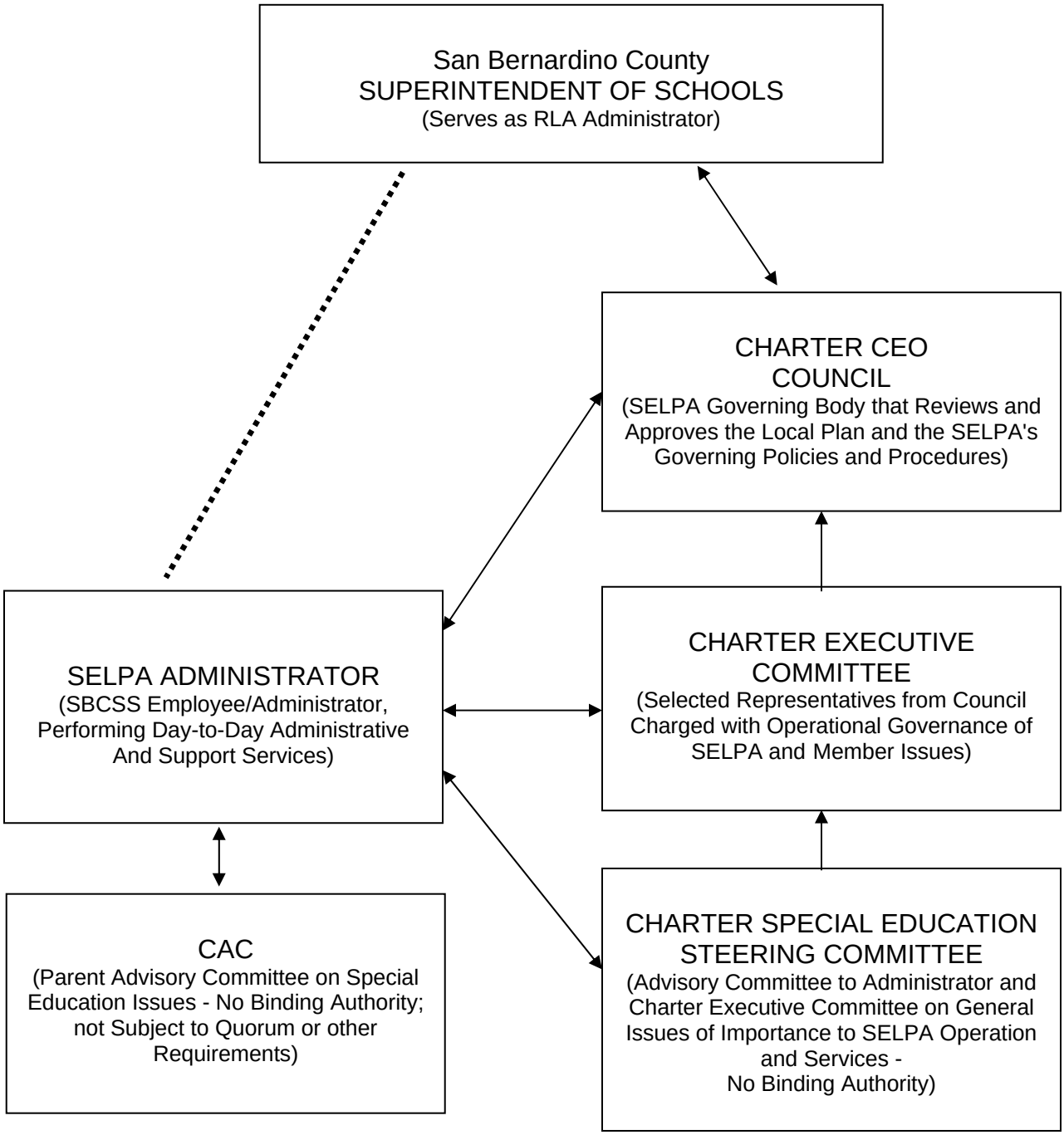
6. Participate in I.E.P.s at request of Local Education Agency or parent.

7. Assist Local Education Agencies with non-public, non-sectarian and state school placements when requested.

Safeguards for the assurance of appropriate use of regionalized funds are the responsibility of the SELPA Administrator and as approved by the governance structure. Program Specialist(s) are employed by the RLA and supervised by the SELPA Administrator.

Desert/Mountain Charter SELPA

Governance Flow Chart



Legend
..... Communication
——— Responsibility

AGREEMENT FOR PARTICIPATION

DESERT/MOUNTAIN CHARTER SELPA

The Desert/Mountain Charter Special Education Local Plan Area (SELPA) as authorized by the California State Board of Education assists California charter schools that have successfully completed the SELPA membership process and have signed this Agreement for Participation (Agreement) which are deemed Local Educational Agencies pursuant to Education Code Section 47641, in meeting their obligations to provide special education and related services (each term as defined in 20 U.S.C. Section 1401 and the applicable rules, regulations and interpretive guidance issued thereunder and collectively referred to as Services) to applying or enrolled students actually or potentially entitled to Services under applicable state and federal laws and regulations (Students). SELPA Membership also ensures compliance with the LEA Member's obligations under Education Code Sections 56195, et. seq.

It is the goal of the Desert/Mountain Charter Special Education Local Plan Area (SELPA) that all charter pupils with exceptional needs within the SELPA receive appropriate special education programs. It is the intent of the Charter SELPA that special education programs be coordinated and operated in accordance with the governance structure.

The respective Charter Schools who are signatories hereto, the Office of the San Bernardino County Superintendent of Schools, and the Desert/Mountain Charter SELPA, mutually agree as follows:

DEFINITIONS

LEA: As described in Education Code Section 56026.3., shall refer to a specific LEA Member Charter School or Charter School development organization as appropriate.

RLA: Responsible Local Agency, as described in Education Code Section 56030. Federal Regulations use the term "Administrative Unit" or "AU". For purposes of this Agreement, the Office of the San Bernardino County Superintendent of Schools shall be the RLA or AU for the Desert/Mountain Charter SELPA.

Charter SELPA CEO Council: This group is composed of a representative from each Charter School in the Charter SELPA at the Chief Executive Officer level. Organizations that operate more than one Charter School at their option may have a single representative for all schools operated, but such representative shall have a number of votes equal to the number of schools represented. This group would meet regularly with the County Superintendent of Schools to direct and supervise the implementation of the Local Plan.

Charter Executive Committee: The Charter Executive Committee is comprised of representatives from the Charter SELPA CEO Council and shall include the San Bernardino County Superintendent of Schools and staff designees.

Efforts will be made to ensure the committee has broad representation in a variety of areas; e.g. various geographical areas of the Charter SELPA, CMO representation, single charter, large charter, small charter, original founding members, new members. This committee makes recommendations to the CEO Council on fiscal and policy matters.

Charter Special Education Steering Committee**:** This Steering Committee serves in an advisory capacity to the Charter SELPA Administrator. Each Charter School is entitled to select one representative for this committee – either a teacher or an administrator. Representatives commit to a full year of service, which would include meeting regularly for the purpose of advising the Charter SELPA Administrator and receiving and disseminating direct program/instructional information.

Special Education Community Advisory Committee – CAC: Each Charter School shall be entitled to select a parent representative to participate in the Special Education Community Advisory Committee to serve staggered terms in accordance with E.C. Section 56191 for a period of at least two years. Selected parents will be the parent of a child with a disability. This group will advise the Charter SELPA Administrator on the implementation of the Desert/Mountain Charter SELPA Local Plan for Special Education in Charter Schools ("Local Plan") as well as provide local parent training options in accordance with the duties, responsibilities and requirements of E.C. Sections 56190-56194.

Because of the geographic diversity anticipated within the Desert/Mountain Charter SELPA many meetings will be conducted through the use of teleconferencing or video conferencing.

IEP (Individualized Education Program): A plan that describes the child's current abilities, sets annual goals and instructional objectives, and describes the education services needed to meet these goals and objectives in accordance with E.C. Section 56032.

IEP Team: A group of team members, as defined in Education Code Section 56341, who meet for the purpose of determining student eligibility for special education and developing, reviewing, or revising a pupil's IEP and recommendations for placement.

LEA MEMBER RESPONSIBILITIES AND DUTIES:

Each LEA agrees that it is subject to the following nondelegable responsibilities and duties under this Agreement, all adopted SELPA policies and procedures, the Local Plan, and governing federal and state laws and regulations (collectively, LEA Member Obligations), compliance with which is a condition precedent to membership, and continuing membership, in the SELPA.

The LEA Member as a participant in the Local Plan shall perform the following and be exclusively responsible for all costs, charges, claims and demands arising out of or related to its own pupils and its respective programs operated by the LEA Member:

A. Adhere to the Local Plan, Policies and procedures as adopted by the Charter CEO Council;
B. Select, compensate and determine the duties of the special education teachers, instructional aides, and other personnel as required to conduct the program specified in the Local Plan, and in compliance with state and federal mandates; Charter Schools may contract for these services;
C. Conduct and/or contract those programs operated by the LEA Member in conformance with the Local Plan and the state and federal mandates;
D. Organize and administer the activities of the IEP Teams, including the selection of the LEA Member staff and who will serve as members of the IEP Team in

conformance with the Education Code Section 56341 and in compliance with the Local Plan;

E. Organize and maintain the activities of the Resource Specialist Program in conformance with Education Code Section 56362; Designated Instruction and Services in conformance with Education Code Section 56363; and Special Classes and Centers in conformance with Education Code Section 56364.1 and 56364.2; and in compliance with the Local Plan;
F. Provide facilities as required to house the programs conducted by the LEA;
G. Provide for the acquisition and distribution of the supplies and equipment for the programs conducted by the LEA Member;
H. Provide and/or arrange for such transportation services as may be required to provide the special education programs specified that are conducted by the LEA Member;
I. Cooperate in the development of curricula for the classes and the development of program objectives with the AU. Cooperate in the evaluation of the programs as specified in the Local Plan, with the AU;
J. Cooperate in the development of the procedures and methods for communicating with the parents and/or legal guardians of the individuals served in conformance with the provisions of the Local Plan with the AU;
K. Provide for the documentation and reporting of assessment procedures used for the placement of individuals and the security thereof. Provide for the continuous review of placements and the assessment procedures employed to insure their effectiveness and applicability, and insure the continued implementation and compliance with eligibility criteria;
L. Provide for the integration of individuals educated under this agreement into the general education school programs and provide for evaluating the results of such integration according to specifications of the Local Plan;
M. Conduct the review of individual placements requested by the parents and/or legal guardians of the individual in accordance with the Local Plan;
N. Prepare and submit all required reports, including reports on student enrollment, program expenditures, and program evaluation;
O. Designate a person to represent the LEA Member on the Charter Special Education Steering Committee to monitor the implementation of the Plan and make necessary recommendations for changes and/or modifications;
P. Designate a representative for the LEA Member to serve on the Special Education Community Advisory Committee, in accordance with Education Code Section 56192-56193 and pursuant to the procedures established in the Local Plan;
Q. Designate the LEA Member Superintendent/CEO or School Leader by whatever name designated to represent the LEA Member on the Charter CEO Council to supervise and direct the implementation of the Plan;
R. Receive special education funding from Desert/Mountain in accordance with the Charter SELPA's Allocation and Budget Plan..
S. It is understood that except as otherwise may be specifically agreed from time to time the RLA shall have no responsibility for the operation of any direct educational program service of any kind.
T. Each LEA Member shall annually provide RLA with LEA Member's annual audit report, as conducted according to Education Code Section 47605(b)(5)(l). Annual submission shall be made annually, no later than January 31st. LEA Member further agrees to forward RLA copies of State Controller's Office

communications regarding audit report corrective actions and a corrected audit report, if applicable. Should an LEA Member be the subject of a FCMAT report (or other agency review) that indicates concern with inappropriate use of funds, financial insolvency concerns, or operational concerns, the LEA Member shall notify RLA and provide the RLA with a copy of the report.

U. An LEA Member contracting for external Services, consistent with definitions included herein shall do so only with a duly licensed and authorized entity or individual. The contract for Services executed by the LEA Member and the external consultant or contractor shall include a clause stating the contractor or consultant agrees to defend and indemnify the LEA Member, and the SELPA, RLA, the Superintendent, and other Indemnified Parties in response to any claim arising from the contractor's or consultant's actual or alleged failure to provide Services in conformity with these obligations.

   With respect to external services and/or Student placements, the LEA Member shall affirmatively monitor, assess, and to the extent necessary, intervene or manage such external placements or Services in conformity to ensure that the LEA Member's Obligations to the Student are still being met.

AU/RLA DUTIES AND RESPONSIBILITIES:

Pursuant to the provisions of Education Code Section 56030 et seq., the AU shall receive and distribute regionalized service funds, provide administrative support, and coordinate the implementation of the Desert/Mountain Local Plan for Special Education in Charter Schools participating in the Charter SELPA. In addition, the AU shall perform such services and functions as required to accomplish the goals set forth in the plan. Such services include, but are not limited to, the following:

A. Act as agent for Charters participating in the Plan as specified in the Local Plan. Receive, compile and submit required enrollment reports and compute all special education apportionments as authorized under Education Code Section 56836 et seq. Receive data from each LEA Member to compile and submit budgets for the programs and monitor the fiscal aspects of the program conducted. Receive the special education apportionments of Regionalized Services as authorized under Education Code Section 56836.02;
B. Coordinate with LEA Members in the development and implementation of a systematic method for referring and placing individuals with exceptional needs who reside in the Charter, including the methods and procedures for communication with the parents and/or guardians of the individuals according to procedures in the Local Plan;
C. Assist LEA members in assessing data and reviewing interventions prior to a referral to assess for special education. Review implementation of standards based curriculum and provide for continuous evaluation of the special education programs in accordance with the local plan;
D. Coordinate the organization and maintenance of the Special Education Community Advisory Committee (CAC) as part of the responsibility of the AU to coordinate the implementation of the plan pursuant to Education Code Section 56030. Provide for the attendance of designated members of the AU's staff at all regularly scheduled Special Education Community Advisory Committee meetings;
E. Coordinate community resources with those provided by LEA Member and the AU, including providing such contractual agreements as may be required;
F. Organize and maintain the Charter Special Education Steering Committee to monitor the

operations of the Local Plan and make recommendations for necessary revisions, including, but not limited to:

1. Monitoring the application of eligibility criteria throughout the Local Plan area;
2. Coordinating the implementation of the transportation for special education pupils;
3. Coordinating the system of data collection, management, and evaluation;
4. Coordinating personnel development and curriculum development for special education, including alternative dispute resolution;
5. Coordinating the identification, referral, assessment, instructional planning, and review procedures, including the communication with parents and/or legal guardians regarding rights and responsibilities for special education;
6. Developing interagency referral and placement procedures; and,
7. Evaluating the effectiveness of special education programs.

G. Support the Charter SELPA CEO Council by attendance and participation of the County Superintendent and/or designees at meetings;

H. Provide for regular in-service training for AU and LEA Member staff responsible for the operation and conduct of the Local Plan. Regular in-service training may also be provided to CAC representatives;

I. Provide the method and the forms to enable the LEA Member to report to the AU on student enrollment and program expenditures. Establish and maintain a pupil information system;

J. Provide reasonable assistance to the LEA Member upon request from LEA Member administration, or individual cases, including but not limited to:

1. Complaint issues;
2. Hearing issues; and
3. Identification of appropriate programs for specific pupils.

K. Perform other services reasonable and necessary to the administration and coordination of the Plan;

L. Receive special education funding and distribute funds in accordance with the Charter SELPA Allocation and Budget Plan.

M. Schedule a public hearing for purposes of adopting the Annual Service Plan and Budget Plan.

PROVISIONS OF THE AGREEMENT

A. Consistent with this Agreement each LEA Member shall have full and exclusive authority and responsibility for classifying employment positions within their respective LEA Member.

B. No LEA Member may enter into any agreement, MOU or other undertaking that would bind or limit independent decision making on the same or similar matters by any other LEA Member.

C. The managerial prerogatives of any participating LEA Member shall not be infringed upon by any other participating LEA Member except upon mutual consent of an affected LEA Member(s), or unless as otherwise set forth by this Agreement.

D. Any LEA Member may terminate its Charter SELPA membership at the end of the fiscal year next occurring after having provided twelve months prior written notice as follows:

1. Prior initial written notice of intended termination to the RLA of at least one year, and
2. Final written notice of termination to the RLA no more than six months after the LEA Member's initial notice of intended termination.

The RLA County Superintendent of Schools may terminate any LEA Member's Charter SELPA membership at the end of the fiscal year next occurring after having provided twelve months prior written notice as follows:

1. Prior initial written notice of intended termination to the LEA Member of at least one year, and
2. Final written notice of termination to the LEA Member no more than six months after the RLA's initial notice of intended termination.

E. Funding received by a charter is subject to the elements of the allocation plan. The allocation plan is updated on an annual basis and approved by CEO council. Funding is subject to administrative fees, set-aside provisions, differentiated funding in year 1 and year 2, and potential recapture provisions if funds are not spent. All of these details are outlined in the allocation plan document. Participants agree by signing this document to agree to the provisions of the allocation plan.

F. In accordance with their needs the LEA Members and the AU in Desert/Mountain shall continue to manage and operate programs in their respective LEAs in accordance with Education Code Section 56172.

G. The Charter CEO Council shall have the responsibility and right to monitor and correct any special education matter which affects the Special Education Local Plan Area. The AU staff shall be responsible for coordinating and informing the governance structure on any such matter.

H. The LEA Members and the AU will maintain responsibility for program administration for the service they provide. All administrative requirements that govern that unit will be in effect regarding special education services. The Superintendent and/or Administrators of Special Education in each LEA Member and in the AU will be responsible for the daily operation of their respective programs.

I. The student program placement is and shall remain the responsibility of the respective LEA Member. Student admission and transfer shall be determined in accordance with the respective charter, SELPA and Desert/Mountain Board policies and the respective charter, SELPA and Desert/Mountain procedures established in accordance with the identification, assessment, instructional planning and placement set forth in the Local Plan. Nothing contained herein shall be interpreted as providing automatic transfer rights to parents or students. The charter enrolling any pupil shall have the exclusive right to approve placement in any other agency. Each LEA of service shall have the right to determine if such LEA is able to provide a free, appropriate public education for the pupil.

J. Supervision and other incidents of employment of special education staff will be the responsibility of the respective LEA Member or AU. Each LEA Member and the RLA shall have full exclusive and independent control over the development, change, implementation and application of all evaluation procedures their respective LEA Member or in the RLA as the case may be. All LEA Members shall have full and exclusive authority to recruit, interview, and hire special

education staff as needed by such LEA Member to provide continuity and service to their special education students.

K. The Charter Executive Committee shall review and make Allocation Plan recommendations. The Allocation Plan defines the distribution of State and Federal funds within the SELPA for the costs of providing special education programs. The Charter CEO Council shall approve all changes. There is a legal requirement for a public hearing and adoption of an annual service and budget plan. This shall be done annually by the Charter CEO Council. This SELPA will not have any property tax allocations.

WARRANTIES AND REPRESENTATIONS:

As a condition of membership, each LEA Member warrants and represents that at no time during such LEA Member's membership in the Desert/Mountain Charter SELPA shall any such LEA Member, directly or indirectly, provide special education funding for the benefit of a for-profit entity. All Funding provided through the Desert/Mountain Charter SELPA shall be treated as a restricted funding source to be expended only for special education or special education services. Nothing contained herein shall be interpreted as prohibiting any LEA Member from expending funds for non-public agency or non-public school purposes for the benefit of children served.

STANDARD OF CONDUCT

Each LEA Member, at all times, shall conduct itself in such a manner as to act in the best interests of all other Charter SELPA members. LEA Members shall not engage in any activity or enterprise which would tend to injure or expose the Charter SELPA or any of its members to any significant risk of injury or any kind. No LEA Member shall undertake to independently act on behalf of the Charter SELPA or any of its members without express written authorization of the Charter SELPA.

RESERVATION OF RIGHTS

The RLA shall not be responsible for any LEA Member or Charter SELPA obligations or duties of any kind or nature except as explicitly set forth in this agreement.

INDEMNIFICATION AND HOLD HARMLESS

To the fullest extent allowed by law, each LEA Member agrees to defend, indemnify, and hold harmless the SELPA and its individual other Members, Office of The San Bernardino County Superintendent of Schools, and the Superintendent, and each of their respective directors, officers, agents, employees, and volunteers (the Indemnified Parties), from any claim or , demand, damages, losses or expenses (including, without limitation, reasonable attorney fees) that arises in any manner from an actual or alleged failure by a LEA Member to fulfill one or more of the LEA Member's Obligations except to the extent that such suit arises from the RLA's negligence.

Further, the Desert/Mountain Charter SELPA shall be responsible for holding harmless and indemnifying the RLA for any costs of any kind or nature arising out of or related to this agreement other than as specifically contemplated herein, except to the extent that such cost arises from the RLA's negligence.

FULL DISCLOSURE

Except as otherwise prohibited by law, upon request by the Charter SELPA or any of its members, a Charter SELPA member shall provide any requested information, documents, writings or information of any sort requested without delay.

CHAPTER IV

POLICIES / ADMINISTRATIVE REGULATIONS

The Desert/Mountain Charter SELPA has adopted Policies and Administrative Regulations as outlined on the list on page 30. The Policies set forth in full within this document are included to fulfill local plan document requirements.

Desert/Mountain Charter SELPA Policies

Chapter 1: Identification and Referral

Chapter 2: Evaluation and Assessment

Chapter 3: Eligibility Criteria

Chapter 4: Instructional Planning and the Individualized Education Program (IEP)

Chapter 5: Supports and Services: A Continuum of Options

Chapter 6: Student Promotion and Retention

Chapter 7: Procedural Safeguards

Chapter 8: Uniform Complaint Procedures

Chapter 9: Transition Services

Chapter 10: Positive Behavioral Interventions

Chapter 11: Suspension and Expulsion

Chapter 12: Interagency Agreements

Chapter 13: Low Incidence Funding

Chapter 14: State Special Schools

Chapter 15: Student Records

Chapter 16: State and District Assessment Programs

Chapter 17: Other Public Education Program

Chapter 18: Nonpublic Schools and Agencies

Chapter 19: Private Schools Services

Chapter 20: Provision of Healthcare Services

Chapter 21: Civil Rights Protections and 504 Accommodations

Chapter 22: Personnel Development

Chapter 23: Guidelines for the Provision of Special Education Services in Charter Schools

Chapter 24: Fiscal Allocation Plan

Chapter 25: Guidelines for Independent Educational Evaluations (IEEs)

V. ATTACHMENTS

a. List of 4 New Members of the Desert/Mountain Charter SELPA – 2013/14 .....Page 33

Attachment A

Charter SELPA Local Plan

To Add Charter Schools for 2013/14

(Submitted to CDE on April 12, 2013)

The Desert/Mountain Charter SELPA found the following 3 charters met their criteria for admission for 2013/14 and have approved these charters to join the SELPA pending CDE approval. It is also understood that additional charters approved and referred by the State Board and approved by CDE to join the Charter SELPA are included within the Charter SELPA Local Plan.

	Charter School	CDS Number	Page
1	LaVerne Elementary Preparatory Academy	36 75044 0118059	
2	Encore Junior/Senior High School Charter	36 75044 0116707	
3	Desert Trails Preparatory Academy Charter	Pending	
4	Taylion High Desert Academy	Pending	

California Department of Education
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Updated September 2010

Desert Mountain Charter

ELEMENTS OF THE LOCAL PLAN

CHAPTER 3. ELEMENTS OF THE LOCAL PLAN	Cross Reference	Page # where criteria can be located in Local Plan	Compliance Checklist (For CDE use)
Article 1. 1 State Requirements			
56205 (a) Each special education local plan area submitting a local plan to the superintendent under this part shall demonstrate, in conformity with subsection (a) of Section 1412 of, and paragraph (1) of subsection (a) of section 1413 of, Title 20 of the United States Code, that it has in effect policies, procedures, and programs that are consistent with state laws, regulations, and policies governing the following:	56195.1 (a)(12)(D)		
56205 (a) (12) (A) A description of the governance and administration of the plan, including identification of the governing body of a multi-district plan or the individual responsible for administration in a single district plan, and of the elected officials to whom the governing body or individual is responsible.	56195.1 (a)(12)(D)	15-17	Yes (X) No ( )
56205 (a) (12) (B) A description of the regionalized operations and services listed in Section 56836.23 and the direct instructional support provided by program specialists in accordance with Section 56368 to be provided through the plan		21; 26-27	Yes (X) No ( )

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ELEMENTS OF THE LOCAL PLAN

CHAPTER 3. ELEMENTS OF THE LOCAL PLAN	Cross Reference	Page # where criteria can be located in Local Plan	Compliance Checklist (For CDE use)
Article 1. 1 State Requirements			
56205 (a) (12) (C) Verification that a community advisory committee has been established pursuant to Section 56190.		26(D) 24 SED LP-2	Yes (X) No ( )
Multidistrict SELPAs **56205 (a) (12) (D)** Multidistrict plans, submitted pursuant to subdivision (b) or (c) of Section 56195.1, shall do the following:			
56205 (a) (12) (D) (i) Specify the responsibilities of each participating county office and district governing board in the policymaking process, the responsibilities of the superintendents of each participating district and county in the implementation of the plan, and the responsibilities of district and county administrators of special education in coordinating the administration of the local plan.	56195.1	26-27	Yes (X) No ( )

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ELEMENTS OF THE LOCAL PLAN

CHAPTER 3. ELEMENTS OF THE LOCAL PLAN	Cross Reference	Page # where criteria can be located in Local Plan	Compliance Checklist (For CDE use)
Article 1. 1 State Requirements			
56205 (a) (12) (D) (ii) Identifying the respective roles of the administrative unit and the administrator of the special education local plan area and the individual local education agencies within the special education local plan area in relation to the following:	56195.1 (b)	26-27	
56205 (a) (12) (D) (ii) (I) The hiring supervision, evaluation, and discipline of the administrator of the special education local plan area and staff employed by the administrative unit in support of the local plan.		28(J); 17	Yes (X) No ( )
56205 (a) (12) (D) (ii) (II) The allocation from the state of federal and state funds to the special education local plan area administrative unit or to local education agencies within the special education local plan area.	56195.1 (b)	28(E) 28(K) 27(L)	Yes (X) No ( )
56205 (a) (12) (D) (ii) (III) The operation of special education programs.		24-26 28(F)-(H)	Yes (X) No ( )
56205 (a) (12) (D) (ii) (IV) Monitoring the appropriate use of federal, state, and local funds allocated for special education programs.		29; 26(A); 25(T)	Yes (X) No ( )
56205 (a) (12) (D) (ii)(V) The preparation of program and fiscal reports required of the special education local plan area by the state.		19-20	Yes (X) No ( )

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ELEMENTS OF THE LOCAL PLAN

CHAPTER 3. ELEMENTS OF THE LOCAL PLAN	Cross Reference	Page # where criteria can be located in Local Plan	Compliance Checklist (For CDE use)
Article 1. 1 State Requirements			
56205 (a) (13) Copies of joint powers agreements or contractual agreements, as appropriate, for districts and counties that elect to enter into those agreements pursuant to subdivision (b) or (c) of Section 56195.1.		N/A	Yes ( ) No ( )
56205 (b) (1) Each local plan submitted to the superintendent under this part shall also contain all the following:			Yes ( ) No (X)
(1) An Annual Budget Plan that shall be adopted at a public hearing held by the special education local plan area Notice of this hearing shall be posted in each school in the local plan area at least 15 days prior to the hearing. The annual budget plan may be revised during any fiscal year according to the policymaking process established pursuant to subparagraph (D) and (E) of paragraph (12) of subdivision (a) and consistent with subdivision (f) of Section 56001 and Section 56195.9. The annual budget plan shall identify expected expenditures for all items required by this part which shall include, but not be limited to, the following:		28(K) 27(M)	
56205(b) (1) (A) Funds received in accordance with Chapter 7.2 (commencing with Section 56836).			

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ELEMENTS OF THE LOCAL PLAN

CHAPTER 3. ELEMENTS OF THE LOCAL PLAN	Cross Reference	Page # where criteria can be located in Local Plan	Compliance Checklist (For CDE use)
Article 1. 1 State Requirements			
56205(b) (1) (B) Administrative costs of the plan.		29	
56205(b) (1) (C) Special education services to pupils with severe disabilities and low incidence disabilities.			
56205(b) (1) (D) Special education services to pupils with nonsevere disabilities.			
56205(b) (1) (E) Supplemental aids and services to meet the individual needs of pupils placed in regular education classrooms and environments.			
56205(b) (1) (F) Regionalized operations and services, and direct instructional support by program specialists in accordance with Article 6 (commencing with Section 56836.23) of Chapter 7.2.			
56205(b) (1) (G) The use of property taxes allocated to the special education local plan area pursuant to Section 2572.			

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ELEMENTS OF THE LOCAL PLAN

CHAPTER 3. ELEMENTS OF THE LOCAL PLAN	Cross Reference	Page # where criteria can be located in Local Plan	Compliance Checklist (For CDE use)
Article 1. 1 State Requirements			
6205 (b) (2) An Annual Service Plan shall be adopted at a public hearing held by the special education local plan area. Notice of this hearing shall be posted in each school district in the special education local plan area at least 15 days prior to the hearing. The annual service plan may be revised during any fiscal year according to the policymaking process established pursuant to subparagraphs (D) and (E) and paragraph (12) of subdivision (a) and consistent with subdivision (f) of Section 56001 and with Section 56195.9. The annual service plan shall include a description of services to be provided by each district and county office, including the nature of the services and the physical location at which the services will be provided, including alternative schools, charter schools, opportunity schools and classes, community day schools operated by school districts, community schools operated by county offices or education, and juvenile court schools, regardless of whether the district or county office of education is participating in the local plan. This description shall demonstrate that all individuals with exceptional needs shall have access to services and instruction appropriate to meet their needs as specified in their individualized education programs.		27(M) 28(K)	Yes ( ) No (X)

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ELEMENTS OF THE LOCAL PLAN

CHAPTER 3. ELEMENTS OF THE LOCAL PLAN	Cross Reference	Page # where criteria can be located in Local Plan	Compliance Checklist (For CDE use)
Article 1. 1 State Requirements			
56205 (b) (3) A description of programs for early childhood special education from birth through five years of age.		N/A	Yes ( ) No ( )
56205 (b) (4) A description of the method by which members of the public, including parents or guardians of individuals with exceptional needs who are receiving services under the plan, may address questions or concerns to the governing body or individual.	56205 (b) (1) 56205 (b) (2)	16-17	Yes (X) No ( )
56205 (b) (5) A description of a dispute resolution process, including mediation and final binding arbitration to resolve disputes over the distribution of funding, the responsibilities for service provision, and the other governance activities specified within the plan.		16	Yes (X) No ( )
56207.5 A request by a charter school to participate as a local educational agency in a special education local plan area may not be treated differently from a similar request made by a school district. In reviewing and approving a request by a charter school to participate as a local educational agency in a special education local plan area, the following requirements shall apply:			

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ELEMENTS OF THE LOCAL PLAN

CHAPTER 3. ELEMENTS OF THE LOCAL PLAN	Cross Reference	Page # where criteria can be located in Local Plan	Compliance Checklist (For CDE use)
Article 1. 1 State Requirements			
56207.5 (a) The special education local plan area shall comply with Section 56140.		23	Yes (X) No ( )
56207.5 (b) The charter school shall participate in state and federal funding for special education and the allocation plan developed pursuant to subdivision (i) of Section 56195.7 or Section 56836.05 in the same manner as other local educational agencies of the special education local plan area.	56195.1 (f) 56203	N/A	Yes ( ) No ( )
56207.5 (c) The charter school shall participate in governance of the special education local plan area in the same manner as other local educational agencies of the special education local plan area.	56195.1 (f) 56203	N/A	Yes ( ) No ( )
Reading Criteria: In order to improve the educational results for students with disabilities, SELPA Local Plans shall include specific information to ensure that all students who require special education will participate in the California Reading Initiative. Further, SELPA Local Plans shall include assurances that special education instructional personnel will participate in staff development in-service opportunities in the area of literacy that includes:	**State Board Requirement** 2/10/99	11(28)	

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ELEMENTS OF THE LOCAL PLAN

CHAPTER 3. ELEMENTS OF THE LOCAL PLAN	Cross Reference	Page # where criteria can be located in Local Plan	Compliance Checklist (For CDE use)
Article 1. 1 State Requirements			
a. Information about current literacy and learning research		11(28)	Yes (X) No ( )
b. State adopted standards and frameworks		11(28)	Yes (X) No ( )
c. Increased participation of students with disabilities in statewide student assessments		10(16)	Yes (X) No ( )
d. And, research based instructional strategies for teaching reading to a wide range of diverse learners in order to increase the percentage of children with disabilities who are literate.		11(28)	Yes (X) No ( )
Local Plans shall also include assurances that students with disabilities will have full access to:			
a. All required core curriculum including state adopted core curriculum text books and supplementary text books		26(c) 11(23)	Yes (X) No ( )
b. Instructional materials and support in order that students with disabilities attain higher standards in reading		11(28)	Yes (X) No ( )

California State Board of Education

Meeting Agenda Items for July 10-11, 2013

ITEM 19

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2013 AGENDA

SUBJECT	
Supplemental Instructional Materials Review Aligned to the Common Core State Standards: Approval of Category 2 Mathematics Supplemental Instructional Materials.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

Education Code Section 60605.88, created by Senate Bill 1719 (Chapter 636 of the Statutes of 2012), requires the California Department of Education (CDE) to develop, and the State Board of Education (SBE) to approve, a list of supplemental instructional materials that are aligned with California's common core academic content standards in mathematics. This is a completion of the review initially authorized by SB 140 (Chapter 623 of the Statutes of 2011).

RECOMMENDATION

The CDE recommends that the SBE approve the recommended supplemental instructional materials programs.

BRIEF HISTORY OF KEY ISSUES

In 2010, the Council of Chief State School Officers and the National Governors Association Center for Best Practices released Common Core State Standards (CCSS) in mathematics and English language arts (ELA). The SBE adopted the CCSS with California additions on August 2, 2010. California has committed to implementing the CCSS and is currently part of a multistate assessment consortium that plans to have CCSS-based assessments in place by the 2014–15 school year.

In 2011, the State Superintendent of Public Instruction (SSPI) initiated a process for the review of supplemental materials aligned to the CCSS. SB 140, signed by the Governor on October 8, 2011, called for the expansion of that process. Pursuant to that legislation, the SSPI invited publishers of instructional materials in mathematics and ELA to submit supplemental instructional materials that bridge the gap between programs currently being used by local educational agencies (LEAs) and the CCSS.

The SBE adopted evaluation criteria for the review of the supplemental instructional materials at its meeting in January 2012. The criteria called for two categories of submission: supplements to specific currently state-adopted programs (Category 1), and general supplements that could be used with any program currently being used by LEAs (Category 2). The criteria covered supplements for kindergarten through grade seven in mathematics, and kindergarten through grade eight in ELA. Because the 1997 California standards and the CCSS for mathematics do not match at grade eight, supplements for grade eight adopted mathematics programs were not part of the review.

Publisher interest was very high, and in May 2012 the CDE received 42 submissions for mathematics (8 Category 1, and 34 Category 2) and 30 submissions in language arts (7 Category 1, and 23 Category 2). However, recruitment of reviewers in mathematics did not keep pace with the number of submissions. Due to the low turnout and high attrition among the mathematics reviewers, the CDE temporarily suspended the Category 2 review in mathematics on June 19, 2012. The review continued for Category 1 in mathematics; the review of ELA supplements was not affected.

The Category 2 mathematics review was restarted in 2013 pursuant to Assembly Bill 1719, which was signed into law on September 27, 2012. The publishers of the 34 programs originally scheduled for review at the time that the Category 2 Mathematics review was suspended were invited to continue with the review. Ultimately, however, publishers of only 7 programs chose to complete the process.

The SBE approved reviewers to conduct the review at its January 2013 meeting. The reviewers were trained by CDE staff on February 8, 2013, at the San Joaquin County Office of Education (San Joaquin COE). The reviewers then reviewed the materials at their home or workplace. They reconvened again in panels for deliberations on April 18–19, 2013, during which they developed reports of findings on each of the supplemental instructional materials programs that they were assigned to review.

The CDE is recommending 4 supplemental instructional materials programs in mathematics for Category 2. A full list of those programs is included as Attachment 1 to this item. The full reports of findings are posted on the CDE Supplemental Instructional Resources Review (SIMR Mathematics (Category 2) Web page at http://www.cde.ca.gov/ci/cr/cf/mathcategory2.asp.

The CDE held a public meeting to solicit public comment on the submitted supplemental instructional materials on May 16, 2013. The public comments received were all forwarded to the SBE office. The CDE hosted an appeals meeting to address social content citations and edits and corrections on May 23, 2013.

The review is not a state adoption, and the supplemental instructional materials will not be added to any existing state adoption lists. Once approved, the CDE will post the list of recommended materials on the SIMR Web page. Districts are under no obligation to purchase the recommended supplemental instructional materials. LEAs may use unrestricted general funds, federal funds, Proposition 20 lottery funds for instructional materials, or other funds to purchase them.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

January 2013: The SBE approved an additional Category 2 ELA program for the recommended list. The SBE also acted to approve 59 reviewers for the Category 2 mathematics SIMR.

November 2012: The SBE approved 12 ELA programs (7 in Category 1, and 5 in Category 2) and 7 mathematics programs (all Category 1) as recommended supplemental instructional resources.

March 2012: The SBE approved 65 mathematics and 117 ELA reviewers for the SIMR.

January 2012: The SBE approved the evaluation criteria for the SIMR.

June 2011: Governor Edmund G. Brown, Jr., SSPI Tom Torlakson, and SBE President Michael Kirst signed the memorandum of understanding for California's participation as a governing state in the SMARTER Balanced Assessment Consortium (SBAC). California was previously a participating state in the Partnership for the Assessment of Readiness for College and Careers (PARCC).

August 2010: Pursuant to SB X5 1, the SBE adopted the academic content standards in ELA and mathematics as proposed by the California Academic Content Standards Commission (ACSC); the standards include the CCSS and specific additional standards that the ACSC had deemed necessary to maintain the integrity and rigor of California's already high standards.

May 2009: The SSPI, the Governor of California, and the SBE President agreed to participate in the Council of Chief State School Officers and the National Governors Association Center for Best Practices initiative to develop the CCSS as part of California's application to the federal Race to the Top grant.

FISCAL ANALYSIS (AS APPROPRIATE)

AB 1719 directs the CDE to "use federal carryover funds received pursuant to Title I of the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.)" to carry out the SIMR. The CDE has budgeted $220,762.00 from those funds to complete the project. The CDE contracted with the San Joaquin COE to host the training of reviewers and their subsequent deliberations.

ATTACHMENT(S)

Attachment 1: Recommended Supplemental Instructional Materials Programs (1 Page)

2013 CATEGORY 2 MATHEMATICS SUPPLEMENTAL INSTRUCTIONAL MATERIALS REVIEW
RECOMMENDED PROGRAMS

Publisher	Program	Recommended Grades	Category
Center for Mathematics and Teaching	*Math Links*	6	2
Houghton Mifflin Harcourt	*Explorations in Core Math*	6–7	2
Mastery Learning Systems	*Discover the Basics*	3	2
Math Teachers Press	*Moving with Math*	K–6	2

California State Board of Education

Meeting Agenda Items for July 10-11, 2013

ITEM 20

ITEM #20

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2013 AGENDA

SUBJECT	☒ Action
2014 Mathematics Primary Adoption of Instructional Materials: Approval of Non-Instructional Quality Commissioner Facilitators.	☒ Information
	☐ Public Hearing

SUMMARY OF THE ISSUES

The *California Code of Regulations* Title 5 (5 *CCR*), Section 9510(k) requires that the State Board of Education (SBE) approve the participation of any instructional materials review panel facilitator who is not a current member of the Instructional Quality Commission (IQC).

RECOMMENDATIONS

The California Department of Education (CDE) recommends that the SBE approve the appointment of additional non-IQC member instructional materials review panel facilitators.

BRIEF HISTORY OF KEY ISSUES

At its meeting on May 8, 2013, the SBE approved various items related to the 2014 Mathematics Primary Adoption, including the appointment of Instructional Materials Reviewers (IMRs) and Content Review Experts (CREs), the training materials to be used for the adoption, and an updated Schedule of Significant Events.

Due to an unexpectedly high number of publisher submissions, CDE staff realized that it would likely need additional panel facilitators to conduct this adoption. Typically panels are facilitated by members of the IQC. The CDE received a total of 36 program submissions by the May 15, 2013 submission deadline, which were assigned to 12 review panels.

As part of its action on May 8, 2013, the SBE approved one former Curriculum Commissioner and one former Content Review Expert to serve as panel facilitators. However, one of those individuals was subsequently unavailable to serve.

Several members of the IQC have indicated that they will be unable to serve as panel facilitators for this adoption. In the instance that additional facilitators are needed, the CDE recommends that the SBE approve the following individuals to serve as panel facilitators pursuant to 5 *CCR* Section 9510(k). All of these individuals have served in past adoptions and/or reviews of instructional materials and are well-qualified to serve in this capacity.

1. Dmitriy Voloshin, an Education Programs Consultant working for the Curriculum Frameworks and Instructional Resources Division.

2. Cliff Rudnick, the Administrator of the Instructional Resources Unit.

3. Kenneth McDonald, an Education Programs Consultant working for the Curriculum Frameworks and Instructional Resources Division.

4. Deborah Franklin, an Education Programs Consultant working for the Curriculum Frameworks and Instructional Resources Division.

5. Jim Long, an Education Programs Consultant working for the Curriculum Frameworks and Instructional Resources Division.

6. Cynthia Gunderson, an Education Programs Consultant working for the Curriculum Frameworks and Instructional Resources Division.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

May 8, 2013: The SBE appointed 104 Instructional Materials Reviewers and 11 Content Review Experts to serve on review panels for the 2014 Mathematics Adoption. The SBE also approved a revised Schedule of Significant Events, an additional fee reduction request, the training materials, and two non-Commissioner facilitators at that meeting.

March 13, 2013: The SBE approved the revised Schedule of Significant Events and three publisher requests for reduced participation fees.

January 16, 2013: The SBE adopted the evaluation criteria for the 2014 Mathematics Primary Adoption and Schedule of Significant Events.

FISCAL ANALYSIS (AS APPROPRIATE)

The 2014 Mathematics Primary Adoption is funded through the collection of publisher participation fees. The estimated cost for supplies, duplicating, conference rooms, travel, hotel accommodations, per diem, and staff expenses based on 36 program submissions is approximately $530,815. The final costs may vary depending upon the number of reviewers who actually serve on the review panels.

ATTACHMENT(S)

None.

California State Board of Education

Meeting Agenda Items for July 10-11, 2013

ITEM 21

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2013 AGENDA

SUBJECT	
State Instructional Materials Fund – Approve Encumbrances and Allocations for Fiscal Year 2013-14	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

In accordance with California *Education Code* Section 60242, the California State Board of Education (SBE) must encumber funds from the State Instructional Materials Fund, which is administered by the California Department of Education (CDE).

RECOMMENDATION

The Budget Act for 2013-14 did not appropriate separate funding for the State Instructional Materials Fund since it is part of the Local Control Funding Formula (LCFF). However, $2.6 million remains available in the Fund from prior years. The CDE recommends that the SBE approve a resolution for the State Instructional Materials Fund Encumbrances and Allocations (Attachment 2) for a portion of the 2013-14 costs of purchasing accessible instructional materials and warehousing and transporting instructional materials using the unencumbered balance in the Fund.

BRIEF HISTORY OF KEY ISSUES

The information attached describes the allocation formulas and requirements for encumbering funds from the State Instructional Materials Fund (Attachment 1), and provides a resolution for the determination of encumbrances and allocations for the State Instructional Materials Fund for fiscal year 2013-14 (Attachment 2).

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

This agenda item is annually submitted to and approved by the SBE.

FISCAL ANALYSIS (AS APPROPRIATE)

The SBE approval of the 2013-14 State Instructional Materials Fund encumbrances and allocations authorizes that funds be encumbered for the purchase of accessible instructional materials and the cost of warehousing and transporting materials.

ATTACHMENT(S)

Attachment 1: Determination of Encumbrances and Allocations for the State Instructional Materials Fund for Fiscal Year 2013-14 (1 page)

Attachment 2: State Board of Education Resolution for Fiscal Year 2013-14 (1 page)

Determination of Encumbrances and Allocations for the State Instructional Materials Fund for Fiscal Year 2013-14

In past years, State funding for the acquisition of instructional materials was provided by an annual appropriation from the General Fund for transfer to the State Instructional Materials Fund. For fiscal year 2012-13, the budget provided $333,689,000 for this purpose. The Budget Act for 2013-14 does not include an appropriation for instructional materials and instead provides funding for instructional materials through the Local Control Funding Formula (LCFF). Although there is no longer a separate appropriation for the Instructional Materials Fund in 2013-14, there is $2.6 million in unencumbered funds remaining from prior years that can be re-encumbered. Based on existing statutes to encumber the Instructional Materials Fund, the following is presented to the State Board of Education (SBE) for consideration and approval:

Accessible Instructional Materials – California *Education Code* Section 60240(c)(1)

The SBE is to encumber part of the State Instructional Materials Fund to pay for the cost of accessible instructional materials (such as Braille and large print) pursuant to *EC* sections 60312 and 60313 to accommodate pupils who are visually impaired or have other disabilities and are unable to access the general curriculum. The estimated cost for this purpose in 2013-14 is $2,000,000. This is an increase of $1,005,000 over the amount provided for 2012-13. This increase is due to the upcoming adoption of mathematics materials in November 2013, as new programs will need to be transcribed and embossed in braille and provided in large print. Thirty-six programs have been submitted for review and, depending upon the action of the SBE, CDE may have to provide all submitted materials in braille and large print.

Warehousing and Transporting Instructional Materials-California *Education Code* Section 60240(c)(3)

The SBE may set aside part of the State Instructional Materials Fund for the costs of warehousing and transporting instructional materials it has acquired. The estimated cost for this purpose in 2013-14 is $525,000.

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State Board of Education Resolution
Fiscal Year 2013-14

Determination of Encumbrances and Allocations for the State Instructional Materials Fund

WHEREAS, California *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, the SBE hereby encumbers the following amounts of the State Instructional Materials Fund for fiscal year 2013-14:

California *Education Code* Section 60240(c)(1)	To pay for the cost of accessible instructional materials	$2,000,000
California *Education Code* Section 60240(c)(3)	To pay for the cost of warehousing and transporting instructional materials	$525,000

California State Board of Education

Meeting Agenda Items for July 10-11, 2013

ITEM 22

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2013 AGENDA

SUBJECT	
Approval of the Charter School Number Assigned to Newly Established Charter Schools.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

The State Board of Education (SBE) is responsible for assigning a number to each approved charter petition. The California Department of Education (CDE) staff presents this routine request for assignment of charter numbers as a standard action item.

RECOMMENDATION

The CDE recommends that the SBE assign charter numbers to the charter schools identified on the attached list.

BRIEF HISTORY OF KEY ISSUES

Since the charter school law was enacted in 1992, the SBE has assigned numbers to 1,563 charter schools, including some approved by the SBE after denial by local educational agencies. Separate from that numbering system, 8 all-charter districts that currently serve a total of 18 school sites, have been jointly approved by the State Superintendent of Public Instruction and the SBE.

California *Education Code (EC)* Section 47602 requires the SBE to assign a number to each charter school that has been approved by a local entity in the chronological order in which it was received. This numbering ensures that the state stays within a statutory cap on the total number of charter schools authorized to operate. The cumulative statutory cap of the fiscal year 2013–14 is 1,750. The statutory cap is not subject to waiver.

The charter schools listed in Attachment 1 were recently approved by local boards of education as noted. Copies of the charter petitions are on file in the Charter Schools Division.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE is responsible for assigning a number to each approved charter petition. CDE staff presents this routine request for assignment of charter numbers as a standard action item.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no fiscal impact to the state resulting from the assignment of numbers to recently authorized charter schools.

ATTACHMENT(S)

Attachment 1: Assignment of Numbers for Charter School Petitions (3 pages)

Assignment of Numbers for Charter School Petitions

Number	Charter Name	County	Authorizing Entity	Charter School Contact
1564	College Prep High School	Riverside	Hemet Unified School District	Frank Green 26400 Dartmouth Street Hemet, CA 92544
1565	Livermore Valley Charter School	Alameda	Livermore Valley Joint Unified School District	Bill Batchelor 2451 Portola Avenue Livermore, CA 94551
1566	Albert Einstein Academy for Letters Arts & Sciences-Endeavour Academy	San Diego	Alpine Union School District	Jeffrey Shapiro 25876 The Old Road #325 Santa Clarita, CA 91381
1567	New Horizons Charter Academy	Los Angeles	Los Angeles Unified School District	Susan Kumar 5955 Lankershim Boulevard North Hollywood, CA 91601
1568	Come Back Kids Charter	Riverside	Riverside County Office of Education	Debra Sacks 3939 13th Street Riverside, CA 92501
1569	Darby Avenue Charter	Los Angeles	Los Angeles Unified School District	Virginia Ghoniem 10818 Darby Avenue Northridge, CA 91326
1570	Ivy Bound Academy Math, Science and Technology Charter Middle School #2	Los Angeles	Los Angeles Unified School District	Kiumars Arzani 20040 Parthenia Street Northridge, CA 91324
1571	Grover Cleveland Charter High School	Los Angeles	Los Angeles Unified School District	Herman Clay 8140 Vanalden Avenue Reseda, CA 91335
1572	Emelita Academy Charter School	Los Angeles	Los Angeles Unified School District	Elizabeth Mayorga 17931 Hatteras Street Encino, CA 91316
1573	Rocklin Independent Charter Academy	Placer	Rocklin Unified School District	Mark Williams 3250 Victory Drive Rocklin, CA 95765
1574	Center for Learning and Unlimited Educational Success	San Bernardino	San Bernardino City Unified School District	David Morrow 2009 Porterfield Way Suite C Upland, CA 91786

1575	Peak to Peak Mountain Charter	Kern	Maricopa Unified School District	Amy Masuhara P.O. Box 5435 Pine Mountain Club, CA 93222
1576	Union Hill Elementary School	Nevada	Union Hill Elementary School District	Susan Barry 11638 Colfax Highway Grass Valley, CA 95945
1577	Aspire College Academy	Alameda	Oakland Unified School District	Michelle Florendo 1001 2nd Avenue Oakland, CA 94606
1578	La Verne Science and Technology Charter School	Los Angeles	Pomona Unified School District	Stephanie Baker 800 South Garey Avenue Pomona, CA 91766
1579	Loma Vista Immersion Academy	Sonoma	Old Adobe Union School District	Carlos Ulloa 207 Maria Drive Petaluma, CA 94954
1580	Taft Charter High School	Los Angeles	Los Angeles Unified School District	Delia Estrada 5461 Winnetka Avenue Woodland Hills, CA 91364
1581	Chatsworth Charter High	Los Angeles	Los Angeles Unified School District	Timothy Guy 10027 Lurline Avenue Chatsworth, CA 91311
1582	Student Empowerment Academy	Los Angeles	Los Angeles Unified School District	Brenda Pensamiento 1319 East 41st Street Los Angeles, CA 90011
1583	Granada Community Charter School	Los Angeles	Los Angeles Unified School District	Cynthia Van Houten 17170 Tribune Street Granada Hills, CA 91344
1584	Chandler Learning Academy	Los Angeles	Los Angeles Unified School District	Kristine Mc Intire 14030 Weddington Street Van Nuys, CA 91401
1585	Calvert Charter for Enriched Studies	Los Angeles	Los Angeles Unified School District	Kirk Nascimento 19850 Delano Street Woodland Hills, CA 91367
1586	KIPP Middle School #6	Los Angeles	Los Angeles Unified School District	Marcia Aaron 6410 Rita Avenue Huntington Park, CA 90255

1587	KIPP Elementary School #5	Los Angeles	Los Angeles Unified School District	Marcia Aaron 4545 Dozier Avenue Los Angeles, CA 90022
1588	Calahan Community Charter	Los Angeles	Los Angeles Unified School District	Liane Jacob 18722 Knapp Street Northridge, CA 91624
1589	Harbor Springs Charter School	San Diego	Julian Union School District	Kyla Shofner 43466 Business Park Drive Temecula, CA 92590
1590	Oxford Preparatory Academy	San Diego	Borrego Springs Unified School District	Sue Roche 5862 C Street Chino, CA 91710
1591	La Tijera K-8 Academy of Excellence	Los Angeles	Inglewood Unified School District	Ugema Hosea-James 1415 N. LaTijera Boulevard Inglewood, CA 90302
1592	Empire Springs Charter School	San Bernardino	Helendale School District	Kyla Shofner 43466 Business Park Drive Temecula, CA 92590
1593	College Bridge Academy	Inyo	Inyo County Office of Education	Noel Trout 2824 South Main Street Los Angeles, CA 90007
1594	The Education Corps	Inyo	Inyo County Office of Education	Noel Trout 2824 South Main Street Los Angeles, CA 90007
1595	Albert Einstein Academy Elementary School	Los Angeles	Acton-Agua Dulce Unified School District	Jeffrey Shapiro 25876 The Old Road, #325 Stevenson Ranch, CA 91381
1596	Albert Einstein Academy Secondary School	Los Angeles	Acton-Agua Dulce Unified School District	Jeffrey Shapiro 25876 The Old Road, #325 Stevenson Ranch, CA 91381

California State Board of Education

Meeting Agenda Items for July 10-11, 2013

ITEM 23

ITEM #23

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2013 AGENDA

SUBJECT	
Consideration of Requests for Determination of Funding as Required for Nonclassroom-based Charter Schools Pursuant to California *Education Code* Sections 47612.5 and 47634.2, and Associated *California Code of Regulations*, Title 5.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

California *Education Code* (*EC*) sections 47612.5 and 47634.2 established the eligibility requirements for apportionment funding for charter schools that offer nonclassroom-based instruction. The statutes specify that a charter school may receive apportionment funding for nonclassroom-based instruction only if a determination of funding is made by the State Board of Education (SBE). The California Department of Education (CDE) reviews a charter school's determination of funding request and presents it for consideration to the Advisory Commission on Charter Schools (ACCS), pursuant to relevant *California Code of Regulations*. The CDE received determination of funding requests from The Heights Charter School, Manteca Unified Vocational Academy, Academies of the Antelope Valley and Escalon Charter Academy. These requests were submitted in May 2013 for the 2012–13 school year.

RECOMMENDATION

California Department of Education Recommendation

The California Department of Education (CDE) recommends that the SBE approve a determination of funding for charter schools, identified in Attachment 1, that offer nonclassroom-based instruction.

Advisory Commission on Charter Schools Recommendation

The Advisory Commission on Charter Schools met on June 12, 2013, and voted to move the CDE's staff recommendation to the SBE for the determination of funding

requests for the charter schools identified in Attachment 1. The motion passed unanimously.

BRIEF HISTORY OF KEY ISSUES

Pursuant to *California Code of Regulations* Title 5 (5 *CCR*) Section 11963.4(a), a nonclassroom-based charter school may qualify for 70 percent, 85 percent, or 100 percent funding, or may be denied. To qualify for a proposed recommendation of 100 percent funding, a nonclassroom-based charter school must meet the following criteria:

- At least 40 percent of the school's public revenues are to be spent on salaries and benefits for all employees who possess a valid teaching certificate.
- At least 80 percent of all revenues are to be spent on instruction and related services.
- The ratio of average daily attendance for independent study pupils to full-time certificated employees does not exceed a pupil-teacher ratio of 25:1.

5 *CCR* Section 11963.6(c) specifies that a determination of funding shall be in increments of a minimum of two years and a maximum of five years in length. 5 *CCR* Section 11963.6(a) requires a determination of two years for a new charter school in its first year of operation. Additionally, *EC* Section 47612.5(d)(2) requires a determination of five years for a charter school that has achieved a rank of six or greater on the Academic Performance Index (API) for the two years immediately prior to receiving a determination of funding. When making a recommendation for a funding determination, the CDE considers the number of years a charter school has been in operation and the number of years requested by the charter school. The funding determination requests are provided in Attachments 2 through 5 of Agenda Item 2 on the ACCS June 12, 2013, Meeting Notice for the ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/accsnotice061213.asp.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE is responsible for approving a determination of funding to establish eligibility for apportionment funding for charter schools that offer nonclassroom-based instruction. The CDE notes that this request is a recurring action item for the SBE.

FISCAL ANALYSIS (AS APPROPRIATE)

If approved, the charter schools listed in Attachment 1 would receive apportionment funding under the charter school block grant funding model. Funding is based on the statewide average funding levels for each grade span (kindergarten through grade three, grades four through six, grades seven through eight, and grades nine through

twelve). Calculations use revenue limits for unified, elementary, and high school districts.

ATTACHMENTS

Attachment 1: California Department of Education Recommendation Determination of Funding (1 Page)

California Department of Education Recommendation Determination of Funding – New Charter Schools
Fiscal Year 2012–13 through 2013–14

County- District-School Code	Charter Number	County	School	First Year of Operation	Funding Request	CDE Recommendation
19- 64246-0126003	1415	Los Angeles	Academies of the Antelope Valley	2012–13	100% 2 Years	100% 2 Years
37- 68049-0127118	1488	San Diego	The Heights Charter School	2012–13	100% 2 Years	100% 2 Years
39- 68502-0126011	1416	San Joaquin	Escalon Charter Academy	2012–13	100% 5 Years	100% 2 Years*
39- 68593-0126094	1408	San Joaquin	Manteca Unified Vocational Academy	2012–13	100% 5 Years	100% 2 Years*

*– Pursuant to 5 *CCR* Section 11963.6(a), a funding determination for a charter school in its first year of operation shall be for two fiscal years. Pursuant to *EC* Section 47612.5(d)(2), API is not applicable for a charter school in its first year of operation.

California State Board of Education

Meeting Agenda Items for July 10-11, 2013

ITEM 24

ITEM #24

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2013 AGENDA

SUBJECT	
Consideration of a "Reasonable Basis"/Mitigating Circumstances Request for Determination of Funding as Required for Nonclassroom-based Charter Schools Pursuant to California *Education Code* Sections 47612.5 and 47634.2, and Associated *California Code of Regulations,* Title 5.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

The California Department of Education (CDE) received a completed determination of funding request from Trivium Charter on May 2, 2013, and from Gateway to College Early College High on May 16, 2013. Both charter schools have submitted their requests with the consideration of each school's mitigating circumstances. California *Education Code* (*EC*) sections 47612.5 and 47634.2 specifies that a charter school may receive apportionment funding for nonclassroom-based instruction only if a determination of funding is made by the State Board of Education (SBE). The CDE reviews a charter school's determination of funding request and presents it for consideration by the Advisory Commission on Charter Schools (ACCS), pursuant to relevant *California Code of Regulations*. The ACCS may include the consideration of mitigating circumstances in conjunction with a recommendation to the SBE.

RECOMMENDATION

California Department of Education Recommendation

The California Department of Education (CDE) recommends that the SBE approve a 100 percent three-year determination of funding for Trivium Charter with the consideration of the school's mitigating circumstances because deferrals constrained the charter school's cash flow in its first year of operation and limited the school's spending ability to meet the full-funding thresholds. CDE also recommends that the SBE deny Gateway to College Early College High's mitigating circumstances request and request for future spending below the percentage required in the regulations, and approve an 85 percent two-year determination of funding for the school. See Attachment 1 for details.

Advisory Commission on Charter Schools Recommendation

The Advisory Commission on Charter Schools met on June 12, 2013, and voted to move the CDE's staff recommendation to the SBE for Trivium Charter and Gateway to College Early College High. The motion passed unanimously.

BRIEF HISTORY OF KEY ISSUES

Trivium Charter and Gateway to College Early College High are requesting SBE approval for a 100 percent determination of funding with the consideration of the charter schools' mitigating circumstances.

Pursuant to *California Code of Regulations*, Title 5 (5 *CCR)* Section 11963.4(a), a nonclassroom-based charter school may qualify for 70 percent, 85 percent, or 100 percent funding, or may be denied. To qualify for a proposed recommendation of 100 percent funding, a nonclassroom-based charter school must meet the following criteria:

- At least 40 percent of the school's public revenues are to be spent on salaries and benefits for all employees who possess a valid teaching certificate.
- At least 80 percent of all revenues are to be spent on instruction and related services.
- The ratio of average daily attendance for independent study pupils to full-time certificated employees does not exceed a pupil-teacher ratio of 25:1.

However, 5 *CCR* Section 11963.4(e) states that the ACCS may find a "reasonable basis" (also referred to as mitigating circumstances) by which to make a recommendation other than one that results from the criteria specified in the regulations.

5 *CCR* Section 11963.6(c) specifies that a determination of funding shall be in increments of a minimum of two years and a maximum of five years in length. 5 *CCR* Section 11963.6(a) requires a determination of two years for a new charter school in its first year of operation. Additionally, *EC* Section 47612.5(d)(2) requires a determination of five years for a charter school that has achieved a rank of six or greater on the Academic Performance Index (API) for the two years immediately prior to receiving a determination of funding. When making a recommendation for a funding determination, the CDE considers the number of years a charter school has been in operation and the number of years requested by a charter school.

5 *CCR* Section 11963.4(e) provides specific examples of the types of mitigating circumstances and for the ACCS to consider well documented "one-time or unique or exceptional circumstances." Mitigating circumstances described by a charter school in the funding determination process clarify and provide guidance as to whether or not a

specific charter school meets the percentage requirements for a funding determination as expressed in 5 *CCR* Section 11963.4(a).

Pursuant to 5 *CCR* Section 11963.4(e):

> A reasonable basis for the Advisory Commission on Charter Schools to make a recommendation other than one that results from the criteria specified in subdivision (a) may include, but not be limited to, the following: the information provided by the charter school pursuant to paragraphs (2) through (8), inclusive, of subdivision (b) of section 11963.3, documented data regarding individual circumstances of the charter school (e.g., one-time or unique or exceptional expenses for facilities, acquisition of a school bus, acquisition and installation of computer hardware not related to the instructional program, special education charges levied on the charter school by a local educational agency, restricted state, federal, or private grants of funds awarded to the charter school that cannot be expended for teacher salaries, or contracted instructional services other than those for special education), the size of the charter school, and how many years the charter school has been in operation. The Advisory Commission on Charter Schools shall give charter schools with less than a total of one hundred (100) units of prior year second period average daily attendance or that are in their first year of operation serious consideration of full funding.

Trivium Charter is requesting a 100 percent determination of funding for Fiscal Years (FYs) 2013–14 through 2017–18 with the consideration of the charter school's mitigating circumstances. The SBE previously approved a 100 percent determination of funding for FYs 2011–12 through 2012–13. The school provided FY 2011–12 data as part of its funding determination request for FYs 2013–14 through 2017–18. For FY 2011–12, the charter school reported expenditures of 48.70 percent on certificated staff costs; however, it reported expenditures of 64.40 percent on instruction and related services and allowable facilities costs, which qualifies the charter school for a 70 percent determination of funding. The charter school's mitigating circumstances request includes funding cuts, deferrals, limited cash on hand, and consideration that the charter school was in its first year of operation in FY 2011–12. CDE staff reviewed all of the information provided by the charter school in its initial request and in subsequent communications. As a newly operational charter school in FY 2011–12, the CDE finds that the documentation submitted supports the claim for mitigating circumstances, that in Trivium Charter's first year of operation the deferrals constrained the charter school's cash flow which limited its spending ability to meet the full-funding thresholds.

Gateway to College Early College High is requesting a 100 percent determination of funding for FYs 2013–14 through 2014–15 with the consideration of the charter school's mitigating circumstances. The SBE previously approved a 100 percent determination of funding for FYs 2009–10 through 2012–13. The school provided FY 2011–12 data as part of its funding determination request for FYs 2013–14 through 2014–15. For FY 2011–12, the charter school reported expenditures of 57.44 percent on certificated staff costs and expenditures of 74.36 percent on instruction and related services costs, which

qualifies the charter school for an 85 percent determination of funding. The charter school's mitigating circumstances request cites challenges related to budget cuts, deferrals, and being a small school. CDE does not support the request for mitigating circumstances. The charter school made a business decision to hold a large reserve pending the outcome of Proposition 30. However, CDE staff review found that for FY 2011–12 the charter school failed to meet the regulatory requirements for full funding by under spending on instruction by approximately $63,471, while ending FY 2011–12 with $575,074 in reserves. The CDE finds that the charter school's reserves could have been used to support instruction in FY 2011–12, rather than being held for the outcome of Proposition 30, which occurred in FY 2012–13.

In addition, Gateway to College Early College High is requesting for the duration of the funding determination period to spend 70 percent for instruction and related services expenditures. Current law requires spending at least 80 percent to meet full funding. CDE does not support the request for future spending below the percentage required in the regulations.

The funding determination and mitigating circumstances requests are provided in Attachments 2 through 5 of Agenda Item 4 on the ACCS June 12, 2013, Meeting Notice for the ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/accsnotice061213.asp.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE is responsible for approving a determination of funding to establish eligibility for apportionment funding for charter schools that offer nonclassroom-based instruction. The CDE notes that this request is a recurring action item for the SBE.

FISCAL ANALYSIS (AS APPROPRIATE)

If approved, the charter schools listed in Attachment 1 would receive apportionment funding under the charter school block grant funding model. Funding is based on the statewide average funding levels for each grade span (kindergarten through grade three, grades four through six, grades seven through eight, and grades nine through twelve). Calculations use revenue limits for unified, elementary, and high school districts.

ATTACHMENTS

Attachment 1: California Department of Education Recommendation Determination of Funding (1 Page)

California Department of Education Recommendation Determination of Funding

California Department of Education Recommendation Determination of Funding Fiscal Year 2013–14 through 2015–16

County-District-School Code	Charter Number and First Year of Operation	Charter Name	Spending on Certificated Staff Compensation^	Spending on Instructional Costs^	Funding Determination and Years Requested by Charter School With Mitigating Circumstances	Funding Determination Without Mitigating Circumstances (5 *CCR* Section 11963.4)	CDE Recommendation Funding Determination and Years	CDE Recommendation Mitigating Circumstances Provided	2010-11 Meets API Requirement*	2011-12 Meets API Requirement*
42-69112-0124255	1319 2011–12	Trivium Charter	48.70%	64.40%	100% 5 Years	70%	100% 3 Years	Yes	Not Applicable*	Not Applicable*

^–Note: Spending percentages correspond to the charter school's funding determination request as originally submitted to the California Department of Education.
*–Note: Pursuant to *EC* Section 47612.5(d)(2), API is not applicable for a charter school in its first year of operation.

California Department of Education Recommendation Determination of Funding Fiscal Year 2013–14 through 2014–15

County-District-School Code	Charter Number and First Year of Operation	Charter Name	Spending on Certificated Staff Compensation^	Spending on Instructional Costs^	Funding Determination and Years Requested by Charter School With Mitigating Circumstances	Funding Determination Without Mitigating Circumstances (5 *CCR* Section 11963.4)	CDE Recommendation Funding Determination and Years	CDE Recommendation Mitigating Circumstances Provided	CDE Recommendation Spending Below Regulatory Requirements
33-67215-0106526	0620 2004–05	Gateway to College Early College High	57.44%	74.36%	100% 2 Years	85%	85% 2 Years*	No	No

^–Note: Spending percentages correspond to the charter school's funding determination request as originally submitted to the California Department of Education.
*–Charter school request is for less than five years. *EC* Section 47612.5(d)(2) requires a determination of five years for a charter school that has achieved a rank of six or greater on the API for the two years immediately prior to receiving a determination of funding.

California State Board of Education

Meeting Agenda Items for July 10-11, 2013

ITEM 25

ITEM #25

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2013 AGENDA

SUBJECT	
Consideration of a Request for Modification of a Determination of Funding as Required for Nonclassroom-based Charter Schools Pursuant to California *Education Code* Sections 47612.5 and 47634.2, *California Code of Regulations* Section 11963.4(c), and Associated *California Code of Regulations*, Title 5.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

California *Education Code* (*EC*) sections 47612.5 and 47634.2 specify that a charter school may receive apportionment funding for nonclassroom–based instruction only if a determination of funding is made by the State Board of Education (SBE). Additionally, the SBE may modify a previously approved determination of funding if the SBE finds that such action is warranted pursuant to *California Code of Regulations*, Title 5 (5 *CCR*) Section 11963.4(c). Camino Science and Natural Resources Charter School is requesting that the SBE modify its previously approved determination of funding to adjust the funding period to receive apportionment funding. The California Department of Education (CDE) received a request on May 10, 2013, from staff at Camino Science and Natural Resources Charter School to modify its funding determination request to adjust the years included to Fiscal Years (FYs) 2012–13 through 2014–15 rather than FYs 2013–14 through 2015–16. Approval of the request by the SBE will allow the CDE to adjust the funding determination period previously approved for the charter school.

RECOMMENDATION

California Department of Education Recommendation

The California Department of Education (CDE) recommends that the SBE approve the modification of a determination of funding for Camino Science and Natural Resources Charter School as identified in Attachment 1.

BRIEF HISTORY OF KEY ISSUES

Camino Science and Natural Resources Charter School is requesting the modification of a previously approved determination of funding to adjust the funding period to receive apportionment funding. In order for the charter school to establish eligibility for apportionment funding for FY 2012–13 for its nonclassroom-based instruction, the school is requesting the SBE to modify its previously approved determination of funding period (from FYs 2013–14 through 2015–16 to FYs 2012–13 through 2014–15).

Pursuant to 5 *CCR* Section 11963.4(c), the SBE may modify a previously approved determination of funding if any information is found that may change the conclusion to approve the original determination of funding. Additionally, pursuant to 5 *CCR* Section 11963.4(c), it is not necessary for the CDE to present this request for consideration by the Advisory Commission on Charter Schools because it is a modification of a previous determination of funding request rather than a new determination of funding request. Therefore, this request is presented solely for consideration by the SBE. Based on information reported by the charter school, and pursuant to 5 *CCR* Section 11963.4(c), the CDE finding is that Camino Science and Natural Resources Charter School meets the criteria for a proposed recommendation to modify the previously approved determination of funding period (from FYs 2013–14 through 2015–16 to FYs 2012–13 through 2014–15).

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At its May 2013 meeting, the SBE approved a 100 percent, three-year (FYs 2013–14 through 2015–16) determination of funding for Camino Science and Natural Resources Charter School with the consideration of the charter school's mitigating circumstances. The effective period, however, should have been for FYs 2012–13 through 2014–15 based on information subsequently reported by the charter school.

The SBE is responsible for approving a determination of funding to establish eligibility for apportionment funding for charter schools that offer nonclassroom-based instruction.

FISCAL ANALYSIS (AS APPROPRIATE)

If approved, the charter school listed in Attachment 1 would receive apportionment funding under the charter school block grant funding model. Funding is based on the statewide average funding levels for each grade span (kindergarten through grade three, grades four through six, grades seven through eight, and grades nine through twelve). Calculations use revenue limits for unified, elementary, and high school districts.

ATTACHMENTS

Attachment 1: California Department of Education Determination of Funding Recommendation (1 Page)

California Department of Education Determination of Funding Recommendation

California Department of Education Recommendation – Continuing Charter School Modification to Fiscal Years 2012–13 through 2014–15

County-District-School Code	Charter Number	County	Charter School	Prior SBE Action	CDE Recommendation
09-61846-0123125	1150	El Dorado	Camino Science and Natural Resources Charter School	100% 3 Years 2013–14 through 2015–16	100% 3 Years 2012–13 through 2014–15

California State Board of Education

Meeting Agenda Items for July 10-11, 2013

ITEM26

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2013 AGENDA

SUBJECT	
Approval of 2012–13 Consolidated Applications.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

Each local educational agency (LEA) must submit a complete and accurate Consolidated Application for Funding (ConApp) each fiscal year in order for the California Department of Education (CDE) to send funding to LEAs for any or all of the categorical funds contained in the ConApp for which they are eligible. The ConApp is the annual fiscal companion to the LEA Plan. The State Board of Education (SBE) is asked to annually approve ConApps for approximately 1,600 school districts, county offices of education, and direct-funded charter schools.

RECOMMENDATION

The CDE recommends that the SBE approve the 2012–13 ConApps submitted by LEAs in Attachment 1.

BRIEF HISTORY OF KEY ISSUES

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. Prior to receiving funding, the LEA must also have a SBE-approved LEA Plan that satisfies the SBE's and CDE's criteria for utilizing federal and state categorical funds.

Approximately $2.9 billion of state and federal funding is distributed annually through the ConApp process. The 2012–13 ConApp consists of six federal-funded programs and only one state-funded program. The state funding source is Economic Impact Aid (which is used for State Compensatory Education and/or English learners). The federal funding sources include:

- Title I, Part A Basic Grant (Low Income);
- Title I, Part D (Delinquent);
- Title II, Part A (Teacher Quality);
- Title III, Part A (Immigrant);
- Title III, Part A (Limited English Proficient Students); and
- Title VI, Part B (Rural, Low-Income).

The CDE recommends regular approval of the 2012–13 ConApp for the 5 LEAs in Attachment 1. While the entitlement figures from school year 2012–13 are now available, prior year data is used for consistency purposes. Fiscal data are absent if an LEA is new or is applying for direct funding for the first time.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

To date, the SBE has approved 2012–13 ConApps for 1,611 LEAs. Attachment 1 represents the sixth set of 2012–13 ConApps (5 total) presented to the SBE for approval.

FISCAL ANALYSIS (AS APPROPRIATE)

The CDE provides resources to track the SBE approval status of the ConApps for approximately 1,600 LEAs. The cost to track the noncompliant status of LEAs related to programs within the ConApp is covered through a cost pool of federal funds and Economic Impact Aid funds. CDE staff communicates with LEA staff on an ongoing basis to determine the evidence needed to resolve issues, reviews the evidence provided by LEA staff, and maintains a tracking system to document the resolution process.

ATTACHMENT(S)

Attachment 1: Consolidated Applications List (2012–13) - Regular Approvals (1 page)

Consolidated Applications List (2012–13) – Regular Approvals

The following local educational agencies have submitted a correct and complete Consolidated Application (ConApp), Spring Release, and have no compliance issues or are making satisfactory progress toward resolving one or two noncompliant issues that are less than 365 days. The California Department of Education (CDE) recommends regular approval of these applications.

CDS Code	Local Educational Agency Name	Total 2011–12 ConApp Entitlement	Total 2011–12 Entitlement Per Student	Total 2011–12 Title I Entitlement	2011–12 Entitlement Per Free and Reduced Lunch Student	2011–12* Percent At or Above Proficiency - Language Arts	2011–12* Percent At or Above Proficiency - Math
01611190130625	Bay Area School of Enterprise	$30985	$340	$29861	Not Available	16.7	12.1
19647330101659	Crenshaw Arts-Technology Charter High	$124866	$509	$122401	Not Available	39.1	46.4
07768100125815	Synergy	0	Not Available	0	Not Available	Not Available	Not Available
23656156117386	Tree of Life Charter	$12610	$153	$12181	Not Available	58.5	51.2
26102640000000	Mono County Office of Education	$92,012	$2875	0	$0.00	13.3	13.3

The 2011–12 targets for elementary schools, middle schools, and elementary school districts are 78.4 percent for language arts and 79 percent for math. The 2011–12 targets for high schools and high school districts (students in any grades nine through twelve only) are 77.8 percent for language arts and 77.4 percent for math. The 2011–12 targets for unified districts, high school districts (students in any of grades two through eight and nine through twelve), and county offices of education are 78 percent for language arts and 78.2 percent for math.

Total Number of LEAs in the report: 5
Total ConApp entitlement funds for districts receiving regular approval: $260,473

California State Board of Education

Meeting Agenda Items for July 10-11, 2013

ITEM 27

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2013 AGENDA

SUBJECT	
Elementary and Secondary Education Act: Approval of Local Educational Agency Plans, Title I, Section 1112.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

The Elementary and Secondary Education Act (ESEA) provides federal funding that may be available to local educational agencies (LEAs) (defined as districts, county offices of education, and direct-funded charter schools) for a variety of programs. Currently, only 12 new direct-funded charter schools submitted LEA Plans as part of the application for ESEA funding. California Department of Education (CDE) program staff review LEA Plans for compliance with the requirements of ESEA before recommending approval to the State Board of Education (SBE).

RECOMMENDATION

The CDE recommends that the SBE approve 12 direct-funded charter school LEA Plans, listed in Attachment 1.

BRIEF HISTORY OF KEY ISSUES

The federal ESEA Section 1112(e)(2) states that the state educational agency (SEA) shall approve an LEA's Plan if the SEA determines that the LEA's Plan is designed to enable its schools to substantially help children meet the academic standards expected for all children. As a requirement for receiving federal funding sub-grants for ESEA programs, the local school board and the SBE must approve the original LEA Plan. Subsequent approval of revisions to LEA Plans is made by the local school board and kept on file with the original LEA Plan. The LEA Plan includes specific descriptions and assurances as outlined in the provisions included in ESEA.

The purpose of the LEA Plan is to develop an integrated, coordinated set of actions that LEAs will take to ensure that they meet certain programmatic requirements, including student academic services designed to increase student achievement and performance, coordination of services, needs assessments, consultations, school choice, supplemental services, services to homeless students, and others as required.

CDE program staff review LEA Plans for compliance with the requirements of the ESEA including evaluation of goals and activities designed to improve student performance in reading and mathematics; improve programs for English learner students; improve professional development and ensure the provision of highly qualified teachers; ensure that school environments are safe, drug-free, and conducive to learning; and promote efforts regarding graduation rates, dropout prevention, and advanced placement. If an LEA Plan lacks the required information, CDE program staff works with the LEA to ensure the necessary information is included in the LEA Plan before recommending approval.

Following initial CDE review and SBE approval, all LEAs are expected to annually review their Plans and update them as necessary. Any changes to the LEA Plan must be approved by an LEA's local governing board.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Since the current LEA Plan process was developed in July 2003 as a requirement of the ESEA, the SBE has approved 1,688 LEA Plans.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no fiscal impact to state operations.

ATTACHMENT(S)

Attachment 1: Direct-Funded Charter Schools Recommended for State Board of Education Approval (1 Page)

Attachment 2: Academic Performance for Direct-Funded Charter Schools Recommended for State Board of Education Approval of Local Educational Agency Plans (4 Pages)

Direct-Funded Charter Schools Recommended for State Board of Education Approval

Local Educational Agency Name	County-District-School Code	Academic Performance Data
California Virtual Academy @Maricopa	15-63628-0127183	None available; opened in July 2012
California Virtual Academy @Maricopa High School	15-63628-0127209	None available; opened in July 2012
California Virtual Academy @San Joaquin	39-68627-0127191	None available; opened in July 2012
City Charter Middle School	19-64733-0126102	None available; opened in September 2012
East Oakland Leadership Academy	01-61259-0100123	See Attachment 2
East Oakland Leadership Academy High	01-61259-0116137	See Attachment 2
KIPP Iluminar Academy	19-64733-0127670	None available; will open in July 2012
KIPP Sol Academy	19-64733-0125641	None available; will open in September 2013
Fortune School	34-10348-0124651	See Attachment 2
MAAC Community Charter School	37-68411-3731304	See Attachment 2
Rise Kohyang Middle School	19-64733-0124222	None available; opened in August 2012
Rocketship Nine Elementary School	43-10439-012748	None available; will open in August 2013

Academic Performance for Direct-Funded Charter Schools Recommended for State Board of Education Approval of Local Educational Agency Plans

LEA Name: East Oakland Leadership Academy CDS CODE: 01-61259-0100123	Met All Adequate Yearly Progress (AYP) Criteria	English-Language Arts		Mathematics		Academic Performance Index (API)		
		Percent At or Above Proficient (78.4%)	Met 2012 AYP Criteria?	Percent At or Above Proficient (79.0%)	Met 2012 AYP Criteria?	2011 Base API	2012 Growth API	Met 2011–12 Growth API Targets***
Schoolwide	**No, met 3 of 5**	**48.8**	**No**	**50.0**	**No**	**806**	**767**	**Yes**
African American or Black (not of Hispanic origin)		62.5	**	50.0	**			
American Indian or Alaska Native		--	--	--	--			
Asian		**	**	**	**			
Filipino		--	--	--	--			
Hispanic or Latino		46.3	**	48.1	**			
Native Hawaiian or Pacific Islander		--	--	--	--			
White (not of Hispanic origin)		**	**	**	**			
Two or More Races		**	**	**	**			
Socioeconomically Disadvantaged		46.7	**	49.3	**			
English Learners		46.0	**	44.0	**			
Students with Disabilities		**	**	**	**			

-- Indicates no data are available.
** Indicates AYP criteria are not applied because there are too few students in this subgroup to be numerically significant.
***Growth targets are 5 percent difference between the Base API and statewide target of 800. The 2012 API criteria for meeting federal AYP: a minimum “2012 Growth API” score of 740 OR “2011–12 Growth” of at least one point.

Academic Performance for Direct-Funded Charter Schools Recommended for State Board of Education Approval of Local Educational Agency Plans

LEA Name: East Oakland Leadership Academy High CDS CODE: 01-61259-0116137	Met All Adequate Yearly Progress (AYP) Criteria	English-Language Arts		Mathematics		Academic Performance Index (API)		
		Percent At or Above Proficient (77.8%)	Met 2012 AYP Criteria?	Percent At or Above Proficient (77.4%)	Met 2012 AYP Criteria?	2011 Base API	2012 Growth API	Met 2011–12 Growth API Targets***
Schoolwide	**Yes, met 4 of 4**	**50.0**	**Yes (CI)**	**50.0**	**Yes (CI)**			**NA†**
African American or Black (not of Hispanic origin)		**	**	**	**			
American Indian or Alaska Native		--	--	--	--			
Asian		**	**	**	**			
Filipino		--	--	--	--			
Hispanic or Latino		**	**	**	**			
Native Hawaiian or Pacific Islander		--	--	--	--			
White (not of Hispanic origin)		**	**	**	**			
Two or More Races		--	--	--	--			
Socioeconomically Disadvantaged		50.0	**	50.0	**			
English Learners		**	**	**	**			
Students with Disabilities		--	--	--	--			

-- Indicates no data are available.
** Indicates AYP criteria are not applied because there are too few students in this subgroup to be numerically significant.
***Growth targets are 5 percent difference between the Base API and statewide target of 800. The 2012 API criteria for meeting federal AYP: a minimum "2012 Growth API" score of 740 OR "2011–12 Growth" of at least one point.
CI = Passed using confidence intervals: Small schools and LEAs with fewer than 100 valid scores have adjusted Annual Measurable Objectives (AMO) to account for the small number of test scores. These schools and LEAs met the adjusted percent proficient criteria using a confidence interval methodology. Very small schools and LEAs with fewer than 50 valid scores are exempt from the API requirement for AYP. These schools and LEAs met the adjusted API criteria using confidence interval methodology.
† Schools and LEAs are exempt from the API requirement for AYP if they have 50 valid fewer than scores.

Academic Performance for Direct-Funded Charter Schools Recommended for State Board of Education Approval of Local Educational Agency Plans

LEA Name: Fortune School CDS CODE: 34-10348-0124651	Met All Adequate Yearly Progress (AYP) Criteria	English-Language Arts		Mathematics		Academic Performance Index (API)		
		Percent At or Above Proficient (78.4%)	Met 2012 AYP Criteria?	Percent At or Above Proficient (79.0%)	Met 2012 AYP Criteria?	2011 Base API	2012 Growth API	Met 2011–12 Growth API Targets***
Schoolwide	**Yes, met 4 of 4**	**67.4**	**Yes (CI)**	**90.9**	**Yes (CI)**			**NA†**
African American or Black (not of Hispanic origin)		63.0	**	89.3	**			
American Indian or Alaska Native		--	--	--	--			
Asian		**	**	**	**			
Filipino		--	--	--	--			
Hispanic or Latino		72.7	**	100.0	**			
Native Hawaiian or Pacific Islander		**	**	**	**			
White (not of Hispanic origin)		**	**	**	**			
Two or More Races		**	**	**	**			
Socioeconomically Disadvantaged		67.4	**	90.9	**			
English Learners		**	**	**	**			
Students with Disabilities		**	**	**	**			

-- Indicates no data are available.
** Indicates AYP criteria are not applied because there are too few students in this subgroup to be numerically significant.
***Growth targets are 5 percent difference between the Base API and statewide target of 800. The 2012 API criteria for meeting federal AYP: a minimum "2012 Growth API" score of 740 OR "2011–12 Growth" of at least one point.
CI = Passed using confidence intervals: Small schools and LEAs with fewer than 100 valid scores have adjusted Annual Measurable Objectives (AMO) to account for the small number of test scores. These schools and LEAs met the adjusted percent proficient criteria using a confidence interval methodology. Very small schools and LEAs with fewer than 50 valid scores are exempt from the API requirement for AYP. These schools and LEAs met the adjusted API criteria using confidence interval methodology.
† Schools and LEAs are exempt from the API requirement for AYP if they have 50 valid fewer than scores.

Academic Performance for Direct-Funded Charter Schools Recommended for State Board of Education Approval of Local Educational Agency Plans

LEA Name: MAAC Community Charter School CDS CODE: 37-68411-3731304	Met All Adequate Yearly Progress (AYP) Criteria	English-Language Arts		Mathematics		Academic Performance Index (API)		
		Percent At or Above Proficient (77.8%)	Met 2012 AYP Criteria?	Percent At or Above Proficient (77.4%)	Met 2012 AYP Criteria?	2011 Base API	2012 Growth API	Met 2011–12 Growth API Targets***
Schoolwide	**No, met 2 of 5**	**9.1**	**No**	**18.2**	**No**			**NA†**
African American or Black (not of Hispanic origin)		**	**	**	**			
American Indian or Alaska Native		--	--	--	--			
Asian		--	--	--	--			
Filipino		--	--	--	--			
Hispanic or Latino		**	**	**	**			
Native Hawaiian or Pacific Islander		--	--	--	--			
White (not of Hispanic origin)		--	--	--	--			
Two or More Races		--	--	--	--			
Socioeconomically Disadvantaged		**	**	**	**			
English Learners		**	**	**	**			
Students with Disabilities		**	**	**	**			

-- Indicates no data are available.
** Indicates AYP criteria are not applied because there are too few students in this subgroup to be numerically significant.
***Growth targets are 5 percent difference between the Base API and statewide target of 800. The 2012 API criteria for meeting federal AYP: a minimum “2012 Growth API” score of 740 OR “2011–12 Growth” of at least one point.
† Schools and LEAs are exempt from the API requirement for AYP if they have 50 valid fewer than scores.

California State Board of Education

Meeting Agenda Items for July 10-11, 2013

ITEM 28

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2013 AGENDA

SUBJECT	
School Improvement Grant: Approval of California's Request to the U.S. Department of Education for Approval of an Amendment to California's Fiscal Year 2009 School Improvement Grant Application to Extend the Period of Availability of Those Funds Until September 30, 2014; Approval of the Application and Criteria for Local Educational Agencies to Extend the Use of Fiscal Year 2009 SIG Funds, Including Conditional Approval of Sub-grants Under Section 1003(g) for Local Educational Agencies and Schools Meeting State Board Approved Criteria.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

Amendment to California's Fiscal Year 2009 School Improvement Grant

On May 13, 2013, the U.S. Department of Education (ED) released an invitation to states to request a waiver previously granted under Section 421(b) of the General Education Provisions Act, 20 *United States Code* (*USC*) Section 1225(b), to extend the period of availability of the fiscal year (FY) 2009 School Improvement Grant (SIG) funds awarded under Section 1003(g) of the Elementary and Secondary Education Act of 1965 (ESEA) until September 30, 2014. This request to extend availability of funds would permit a state educational agency (SEA) to identify and allow local educational agencies (LEAs) with Cohort 1 SIG schools that meet specific conditions additional time to expend remaining FY 2009 SIG funds in those schools.

Application and Criteria for Local Educational Agencies to Extend the Use of Fiscal Year 2009 School Improvement Grant Funds

The above amendment to California's FY 2009 SIG Application, if approved by the ED, would apply to an LEA with one or more Tier I or II SIG schools that began fully implementing a SIG intervention model at the start of the 2010–11 school year (SY)(Cohort 1). Such an LEA that is interested in requesting the extension would need to request and receive the State's permission to implement it.

The ED requires states to develop criteria to determine which LEAs have made effective use of FY 2009 SIG funds to carry out SIG final requirements and improve student achievement, in accordance with Section 9401(d)(2)(A) of the ESEA. LEAs that wish to apply for this extension must demonstrate the following:

- Growth on the state assessments in English Language Arts and mathematics

- Growth on the nine federal leading indicators
- Programmatic and fiscal capacity, including stakeholder support, budgets, planning, reporting status, and status of outstanding SIG findings

In approving an LEA's request to implement the extended waiver, the State will apply the above criteria to determine whether an LEA will use the funds to fully and effectively implement a SIG intervention model in one or more Tier I or Tier II Cohort 1 SIG schools until September 30, 2014. This includes reviewing and approving revised LEA budgets and plans for continuing full and effective implementation of the model during the 2013–14 SY.

RECOMMENDATION

Amendment to California's Fiscal Year 2009 School Improvement Grant

The California Department of Education (CDE) recommends that the State Board of Education (SBE) authorize SBE President Michael W. Kirst, in consultation with State Superintendent of Public Instruction (SSPI) Tom Torlakson, to approve California's request to the ED for an amendment to the State's FY 2009 SIG Application. The letter to the ED requesting this amendment is provided as Attachment 1.

Application and Criteria for Local Educational Agencies to Extend the Use of Fiscal Year 2009 School Improvement Grant Funds

The CDE recommends that the SBE approve the eligibility list, application, and criteria for eligible Cohort 1 SIG LEAs to apply for an extension of FY 2009 SIG funds through September 30, 2014. The CDE also recommends that the SBE authorize SBE President Michael W. Kirst, in consultation with SSPI Tom Torlakson, to approve funding for Cohort 1 SIG LEAs that submit an approvable application. The list of Cohort 1 LEAs and schools eligible for extension of their FY 2009 sub-grants is provided as Attachment 2. The Cohort 1 LEA Renewal Application is provided as Attachment 3.

BRIEF HISTORY OF KEY ISSUES

Amendment to California's Fiscal Year 2009 School Improvement Grant

On March 12, 2012, the CDE's SIG team sent a question to the ED regarding the possibility of getting a waiver to make FY 2009 funds available for use through September 2014. The ED responded that since the SIG grants are to be a maximum three-year grant, the waiver to extend availability of FY 2009 funds until September 30, 2014, would only be for those FY 2009 funds that were carried over and awarded to Cohort 2 LEAs. The Cohort 1 LEA deadline for expenditure of funds was September 30, 2013, based on the waiver already granted.

Subsequently, the State estimated over $5 million in unexpended FY 2009 funds resulting from several SIG Cohort 1 schools no longer participating due to closure or withdrawal from the grant program. Additionally, based on anecdotal conversations with

LEAs, it became clear that several SIG Cohort 1 LEAs would not fully expend their three-year allocation by the September 30, 2013, deadline. As a result, both the CDE and California LEAs requested that the ED consider offering a waiver to extend the availability of FY 2009 SIG funds until September 30, 2014.

In a January 7, 2013, phone conversation with the ED SIG staff, ED staff stated that while they were not inviting states to seek a waiver or recommending to the Secretary that such a waiver be considered, California should send a formal request if interested. On April 17, 2013, based on March SBE approval, the CDE sent a letter to the ED's Assistant Secretary Delisle requesting a waiver to extend the period of availability of FY 2009 funds until September 30, 2014.

On May 13, 2013, the CDE received an e-mail invitation from the ED inviting interested SEAs to request a waiver to extend the period of availability of FY 2009 SIG funds until September 30, 2014. The invitation included a template for SEA use and specific SEA assurances. The ED recommends that SEA applications be received by the ED by June 14, 2013, in order for the ED to respond in time for LEAs to implement the extended waiver, if approved.

Application and Criteria for Local Educational Agencies to Extend the Use of Fiscal Year 2009 School Improvement Grant Funds

Historically, in deciding whether to renew an LEA's SIG FY 2009 grant, the CDE was required to review annually the LEA's progress on meeting its annual school goals for student achievement and its progress on the leading indicators for each of its Tier I and Tier II schools. According to SIG Federal Guidance, Question I-16, the CDE "has discretion to examine factors such as the school's progress on the leading indicators in Section III of the [ED SIG] final requirements or the fidelity with which it is implementing the model in deciding whether to renew the LEA's SIG grant with respect to that school."

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Amendment to California's Fiscal Year 2009 School Improvement Grant

On March 13, 2013, as part of item 19, the SBE authorized SBE President Michael W. Kirst, in consultation with SSPI Tom Torlakson, to approve California's request to the ED to extend the availability of California's FY 2009 SIG allocation to September 30, 2014.

Application and Criteria for Local Educational Agencies to Extend the Use of Fiscal Year 2009 School Improvement Grant Funds

At its July 2012 meeting, the SBE authorized SBE President Michael W. Kirst, in consultation with SSPI Tom Torlakson, to approve year three sub-grants for FY 2009 Cohort 1 SIG LEAs, with funding contingent on the LEA submitting, within 45 business days of receipt of notification, a complete Renewal Application indicating progress in meeting annual goals established by the LEA for student achievement in reading/language arts and mathematics and/or making progress on the leading indicators described in Section III of the ED SIG Final Requirements.

FISCAL ANALYSIS (AS APPROPRIATE)

California's FY 2009 SIG balance of $5,031,051.95 is a combination of the $4,857,928.46 in American Recovery and Reinvestment Act (ARRA) funds and $173,123.49 in non-ARRA funds. Based on anecdotal conversations with LEAs, the State projects that additional FY 2009 funds beyond the $5,031,051.95 may become available due to SIG Cohort 1 LEAs that do not plan to fully expend their three-year allocation by the September 30, 2013, deadline.

ATTACHMENT(S)

Attachment 1: DRAFT July 17, 2013, joint letter from Tom Torlakson, State Superintendent of Public Instruction, California Department of Education, and Michael W. Kirst, President, California State Board of Education, to Deborah S. Delisle, Assistant Secretary, Office of Elementary and Secondary Education, U.S. Department of Education, requesting an amendment to the State's FY 2009 School Improvement Grants Application to carryover fiscal year 2009 SIG funds until September 30, 2014 (3 Pages)

Attachment 2: Fiscal Year 2009 School Improvement Grant Local Educational Agencies and Schools Estimated Remaining Funds (6 Pages)

Attachment 3: School Improvement Grant Cohort 1 Amendment to Fiscal Year 2009 2013–14 Continuation of Funding Application (20 Pages)

CALIFORNIA DEPARTMENT OF EDUCATION **CALIFORNIA STATE BOARD OF EDUCATION**
TOM TORLAKSON, State Superintendent of Public Instruction **MICHAEL W. KIRST,** President
916-319-0800 1430 N Street Sacramento, CA 95814-5901 916-319-0827

DRAFT July 17, 2013

Deborah S. Delisle, Assistant Secretary
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Assistant Secretary Delisle:

We are writing on behalf of the State of California to request approval of an amendment to the State's fiscal year (FY) 2009 School Improvement Grants (SIG) Application to extend the waiver previously granted under Section 421(b) of the General Education Provisions Act (GEPA), 20 *United States Code* (*USC*) Section 1225(b), to extend the period of availability of the FY 2009 SIG funds awarded under Section 1003(g) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended, until September 30, 2014. This request to extend the waiver, submitted pursuant to Section 9401(d)(2) of the ESEA, would permit the State, in accordance with criteria the State develops, to identify and allow local educational agencies (LEAs) with Cohort 1 SIG schools additional time to expend remaining FY 2009 SIG funds in those schools.

This amendment, if approved, would apply to an LEA with one or more Tier I or II SIG schools that began fully implementing a SIG intervention model at the start of the 2010–2011 school year (Cohort 1). Such an LEA that is interested in implementing the extended waiver would need to request and receive the State's permission to implement it.

The State seeks this extended waiver because the State still has a FY 2009 SIG balance of $5,031,051.95 resulting from several SIG Cohort 1 schools no longer participating in the program due to closure or withdrawal from the grant program. This amount is a combination of the $4,857,928.46 in American Recovery and Reinvestment Act (ARRA) funds and $173,123.49 in non-ARRA funds. Based on anecdotal conversations with LEAs, the State projects that additional FY 2009 funds beyond the $5,031,051.95 may become available due to SIG Cohort 1 LEAs that do not plan to fully expend their three-year allocation by the September 30, 2013, deadline.

The State believes that the additional time is in the public interest and will enable qualifying LEAs to ensure that their Cohort 1 SIG schools are able to use remaining FY 2009 SIG funds to support continued full and effective implementation of selected SIG intervention models for one additional year.

Attached to this request is a list, for each LEA with remaining FY 2009 SIG funds that is likely to seek to implement this extension, with the name of each school within the LEA that would use this extension and, for each school, the amount of FY 2009 SIG funds remaining. If the amendment seeking an extended waiver of the period of availability is approved, the State assures it will provide:

- For each LEA with remaining FY 2009 funds that has a school that would apply for this extension, and for each of those schools within the LEA that would use this extension, the amount of funds remaining.

- An assurance that the State will approve an LEA's request to implement the extended waiver only if the LEA has effectively used FY 2009 funds to carry out the SIG final requirements and improve student achievement, in accordance with Section 9401(d)(2)(A) of the ESEA.

- An assurance that the State will develop criteria that will enable it to determine whether an LEA can continue to fully and effectively implement one of the models in its Tier I or II Cohort 1 schools for an additional year.

- An assurance that, prior to approving an LEA's request to implement the extended waiver, the State will apply the criteria it develops to ensure that the LEA will use the funds to fully and effectively implement a SIG intervention model in one or more Tier I or Tier II Cohort 1 SIG schools for one additional school year, including by reviewing and approving revised LEA budgets and plans for continuing full and effective implementation of the model during the 2013–14 school year.

- An assurance that the State will develop a technical assistance and support plan that outlines how it will continue to support LEAs' implementation of the intervention models for the selected Tier I and Tier II Cohort 1 schools that are approved to implement the extended waiver.

- An assurance that the State will develop a monitoring plan for the 2013–14 school year specifically for the LEAs that are approved to implement the extended waiver.

- An assurance that, within 30 days of the State's approving LEA requests to implement the extended waiver, the State will post on its public Web site and submit to the Department (via e-mail to oese.ost@ed.gov) the names of the LEAs (including their National Center for Education Statistics [NCES] district identification code) it has approved to implement the extended waiver, the schools (including their NCES school identification code) within those LEAs that will benefit from the extension of the period of availability of the funds, and, for each LEA and school, the amount of funds that will be extended.

Prior to submitting this amendment requesting an extended waiver, the State provided all LEAs in the State with notice and a reasonable opportunity to comment on the request.

The State also assures that it provided all schools in the State that are eligible to receive a SIG grant, as well as the public, with notice and a reasonable opportunity to comment on this request and has attached a copy of that notice (See Enclosure 1). This notice was made available to the public in the manner in which the State customarily provides such notice and information to the public and can be found on the State Board of Education Current and Past Agendas Web page at http://www.cde.ca.gov/be/ag/ag/. The State received __ public comments regarding this issue.

If you have any questions regarding this subject, please contact Deborah V.H. Sigman, Deputy Superintendent, District, School, and Innovation Branch, by phone at 916-319-0812 or by e-mail at dsigman@cde.ca.gov.

Sincerely,

Tom Torlakson
State Superintendent of Public Instruction
California Department of Education

Michael W. Kirst
President
California State Board of Education

TT/MK:cp
Enclosure

Fiscal Year 2009 School Improvement Grant

Local Educational Agencies and Schools Estimated Remaining Funds

District Name	School Name	Award	2012 YTD Balance	Year 1 & 2 Carryover	SIG Funds Remaining
ABC Unified	LEA Budget	$98,665.00	$54,826.77	$0.00	$54,826.77
ABC Unified	Pharis F. Fedde Middle	$1,136,193.00	$1,136,193.00	$533,651.62	$1,669,844.62
ABC Unified		**$1,234,858.00**	**$1,191,019.77**	**$533,651.62**	**$1,724,671.39**
Adelante Charter		$0.00	$0.00	$0.00	$0.00
Adelante Charter	Adelante Charter	$432,933.00	$174,923.00	$0.00	$174,923.00
Adelante Charter		**$432,933.00**	**$174,923.00**	**$0.00**	**$174,923.00**
Alvord Unified		$0.00	$0.00	$0.00	$0.00
Alvord Unified	Norte Vista High	$1,847,389.61	$1,400,202.35	$0.69	$1,400,203.04
Alvord Unified		**$1,847,389.61**	**$1,400,202.35**	**$0.69**	**$1,400,203.04**
Antelope Valley Union High		$91,259.00	$91,259.00	$5,395.49	$96,654.49
Antelope Valley Union High	Eastside High	$1,629,000.00	$1,629,000.00	$121,169.40	$1,750,169.40
Antelope Valley Union High	Littlerock High	$1,702,900.00	$1,702,900.00	$328,011.19	$2,030,911.19
Antelope Valley Union High		**$3,423,159.00**	**$3,423,159.00**	**$454,576.08**	**$3,877,735.08**
Aromas/San Juan Unified		$140,257.00	$111,135.00	$11,980.97	$123,115.97
Aromas/San Juan Unified	San Juan	$1,289,334.00	$512,066.00	$5,866.87	$517,932.87
Aromas/San Juan Unified		**$1,429,591.00**	**$623,201.00**	**$17,847.84**	**$641,048.84**
Buttonwillow Union Elementary		$0.00	$0.00	$0.00	$0.00
Buttonwillow Union Elementary	Buttonwillow Elementary	$399,318.00	$226,784.52	$33,130.04	$259,914.56
Buttonwillow Union Elementary		**$399,318.00**	**$226,784.52**	**$33,130.04**	**$259,914.56**
Chualar Union Elementary		$92,203.00	$92,203.00	$87,766.00	$179,969.00
Chualar Union Elementary	Chualar Elementary	$208,868.00	$208,868.00	$72,805.00	$281,673.00
Chualar Union Elementary		**$301,071.00**	**$301,071.00**	**$160,571.00**	**$461,642.00**
Coachella Valley Unified		$451,818.00	$323,994.58	$239,212.14	$563,206.72
Coachella Valley Unified	West Shores High	$1,214,848.00	$242,869.88	$58,163.12	$301,033.00
Coachella Valley Unified		**$1,666,666.00**	**$566,864.46**	**$297,375.26**	**$864,239.72**
Escondido Union Elementary		$63,658.00	$63,658.00	$20,453.68	$84,111.68
Escondido Union Elementary	Felicita Elementary	$1,476,974.00	$643,970.58	$187,798.81	$831,769.39
Escondido Union Elementary		**$1,540,632.00**	**$707,628.58**	**$208,252.49**	**$915,881.07**
Fontana Unified		$0.00	$0.00	$0.00	$0.00

District Name	School Name	Award	2012 YTD Balance	Year 1 & 2 Carryover	SIG Funds Remaining
Fontana Unified	Fontana A. B. Miller High	$2,000,000.00	$898,637.71	$311,150.15	$1,209,787.86
Fontana Unified		**$2,000,000.00**	**$898,637.71**	**$311,150.15**	**$1,209,787.86**
Fresno Unified		$392,229.00	$103,095.14	$269,794.50	$372,889.64
Fresno Unified	Carver Academy	$863,494.00	$575,164.47	$1,186,443.28	$1,761,607.75
Fresno Unified	Webster Elementary	$1,500,591.00	$1,000,731.77	$1,630,025.03	$2,630,756.80
Fresno Unified	Yosemite Middle	$1,697,715.00	$424,466.29	$827,103.61	$1,251,569.90
Fresno Unified		**$4,454,029.00**	**$2,103,457.67**	**$3,913,366.42**	**$6,016,824.09**
Greenfield Union Elementary		$349,410.00	$92,553.58	$102,333.49	$194,887.07
Greenfield Union Elementary	El Camino Real Science and Technology	$240,853.50	$126,481.35	$67.62	$126,548.97
Greenfield Union Elementary	Greenfield Elementary	$0.00	$0.00	$0.00	$0.00
Greenfield Union Elementary	Mary Chapa Literacy and Technology Academy	$240,853.50	$143,194.29	$0.00	$143,194.29
Greenfield Union Elementary	Vista Verde Middle	$500,180.00	$218,655.33	$0.00	$218,655.33
Greenfield Union Elementary		**$1,331,297.00**	**$580,884.55**	**$102,401.11**	**$683,285.66**
Hayward Unified		$390,224.00	$390,224.00	$190,337.88	$580,561.88
Hayward Unified	Burbank Elementary	$1,587,115.00	$1,587,115.00	$618,395.36	$2,205,510.36
Hayward Unified	Longwood Elementary	$1,626,978.00	$1,626,978.00	$160,381.80	$1,787,359.80
Hayward Unified	Tennyson High	$1,795,293.00	$1,795,293.00	$85,744.37	$1,881,037.37
Hayward Unified		**$5,399,610.00**	**$5,399,610.00**	**$1,054,859.41**	**$6,454,469.41**
King-Chavez Arts Academy School		$465,262.50	$119,705.50	$0.00	$119,705.50
King-Chavez Arts Academy School	King Chavez Arts Academy	$689,688.00	$349,250.00	$0.11	$349,250.11
King-Chavez Arts Academy School		**$1,154,950.50**	**$468,955.50**	**$0.11**	**$468,955.61**
La Honda-Pescadero Unified		$113,889.00	$57,508.52	$2,141.04	$59,649.56
La Honda-Pescadero Unified	Pescadero Elementary and Middle	$686,853.00	$422,320.86	$139,178.05	$561,498.91
La Honda-Pescadero Unified		**$800,742.00**	**$479,829.38**	**$141,319.09**	**$621,148.47**
Lakeside Union Elementary		$63,933.00	$28,414.06	$61,691.90	$90,105.96
Lakeside Union Elementary	Lakeside Elementary	$744,272.00	$368,341.66	$230,035.10	$598,376.76
Lakeside Union Elementary		**$808,205.00**	**$396,755.72**	**$291,727.00**	**$688,482.72**
Lindsay Unified		$36,834.00	$10,292.00	$3,190.50	$13,482.50
Lindsay Unified	Jefferson Elementary	$730,337.00	$218,154.89	$75,306.33	$293,461.22
Lindsay Unified		**$767,171.00**	**$228,446.89**	**$78,496.83**	**$306,943.72**

District Name	School Name	Award	2012 YTD Balance	Year 1 & 2 Carryover	SIG Funds Remaining
Los Angeles Unified		$894,434.00	$513,397.96	$794,967.56	$1,308,365.52
Los Angeles Unified	Edwin Markham Middle	$1,809,517.00	$1,078,539.32	$978,363.71	$2,056,903.03
Los Angeles Unified	Florence Griffith Joyner Elementary	$1,836,952.00	$1,225,823.07	$276,040.39	$1,501,863.46
Los Angeles Unified	Gardena Senior High	$1,623,814.00	$1,231,921.11	$581,618.81	$1,813,539.92
Los Angeles Unified	George Washington Carver Middle	$1,842,185.00	$849,775.54	$324,219.75	$1,173,995.29
Los Angeles Unified	Hillcrest Drive Elementary	$1,842,612.00	$949,054.13	$1,176,420.79	$2,125,474.92
Los Angeles Unified	Maywood Academy High	$1,890,906.00	$936,468.32	$1,355,058.67	$2,291,526.99
Los Angeles Unified	Robert Louis Stevenson Middle	$1,842,358.00	$1,267,851.78	$1,475,579.91	$2,743,431.69
Los Angeles Unified	Samuel Gompers Middle	$1,842,056.00	$1,037,456.34	$934,623.67	$1,972,080.01
Los Angeles Unified	Thomas Jefferson Senior High	$1,842,618.00	$985,595.64	$74,859.77	$1,060,455.41
Los Angeles Unified		**$17,267,452.00**	**$10,075,883.21**	**$7,971,753.03**	**$18,047,636.24**
Marysville Joint Unified		$58,763.00	$58,763.00	$5,733.23	$64,496.23
Marysville Joint Unified	Ella Elementary	$1,147,275.00	$790,337.70	$687,399.75	$1,477,737.45
Marysville Joint Unified		**$1,206,038.00**	**$849,100.70**	**$693,132.98**	**$1,542,233.68**
McFarland Unified		$129,600.00	$129,600.00	$8,078.81	$137,678.81
McFarland Unified	McFarland High	$997,852.00	$313,217.12	$65,606.46	$378,823.58
McFarland Unified		**$1,127,452.00**	**$442,817.12**	**$73,685.27**	**$516,502.39**
Monterey Peninsula Unified		$1,424,602.00	$611,796.87	$823,701.99	$1,435,498.86
Monterey Peninsula Unified	Highland Elementary	$1,151,258.00	$521,478.40	$225,526.04	$747,004.44
Monterey Peninsula Unified	Martin Luther King	$1,151,258.00	$288,770.58	$46,229.50	$335,000.08
Monterey Peninsula Unified	Seaside High	$1,606,218.00	$511,623.40	$237,900.55	$749,523.95
Monterey Peninsula Unified		**$5,333,336.00**	**$1,933,669.25**	**$1,333,358.08**	**$3,267,027.33**
Moreno Valley Unified		$9,431.00	$9,431.00	$0.00	$9,431.00
Moreno Valley Unified	March Mountain High	$503,787.00	$389,526.06	$305.10	$389,831.16
Moreno Valley Unified		**$513,218.00**	**$398,957.06**	**$305.10**	**$399,262.16**
Mt. Diablo Unified		$871,399.00	$403,905.13	$554,386.68	$958,291.81
Mt. Diablo Unified	Bel Air Elementary	$1,441,662.00	$622,020.75	$752,980.99	$1,375,001.74
Mt. Diablo Unified	Glenbrook Middle	$0.00	$0.00	$273,798.96	$273,798.96
Mt. Diablo Unified	Rio Vista Elementary	$443,230.00	$123,916.54	$1,607.86	$125,524.40
Mt. Diablo Unified	Shore Acres Elementary	$1,710,565.00	$1,066,527.50	$706,725.67	$1,773,253.17
Mt. Diablo Unified		**$4,466,856.00**	**$2,216,369.92**	**$2,289,500.16**	**$4,505,870.08**
Oakland Unified		$153,333.00	$77,537.53	$7,509.37	$85,046.90

District Name	School Name	Award	2012 YTD Balance	Year 1 & 2 Carryover	SIG Funds Remaining
Oakland Unified	Elmhurst Community Prep	$1,407,930.00	$624,237.88	$321,369.79	$945,607.67
Oakland Unified	Explorer Middle	$0.00	$0.00	$0.00	$0.00
Oakland Unified	United for Success Academy	$1,478,905.00	$816,860.17	$52,554.47	$869,414.64
Oakland Unified		**$3,040,168.00**	**$1,518,635.58**	**$381,433.63**	**$1,900,069.21**
Pajaro Valley Unified		$694,067.00	$605,328.56	$329,683.99	$935,012.55
Pajaro Valley Unified	Calabasas Elementary	$319,763.00	$227,526.62	$191,724.51	$419,251.13
Pajaro Valley Unified	Hall District Elementary	$345,866.00	$232,490.50	$144,237.77	$376,728.27
Pajaro Valley Unified	T. S. MacQuiddy Elementary	$406,011.00	$261,990.10	$27,715.92	$289,706.02
Pajaro Valley Unified		**$1,765,707.00**	**$1,327,335.78**	**$693,362.19**	**$2,020,697.97**
Palmdale Elementary		$263,572.00	$142,535.62	$45,705.56	$188,241.18
Palmdale Elementary	Cactus Middle	$1,737,829.00	$571,392.38	$279,716.46	$851,108.84
Palmdale Elementary	Tumbleweed Elementary	$1,703,084.00	$626,648.06	$191,324.49	$817,972.55
Palmdale Elementary		**$3,704,485.00**	**$1,340,576.06**	**$516,746.51**	**$1,857,322.57**
Pomona Unified		$375,328.00	$138,170.72	$408,523.89	$546,694.61
Pomona Unified	Emerson Middle	$1,461,835.00	$779,948.47	$203,853.99	$983,802.46
Pomona Unified	Fremont Middle	$1,888,754.49	$955,875.40	$296,318.47	$1,252,193.87
Pomona Unified	Pomona Senior High	$1,848,534.00	$1,150,989.28	$459,924.48	$1,610,913.76
Pomona Unified		**$5,574,451.49**	**$3,024,983.87**	**$1,368,620.83**	**$4,393,604.70**
Ravenswood City Elementary		$283,611.00	$38,633.88	$76,095.28	$114,729.16
Ravenswood City Elementary	Costano Elementary	$1,358,062.00	$229,437.25	$386,207.85	$615,645.10
Ravenswood City Elementary	Ronald McNair Intermediate	$1,358,062.00	$165,809.06	$1,071,499.49	$1,237,308.55
Ravenswood City Elementary		**$2,999,735.00**	**$433,880.19**	**$1,533,802.62**	**$1,967,682.81**
Riverside County Office of Education		$288,234.00	$99,395.94	$34,068.65	$133,464.59
Riverside County Office of Education	Riverside County Community	$1,537,167.00	$582,313.51	$242,602.33	$824,915.84
Riverside County Office of Education		**$1,825,401.00**	**$681,709.45**	**$276,670.98**	**$958,380.43**
San Bernardino City Unified		$1,554,087.00	$124,081.58	$1,432,805.02	$1,556,886.60
San Bernardino City Unified	Arroyo Valley High	$2,000,000.00	$1,117,902.60	$357,115.24	$1,475,017.84
San Bernardino City Unified	Barton Elementary	$1,797,470.00	$1,101,211.74	$914,550.54	$2,015,762.28
San Bernardino City Unified	Davidson Elementary	$1,142,900.00	$419,480.79	$606,272.90	$1,025,753.69
San Bernardino City Unified	Hunt Elementary	$1,177,187.00	$492,288.24	$145,903.60	$638,191.84
San Bernardino City Unified	Marshall Elementary	$1,652,010.00	$929,907.67	$1,383,117.78	$2,313,025.45

District Name	School Name	Award	2012 YTD Balance	Year 1 & 2 Carryover	SIG Funds Remaining
San Bernardino City Unified	Pacific High	$2,000,000.00	$1,308,291.73	$860,913.21	$2,169,204.94
San Bernardino City Unified	Rio Vista Elementary	$1,300,030.00	$683,079.05	$40,432.68	$723,511.73
San Bernardino City Unified	San Gorgonio High	$2,000,000.00	$1,048,631.24	$519,619.96	$1,568,251.20
San Bernardino City Unified	Serrano Middle	$1,522,140.00	$987,324.48	$1,604,724.86	$2,592,049.34
San Bernardino City Unified	Shandin Hills Middle	$1,558,500.00	$894,474.61	$1,364,063.41	$2,258,538.02
San Bernardino City Unified	Wilson Elementary	$800,030.00	$391,642.45	$161,555.17	$553,197.62
San Bernardino City Unified		**$18,504,354.00**	**$9,498,316.18**	**$9,391,074.37**	**$18,889,390.55**
San Diego Unified		$32,428.00	$19,462.22	$2,288.98	$21,751.20
San Diego Unified	Burbank Elementary	$1,397,779.00	$838,908.93	$88,766.85	$927,675.78
San Diego Unified		**$1,430,207.00**	**$858,371.15**	**$91,055.83**	**$949,426.98**
San Francisco Unified		$1,023,916.00	$1,023,916.00	$789,171.27	$1,813,087.27
San Francisco Unified	Brown, Jr., (Willie L.) Elementary	$0.00	$0.00	$16,791.34	$16,791.34
San Francisco Unified	Bryant Elementary	$1,534,679.00	$1,534,679.00	$816,810.48	$2,351,489.48
San Francisco Unified	Cesar Chavez Elementary	$1,714,914.00	$1,714,914.00	$590,864.30	$2,305,778.30
San Francisco Unified	Everett Middle	$1,197,913.00	$1,197,913.00	$656,020.69	$1,853,933.69
San Francisco Unified	George Washington Carver Elementary	$1,540,174.00	$1,540,174.00	$501,234.75	$2,041,408.75
San Francisco Unified	Horace Mann Middle	$935,484.00	$935,484.00	$583,212.66	$1,518,696.66
San Francisco Unified	John Muir Elementary	$1,434,467.00	$1,434,467.00	$841,389.99	$2,275,856.99
San Francisco Unified	John O Connell Alternative High	$1,081,012.00	$1,081,012.00	$968,853.82	$2,049,865.82
San Francisco Unified	Mission High	$1,637,443.00	$1,637,443.00	$1,270,212.33	$2,907,655.33
San Francisco Unified	Paul Revere Elementary	$1,614,239.00	$1,614,239.00	$973,015.61	$2,587,254.61
San Francisco Unified		**$13,714,241.00**	**$13,714,241.00**	**$8,007,577.24**	**$21,721,818.24**
San Juan Unified		$202,046.60	-$63,619.56	$254,313.25	$190,693.69
San Juan Unified	Encina Preparatory High	$891,083.00	$126,945.89	$839,876.00	$966,821.89
San Juan Unified		**$1,093,129.60**	**$63,326.33**	**$1,094,189.25**	**$1,157,515.58**
San Lorenzo Unified		$31,881.00	$4,420.56	$8,980.73	$13,401.29
San Lorenzo Unified	Hillside Elementary	$521,532.00	$133,124.09	$120,853.12	$253,977.21
San Lorenzo Unified		**$553,413.00**	**$137,544.65**	**$129,833.85**	**$267,378.50**
Santa Ana Unified		$154,725.00	$154,725.00	$60,321.66	$215,046.66
Santa Ana Unified	Century High	$1,972,228.00	$1,972,228.00	$628,268.21	$2,600,496.21
Santa Ana Unified	Saddleback High	$1,972,228.00	$1,972,228.00	$376,332.18	$2,348,560.18
Santa Ana Unified	Santa Ana High	$1,972,228.00	$1,972,228.00	$577,999.89	$2,550,227.89

District Name	School Name	Award	2012 YTD Balance	Year 1 & 2 Carryover	SIG Funds Remaining
Santa Ana Unified	Sierra Intermediate	$1,811,515.00	$1,811,515.00	$1,316,452.92	$3,127,967.92
Santa Ana Unified	Valley High	$1,972,228.00	$1,972,228.00	$1,456,007.48	$3,428,235.48
Santa Ana Unified	Willard Intermediate	$1,811,515.00	$1,811,515.00	$514,112.04	$2,325,627.04
Santa Ana Unified		**$11,666,667.00**	**$11,666,667.00**	**$4,929,494.38**	**$16,596,161.38**
Semitropic Elementary		$1,333,333.00	$1,333,333.00	$8,527.97	$1,341,860.97
Semitropic Elementary	Semitropic Elementary	$0.00	$0.00	$0.00	$0.00
Semitropic Elementary		**$1,333,333.00**	**$1,333,333.00**	**$8,527.97**	**$1,341,860.97**
Soledad Unified		$77,493.00	$77,493.00	-$50,976.93	$26,516.07
Soledad Unified	Rose Ferrero Elementary	$1,550,544.86	$1,550,544.86	$0.01	$1,550,544.87
Soledad Unified		**$1,628,037.86**	**$1,628,037.86**	**-$50,976.92**	**$1,577,060.94**
Stanford New School		$70,885.00	$70,885.00	$0.00	$70,885.00
Stanford New School	Stanford New School	$0.00	$0.00	-$44,495.64	-$44,495.64
Stanford New School		**$70,885.00**	**$70,885.00**	**-$44,495.64**	**$26,389.36**
Twin Rivers Unified		$258,989.00	$71,819.09	$77,164.83	$148,983.92
Twin Rivers Unified	Highlands High	$1,297,580.00	$378,661.28	$852,148.07	$1,230,809.35
Twin Rivers Unified		**$1,556,569.00**	**$450,480.37**	**$929,312.90**	**$1,379,793.27**
Wasco Union Elementary		$29,169.00	$22,278.99	$10,636.34	$32,915.33
Wasco Union Elementary	Palm Avenue Elementary	$1,019,111.00	$592,793.91	$431,247.61	$1,024,041.52
Wasco Union Elementary		**$1,048,280.00**	**$615,072.90**	**$441,883.95**	**$1,056,956.85**
West Contra Costa Unified		$111,957.00	$111,957.00	$41,124.00	$153,081.00
West Contra Costa Unified	Lincoln Elementary	$1,221,377.00	$1,221,377.00	$295,570.77	$1,516,947.77
West Contra Costa Unified		**$1,333,334.00**	**$1,333,334.00**	**$336,694.77**	**$1,670,028.77**
		$131,748,372.06	**$84,784,958.73**	**$49,995,268.47**	**$134,780,227.20**

School Improvement Grant
Cohort 1
Amendment to Fiscal Year 2009

2013–14 Continuation of Funding Application

School Improvement Grant (SIG) Fiscal Year (FY) 2009, 2013–14 Continuation of Funding Applications must be received by the California Department of Education (CDE) no later than August 16, 2013

California Department of Education
Improvement and Accountability Division
School Turnaround Office
California Department of Education
1430 N Street, Suite 6208
Sacramento, CA 95814-5901
916-319-0833
http://www.cde.ca.gov/sp/sw/t1/sig09.asp

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Timeline

Important Events	Due Date
SIG FY 2009, 2013–14 Continuation of Funding Application *Draft* posted to SIG Web page	June 28, 2013
Present SIG FY 2009, 2013–14 Continuation of Funding Application to State Board of Education (SBE) for approval	July 10–11, 2013
Final SIG FY 2009, 2013–14 Continuation of Funding Application Posted to SIG Web page	July 15, 2013*
SIG FY 2009: 2013–14 Continuation of Funding Application due by mail and e-mail	August 16, 2013
CDE evaluation and approval of SIG FY 2009, 2013–14 Continuation of Funding Application	August 23, 2013
Approved local educational agencies (LEAs) notified and Grant Award Notifications (GAN) sent	September 1, 2013

*Pending SBE Approval

Reminders:

1. Check the name of the school district superintendent in the LEA county-district-school (CDS) code database on the CDE California School Directory Web page at http://www.cde.ca.gov/re/sd/index.asp and update if there are changes.

2. To obtain the National Center for Education Statistics (NCES) identification number, the LEA can search for a school on the NCES Search for Schools, Colleges, and Libraries Web page at http://nces.ed.gov/globallocator/.

Mail an original copy of this 2013–14 Continuation of Funding request to:

California Department of Education
Improvement and Accountability Division
School Turnaround Office
1430 N Street, Suite 6208
Sacramento, CA 95814-5901

E-mail a copy of this SIG FY 2009, 2013–14 Continuation of Funding request to STO@cde.ca.gov**.**

School Improvement Grant FY 2009, 2013–14 Continuation of Funding Process

A. Background

The Elementary and Secondary Education Act (ESEA), through use of Section 1003(g) funding, authorizes the U.S. Department of Education (ED) to issue school improvement funds to states. The CDE awards school improvement sub-grants to LEAs with persistently lowest-achieving Title I schools and to LEAs with persistently lowest-achieving secondary schools that are eligible for, but do not receive, Title I funds. The purpose of the SIG is to enable eligible LEAs to implement selected intervention models in identified persistently lowest-achieving schools to raise academic achievement levels of students attending these schools. An LEA that has been identified with one or more persistently lowest-achieving schools is eligible to apply for SIG funds. An LEA that wishes to receive a school improvement grant must implement one of four school intervention models: turnaround, restart, school closure, or transformation. These models are to be implemented at the beginning of the school year and throughout the term of the grant period.

B. Purpose

A waiver to extend the availability of FY 2009 SIG funds until September 30, 2014, applies to an LEA with one or more Tier I or II SIG schools that began fully implementing a SIG intervention model at the start of the 2010–11 school year (Cohort 1). Such an LEA that is interested in implementing the extended waiver must request and receive the State's approval to implement this extension.

Any SIG Cohort 1 school permitted by the State to continue to use FY 2009 funds in the 2013–14 school year must fully implement a SIG model. Implementing just one component or initiative is not permitted. As a result, the LEA should indicate the amount of funds needed, regardless of actual remaining SIG funds in that LEA, to continue full and effective implementation of the selected intervention model(s).

If excess SIG funds are available from the State, the State may award LEAs additional funding to ensure full implementation of the selected intervention model(s) at Cohort 1 schools only. If insufficient funds are available to meet all LEA requests, the State may correspondingly reduce all awards. As stated in section I-19 in the SIG guidance, a state educational agency (SEA) may reallocate funds to other eligible SIG Cohort 1 LEAs (or schools) consistent with the final requirements.

C. Continuation of Funding

The CDE will consider the following factors in determining whether a Cohort 1 LEA can continue to fully and effectively implement one of the models in its Tier I or II schools until September 30, 2014.

- Growth on the State Assessments in English-language arts (ELA) or mathematics
- Growth on the nine federal leading indicators
- Programmatic and fiscal capacity, including stakeholder support, budgets, planning, reporting status, and status of outstanding SIG findings

D. SIG FY 2009, 2013–14 Continuation of Funding Application Submission

The SIG FY 2009, 2013–14 Continuation of Funding Application is due on or before August 16, 2013.

Applicants must submit an original and one electronic Microsoft Word 2003 or later copy (all single spaced in **12 point Arial font using one inch margins**) of each application and ensure that the original and electronic copy are received by the School Turnaround Office on or before (not postmarked by) 4 p.m., August 16, 2013. Applicants must submit an electronic copy to STO@cde.ca.gov. Mailed documents must arrive on or before the August 16, 2013, deadline and should be sent to the following address:

California Department of Education
Improvement and Accountability Division
School Turnaround Office
1430 N Street, Suite 6208
Sacramento, CA 95814-5901

E. Grant Awards and Payments

The SIG FY 2009, 2013–14 Continuation of Funding Program is an amendment to California's FY 2009 SIG Application to extend the waiver previously granted under Section 421 (b) of the General Education Provisions Act (GEPA), 20 *United States Code* (*USC*) Section 1225 (b), to extend the period of availability of the FY 2009 SIG funds awarded under Section 1003(g) of the ESEA, as amended, until September 30, 2014.

Grant payments will be subject to fulfillment of all fiscal, programmatic, and reporting requirements.

SIG Form 1—Continuation of Funding Application Cover Sheet

School Improvement Grant (SIG)
Continuation of Funding Application

CONTINUATION OF FUNDING APPLICATION RECEIPT DEADLINE
August 16, 2013

Submit to:
California Department of Education
Improvement and Accountability Division
School Turnaround Office
1430 N Street, Suite 6208
Sacramento, CA 95814-5901

NOTE: Please print or type all information.

County Name:		**County/District Code:**
Local Educational Agency (LEA) Name		**LEA NCES Number:**
LEA Address		**Total Grant Amount Requested**
City	**Zip Code**	
Name of Primary Grant Contact	**Grant Contact Title**	
Telephone Number	**Fax Number**	**E-mail Address**
CERTIFICATION/ASSURANCE SECTION: As the duly authorized representative of the applicant, I have read all assurances, certifications, terms, and conditions associated with the federal SIG program; and I agree to comply with all requirements as a condition of funding. I certify that all applicable state and federal rules and regulations will be observed and that to the best of my knowledge, the information contained in this application is correct and complete.		
Printed Name of Superintendent or Designee		**Telephone Number**
Superintendent or Designee Signature (Blue Ink)		**Date**

SIG Form 2—Conditions of Critical Stakeholder Commitment of Support

All SIG FY 2009, 2013–14 Continuation of Funding applicants will need to include in their application signatures from critical stakeholders demonstrating their full commitment to and support of all SIG programmatic and fiscal requirements of the selected intervention model. For those LEAs implementing the Transformation Model, this includes, but is not limited to, the principal and teacher evaluation systems described in the SIG final requirements. These signatures are in addition to the signature of the LEA superintendent or designee provided on SIG Form 2—Continuation of Funding Application Coversheet in this application.

While not a requirement of this application, the LEA may also attach Letters of Commitment from any of the critical stakeholders identified in this application.

Demonstration of a commitment of support is evidenced by the signatures from the following critical stakeholders:

All Models (Transformation, Turnaround, Restart)

(1) The Superintendent or designee at each school district receiving continuation of FY 2009 SIG funding until September 30, 2014;

(2) President or designee of the School Site Council (SSC) at each school site receiving continuation of FY 2009 SIG funding until September 30, 2014;

Restart Model

(3) Authorizer or designee of the Educational Management Organization (EMO) or Charter Management Organization (CMO) at each school district receiving continuation of FY 2009 SIG funding until September 30, 2014;

Transformation and Turnaround Models

(4) Collective bargaining president or exclusive representative of the local teacher association for teachers at each school site receiving continuation of FY 2009 SIG funding until September 30, 2014;

(5) Principals at each school site receiving continuation of FY 2009 SIG funding until September 30, 2014; and

(6) President or exclusive representative of the local principal association for principals at each LEA receiving continuation of FY 2009 SIG funding until September 30, 2014, where applicable.

Note: It is the responsibility of the grantee to ensure that in observing the rights, remedies, and procedures afforded school or school district employees under Federal, State, or local laws (including applicable regulations or court orders) or under terms of collective bargaining agreements, memoranda of understanding, or other agreements between these employees and their employers, the grantee also remains in compliance with the requirements and definitions included in the SIG final requirements. In the event that a grantee is unable to comply with these requirements and definitions, the CDE may take appropriate enforcement action (e.g., terminate continuation of funding).

SIG Form 2a—Signatures: Critical Stakeholder Commitment of Support (Page 1 of 2)

Required Signatures: All Models

Local School Board Commitment of Support: The president or designee at each school district receiving continuation of FY 2009 SIG funding until September 30, 2014, must sign.

School District Name	Printed Name of Local School Board President, or Designee	Signature of Local School Board President, or Designee

School Site Council (SSC) Commitment of Support: The president or designee of the SSC at each school site receiving continuation of FY 2009 SIG funding until September 30, 2014, must sign.

School Name	Printed Name of SSC President, or Designee	Signature of SSC President, or Designee

Required Signatures: Restart

Educational Management Organization (EMO) or Charter Management Organization (CMO) Commitment of Support: The authorizer or designee at each school district receiving continuation of FY 2009 SIG funding until September 30, 2014, must sign. **This signature only applies to a LEA that contracted with an EMO or CMO to restart a school.**

EMO or CMO Name	Printed Name of EMO or CMO Authorizer	Signature of EMO or CMO Authorizer

SIG Form 2a—Signatures: Critical Stakeholder Commitment of Support (Page 2 of 2)

Required Signatures: Transformation and Turnaround

Local Teacher Association Commitment of Support: President, or exclusive representative of the local teacher association for teachers at each school site receiving continuation of FY 2009 SIG funding until September 30, 2014, must sign

Local Teacher Professional Association Name	Printed Name of Local Teacher Representative	Signature of Local Teacher Representative

School Principal Commitment of Support: The principal at each school site receiving continuation of FY 2009 SIG funding until September 30, 2014, must sign.

School Name	Intervention Model (Transformation, Turnaround, Restart, or Closure)	Printed Name of Principal	Signature of Principal

School Principal Professional Association Commitment of Support: President or exclusive representative of the local principal association for principals at each school site receiving continuation of FY 2009 SIG funding until September 30, 2014, where applicable. **If personnel decisions for site principals are not subject to collectively bargaining or collective agreement, a signature is not required.**

Principal Professional Association Name	Printed Name of Local Principal Representative	Signature of Local Principal Representative

SIG Form 3—Tier I or Tier II SIG Schools Identified for Continuation of Funding

Identify the Tier I or Tier II SIG school(s) the LEA intends to serve and indicate the amount of funds needed, regardless of actual remaining SIG funds in the LEA, to continue full and effective implementation of the selected intervention model(s). Identified schools must be schools that began fully implementing a SIG intervention model at the start of the 2010–11 school year (SY) (Cohort 1).

County/District Code	LEA Name	2013–14 SY Total Projected Amount

CDS Code	Name of Tier I or Tier II SIG School	2013–14 SY Total Projected Amount

SIG Form 4—Grant Contact Information

Name of Primary Grant Contact	
Professional Title	
Address	
City, State, Zip	
Phone Number	
Fax Number	
E-mail Address	
Name of Fiscal Contact	
Professional Title	
Address	
City, State, Zip	
Phone Number	
Fax Number	
E-mail Address	

Note: Please confirm that all contacts listed above are updated in the SIG Monitoring and Reporting Tool at http://www2.cde.ca.gov/sigmart/ and in the California Accountability and Improvement System at http://www.cais.ca.gov.

SIG Form 5—General Assurances

Note: All sub-grantees are required to retain on file a copy of these assurances for your records and for audit purposes. Please download the General Assurances form located on the CDE Funding Tools and Materials Web page at http://www.cde.ca.gov/fg/fo/fm/. Do **not** submit SIG Forms 5 and 6 to the CDE; retain at the LEA.

Certifications Regarding Drug-Free Workplace, Lobbying, and Debarment and Suspension (Do not submit as part of the Request for Applications [RFA])

Download the following three forms from the CDE Funding Tools and Materials Web page at http://www.cde.ca.gov/fg/fo/fm/. The signature on the front of the application indicates acknowledgement of and agreement with all assurances.

1. Drug-Free Workplace
2. Lobbying
3. Debarment and Suspension

SIG Form 6—Sub-grant Conditions and Assurances (Page 1 of 3)

As a condition of the receipt of funds under this sub-grant program, the applicant agrees to comply with the following Sub-grant Conditions and Assurances.

The U.S. Department of Education requires LEAs to adhere to the following assurances:

1. Use its SIG funds to fully and effectively implement a SIG intervention model in one or more Tier I or Tier II Cohort 1 SIG schools for one additional school year, including revising LEA budgets and implementation plans for continuing full and effective implementation of the model during the 2013–14 school year;

2. Establish challenging annual goals for student achievement on the state's assessments in both reading/language arts and mathematics and measure progress on the leading indicators in Section III of the final requirements in order to monitor each Tier I, Tier II, and Tier III school that it serves with school improvement funds;

3. If it implements a restart model in a Tier I or Tier II school, include in its contract or agreement terms and provisions to hold the charter operator, charter management organization, or education management organization accountable for complying with the final requirements; and

4. Report to the CDE the school-level data as described in this RFA.

Furthermore, the CDE requires LEAs to adhere to the following additional assurances:

5. Ensure that the identified strategies and related activities are incorporated in the revised LEA Plan and Single Plan for Student Achievement.

6. Follow all fiscal reporting and auditing standards required by the CDE.

7. Participate in a statewide evaluation process as determined by the SEA and provide all required information on a timely basis.

8. Respond to any additional surveys or other methods of data collection that may be required for the full sub-grant period.

9. Use funds only for allowable costs during the sub-grant period.

10. Include in the application all required forms signed by the LEA Superintendent or designee.

11. Use fiscal control and fund accountability procedures to ensure proper disbursement of, and accounting for, federal funds paid under the sub-grant,

SIG Form 6—Sub-grant Conditions and Assurances (Page 2 of 3)

including the use of the federal funds to supplement, and not supplant, state and local funds, and maintenance of effort (20 *USC* Section 8891).

12. Hereby express its full understanding that not meeting all SIG requirements will result in the termination of SIG funding.

13. Ensure that funds are spent as indicated in the sub-grant proposal and agree that funds will be used **only** in the school(s) identified in the LEA's GAN sub-grant award letter.

14. Conduct audits of financial statements in accordance with Government Auditing Standards and with policies, procedures, and guidelines established by the Education Department General Administrative Regulations (EDGAR), Single Audit Act Amendments, and OMB Circular A-133.

15. Ensure that expenditures are consistent with EDGAR under Title 34 Education on the ED EDGAR and Other Applicable Grant Regulations Web page at http://www.ed.gov/policy/fund/reg/edgarReg/edgar.html.

16. Agree that the SEA has the right to intervene, renegotiate the sub-grant, and/or cancel the sub-grant if the sub-grant recipient fails to comply with sub-grant requirements.

17. Cooperate with any site visitations conducted by representatives of the state or regional consortia for the purpose of monitoring sub-grant implementation and expenditures, and provide all requested documentation to the SEA personnel in a timely manner.

18. Repay any funds which have been determined through a federal or state audit resolution process to have been misspent, misapplied, or otherwise not properly accounted for, and further agree to pay any collection fees that may subsequently be imposed by the federal and/or state government.

19. Administer the activities funded by this sub-grant in such a manner so as to be consistent with California's adopted academic content standards.

20. Obligate all sub-grant funds by the end date of the sub-grant award period or repay any funding received but not obligated, as well as any interest earned over $100 on the funds.

21. Maintain fiscal procedures to minimize the time elapsing between the transfer of the funds from the CDE and disbursement.

SIG Form 6—Sub-grant Conditions and Assurances (Page 3 of 3)

22. Comply with the reporting requirements and submit any required report forms by the due dates specified.

I hereby certify that the agency identified below will comply with all sub-grant conditions and assurances described in items 1 through 22 above.

The signature on the front of this application indicates acknowledgement of and agreement to adhere to all assurances.

SIG Form 10—Implementation Charts

Insert revised Implementation Chart(s) (Form 10) for each identified Tier I or Tier II SIG school using the SIG 2013–14 Budget and Implementation Charts Templates posted on the CDE RFA SIG Web page at http://www.cde.ca.gov/fg/fo/r16/regsig09rfa.asp

SIG Forms 4a, 5a, 4b, 5b—Budget Summary and Narrative

Insert revised budget summaries and narratives (Forms 4a, 5a, 4b, 5b) for each identified Tier I or Tier II SIG School using the SIG 2013–14 Budget and Implementation Charts Templates posted on the CDE RFA SIG Web page at http://www.cde.ca.gov/fg/fo/r16/regsig09rfa.asp

SIG Continuation of Funding Application Checklist

Required Forms

Include the following forms as part of the Continuation of Funding application. Check or initial by each form, and include this form in the application package. These forms can be downloaded from the CDE School Improvement Grant Web page at http://www.cde.ca.gov/sp/sw/t1/sig09.asp. Please compile the application packet in the order provided below.

Include this completed checklist in the application packet

_____Form 1 Continuation of Funding Application Cover Sheet
(Signed in **blue ink** by the LEA Superintendent or Designee)

_____Form 2 Conditions of Critical Stakeholder Commitment of Support

_____Form 2a Signatures: Critical Stakeholder Commitment of Support

_____Form 3 Tier I or Tier II Schools Identified for Continuation of Funding

_____Form 4 Grant Contact Information

_____Form 5 General Assurances (keep on file; please do not submit to CDE)

_____Form 6 Sub-grant Conditions and Assurances (keep on file; please do not submit to CDE)

_____Form 10 Implementation Chart(s) for each identified Tier I or Tier II School (the LEA must complete a new implementation chart for each school covering the 2013–14 SY using the template provided)

Form 10.1 Turnaround Implementation Chart
Form 10.2 Transformation Implementation Chart
Form 10.3 Restart Implementation Chart
Form 10.4 Closure Implementation Chart

_____Forms 4a, 5a, 4b, 5b Budget Summary and Budget Narrative (the LEA must complete a new for each school covering the 2013–14 SY using the template provided)

_____SIG Continuation of Funding Application Checklist

_____SIG Criteria for Application Approval

Criteria for Application Approval (CDE Use Only):

Evaluation: Student Achievement *For continuation of funding, applicant school(s) must meet at least one of the following criteria during the three-year FY 2009 SIG period:*	**Met**	**Not Met**
Met school-wide API growth target in the 2010–11 school year	☐	☐
Met school-wide API growth target in the 2011–12 school year	☐	☐
Leading Indicator: Growth on at least three of the nine federal leading indicators	☐	☐
Evaluation: Programmatic and Fiscal Capacity *For continuation of funding, applicant school(s)* ***must meet all*** *of the following criteria:*	**Met**	**Not Met**
Commitment of Support: Provided all required stakeholder signatures (letters of commitment will be accepted in lieu of a signature)	☐	☐
Implementation Charts: Form 10 reflecting continued full implementation in the 2013–14 SY for applicable intervention model(s) that meets all SIG final requirements.	☐	☐
Budget Forms: Form 4a, 4b, 5a and 5b listing allowable expenditures for the 2013–14 SY that meets all SIG final requirements.	☐	☐
SIG programmatic monitoring: Finding not received or no more than two programmatic finding unresolved by July 30, 2013.	☐	☐
SIG fiscal monitoring findings: Finding not received or all findings have been resolved by June 30, 2013.	☐	☐
SIG fiscal reporting: No more than two outstanding quarterly fiscal reports by June 30, 2013.	☐	☐

Final Determination	☐ **Approved**	☐ **Not Approved**
If not approved, reason for denial:		

California State Board of Education

Meeting Agenda Items for July 10-11, 2013

ITEM 29

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2013 AGENDA

SUBJECT	
Elementary and Secondary Education Act: Supplemental Educational Services Providers: Approval of Additional Providers to the 2013–15 State Board of Education-Approved Supplemental Educational Services Provider List, Including Local Educational Agencies Identified for Improvement Based on a Waiver Granted by the U.S. Department of Education Under the Elementary and Secondary Education Act, Section 9401; Approval or Denial of Applicants Based on Appeal; and Authorization to Seek an Additional Waiver from the U.S. Department of Education Under the Elementary and Secondary Education Act, Section 9401.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

Supplemental Educational Services

Section 1116(e)(4)(C) of the Elementary and Secondary Education Act (ESEA) requires the state educational agency (SEA) to develop and maintain a list of approved Supplemental Educational Services (SES) providers to provide services to eligible students. The 34 *Code of Federal Regulations* (34 *CFR),* Section 200.47(b)(1)(iv)(A) and (B) prohibits an SEA from approving local educational agencies (LEAs) identified for improvement or corrective action as providers of SES; however, the SEA may request a waiver of these provisions. A waiver was granted by the U.S. Department of Education (ED) on August 17, 2012, and remains in effect through June 30, 2014.

RECOMMENDATION

Supplemental Educational Services Providers Approval

Recommendation 1:

The California Department of Education (CDE) recommends the State Board of Education (SBE) approve additional SES providers from the re-released March 2013 SES Request for Applications (RFA) for a two-year period beginning July 1, 2013, through June 30, 2015. The March 2013 SES RFA is based on the final adopted *California Code of Regulations,* Title 5 (5 *CCR*), Section 13075.2. The summary list of providers recommended for approval is provided as Attachment 1. The summary list of LEAs identified for improvement and recommended for approval until June 30, 2014, is provided as Attachment 2.

Recommendation 2:

The CDE recommends the SBE approve the recommendations to approve or deny providers' appeals as indicated in Attachments 3 and 4.

Recommendation 3:

The CDE recommends that the SBE authorize the CDE to request from the ED a waiver of the ESEA Title I, Part A regulatory provision for the 2014–16 school years that prohibits a state from approving LEAs identified for improvement or corrective action as providers of SES pursuant to 34 *CFR,* Section 200.47(b)(1)(iv)(A) and (B). The draft letter of the waiver request to the ED is provided as Attachment 5.

BRIEF HISTORY OF KEY ISSUES

Supplemental Educational Services Providers Approval

Title I, Part A Section 1116(e)(1) and (4) of the ESEA requires that an SES provider be approved by the SBE before it can offer tutoring services to low-income students in schools advancing to Program Improvement (PI) Year 2 and beyond.

Local Educational Agency Eligibility to Apply as SES Providers

Title I regulations currently preclude LEAs identified for improvement from serving as SES providers. A regulatory waiver of 34 *CFR* Section 200.47(b)(1)(iv)(A) and (B) would allow all interested LEAs identified for improvement or corrective action to apply to serve as SES providers. California currently has a waiver of these provisions that remains in effect through June 30, 2014.

An SEA that receives this waiver must provide information to the ED by September 30, 2014, that sets forth the name and National Center for Education Statistics district identification code for each LEA implementing the waiver.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE approved providers at its March and May 2013 meetings for a two-year period to begin services July 1, 2013, through June 30, 2015; and also approved LEAs identified for improvement to provide services from July 1, 2013, through June 30, 2014, based on a granted waiver.

At its May 2011 meeting, the SBE approved 161 providers out of 209 applicants to serve as SES providers from July 1, 2011, through June 30, 2013. The SBE also authorized the CDE to request a waiver of 34 *CFR* Section 200.47(b)(1)(iv)(A) and (B) to allow PI LEAs to serve as providers for the 2011–13 school years.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no fiscal impact to the state.

ATTACHMENT(S)

Attachment 1: California Department of Education Recommended 2013–15 Supplemental Educational Services Additional Provider Applicant List (4 Pages)

Attachment 2: California Department of Education Recommended 2013–14 Local Educational Agencies Identified for Improvement Supplemental Educational Services Additional Provider Applicant List (1 Page)

Attachment 3: California Department of Education Recommended 2013–15 Supplemental Educational Services Additional Provider Applicant List Based on Appeal (2 Pages)

Attachment 4: California Department of Education Supplemental Educational Services List of Appellants Not Recommended for Approval Based on Appeal (3 Pages)

Attachment 5: DRAFT August 12, 2013, joint letter from Tom Torlakson, State Superintendent of Public Instruction, California Department of Education, and Michael W. Kirst, President, California State Board of Education, to Deborah Delisle, Assistant Secretary, Office of Elementary and Secondary Education, U.S. Department of Education, regarding Waiver to Allow Local Educational Agencies in Program Improvement or Corrective Action to Be Eligible to Apply as Supplemental Educational Services Providers (4 Pages)

California Department of Education Recommended 2013–15 Supplemental Educational Services Additional Provider Applicant List

Provider Name	English-Language Arts	Math	Science	EL	SWD	Online	Type of Entity
! # 1 A+ Student Learning Academy/Center !	X	X		X	X		Faith-based entity
! # 1 Tutoría, Maestros, Tabletas	X	X		X	X		Non-profit agency
! 1 A 1 TUTORIA !	X	X		X	X		For-profit agency
Abacus In-Home Tutoring, Inc.	X	X		X	X		For-profit agency
Academic Goals, Inc.	X	X		X	X		Non-profit agency
Acelerado Academic LLC	X	X		X	X		For-profit agency
Achievement Solutions, LLC dba Sylvan of Hemet	X	X		X			For-profit agency
AMAZING A ACADEMICS	X	X		X	X		Non-profit agency
ARC Associates	X	X		X	X		Non-profit agency
Basic Educational Services Team, Inc.	X	X		X	X		For-profit agency
Bay Area Education Support Systems dba Sylvan Learning of the Bay Area	X	X		X	X	X	For-profit agency
Boys & Girls Clubs of Central Sonoma County	X	X		X	X		Non-profit agency
Bridge of Knowledge LLC dba Sylvan Learning Center in Studio City / Sherman Oaks	X	X		X	X		For-profit agency

Provider Name	English-Language Arts	Math	Science	EL	SWD	Online	Type of Entity
Club Z!, dba of: Tutoring USA Inc.	X	X		X	X		For-profit agency
D. D. & S. Learning Systems, Inc., Sylvan Learning - Etiwanda	X	X		X	X		For-profit agency
D.D. & S. Learning Systems, Inc., DBA Sylvan Learning - Chino/Ontario	X	X		X	X		For-profit agency
D.D. & S. Learning Systems, Inc., DBA Sylvan Learning - Claremont	X	X		X	X		For-profit agency
D.D. & S. Learning Systems, Inc., DBA Sylvan Learning - Diamond Bar	X			X	X		For-profit agency
D.D. & S. Learning Systems, Inc., DBA Sylvan Learning - Glendora	X	X		X	X		For-profit agency
D.D. & S. Learning Systems, Inc., DBA Sylvan Learning - Rancho Cucamonga	X	X		X	X		For-profit agency
Datamatics Inc. dba Achieve HighPoints		X		X		X	For-profit agency
DND LEARNING, INC., DBA Sylvan Learning Visalia	X	X		X	X		For-profit agency
Elohim Dream Builders, DBA: Dream Builders Tutorial Center	X	X		X	X		Non-profit agency
Encourage Tomorrow	X	X		X	X		Non-profit agency
Enlighten Tutoring	X	X		X	X		Sole proprietorship

Provider Name	English-Language Arts	Math	Science	EL	SWD	Online	Type of Entity
Future Stars Tutoring Services Center	X	X		X	X		For-profit agency
Gurukul L.L.C DBA Anytime Tutoring	X	X		X	X	X	For-profit agency
HT Learning Center (Kris Nhan Truong, Inc.)	X	X		X			Sole proprietorship
Innovative Educational Programs, LLC	X	X		X	X		Non-profit agency
Jones Reading & Math Clinics, Inc.	X	X		X	X		For-profit agency
K-12 Academic Support Team	X	X		X	X		For-profit agency
Knowledge Island, Inc.	X	X		X		X	For-profit agency
Learning Partners Inc. dba Sylvan Learning Center- Fullerton	X	X		X			For-profit agency
M&I Educational Consulting Network	X	X		X	X		For-profit agency
New Hope Academy of Change	X	X		X			Non-profit agency
New Horizon Foster Care Agency Inc. DBA New Horizons Tutoring	X	X		X	X		Non-profit agency
One on One Learning Corp.	X	X		X	X	X	For-profit agency
Oxford Tutoring DBA Aprende Tutoring	X	X		X	X		For-profit agency
Primanti Montessori School DBA #1 Advancing Education	X	X		X	X		Private school
Project Impact Inc.	X	X		X			Non-profit agency

Provider Name	English-Language Arts	Math	Science	EL	SWD	Online	Type of Entity
Roberts Family Development Center	X	X		X	X		Non-profit agency
Shooting Star, LLC DBA Club Z! In-home Tutoring Services	X	X		X	X	X	For-profit agency

California Department of Education Recommended 2013–14 Local Educational Agencies Identified for Improvement Supplemental Educational Services Additional Provider Applicant List (1 Page)

(NOTE: U.S. Department of Education approval of waiver allows for approval of one year to provide SES services)

Provider Name	English-Language Arts	Math	Science	EL	SWD	Online	Type of Entity
Earlimart Elementary School District* *This LEA is recommended for approval based on appeal	X	X		X	X		LEA in Program Improvement
Fresno Unified School District* *This LEA is recommended for approval based on appeal	X	X		X	X		LEA in Program Improvement
Hanford Elementary School District	X	X		X	X		LEA in Program Improvement
Napa County Office of Education-CalSERVES	X			X	X		County Office of Education
Oceanside Unified School District	X	X		X	X		LEA in Program Improvement
Placer County Office of Education	X			X	X		County Office of Education

California Department of Education Recommended 2013–15 Supplemental Educational Services Additional Provider Applicant List Based on Appeal

Provider Name	English-Language Arts	Math	Science	ELs	SWDs	Online	Type of Entity
¡Alpha! Innovation through Education	X	X		X	X		For-profit agency
1-on-1 Learning with Laptops	X	X		X			For-profit agency
Ace it by Sylvan	X	X	X	X	X	X	For-profit agency
All About Tutoring, LLC	X	X		X	X		For-profit agency
Brainiac Learning	X	X		X	X		For-profit agency
CAC aka College Admissions Counselors	X	X		X	X		For-profit agency
Children Be Good Foundation	X	X		X	X		For-profit agency
College Bound - Dollars for Achievers dba College Bound		X				X	Non-profit agency
Growing Scholars Educational Center	X	X		X	X		For-profit agency
ICES Education, LLC	X	X	X	X	X		For-profit agency
J-Vision, Inc.	X	X		X	X		For-profit agency
Kumon of Palmdale, East (Sistrunk Educational Solutions)	X	X		X	X		For-profit agency
Learning Support Services	X	X		X	X		Sole proprietorship

Provider Name	English-Language Arts	Math	Science	ELs	SWDs	Online	Type of Entity
Mobile Minds Inc. DBA: Mobile Minds Tutoring	X	X		X	X		For-profit agency
One More Chance Family Outreach Services, Inc.	X	X		X	X		For-profit agency
PBD Learning Centers, Inc., DBA: Sylvan Learning - Corona/Norco	X	X		X	X		For-profit agency
Reading Partners	X			X	X		Non-profit agency
Success in Reading, Math, and Music/ Visalia Music School	X	X		X	X		For-profit agency
Sylvan Learning Center of Irvine operated by Sayva Learning, LLC	X	X		X	X		For-profit agency
Sylvan Learning Center of Laguna Niguel operated by Sayva Learning LLC	X	X		X	X		For-profit agency
Sylvan Learning Center of Mission Viejo operated by Sayva Learning, LLC	X	X		X	X		For-profit agency
Sylvan Learning Center/KS Franklin Learning	X	X		X	X		For-profit agency
The Learning Curve, Inc.	X	X		X			For-profit agency
Zingerham Education dba Sylvan Learning Center	X	X		X	X		For-profit agency

California Department of Education Supplemental Educational Services List of Appellants Not Recommended for Approval Based on Appeal

Provider Name	Initial Reading: Elements Not Met	Appeal Review: Elements Not Met
!#1 Academic Excellence	• 1.1 and 1.2 • 2.2 • 2.4 • 3 (All) • 4.1 • 4.3 • 4.5 and 4.6	• 1.1 and 1.2 • 2.2 • 3 (All) • 4.5
!mpact People	• 1.1 • 3.1 • 3.2 • 4.1 • 4.6	• 1.1 • 3.1 • 3.2
1 To 1 Tutor, LLC	• 4.5 • 4.6	• 4.6
24 Hours Tutoring Inc	• 1.1 • 3.1 • 3.5 • 4.1; 4.2; 4.3	• 4.3
Access To Learning	• 3.2 • 4.1	• 3.2
Artsecation, Inc.	• 3.5 • 4.2	• 3.5
Brienza's Academnic Advantage	• 1.2 • 3.5	• 3.5
California Tutoring Services, Inc.	• 3.4	• 3.4
Digital Network Groupd DBA Kinetic Potential Scholars	• 2.3 b, c, d	• 2.3 c, d
EduPLus LLC	• 4.3 • 4.5 • 4.6	• 4.3 • 4.5

Provider Name	Initial Reading: Elements Not Met	Appeal Review: Elements Not Met
Elite Educational Services, LLC	• 1.1 • 1.2 • 1.3	• 1.1 • 1.3
Good News Hope and Help, Inc.	• 1.1 • 1.2 • 2.2 a, b, c • 3.3 • 4.1 • 4.5	• 1.1 • 1.2 • 2.2 a • 4.5
Horizon Bound College Counseling & Tutoring	• 1.1 and 1.2 • 2.2 a, b • 3.1 and 3.2 • 3.4 and 3.5 • 4.1 • 4.6	• 1.1 and 1.2 • 3.1 and 3.2 • 3.5
Oakland Parents Together	• 1.1 • 1.2 • 3.3; 3.4; 3.5; 3.6 • 4.1	• 1.1 • 3.4; 3.5
PACE Learning Centers	• 1.1 • 1.2 • 2.2 a, c, d	• 2.2 a
Penelope S. Suter, OD	• 1.1 • 1.2 • 2.2 a, b, c d • 2.4 a, b • 3 (All) • 4.3	• 1.1 • 1.2 • 2.2 a, b, c • 2.4 a, b • 3 (All) • 4.3
Positive Visions	• 2.2 c • 2.2 d • 3.1 • 4.1	• 2.2 c • 2.2 d

Provider Name	Initial Reading: Elements Not Met	Appeal Review: Elements Not Met
RBL Enterprises DBA !Professor Excelente!	• 2.1 • 2.2 • 3.2 • 3.3 • 4.5	• 2.2 a • 3.3 • 4.5
Reach Learning Academy/Center	• 1.1 • 1.2 • 3.2 • 4.2 • 4.4	• 1.1 • 1.2 • 4.4
Revolution Academy	• 3.1 • 3.2 • 4.5	• 3.1 • 3.2 • 4.5
Rivercity Technology	• 1.1 • 1.2 • 2.1 • 2.2 b • 2.4 b • 3.1; 3.2; 3.3; 3.4 • 4 (All)	• 1.1 • 2.2 b • 2.4 b • 3.1; 3.2; 3.3; 3.4 • 4.1; 4.3; 4.4; 4.7 b, c
Rosecrans Teachers' Connection (RTC)	• 4.6	• 4.6
Teach-n-Tutor	• 1.2 • 2.2 a, b • 3.4 • 3.5	• 2.2 a • 3.4
XCEL Educational Services	• 1.1 • 1.2 • 3.1 • 3.2 • 3.4 • 3.5	• 1.1 • 3.1 • 3.2 • 3.5

CALIFORNIA DEPARTMENT OF EDUCATION **CALIFORNIA STATE BOARD OF EDUCATION**
TOM TORLAKSON, State Superintendent of Public Instruction **MICHAEL W. KIRST,** President
916-319-0800 1430 N Street Sacramento, CA 95814-5901 916-319-0827

DRAFTAugust 12, 2013

Deborah Delisle, Assistant Secretary
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Assistant Secretary Delisle:

Subject: Waiver to Allow Local Educational Agencies in Program Improvement or Corrective Action to Be Eligible to Apply as Supplemental Educational Services Providers Which is Currently Prohibited by the U.S. Department of Education *Code of Federal Regulations* Section 200.47(b)(1)(iv)(A) and (B)

California is requesting a two-year waiver of the Elementary and Secondary Education Act (ESEA) Title I, Part A regulatory provision that prohibits a state from approving as Supplemental Educational Services (SES) providers schools identified for improvement, corrective action, or restructuring and local educational agencies (LEAs) identified for improvement or corrective action (34 *Code of Federal Regulations* Section 200.47[b][1][iv][A] and [B]).

Under the law, California may approve an entity with a demonstrated record of effectiveness in increasing student academic achievement as an SES provider. California believes that LEAs identified for improvement may be able to demonstrate they have an effective program that can help improve academic achievement of students and should not be automatically prevented from gaining approval because of their improvement status.

California has set the annual measurable objectives (AMOs) in reading and mathematics, which are among the subjects offered by SES providers in California for the 2013–14 school years. California's AMOs for 2013–14 are included in Enclosure 1.

California will determine adequate yearly progress based on assessments administered in the 2013–14 school year in accordance with the requirements of Section 1111(b)(2) of the ESEA. California believes that allowing some identified LEAs to serve as SES providers may help more students within California to reach the state's proficiency objectives.

If California is granted the requested waiver, California will ensure that only those LEAs that meet the state's requirements for SES providers are approved to be on the state's list of approved SES providers for the 2013–14 school year.

California assures that it provided all LEAs in the State, as well as the public, with notice and a reasonable opportunity to comment on this request and has attached a copy of that notice (Enclosure 2). This notice, and information regarding this waiver request, was made available to the public in the manner in which the State customarily provides such notice and information to the public (i.e., by posting information on its Web site) and can be found on the State Board of Education Current and Past Agendas Web page at http://cde.ca.gov/be/ag/ag. The State received/did not receive public comments regarding this issue.

California hereby assures that if the requested waiver is granted, it will submit a report that provides the total number of LEAs identified for improvement or corrective action that were approved to be an SES provider for the 2014–16 school years to the U.S. Department of Education. The report will be submitted no later than September 30, 2016.

If you have any questions regarding this request, please contact Christine Swenson, Director, Improvement and Accountability Division, by phone at 916-319-0926 or by e-mail at cswenson@cde.ca.gov.

Sincerely,

Tom Torlakson
State Superintendent of Public Instruction
California Department of Education

Michael W. Kirst
President
California State Board of Education

TT/MK:jb
Enclosures

Standard Criteria for Annual Measurable Objectives (AMOs) for 2013–14 Adequate Yearly Progress (AYP)

Standard Schools and Local Educational Agencies (LEAs)	Percent Proficient or Above on the California Standards Test, California High School Exit Exam, California Modified Assessment, and California Alternate Performance Assessment for 2012–13	
	English-Language Arts	Mathematics
Schools	2013–14	2013–14
• Elementary and Middle Schools	100.0	100.0
• High Schools	100.0	100.0
LEAs		
• Elementary School Districts	100.0	100.0
• High School Districts (with grade levels 9–12)	100.0	100.0
• Unified School Districts • High School Districts • County Offices of Education (with grade levels 2–8 and 9–12) • Elementary School Districts	100.0	100.0
These criteria apply to schools or LEAs that have at least 100 students with valid scores or to numerically significant subgroups that have at least 50 students with valid scores. Different criteria are applied to small schools, LEAs, or subgroups in AYP calculations. Small schools and LEAs with fewer than 100 valid scores have adjusted AMOs to account for the small number of test scores—the AMOs are adjusted using a confidence interval methodology. Small subgroups are those with between 50 to 99 valid scores. AMO criteria for small subgroups are the same as the targets listed above but are only applied if the school or LEA has at least 100 valid scores. Subgroups with fewer than 50 valid scores have no AMO criteria.		

CALIFORNIA DEPARTMENT OF EDUCATION
TOM TORLAKSON, State Superintendent of Public Instruction
916-319-0800

CALIFORNIA STATE BOARD OF EDUCATION
MICHAEL W. KIRST, President
916-319-0827

1430 N Street Sacramento, CA 95814-5901

DRAFTJuly 15, 2013

NOTICE OF REQUEST TO WAIVE SECTION 200.47(b)(1)(iv)(A) and (B) of the 34 *CODE OF FEDERAL REGULATIONS*

Request for comment on California's request to the U.S. Department of Education to waive subsection 200.47(b)(1)(IV)(A) and (B) of the 34 *Code of Federal Regulations* for the 2014–15 and 2015–16 academic years.

Notice is hereby given that California will request the U.S. Department of Education (ED) waive the 34 *Code of Federal Regulation* (34 *CFR*), Section 200.47(b)(1)(iv)(A) and (B), which prohibit a State educational agency (SEA) from approving local educational agencies (LEAs) identified for improvement or corrective action as providers of Supplemental Educational Services (SES).

The purpose of this public notice is to notify you of the opportunity to submit written comment on the request to the ED to waive the prohibition of an SEA approving LEAs identified for improvement or corrective action as SES providers.

All comments regarding the request for waiver must be submitted to Jeff Breshears, Administrator I, Title I Policy and Program Guidance Office, by e-mail at TitleI@cde.ca.gov by noon on Wednesday, July 31, 2013.

The waiver request can be reviewed on the SBE Public Notices Web page at http://www.cde.ca.gov/be/pn/pn/.

California State Board of Education

Meeting Agenda Items for July 10-11, 2013

ITEM 30

CALIFORNIA STATE BOARD OF EDUCATION

July 2013 AGENDA

SUBJECT	
Request by **Emery Unified School District** regarding California *Education Code* sections 17515 through 17526, Joint Public/Private Occupancy Proposal, allowing the Emery Unified School District and the City of Emeryville to enter into leases and agreements relating to real property and buildings to be used jointly by the district and the city.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

California *Education Code* (*EC*) Section 17524(a) specifies the governing board of a school district shall not approve any joint occupancy proposal nor enter into a lease or contract incorporating a proposal until the governing board has submitted the proposal to the State Board of Education (SBE) for its approval or disapproval.

If approved by the SBE, the district will enter into negotiations with the City of Emeryville regarding the specific terms of the joint occupancy agreement. The district has indicated that any such agreement will be in accordance with all legal requirements.

RECOMMENDATION

The California Department of Education (CDE) recommends that the SBE approve the Emery Unified School District's proposal to enter into a joint occupancy agreement with the City of Emeryville to develop new school facilities, and city recreation and community service facilities at the Emery Secondary School that will be known as the Emery Center of Community Life.

BRIEF HISTORY OF KEY ISSUES

California *EC* Section 17515 allows a school district to enter into a joint occupancy agreement providing certain requirements are met and pursuant to *EC* Section 17517 the agreement does not exceed 66 years. A joint occupancy agreement allows the district and a private or public party to jointly develop and operate buildings on district owned property.

Pursuant to *EC* sections 17521 et seq., the district governing board issued a Request for Proposals (RFP) on December 10, 2012. Only one proposal was received.

The joint occupancy agreement is between the Emery Unified School District and the City of Emeryville. The proposal includes the development of the Emery Secondary School site with newly constructed K-12 education facilities, recreation and community

services facilities, and space for third party providers to establish support services for the students and community including a wellness center and a library. Outdoor recreation facilities will also be remodeled, and will include a swimming pool, sport fields, a running track, playgrounds, and basketball courts. The facilities and fields will be available for use by students, district employees, and the community with the goal of achieving a highly utilized shared use facility that improves the quality of life for all. It is anticipated that the site facilities will be used during the day, evening, and weekends with the Center expected to operate daily from 7 a.m. until 9 p.m. year-round.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has approved several joint occupancy agreements with the Los Angeles Unified School District and various partners. In March 2012, the SBE approved a joint occupancy agreement with the San Diego Unified School District and the Peninsula YMCA; in May 2012, a joint occupancy agreement between Napa Valley Unified School District and Napa Valley College was approved; in January 2013, an agreement between the Chula Vista Elementary School District and the South Bay YMCA was approved; and most recently, in May 2013, another agreement between Chula Vista Elementary School District and the South Bay YMCA was approved.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no state fiscal impact.

ATTACHMENT(S)

Attachment 1: Proposal for Joint Occupancy between Emery Unified School District and the City of Emeryville for the Emery Center for Community Life. (3 pages)

Attachment 2: Schematic site plan drawing. (1 page)

Attachment 3: Site Security Narrative. (1 page)

PROPOSAL FOR JOINT OCCUPANCY AT THE EMERY CENTER FOR COMMUNITY LIFE

Background of the City, as Responding Party

The City of Emeryville is a small urban city encompassing 1.2 square miles in the heart of San Francisco's East Bay Region. As of 2006, its population was 8,537 according to the Department of Finance. The City was established in 1896 and grew into a center for industry and business during the early 20th Century. Emeryville is a dynamic mixed-use city, with cutting-edge industry, both regional and local commercial centers, and new housing to support an increasing residential population. It is estimated that by 2030 Emeryville's population will be approximately 16,500 residents.

Summary of City and District's Partnership

The City of Emeryville ("City") has, for over a decade been a strong partner with the Emery Unified School District ("District") in the development and the execution of a plan for better community through better educational opportunities for all community members. The City and District have actively engaged the input of the local Emeryville community, and have jointly developed plans for the Emeryville Center of Community Life ("ECCL".) The City shares boundaries with the attendance area of the District, and stands to benefit its constituents by the creation of a set of jointly occupied and collaboratively programmed facilities.

The City has taken substantial steps toward assisting the District in the planning of the ECCL, including:

- In 2010, the City and District worked together for the passage of AB 1080 to permit the City to act as the District's partner in a joint occupancy arrangement. The City has sought to share the use of the District's land for the construction of jointly occupied facilities.

- The City (through its former redevelopment agency) also issued bonds for the purpose of financing a portion of the ECCL.

- The City and the District have constituted a City Schools committee consisting of all currently seated City Council and School Board members which has been meeting on a monthly basis for the receipt and analysis of community input, and formulation of ideas and strategies related to the ECCL.

General Description of the Project

The ECCL will be constructed at the site of the existing Emery Secondary School which is a site owned by the School District. The ECCL will replace the existing one story school facility with a new multi-story, multi-use campus. The site will co-locate the elementary and secondary schools, incorporate community service and recreation programs and provide opportunities for

other partners to offer community-enriching services with the goal of achieving a highly utilized shared use facility that improves the quality of life for all of Emeryville.

The Project proposes to construct new facilities totaling approximately 129,000 gross square feet, with the potential to expand to 149,770 square feet, to be operated jointly by the Emery Unified School District and the City of Emeryville. Outdoor recreation facilities would also be remodeled, including a swimming pool, sport fields, a running track, playgrounds and basketball courts. The site facilities will be used during the day, evening, and weekends with the Center expected to operate daily from about 7:00 AM to 9:00 PM year-round with the highest usage by the District during the school year (September to June). Total enrollment in grades K-12 is expected to be up to 780 students with Phase 1 and up to 1120 students at Phase 2 build-out.

The Project will be constructed in two Phases, with all K-12 grades located at the new campus with completion of the first phase of the Project in August 2015. Occupation of the campus by administration and community services groups may be staggered through the development of Phase 1, depending on the ultimate construction sequence.

The City Schools committee recently approved schematic design documents for the ECCL project to be constructed by the parties. These documents are in the District's possession, and accurately represent the nature of the project contemplated within this proposal. For context and ease of reference, a copy of the schematic site plan drawing is attached hereto as Attachment A.

Financial Information

The City's anticipated future financial contribution of approximately $21.3 million to the project will come from the proceeds of bonds which were issued by the City's former redevelopment agency. These dollars will become available upon the issuance of a "finding of completion" by the California Department of Finance in accordance with AB 1484.

The City designated these dollars for expenditure on the ECCL project on its third Recognized Obligations Payment Schedule, and expects to receive a finding of completion in 2013. Given that these dollars are not currently available for expenditure, this proposal is contingent upon the City receiving access to the full amount of these dollars. If a finding of completion does not result in the City being able to utilize these dollars for the ECCL project, the parties will need to revisit the issues of the nature and scope of the project.

Construction Standards

The City acknowledges that the proposed project will be reviewed and approved by California Division of State Architect (DSA) and will be in compliance with all applicable laws in force at the time of permit issuance. The City's proposal includes collaborative creation of construction documents to effectuate the conceptual and design elements of the ECCL.

Timeline

The City and District have worked collaboratively to construct an anticipated timeline for completion of the project. The District is in possession of this timeline.

By submitting the foregoing, the City proposes to enter into a joint occupancy agreement with the District based upon the aforementioned terms and conditions, and in accordance with any future clarifications as agreed upon by the Parties.

Date: _____

CITY OF EMERYVILLE

By: _____

Name:_____

Title: _____

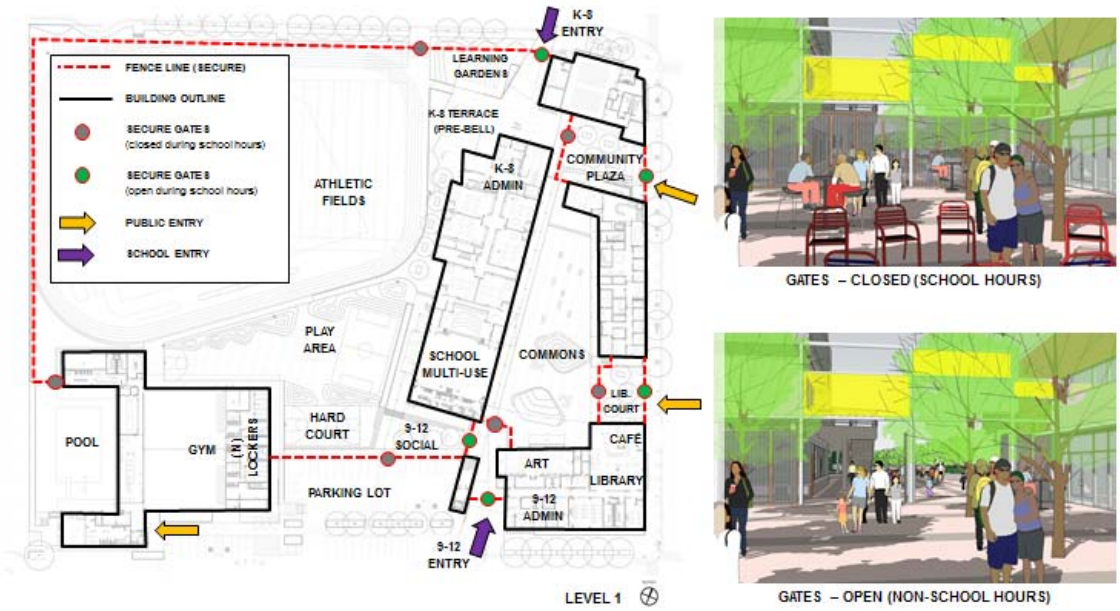

FIGURE 1: Campus Boundaries

ECCL Design Development

April 10, 2013

2

Site Plan of the Emery Center of Community Life
Design by ECCL Design Development, April 10, 2013

ECCL Site Security Narrative
Nexus Partners
04.15.2013

Through extensive engagement with the future users of the Emeryville Center for Community Life (ECCL), the design team has developed a site layout and operational infrastructure that provides flexibility, functionality and security for the school and community while maintaining a welcoming, open feeling throughout the campus. This engagement has included multiple workshops, questionnaires and info sessions with Teachers, Students, EUSD & Community Services Administration, City & school staff, Community outreach, and regular presentations to the City Planning Commission, School Board, and City/Schools Committee.

The primary goals of the security design strategy are:

- Protect student populations from unauthorized access
- Separate High School and K-8 student groups within the school environment unless supervised
- Provide clear sight lines and vantage points to maximize visual control of outdoor spaces with minimal security staff
- Provide a flexible, highly-utilized facility that can accommodate varied configurations for multiple secure programs at one time

The security strategy for the ECCL site consists of 5 elements:

- Secure fencing
- Secure civic-scale gates
- Secure building edges
- Teachers and Security Staff
- Campus-wide security network: Electronic access system, web-based video surveillance & alarmed emergency egress routes

California State Board of Education

Meeting Agenda Items for July 10-11, 2013

ITEM 31

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2013 AGENDA

SUBJECT	
Request by **Lemon Grove School District** regarding California *Education Code* sections 17515 through 17526, Joint Public/Private Occupancy Proposal, allowing the Lemon Grove School District and Literacy First Charter School to enter into leases and agreements relating to real property and buildings to be used jointly by the district and the Literacy First Charter School.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

California *Education Code* (*EC*) 17524(a) specifies the governing board of a school district shall not approve any joint occupancy proposal nor enter into a lease or contract incorporating a proposal until the governing board has submitted the proposal to the State Board of Education (SBE) for its approval or disapproval.

If approved by the SBE, the district will enter into negotiations with the Literacy First Charter School regarding the specific terms of the joint occupancy agreement. The district has indicated that any such agreement will contain provisions to ensure student safety, through appropriate separation and administration of the district's existing school operations and students at the site, as well as the Literacy First Charter School students who may occupy the site at the same time. The agreement will also include requirements regarding liability insurance, and be in accordance with all legal requirements. All school facilities will be designed to comply with the building standards of the California Division of State Architect and all local health and safety rules and regulations. The San Diego County Office of Education supports this joint occupancy agreement.

Literacy First Charter School is authorized through the San Diego County Office of Education. The Charter was revised in 2012 to incorporate Liberty High Charter students and programs. The students attending the Liberty High Charter are from throughout the County of San Diego.

RECOMMENDATION

The California Department of Education (CDE) recommends that the SBE approve the Lemon Grove School District's proposal to enter into a joint occupancy agreement with Literacy First Charter School to provide substantive improvements to existing school

facilities as well as new construction of buildings for the benefit of the district, its students, and educational programs at the former Palm Middle School.

BRIEF HISTORY OF KEY ISSUES

California *EC* Section 17515 allows a school district to enter into a joint occupancy agreement providing certain requirements are met, and pursuant to *EC* Section 17517, the agreement does not exceed 66 years. A joint occupancy agreement allows the district and a private or public party to jointly develop and operate buildings on district owned property.

Pursuant to *EC* sections 17521 et seq., the district governing board issued a Request for Proposals (RFP) on December 11, 2012. Only one proposal was received.

The joint occupancy agreement is between the Lemon Grove School District and Literacy First Charter School. The proposal includes the construction of a regulation baseball field with dugouts, improvements to the auditorium, conversion of a classroom to a lounge, upgrade technology infrastructure throughout the campus, and construction of a gymnasium. Liberty Charter High School, a comprehensive 9-12 grades high school, will have exclusive use of 20 classrooms, office space, athletic fields, locker rooms, and garden area. The district and the charter school will share use of the auditorium, outdoor quad area, parking lots, bathrooms, and some field space.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has approved several joint occupancy agreements with the Los Angeles Unified School District and various partners. In March 2012 the SBE approved a joint occupancy agreement with the San Diego Unified School District and the Peninsula YMCA; in May 2012 a joint occupancy agreement between Napa Valley Unified School District and Napa Valley College was approved; in January 2013 an agreement between the Chula Vista Elementary School District and the South Bay YMCA was approved, and, most recently, in May 2013 another agreement between Chula Vista Elementary School District and the South Bay YMCA was approved.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no state fiscal impact.

ATTACHMENT(S)

Attachment 1: Proposal for Joint Occupancy between Lemon Grove School District and Literacy First Charter School for a comprehensive high. (20 pages)

Attachment 2: Site plan. (1 page)

Lemon Grove School District

8025 Lincoln Street
Lemon Grove,
California 91945-
(619) 825-5600 FAX
(619) 462-7959
www.lgsd.k12.ca.us

March 15, 2013

Ms. Kathleen Moore, Director
School Facilities Planning Division
California Department of Education
1430 N. Street, Suite 5111
Sacramento CA 95814

Dear Ms. Moore:

Re: Request for Approval of Lemon Grove School District's Proposed Palm Middle School Joint Occupancy Project

The purpose of this letter is to formally submit the Lemon Grove School District's (the "District") proposed joint occupancy project at the former Palm Middle School site ("Project") for the State Board of Education's review and approval as required by Education Code section 17524(a).

Pursuant to the requirements of the Education Code for the development of joint occupancy agreements/ projects, the District's governing board ("Board") first determined that the District's Palm Middle School site was available for a potential joint occupancy project subject to the development of acceptable terms and conditions to allow for substantive improvements to the existing school facilities as well as new construction of buildings/improvements for the benefit of the District, its students, and its educational programs. To that end, the District prepared and adopted a resolution declaring its intention to seek a joint occupancy partner for the Project and consider proposals for the Project pursuant to Education Code section 17521. A copy of that resolution is attached hereto as Exhibit A.

The resolution was adopted and approved on or about December 11, 2012, and set March 12, 2013, as the date and time for the proposals to be reviewed and considered by the District's Board. Notice of adoption of the resolution was then published in a newspaper published in the District and a formal written Request for Proposals ("RFP") was issued by the District setting forth the requirements for any joint occupancy partner for the Project. The RFP set forth the District's goals for the Project as well as the District's proposed site plan for joint occupancy and shared use of the Project site. A copy of the RFP and proposed site plan is attached hereto as Exhibit B.

The District received a proposal from the Literacy First Charter School ("Literacy First") on or about February 25, 2013. The Literacy First proposal sets forth in detail the proposed joint occupancy project and proposed use by the joint-use partner. Literacy First proposes to operate a comprehensive charter school to be known as the Liberty High School to serve grades 9-12 consistent with the proposed site plan and requirements set forth in the District's RFP. A copy of the proposal from Literacy First is attached hereto as Exhibit C.

GOVERNING BOARD: Jay Bass • Blanca Lopez Brown • Katie Dexter • Larry Loschen • Timothy Shaw

SUPERINTENDENT: Ernest Anastos

As further described in Exhibit C, Literacy First's proposal meets the District's requirements for a joint occupancy partner and demonstrates the substantial benefits the Project and a long-term joint occupancy agreement ("JOA") would provide for the District. First, the proposed use/lease of existing District classrooms and other facilities by Literacy First would provide the District with a base rent of $25,000 per month (with a provision for an annual rate increase over a five-year term). This would generate over $1.5 million in rental revenue to the District over the initial GO-month term of the JOA. In addition, Literacy First would also provide for the construction of several additional buildings and/or other site improvements under the JOA, as required by Education Code section 17518, including, but not limited to, the following:

1. Construction of a high school regulation size baseball field with dugouts;
2. Improvements to the auditorium including installation of an HVAC system, carpeting and sound booth;
3. Construction/conversion of a classroom to a teacher lounge/work room;
4. Construction of a gymnasium; and
5. Construction/installation of upgraded technology infrastructure throughout the campus.

In addition to all of the above and consistent with the requirements of the RFP, the proposed JOA would include appropriate provisions to address maintenance, utilities, and proper delineation of exclusive use and joint-use facilities. Likewise, the JOA would include provisions to ensure student safety, through appropriate separation and administration of the District's existing school operations/students at the site, as well as the Literacy First students who might occupy the site at the same time. Such measures could include, but are not limited to, appropriate fencing and other site access improvements, appropriate access policies and procedures, and fingerprinting/background checks as necessary to ensure the safety and security of the District's students.

Pursuant to Education Code section 17523, the District's Board received and reviewed the above-described proposal at its March 12, 2013, meeting, at which time the Board accepted the Literacy First proposal and directed staff to submit the proposal and Project for State Board of Education review.

Accordingly, pursuant to Education Code section 17524(a), the District hereby requests that the State Board of Education review and approve this application for the joint occupancy Project. Education Code section 17524(a) provides that the State Board of Education shall, within 45 days of the date of submission, notify the District of its approval or disapproval. If the State Board of Education will not be meeting within that 45-day period, we respectfully request that this item be placed on the agenda for its meeting scheduled for May 8 and 9, 2013.

Thank you in advance for your consideration of the District's proposal. If you have any questions or need any additional information, please do not hesitate to contact me.

Sincerely,

Ernie Anastos
Superintendent

Enclosures:
Exhibit A - Resolution
Exhibit B - RFP and Proposed Site Plan
Exhibit C - Proposal from Literacy First

EXHIBIT A

LEMON GROVE SCHOOL DISTRICT

RESOLUTION 12-13-12, DECLARING THE GOVERNING BOARD'S INTENTION TO CONSIDER PROPOSALS FOR JOINT OCCUPANCY PURSUANT TO EDUCATION CODE SECTION 17515 ET SEQ.

WHEREAS, the Governing Board (the "Board") of the Lemon Grove School District ("District") is responsible for the management and control of the District's real property and school facilities pursuant to the Education Code; and

WHEREAS, the District owns and utilizes certain real property located at 8425 Palm Avenue, Lemon Grove, California 91945, County of San Diego, State of California, also known as the Palm Middle School site ("Property"); and

WHEREAS, the District currently uses the Property for a variety of educational, administrative and other District purposes, including classroom and recreational purposes, and intends to continue using the Property for those and additional District purposes that may be deemed necessary or desirable by the Board; and

WHEREAS, the District desires to potentially use the Property for the purpose of developing, improving, and operating a joint occupancy project consisting of both shared and exclusive use of classroom facilities, administrative and storage facilities, and recreation and playfield areas for the benefit of the District, its students and its educational programs; and

WHEREAS, development of such a joint occupancy project on the Property will require the District to enter into an agreement with one or more public or private entities with the demonstrated ability to partner with the District to provide such joint occupancy programs and services, and provide construction or reconstruction of one or more buildings located on the Property; and

WHEREAS, pursuant to Education Code section 17515 et seq., the District may enter into agreements, not to exceed 66 years, relating to real property and buildings to be used jointly by the District and any private person, firm, local governmental agency, or corporation, providing for the construction and/or reconstruction of buildings and improvements for joint use and occupancy on a District-owned site in accordance with the procedures set forth in the Education Code; and

WHEREAS, prior to entering into an agreement for joint use and occupancy of the Property, the Board shall, in a regular open meeting, adopt a resolution declaring its intention to receive and consider proposals for the joint occupancy of the Property, describing the Property and the District's intended use, and set a date and time for a public meeting at which the proposals will be considered; and

WHEREAS, after the Board selects a proposal that best meets the needs of the District, the District will submit the plan or proposal to the State Board of Education for approval prior to entering into an agreement for joint use and occupancy of the Property.

NOW, THEREFORE, the Governing Board of the Lemon Grove School District does hereby resolve as follows:

1. The foregoing recitals are true and correct.

2. The Board hereby declares its intent to consider proposals for joint occupancy projects on the Property pursuant to Education Code Section 17515 et seq.

3. Such proposals should take into account the District's ongoing and intended use of the Property for a variety of educational, administrative, classroom, recreational and other District purposes that may be deemed necessary or desirable by the Board, but in collaboration with a joint occupancy partner; and

4. The Board authorizes and directs the Superintendent or designee to issue a request for proposal ("RFP") for such joint occupancy project(s). The RFP shall set forth the minimum requirements for construction, operation and/or use of the school buildings and improvements to be jointly used and occupied, as well as any educational programs and/or administrative functions to be jointly operated or shared.

5. The RFP shall be issued no later than December 31, 2012, and shall be made available on the District website and provided to members of the public upon request.

6. The RFP shall specify that proposals submitted in response to the RFP must be submitted to the District no later than March 1, 2012.

7. The Superintendent or designee is hereby authorized to take any and all additional steps and actions necessary for the issuance of the RFP and management of the RFP process in order for the Board to consider all responsive proposals at a Board meeting not less than ninety (90) days from this date.

8. The Board hereby sets the following date, time and place for considering all proposals submitted in response to the RFP: March 12, 2013, 5:30 p.m., Lemon Grove Community Center, 3146 School Lane, Lemon Grove.

9. The Superintendent or designee is hereby directed to provide notice of adoption of this resolution, in accordance with Education Code section 17522, by publishing this resolution at least once a week for three (3) weeks in a newspaper of general circulation published in the District.

PASSED AND ADOPTED by the Governing Board on this 11th day of December, 2012, by the following vote:

AYES:	Bass, Brown, Dexter, Loschen, Shaw
NOES:	None
ABSENT:	None
ABSTAIN:	None

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

I, Ernie Anastos, Secretary of the Governing Board of the Lemon Grove School District, do hereby certify that the foregoing is a e and correct copy of a resolution passed and adopted by the Governing Board of School !strict at a meeting of said Board held on the 11th day of December 2012.

Ernie Anastos, Secretary of the Governing Board

EXHIBIT B

Lemon Grove School District

Request for Proposals
For Joint Occupancy Project

Issued as of

December 31,2012

LEMON GROVE SCHOOL
DISTRICT
8025 Lincoln Street
Lemon Grove, California 91945-2515
Phone (619) 825-5600
Facsimile (619) 462-7959

REQUEST FOR PROPOSALS FOR JOINT OCCUPANCY PROJECT

Proposals must be submitted, sealed in an envelope plainly showing the proposer's legal name, the RFP number of the project for which the proposal is submitted (RFP No. 12-31-12) and the proposal submission deadline; delivered to the Lemon Grove School District ("District"), 8025 Lincoln Street, Lemon Grove, CA 91945-2515.

PROPOSAL SUBMISSION DEADLINE: March 1, 2013 • No later than 4:00 p.m.

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1. Proposal Process and Requirements

Date and Time Proposal Due: All submissions must be received no later than 4:00 p.m. on March 1, 2013. Late proposals will not be accepted. Modifications of proposals received after this deadline will not be considered.

Mail Address: The Proposal, including three (3) hard copies and an electronic copy (.pdf format) on a compact disc ("CD"), shall be delivered to the District postage prepaid in a sealed envelope addressed as follows:

Dr. Gina Potter, Asst. Superintendent of Business
Lemon Grove School District
8025 Lincoln Street
Lemon Grove, CA 91945

The following information shall be clearly marked on the outside of the package:

Response to RFP for Joint Occupancy Project
Name of Proposer———————— Submission
Deadline: March 1, 2013
RFP No. 12-31-12

Submission of responses by facsimile or email will not be accepted. Proposals must be mailed or hand-delivered and received in the District's Business Services Office no later than the above time and date. The District assumes no responsibility for late delivery for any reason whatsoever, including but not limited to weather or traffic conditions, illness, accident, delivery to wrong location, or courier problems.

Proposals should be submitted in a fashion that facilitates the making of additional copies. Presentation in stapled page sets, or in notebooks from which the pages are easily separated, is preferred. Please do not laminate pages or bind pages individually in clear plastic protectors.

Interest List

Individuals interested in responding to the RFP and wishing to receive updates, addenda, and response to inquiries may request that they be placed on the "Interest list." A request to be placed on the Interest List shall be in writing and submitted electronically only to the following District representative:

Dr. Gina Potter, Asst. Superintendent of Business
gpotter@lqsd.k12.ca.us

To ensure that the request is received and read, the subject line in the email must include the following description: RFP Interest List for Joint Occupancy Project

Questions Regarding RFP

Individuals interested in submitting Proposals must make personal contact only with the District representative identified below and should not contact District's Governing Board members, the Superintendent, or any other official or staff of the District. Any person or entity that violates this directive will be disqualified from further consideration.

Requests for information ("RFI") shall be in writing and submitted electronically, no later than January 18, 2013, only to the following District representatives:

Dr. Gina Potter, Asst. Superintendent of Business
gpotter@lqsd.k12.ca.us

To ensure that the RFI is received and read, the subject line in the email must include the following description: RFP Questions for Joint Occupancy Project

2. Proposal Content

The Lemon Grove School District, a public K-8 school district, is soliciting proposals from a qualified proposer ("Proposer") to enter into a joint occupancy agreement ("Joint Occupancy Agreement) to design, construct, modernize and/or make improvements to, and operate 9-12 educational programs on, the District property described herein. The Joint Occupancy Agreement for design, construction and/or modernization and operation of the facilities shall be referenced collectively or in part as "the Project," and shall be entered into in accordance with all applicable requirements of California Education Code section 17515 et seq.

The District Property available for the Joint Occupancy Agreement ("Property") is the Palm Middle School Site located 8425 Palm Ave., Lemon Grove CA 91945.

The selected Proposer shall enter into a Joint Occupancy Agreement with the District and provide all personnel, plans, and material required to design, construct, modernize and/or make improvements to Property and serve students grades 9-12 on the Property.

The Proposal shall describe how the proposed use of the Property satisfies the following priorities:

- The program must serve students only in grades 9 through 12, functioning as a small comprehensive high school program.
- The program must provide the community with a public school option.
- The program must have a literacy focus.
- The program must have a strong focus on intervention.
- The program must be committed to the ideal that all students can learn.
- The program must prepare students to think critically and analytically.
- The program must offer courses that are developed based on state standards, University of California "A-G" guidelines, and Common Core standards.

The Proposal shall describe the construction projects and/or improvements that the Proposer would make to the Property. Such Improvements may include, but are not limited to, the following:

- Construction of a CIF regulation baseball field
- Improvements to the auditorium, including HVAC systems
- Conversion of a classroom to a teacher's lounge
- Modernization of classrooms
- Technology infrastructure improvements
- Improvement to fields for other CIF sports
- Construction of, or improvements to, a gymnasium

The Proposal shall describe how the Property would be jointly used and occupied, consistent with the site plan attached as **Exhibit "A".** The District is interested in providing the selected Proposer with exclusive use of at least twenty (20) classrooms, office space, athletic fields, and locker rooms. The District is interested in joint occupancy or shared use of the auditorium, outdoor quad area, parking lot, bathrooms and some field space.

The Proposal shall describe the potential benefits to the District of the shared use and joint occupancy being proposed.

As a general rule, all documents received by District are considered public records and will be made available for public Inspection and copying upon request. If you consider any documents submitted with your response to be proprietary or otherwise confidential, please submit a written request for determination. Please note that submitted financial Information will remain confidential and not subject to public disclosure.

The District reserves the rights to reject all proposals, select by proposal review only, or Interview as needed. Proposers may be selected to make a brief presentation and oral interview, after which a final selection will be made. The Proposer will be selected on the basis of Information provided In the Proposal, any in-person presentations, and the results of the District's research and investigation. Upon selection of a Proposer, the District may endeavor to negotiate a Joint Occupancy Agreement with the selected Proposer. In the event that the District is unable to reach agreement, the District will proceed, at its sole discretion, to negotiate with the next Proposer selected by the District. The District reserves the right to contract in the manner that most benefits the District.

3. Proposed REP Schedule

• RFP Released to Public	by December 31,2012
• RFP Deadline for Questions	January 18, 2013
• Proposals Due to District	March 1, 2013
• Board Selection of Proposal	March 12, 2013
• State Board of Education Review	May 8,9, 2013
• Negotiation and Execution of Agreement	May 31,2013

4. Partnership Standard. The selected Proposer, as a minimum standard, shall perform in such a way as to contribute to the prestige of the District by providing and/or improvement facilities and operations on a par with Its academic excellence, while not interfering with the educational program or activities conducted at the District. The Proposer should demonstrate creativity and new ideas in implementing the design, construction, improvements, and operation of the facilities.It shall be expressly understood that the facilities are in support of the educational functions of the District and its commitment of services to the students.The District shall encourage and cooperate with the Proposer to promote and attract students, staff, guests and faculty to enjoy and fully utilize the facilities.

5. Agreement Period. It is intent of the District that the Joint Occupancy Agreement will have an initial term of five (5) years, with the option of renewal by mutually agreement.

6. Building Standards. All school facilities, as a minimum, must be designed to comply with the building standards of the California Division of State Architect ("DSA") and all local health and safety rules and regulations. School facilities must also comply with local building and safety requirements, as applicable.

7. Meeting REP Specifications. The services offered by the Proposer must meet the specifications and conditions as described In this RFP. The District reserves the right to reject any proposal that does not meet the specifications and conditions as herein described.

8. Interpretation of Documents. If any person or organization contemplating submitting a proposal for the services outlined herein Is In doubt as to the true meaning of any part of the RFP documents, or finds discrepancies in, or omissions from the documents, he/she may submit to the District representative below a written request for an interpretation or correction thereof. The person submitting the request will be responsible for its prompt delivery. Any interpretation or correction of the RFP documents will be made only by addendum or amendment duly issued, and a copy of such addendum or amendment will be mailed or delivered to each person receiving a set of the RFP documents and/or posted on the District website. No person is authorized to make any oral Interpretation of any provision in the RFP documents to any proposer, and no Proposer Is authorized to rely on any such unauthorized oral interpretation.

9. Addenda or Amendments to REP. If It Is necessary to issue one or more addenda or amendments to the conditions or specifications of this RFP, the District will email formal addenda or amendments to persons on the Interest List and post such addenda or amendments on its website.

10. Project Requirements. The Proposer shall be responsible for becoming familiar with the District's requirements for the scope of the project, and rely solely upon his or her own independent judgment, and not upon any statements or representations made by the District, whether express or implied. The failure or omission of any Proposer to acquaint himself or herself with the development and operation requirements of the District shall In no way relieve any Proposer from any obligation with respect to this RFP or to the resulting agreement. The submission of a proposal shall be taken as prima facie evidence of compliance with this section.

11. Complete and Accurate Information. All information proposed for development and operation of the facilities must be accurate, complete and valid for the term of the joint occupancy agreement The Proposer is responsible for the accuracy of the proposal submitted, and no allowance will be made for errors that the Proposer later alleges are retroactively applicable. The agreement which the successful Proposer will be required to execute incorporates all specifications, terms, and conditions included In the RFP documents, and all RFP documents should be carefully examined by the Proposer.

12. Expenses. All expenses incurred by the Proposer in preparing its proposal shall be borne solely by the Proposer.

13. Authorization to Do Business or Operate. All Proposers must be authorized to do business or operate in California. If a Proposer is a sole proprietorship or partnership, the Proposer should furnish with the proposal a copy of a current business license issued In California. If the Proposer is a corporation, it must be approved by the California Secretary of State to do business in California. The Proposer should provide the corporate number issued by the Secretary of State with Its proposal .

14. Sanitation and Safety Requirements. The proposer should have appropriate personnel on duty at all times to maintain clean facilities. All designated trash receptacles shall be emptied frequently to avoid overflow and spillage conditions. The equipment, facility, and employee safety practices shall comply with standards of safety and sanitation as mandated by the California Department of Health and OSHA.

15. Personnel

a) The Proposer shall provide a dedicated Administrator and other experienced professional management personnel to sustain and continually enhance the quality of facilities and programs.

b) The District shall retain the right to approve/disapprove the Administrator.

c) The District shall be advised in advance of administrative changes within the Proposer's entity.

d) All employees of the Proposer shall be the Proposer's sole responsibility in terms of salary, benefits, and taxes. In addition, any contractors engaged by the Proposer for its construction, operations or services shall be the sole responsibility of Proposer to ensure that the contractor meets all the requirements identified in the RFP and established by the District.

e) All personnel shall be pre-qualified with a criminal background check pursuant to Education Code sections 44237, 45122.1 and 45125.1 as applicable. Employees found to have a felony or misdemeanor conviction shall not be on the Property without the prior written consent of the District. Contractors on the Property shall not be on the Property unless the requirements of Education Code section 45125.1 are met.

f) The Proposer shall communicate to its employees and employee candidates the District's expectations for professional conduct. While working on the campus, all personnel shall comply with all applicable policies of the District including a smoke-free and drug-free workplace.

g) All personnel should be appropriately attired with a visible nametag with the appropriate photo ID.

16. Lease Rate. The Proposal shall include the lease rate that would be paid by Proposer to the District for use of the Property for the initial term of the Joint Occupancy Agreement, and the proposed lease rate schedule. The District anticipates that such lease rate will be at least $300,000 per year, paid in monthly installments of $25,000 per month.

17. Utilities. During the term of the Joint Occupancy Agreement, the selected Proposer will be required to reimburse the District for the cost of all utilities supplied by the District to the Proposer during the term of the Agreement, including one-half the utilities used in the shared space. This includes electricity, natural gas, water,

sewer, trash, and telephone and Internet service. The Proposer shall pay its own utilities costs on a monthly schedule.

18. Damage Recovery. The successful Proposer shall absorb all costs due to abuses, pilferage, theft, breakage, damage, and/or vandalism of the Property.

19. Inspection. The District reserves the right to inspect the facilities at any time.

20. Safety and Security. It shall be the responsibility of the successful Proposer to observe the rules and regulations pertaining to safety, including safely driving on District grounds, particularly when students are present. The Proposer's drivers shall exercise extreme caution at all times. Drivers entering the District premises when school is not in session shall lock any gate or door to which they have access, both when entering and/ or leaving the grounds. Gate keys may be furnished at the discretion of the District Any unusual condition noted by drivers, such as gates or doors found unlocked or open or evidence of vandalism, should be reported to the District and appropriate authorities.

21. Withdrawal of Proposal. The Proposer may withdraw its proposal at any time before the proposal submission deadline.

22. Proposal Constitutes an Offer. A proposal submitted in accord with instructions constitutes a binding offer, subject to the good faith negotiation and signing of a Joint Occupancy Agreement between the parties.

23. Basis of Award. District staff will review all Proposals submitted and will make recommendations to the District Governing Board regarding which Proposal best meets the needs of the District. Failure to meet the requirements of this RFP may result in the Proposal being rejected as non-responsive. In the event that all of the Proposals do not meet one or more of the requirements, the District reserves the right to continue the evaluation of the Proposals and to select the Proposal which most closely meets the requirements as specified in the RFP.

    To be qualified for selection, the Proposer must demonstrate financial capacity. The Proposer must also be able to provide, to the satisfaction of the District the performance bond and/or irrevocable letter of credit required by Education Code section 17524(b). The Proposer's response must clearly demonstrate the capacity to handle the requirements of this contract.

24. Oral Presentation. The District may elect to require the most responsive Proposers to make oral presentations to clarify their proposals. These presentations may be scheduled and held after receipt and evaluation of the proposals to provide an opportunity for the Proposer to supplement and or clarify the proposal for the evaluation team.

25. Site Visitations. Representatives from the District reserve the right to inspect the Proposer's previously completed projects and/or present operations prior to the award of a proposal.

26. Notification of Intent to Award. All Proposers who respond to the RFP will be notified in writing of the District's intent to award the contract as a result of this RFP. After notification of the intent to award is made, all copies of proposals will be made available for public inspection.

27. Dispute Process. Any dispute of the award process must be made in writing no later than five (5) working days after the award notice Is Issued. Written notices of dispute must be filed with Dr. Gina Potter, Lemon Grove School District, 8025 Lincoln Street, Lemon Grove, CA 92024.

28. Ownership of Improvements. All Improvements made to the Property under the Joint Occupancy Agreement shall become the property of the District upon expiration or termination of the Agreement.

29. Joint Occupancy Agreement Cancellation. The District may cancel the Joint Occupancy Agreement for breach and/or for failure to comply with the terms and conditions of the Agreement, or as otherwise specified In the Agreement. This may include any cessation or diminution of service, a failure to maintain adequate safety, or any substantial change in ownership or operations which in the opinion of the District is not in its best interest.

30. Responsibility for Permits, Licenses, Taxes. The Proposer and or Service Providers shall be financially responsible for obtaining all required permits, licenses, and bonding to comply with pertinent Governing Board regulations, and municipal, county, state and federal laws, and shall assume liability for all applicable taxes including but not restricted to sales and property.

31. Insurance and Indemnification Requirements. a)

Worker's Compensation- statutory limits
b) Employer's Liability- $1 million
c) Commercial General Liability- not less than $1 million d)
Comprehensive Automobile Liability.-$ 1 million

The Proposer shall agree to indemnify and hold harmless Lemon Grove School District, their trustees, officers, employees, and agents, with respect to any loss or damage claimed to have resulted from its performance under the Joint Occupancy Agreement.

32. Acceptance of Proposals. The District reserves the right to reject any or all proposals if it deems such action is in the best interest of the District. The District also reserves the right to waive any and all technicalities and non-substantive defects in any proposal.

33. Default. In the event that an apparently successful Proposer defaults or fails to execute the contract, the District may, at its election, accept the next most responsive proposal, or reject all proposals and solicit new proposals at that time.

EXHIBIT C

Literacy First Charter School

"The tree of knowledge begins with literacy."

February 25, 2013

Lemon Grove School District
8025 Lincoln Street
Lemon Grove CA 91945
Attn: Dr. Gina Potter, Assistant Superintendent of Business

RE: Letter of Intent to Enter into a Joint Occupancy Agreement

Dear Dr. Potter:

On Behalf of Literacy First Charter Schools (LFCS), lam sending this letter to confirm the intention of LFCS to propose terms and conditions in connection with the Lemon Grove School District campus located at 8425 Palm St. Lemon Grove, CA. The proposed terms and conditions of the Joint Occupancy Agreement are as follows:

1. *Parties:*

   Landlord: Lemon Grove School District

   Co-occupier: Literacy First Charter Schools: Liberty Charter High School

2. *Property:* 8425 Palm St. Lemon Grove, CA 91945. LFCS to have exclusive use of 20 classrooms, Office Space, athletic fields, locker rooms and Garden area. LFCS proposes to share use of the auditorium, outdoor quad area, parking lots, bathrooms and field space by mutual agreement.

3. *Base Monthly Rent:* $25,000

4. *Annual Rental Increase:* Fixed 1% effective on each anniversary of the commencement.

5. *Term o(Lease:* Sixty months (5 school years). LFCS is to have an option to renew the co-occupancy agreement at the end of term, in five year increments. Each renewal option is to have a 180-day notice period.

6. *Co-Occupancy Commencement Date:* July 1, 2014.

7. *Maintenance:* The LG District is to pay for repairs and upkeep of the roof, foundation and mechanical/HVAC systems. LFCS is to pay for interior maintenance excluding plumbing repair and damage to interior resulting from exterior failure. LFCS is also responsible for maintaining all landscaping and fields.

8. *Utilities:* Paid proportionate to use by the Lemon Grove School District and Literacy First Charter Schools, co-occupiers.

9. *Proposed Use:* Comprehensive Charter High School, known as Liberty Charter High School which will serve grades 9 through 12. See Appendix A

IO. *Improvements to the Premises:* The Lemon Grove School District shall deliver the premises to LFCS in good working order and condition, including but not limited to all existing mechanical equipment, electrical, plumbing, fire sprinkling systems, and HVAC systems. LFCS will provide general upkeep, and site improvements at its sole cost.

II. *Scope o(Proposed Site Improvements:*

- Construction of a High School regulation baseball field with dugouts
- Improvements in the Auditorium, including installation of an HVAC System, Carpeting, and Sound Booth.
- Conversion of a classroom to a teacher lounge/work room
- Upgrade Technology Infrastructure throughout the campus.
- Construction of a Gymnasium

Jerry Keough, CFO
Literacy First Charter Schools

The parties do not intend this letter to be a contract or to be bound by this letter. It is expressly understood that a contract will not exist unless and until the parties have executed a formal co-occupancy agreement regarding the subject matter of this letter, containing all essential terms and conditions of the lease, and such agreement has been approved by the Board of Directors for each party. The parties acknowledge that this letter of intent does not contain all the essential terms and conditions necessary for a binding agreement, that such essential terms and conditions will be the subject matter of further negotiations.

Appendix A

Liberty Charter High School

Liberty Charter High School is a publicly funded program, dedicated to helping high school students become literate, life-long learners and responsible citizens. LCHS students are a reflection of our community, and at Liberty we help students learn what good character requires. We provide technology and life skills, along with opportunities for community service. Liberty Charter is a comprehensive high school that offers the courses required for entrance to the University of California and the California State University systems.

Parents are an integral part of the LCHS program, both in and out of the classroom. They participate in decision-making, and they have many opportunities to learn along with their students. Our teachers are credentialed professionals with years of experience. They are committed to educational success for all LCHS students. Our teachers are actively involved in decision-making and school governance, and each of them takes part in professional growth activities on a regular basis. They are highly creative and innovative individuals who recognize that parents have a choice in the education of their students. The overriding mission at Liberty Charter High is to develop and maintain strong and rigorous academic programs aligned with Common Core Standards. Paramount to the overall success of Liberty, however, and running parallel to challenging academics, have been leadership, sports, and support for academic success.

Liberty Charter High School will actively recruit a diverse student population from the district in which it is located and the surrounding areas. Admission to the school shall be open to any resident of the State of California. Prospective students may pick up enrollment packets at our campus located at 698 W. Main St in El Cajon. The Lemon Grove School District is invited to coordinate a shadow day with Liberty Charter. This provides an opportunity for interested eighth grade students to spend a school day at Liberty Charter High School.

BOARD MEETING

--'"X"-- Regular

_____ Special

BOARD DATE:

March 12, 2013

MEMORANDUM TO:

California Department of Education

NOTES

LEMON GROVE SCHOOL DISTRICT
Office of the Superintendent

GOVERNING BOARD MEETING

Date: March 19, 2013

EXCERPT OF MINUTES AND/OR ACTION
OF GOVERNING BOARD

On December 11, 2012, Resolution 12-13-12 was adopted, declaring the Board's intention to consider proposals for joint occupancy pursuant to Education Code section 17515 et seq. The District received one proposal from Liberty Charter School in response to this request for proposal. The purpose of this joint occupancy project is to provide both parties with a multiyear agreement that enhances the property through construction projects and benefits both the District and the party accepted to partner in the agreement. The District intends to submit the joint occupancy project to the State Board of Education for approval at their May 8-9, 2013, session. It was moved by Dexter, seconded by Shaw, and carried unanimously to accept the proposal from Liberty Charter School for the joint occupancy project at the Palm Middle School site, authorize the Superintendent to submit the joint occupancy project for State Board of Education approval, and begin preparing the joint occupancy agreement consistent with the proposal.

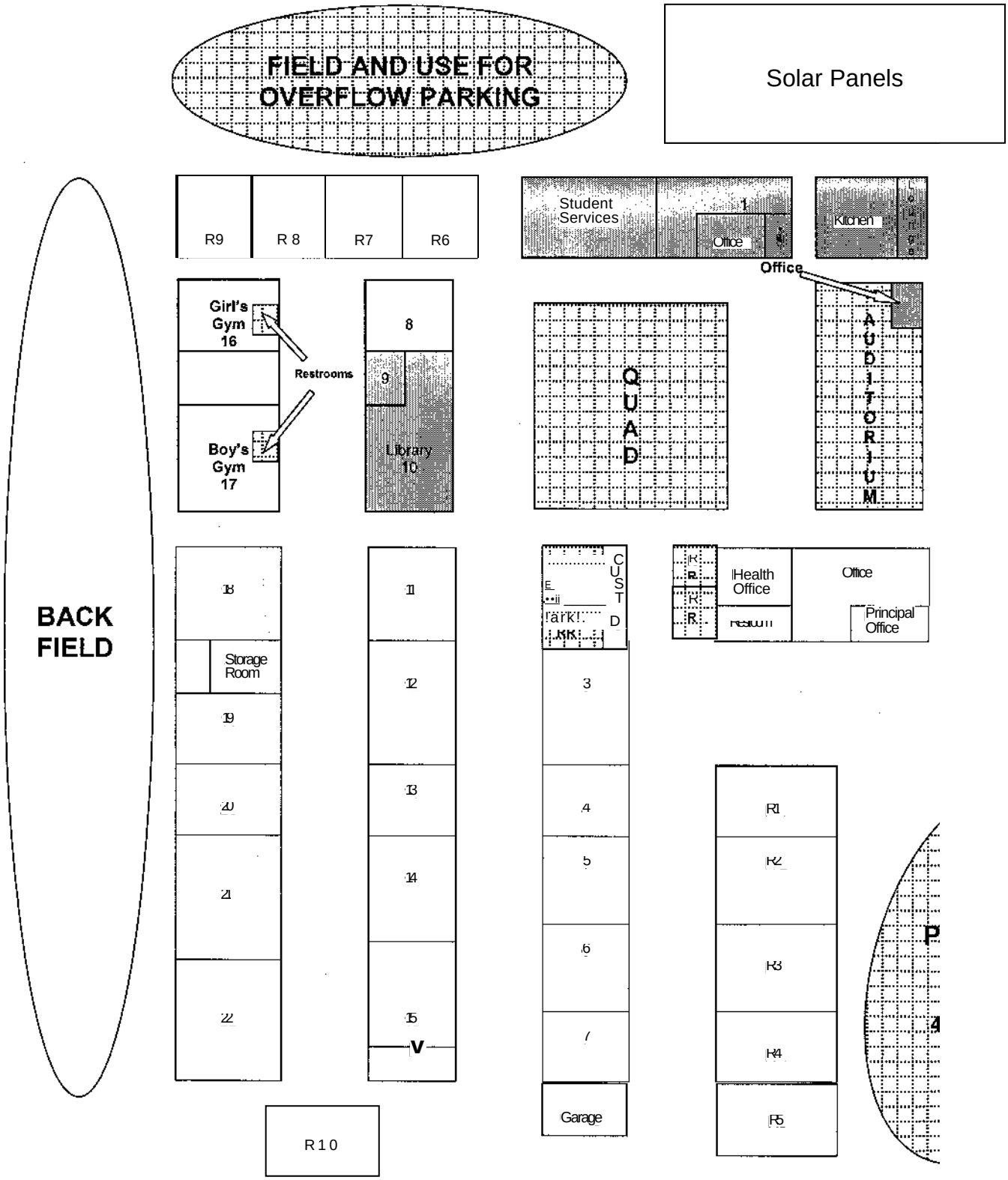
Judy Queenan

Judy Queenan
Administrative Assistant
to the Superintendent

Palm Middle School

8425 Palm St • Lemon Grove, CA • 91945 **Joint Occupancy RFP Dec**

KEY:



NOT TO SCALE RR =

California State Board of Education

Meeting Agenda Items for July 10-11, 2013

ITEM 32

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2013 AGENDA

SUBJECT	
Pupil Fees and Discrimination Complaints – Approve Commencement of a 15-Day Public Comment Period for Proposed Amendments to *California Code of Regulations,* Title 5 sections 4600-4650.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

Assembly Bill 1575 (Chapter 776, Statutes of 2012) was signed by the Governor on September 29, 2012 and became effective on January 1, 2013. Existing constitutional law requires the Legislature to provide for a system of common schools by which a free school is required to be maintained and supported in each district. California *Education Code (EC),* sections 49010-49013 (AB 1575), reinforce existing law which prohibits all public schools, including but not limited to a charter school or alternative school, from requiring a pupil to pay a fee, deposit or other charge not specifically authorized by law, for participation in an educational activity and sets forth the responsibilities of the local educational agencies (LEAs) and the California Department of Education (CDE) in resolving complaints of noncompliance utilizing the Uniform Complaints Procedures (UCP) process.

The California *Education Code*, as amended by AB 1575, provides that a complaint of noncompliance regarding pupil fees may be filed with the principal of a school pursuant to the LEA's UCP and a complainant not satisfied with the LEA's decision may appeal to the CDE. In addition, AB 1575 requires that the State Board of Education (SBE) adopt regulations to establish procedures relating to reimbursement remedies for meritorious complaints.

Assembly Bill 9 (AB 9 (2011-2012 Reg. Sess.) ch. 723) became effective on July 1, 2012. It amended the existing Safe Place to Learn Act, *EC* sections 234 et seq., to add anti-intimidation and anti-bullying provisions.

These regulations are necessary in order to conform existing UCP regulations, *California Code of Regulations*, Title 5 (*5 CCR*), Section 4600 et seq., to the new *Education Code* provisions by incorporating appropriate references to pupil fee complaints and complaints of discrimination, harassment, intimidation and bullying.

RECOMMENDATION

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

- Approve the proposed changes to the proposed regulations;
- Direct that the proposed changes be circulated for a 15-day public comment period in accordance with the Administrative Procedure Act;
- If no relevant comments to the proposed changes are received during the 15-day public comment period, the proposed regulations with changes are deemed adopted, and the CDE is directed to complete the rulemaking package and resubmit it to the Office of Administrative Law (OAL) for approval;
- If any relevant comments to the proposed changes are received during the 15-day public comment period, the CDE is directed to place the proposed regulations on the SBE's September 2013 agenda for action; and
- Authorize the CDE to take any necessary ministerial action to respond to any direction or concern expressed by the OAL during its review of the rulemaking file.

BRIEF HISTORY OF KEY ISSUES

Article IX, Section 5 of the *California Constitution* requires the Legislature to provide for a system of common schools by which a free school is required to be kept up and supported in each district. In *Hartzell v. Connell* (1984) 35 Cal. 3d 899, it was reaffirmed that educational activities must be provided free of charge to all pupils without regard to their families' ability or willingness to pay fees or request special waivers. Schools may, however, charge fees specifically authorized by law.

Prior to the passage of AB 1575, disputes regarding the imposition of fees and whether they were impermissible fees were resolved at the LEA level and not through the UCP process. If complainants were dissatisfied with the results of the LEA decisions, they were within their rights to pursue civil law remedies. AB 1575 adds Article 5.5 (commencing with Section 49010) to Chapter 6 of Part 27 of Division 4 of Title 2 of the *Education Code*, and amends Section 905 of the *Government Code*, relating to pupil fees and the utilization of the UCP.

The UCP process, *5 CCR* 4610(c), currently includes provisions relating to complaints alleging unlawful discrimination against certain protected groups. In 2012, *EC* Section 234.1 was amended to add anti-intimidation and anti-bullying provisions.

The proposed regulations are necessary to incorporate, clarify, and make specific the provisions of *EC* sections 49010-49013 regarding the criteria, process, and timelines for

resolving pupil fees complaints and appeals utilizing the UCP, including reimbursement procedures and the requirements imposed upon LEAs and the CDE.

The proposed regulations are necessary to incorporate, clarify, and make specific the provisions of *EC* Section 234.1 regarding complaints of discrimination, harassment, intimidation and bullying against certain protected groups.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In November 2004, the SBE released for public comment, revised regulations for the uniform complaint procedures. The revision updated the regulations to be consistent with federal code of regulations adopted after the enactment of the uniform complaint procedures in 1991, to update terminology, and the specific groups that receive civil rights protections in discrimination complaints according to federal and state law; and to more accurately reflect the complaint process at the local level and the appeal process at the state level. Additionally, the settlement in the Williams Case (September 2004) resulted in new *Education Code* sections that necessitated revisions to the UCP regulations. These regulations became effective in December 29, 2005.

At its March 2013 meeting, the SBE approved the commencement of the rulemaking process for the adoption of these regulations. The public comment period began on March 30, 2013 and ended on May 14, 2013. Five comments were received during the public comment period and no presenters appeared at the public hearing held on May 14, 2013. The CDE received substantive public comments and are proposing changes to the regulations.

Summaries of the comments received, along with the CDE's responses to those comments, appear in Attachment 2. Comments were received as to both the pupil fee provisions and the anti-intimidation and anti-bullying provisions. Proposed changes, and the reasons for those changes, are described in Attachment 1. Attachment 3 shows the existing regulations and proposed changes to the regulations that will appear if these proposed regulations are adopted.

FISCAL ANALYSIS (AS APPROPRIATE)

Fiscal Impact is provided as Attachment 4.

ATTACHMENT(S)

Attachment 1: 15-Day Notice of Modifications (2 Pages)

Attachment 2: *California Code of Regulations,* Title 5, Section 1216.1 (15 Pages)

Attachment 3: Final Statement of Reasons (10 Pages)

Attachment 4: Economic and Fiscal Impact Statement (4 Pages)

CALIFORNIA DEPARTMENT OF EDUCATION
TOM TORLAKSON, State Superintendent of Public Instruction
916-319-0800

CALIFORNIA STATE BOARD OF EDUCATION
MICHAEL W. KIRST, President
916-319-0827

1430 N Street Sacramento, CA 95814-5901

July 12, 2013

15-DAY NOTICE OF MODIFICATIONS TO TEXT OF PROPOSED REGULATIONS REGARDING PUPIL FEES AND DISCRIMINATION COMPLAINTS

Pursuant to the requirements of Government Code section 11346.8(c), and California Code of Regulations, title 1, section 44, the State Board of Education (SBE) is providing notice of changes made to the above-referenced proposed regulation text which was the subject of a regulatory hearing on May 14, 2013.

Changes to the text:

After the 45-day comment period, the following changes have been made:

General changes were made to the regulations to include grammatical edits and renumbering/relettering to reflect deletions or additions.

Education Code section 234.1 is added to the “Notes” section under references to sections 4600, 4620, 4621, 4622, and 4630 as it relates to the process of receiving and investigating complaints of discrimination, harassment, intimidation, and bullying.

The reference to Government Code section 911.2 is deleted from the Notes section relating to section 4630 because, as explained in the Final Statement of Reasons, it does not provide specific authority for section 4630(c)(2).

SECTION 4600(u) is amended to add to the definition of reasonable reimbursement efforts the limitation, referenced in proposed section 4630(c)(2), that the school need not address pupil fees paid more than one year prior to the filing of the complaint.

SECTIONS 4620 and 4621(a) are added to rulemaking in order to amend each section to add the words “harassment, intimidation, and bullying” after the word “discrimination.” This is necessary to make the regulation more illustrative and consistent with the language specified in Education Code section 234.1.

SECTION 4622 is amended to include the requirement in Education Code section 49013(e) that the local educational agency’s annual notification to students, parents and employers include information regarding the requirements of Education Code sections 49010 through 49013 relating to pupil fees. This is necessary to ensure that LEAs make the statutorily-required notification. This section is also amended to add the words “harassment, intimidation, and bullying” after the word “discrimination” to make the

regulation more illustrative and consistent with the language specified in Education Code section 234.1. Education Code section 49013 was added to the Authority cited of the Notes section.

SECTION 4631(e)(5) is amended to add that the remedy must comport not only with Education Code section 49013(d) generally but also Section 4600(u) specifically. Although Education Code section 49013(d) already states that the reimbursement remedy is subject to procedures established through regulations adopted by the state board, inclusion of the specific reference to section 4600(u) is necessary to ensure LEAs' complete understanding of the required remedy.

SECTION 4633(i)(3) is amended to add that the remedy must specify the local educational agency's obligation to comply not only with Education Code section 49013(d) generally but also section 4600(u) specifically. Although Education Code section 49013(d) already states that the reimbursement remedy is subject to procedures established through regulations adopted by the state board, inclusion of the specific reference to section 4600(u) is necessary to ensure LEAs' complete understanding of the required remedy.

SECTION 4633(j) is amended to include the requirement in Education Code section 49013(c) that the complainant receive a written decision within 60 days of the CDE's receipt of the appeal. This is necessary is ensure that not only does the CDE issue a decision within 60 days of the CDE's receipt of the appeal, but also that (1) the decision is written and (2) the appellant receives a copy of the decision.

COMMENTS

If you have any comments regarding the proposed changes that are the topic of this 15-Day Notice, the SBE will accept written comments between July 13, 2013, and July 29, 2013, inclusive. All written comments must be submitted to the Regulations Coordinator via facsimile at 916-319-0155; e-mail at regcomments@cde.ca.gov or mailed and received at the following address by close of business at 5:00 p.m. on July 29, 2013, and addressed to:

Debra Thacker, Regulations Coordinator
Legal, Audits and Compliance Branch
Administrative Support and Regulations Adoption Unit
California Department of Education
1430 N Street, Suite 5319
Sacramento, CA 95814

All written comments received by 5:00 p.m. on July 29, 2013, which pertain to the indicated changes will be reviewed and responded to by California Department of Education (CDE) staff as part of the compilation of the rulemaking file. Written comments received by the CDE staff during the public comment period are subject to viewing under the Public Records Act. Please limit your comments to the 15-day modifications to the text.

- The State Board of Education has illustrated changes to the original text in the following manner: text originally proposed to be added is underlined; text proposed to be deleted is displayed in ~~strikeout~~.
- The 15-day text proposed to be added is in "**bold underline**", deleted text is displayed in "**~~bold strikeout~~**".

Title 5. EDUCATION

Division 1. California Department of Education

Chapter 5.1. Uniform Complaint Procedures

Subchapter 1. Complaint Procedures

Article 1. Definitions

§ 4600. General Definitions.

As used in this chapter, the term:

(a) "Appeal" means a request made in writing to a level higher than the original reviewing level by an aggrieved party requesting reconsideration or a reinvestigation of the lower adjudicating body's decision.

(b) "Beginning of the year or semester" means the first day classes necessary to serve all the students enrolled are established with a single designated certificated employee assigned for the duration of the class, but not later than 20 working days after the first day students attend classes for that semester.

(c)~~(h)~~ "CDE ~~Department~~" means the California Department of Education.

(d)~~(c)~~ "Complainant" means any individual, including a person's duly authorized representative or an interested third party, public agency, or organization who files a written complaint alleging violation of federal or state laws or regulations, including allegations of unlawful discrimination, harassment, intimidation or bullying in programs and activities funded directly by the state or receiving any financial assistance from the state.

(e)~~(d)~~ "Complaint" means a written and signed statement alleging a violation of federal or state laws or regulations, which may include an allegation of unlawful discrimination, harassment, intimidation or bullying. If the complainant is unable to put the complaint in writing, due to conditions such as a disability or illiteracy, the public agency shall assist the complainant in the filing of the complaint.

(f)~~(e)~~ “Complaint investigation” means an administrative process used by the California Department of Education (CDE) or local educational agency (LEA) for the purpose of gathering data regarding the complaint.

(g)~~(f)~~ “Complaint procedure” means an internal process used by the CDE ~~Department~~ or LEA ~~local educational agency~~ to process and resolve complaints.

(h)~~(g)~~ “Days” means calendar days unless designated otherwise.

(i) “Direct state intervention” means the steps taken by the CDE ~~Department~~ to initially investigate complaints or effect compliance.

(j) “Educational activity” shall have the same definition as found in Education Code section 49010(a).

(k)~~(j)~~ “Educational institution” means a public or private preschool, elementary, or secondary school or institution, the governing board of a school district, or any combination of school districts or counties recognized as the administrative agency for public elementary or secondary schools.

(l)~~(k)~~ “Facilities that pose an emergency or urgent threat to the health or safety of pupils or staff” means a condition as defined in Education Code section 17592.72(c)(1) ~~paragraph (1) of subdivision (c) of section 17592.72~~ and any other emergency conditions the school district determines appropriate.

(m)~~(l)~~ “Good repair” shall have the same definition as that found in Education Code section 17002(d).

(n)~~(m)~~ “Instructional materials” means all materials that are designed for use by pupils and their teachers as a learning resource and help pupils to acquire facts, skills, or opinions or to develop cognitive processes. Instructional materials may be printed or nonprinted, and may include textbooks, technology-based materials, other educational materials, and tests.

(o)~~(n)~~ “Local agency” means a school district governing board or a local public or private agency which receives direct or indirect funding or any other financial assistance from the state to provide any school programs or activities or special education or related services.

(p)~~(o)~~ “Local educational agency” (LEA) includes any public school district and county office of education or direct-funded charter school.

(q)~~(p)~~ “Mediation” means a problem solving activity whereby a third party assists the parties to the dispute in resolving the complaint.

(r)~~(q)~~ “Misassignment” means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.

(s)~~(r)~~ “Public agency” means any local agency or state agency.

(t) “Pupil fee” shall have the same definition as found in Education Code section 49010(b).

(u) “Reasonable efforts” means a public school’s good faith attempts to identify and fully reimburse all pupils, parents and guardians who paid a pupil fee **within one year prior to the filing of the complaint**.

(1) Reasonable efforts to identify pupils who paid a pupil fee include but are not limited to researching existing school records, contacting pupils who were enrolled in or participating in the educational activity during the time the pupil fee was charged, and considering submissions of proof of payment of the pupil fee.

(2) Reasonable efforts to fully reimburse all pupils, parents and guardians who paid a pupil fee include but are not limited to crediting the pupil’s school financial account and sending reimbursement by first class mail to the pupil’s last known primary address as contained in school or local educational agency records. If the school has knowledge that a pupil’s last known address as contained in school or local educational agency records is no longer valid, the school may attempt to obtain a more recent address from any notices returned to the school or local educational agency by the United States Postal Service.

(v)~~(w)~~ “SSPI ~~Superintendent~~” means the State Superintendent of Public Instruction or his or her designee.

(w)~~(s)~~ “State agency” means the State Departments ~~of Mental Health~~ State Hospitals or Health Services or any other state administrative unit that is or may be required to

provide special education or related services to children with disabilities pursuant to Government Code section 7570 et seq.

(x)~~(t)~~ “State mediation agreement” means a written, voluntary agreement approved by the CDE ~~Department~~, which is developed by the parties to the dispute, which resolves the allegations of the complaint.

(y)~~(u)~~ “Subject matter competency” means the teacher meets the applicable requirements of Chapter 6, article 1, subchapter 7 of these regulations, commencing with section 6100, for the course being taught.

(z)~~(v)~~ “Sufficient textbooks or instructional materials” means that each pupil, including English learners, has a textbook or instructional materials, or both, to use in class and to take home but does not require two sets of textbooks or instructional materials for each pupil. Sufficient textbooks or instructional materials does not include photocopied sheets from only a portion of a textbook or instructional materials copied to address a shortage.

(aa)~~(x)~~ “Teacher vacancy” means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position of which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

NOTE: Authority cited: Sections 221.1 and 33031, Education Code; and Section 11138, Government Code. Reference: Sections 200, 201, 210.1, 220, 17002(d), **234.1,** 17592.72, 33126(b)(5)(A) and (B), 49010, 49013, and 60010, Education Code; and Sections 11135 and 11138, Government Code.

Article 2. Purpose and Scope

§ 4610. Purpose and Scope.

(a) This Chapter applies to the filing, investigation and resolution of a complaint regarding an alleged violation by a local agency of federal or state law or regulations governing educational programs, including allegations of unlawful discrimination, harassment, intimidation or bullying. The purpose of this chapter is to establish a

uniform system of complaint processing for specified programs or activities that receive state or federal funding.

(b) This chapter applies to the following programs administered by the CDE ~~Department~~:

(1) Adult Education programs established pursuant to Education Code sections 8500 through 8538 and 52500 through 52616.4;

(2) Consolidated Categorical Aid Programs as listed in Education Code section 64000(a);

(3) Migrant Education established pursuant to Education Code sections 54440 through 54445;

(4) Career Technical and Technical Education and Career Technical and Technical Training Programs established pursuant to Education Code sections 52300 through 52480;

(5) Child Care and Development Programs established pursuant to Education Code sections 8200 through 8493;

(6) Child Nutrition Programs established pursuant to Education Code sections 49490 through 49570; and

(7) Special Education Programs established pursuant to Education Code sections 56000 through 56885 and 59000 through 59300.

(c) This chapter also applies to the filing of complaints which allege unlawful discrimination, harassment, intimidation or bullying against any protected group as identified under Education Code section 200 and 220 and Government Code section 11135, including any actual or perceived characteristic as set forth in Penal Code section 422.55, ~~sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability, or age,~~ or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, in any program or activity conducted by a local agency, which is funded directly by, or that receives or benefits from any state financial assistance.

(d) This chapter also applies to the filing of complaints which allege noncompliance with the provisions of Education Code sections 49010 and 49011 regarding pupil fees.

(e)~~(d)~~ Nothing in these regulations shall prevent an LEA ~~local educational agency~~ from using its local uniform complaint procedure to address complaints not listed in this section.

(f)~~(e)~~ The CDE ~~Department~~ will develop a pamphlet for parents that will explain the Uniform Complaint Procedures in a user friendly manner and post this pamphlet on the CDE's ~~Department's~~ Web site.

NOTE: Authority cited: Sections 221.1, 8261, 33031, 49531, 49551, 54445, 52355, 52451, and 56100(a) and (j), Education Code; and Section 11138, Government Code. Reference: Sections 200, 220, 260, 234.1, 49013, and 49556, Education Code; Sections 11135 and 11138, Government Code; and 34 C.F.R. Sections 106.1-106.8 and 299.10-299.11.

Article 3. Local Educational Agency Compliance

§ 4620. Local Educational Agency Responsibilities.

Each local educational agency shall have the primary responsibility to insure compliance with applicable state and federal laws and regulations. Each local educational agency shall investigate complaints alleging failure to comply with applicable state and federal laws and regulations and/or alleging discrimination, **harassment, intimidation or bullying** and seek to resolve those complaints in accordance with the procedures set out in this chapter and in accordance with the policies and procedures of the governing board.

Note: Authority cited: Sections 221.1 and 33031, Education Code; and Section 11138, Government Code. Reference: Section 200, 220, **234.1,** and 260, Education Code; Section 11135, Government Code; and 34 CFR 106.8.

§ 4621. District Policies and Procedures.

(a) Each local educational agency shall adopt policies and procedures not inconsistent with sections 4600-4695 of this chapter for the investigation and resolution

of complaints. Local policies shall ensure that complainants are protected from retaliation and that the identity of a complainant alleging discrimination**, harassment, intimidation or bullying** remain confidential as appropriate. School Districts and County Offices of Education shall submit their policies and procedures to the local governing board for adoption.

. . .

Note: Authority cited: Sections 221.1 and 33031, Education Code; and Section 11138, Government Code. Reference: Sections 200, 220, **234.1,** and 260, Education Code; Section 11135, Government Code; and 34 CFR 106.8 and 299.10-299.11.

§ 4622. Notice.

Each **LEA** ~~**local educational agency**~~ shall annually notify in writing, as applicable, its students, employees, parents or guardians of its students, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties of their **LEA** ~~**local educational agency**~~ complaint procedures, including the opportunity to appeal to the **CDE** ~~**Department**~~ and the provisions of this chapter. The notice shall include the identity (identities) of the person(s) responsible for processing complaints. The notice shall also advise the recipient of any civil law remedies that may be available under state or federal discrimination**, harassment, intimidation or bullying** laws, if applicable, and of the appeal pursuant to Education Code section 262.3. **The notice shall also include information regarding the requirements of Education Code sections 49010 through 49013 relating to pupil fees.** This notice shall be in English, and when necessary, in the primary language, pursuant to **Education Code** section 48985 ~~**of the Education Code**~~, or mode of communication of the recipient of the notice. Copies of **LEA** ~~**local educational agency**~~ complaint procedures shall be available free of charge.

Note: Authority cited: Sections 200, 220, 221.1, 262.3**,** ~~**and**~~ 33031 **and 49013**, Education Code; and Section 11138, Government Code. Reference: Sections 200 ~~**and**~~ 220, **and 234.1,** Education Code; Sections 11135 and 11138, Government Code; and 34 CFR 106.8 and 299.11.

Article 4. Local Complaint Procedures

§ 4630. Filing a Local Complaint; Procedures, Time Lines.

(a) Except for complaints under sections 4680-4687 regarding instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of pupils or staff, and teacher vacancies or misassignments, and complaints that allege discrimination, harassment, intimidation or bullying and complaints regarding pupil fees, any individual, public agency or organization may file a written complaint with the district superintendent or his or her designee alleging a matter which, if true, would constitute a violation by that LEA ~~local educational agency~~ of federal or state law or regulation governing a program listed in section 4610(b) of this chapter.

(b) An investigation of alleged unlawful discrimination, harassment, intimidation or bullying shall be initiated by filing a complaint not later than six months from the date the alleged discrimination, harassment, intimidation or bullying occurred, or the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying unless the time for filing is extended by the district superintendent or his or her designee, upon written request by the complainant setting forth the reasons for the extension. Such extension by the district superintendent or his or her designee shall be made in writing. The period for filing may be extended by the district superintendent or his or her designee for good cause for a period not to exceed 90 days following the expiration of the six month time period. The district superintendent shall respond immediately upon a receipt of a request for extension.

(1) The complaint shall be filed by one who alleges that he or she has personally suffered unlawful discrimination, harassment, intimidation or bullying, or by one who believes an individual or any specific class of individuals has been subjected to discrimination, harassment, intimidation or bullying prohibited by this part.

(2) The complaint shall be filed with the LEA ~~local educational agency~~ in accordance with the complaint procedures of the LEA ~~local educational agency~~.

(3) An investigation of a discrimination, harassment, intimidation or bullying complaint shall be conducted in a manner that protects confidentiality of the parties and

maintains the integrity of the process.

(c)(1) Pupil fee complaints may be filed with the principal of the school.

(2) Pupil fee complaints shall be filed not later than one year from the date the alleged violation occurred.

(3) Pupil fee complaints may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with Education Code sections 49010 and 49011 regarding pupil fees.

NOTE: Authority cited: Sections 221.1 and 33031, Education Code; and Section 11138, Government Code. Reference: Sections 200, ~~and~~ 220, **234.1,** and 49013, Education Code; Sections ~~**911.2,**~~ 11135, 11136, and 11138, Government Code; and 34 C.F.R. Section 106.8.

§ 4631. Responsibilities of the LEA ~~Local Educational Agency~~.

(a) Except for complaints regarding instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of pupils or staff, and teacher vacancies or misassignments, which must be processed in accordance with sections 4680-4687, within 60 days from the date of the receipt of the complaint, the LEA ~~local educational agency~~ person responsible for the investigation of the complaints or his or her designee shall conduct and complete an investigation of the complaint in accordance with the local procedures adopted pursuant to section 4621 and prepare a written LEA ~~Local Educational Agency~~ Decision. This time period may be extended by written agreement of the complainant.

(b) The investigation shall include an opportunity for the complainant, or the complainant's representative, or both, to present the complaint(s) and evidence or information leading to evidence to support the allegations of non-compliance with state and federal laws and/or regulations.

(c) Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation,

may result in the dismissal of the complaint because of a lack of evidence to support the allegations.

(d) Refusal by the LEA ~~local agency~~ to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.

(e) The LEA ~~local educational agency~~ should issue a Decision (the Decision) based on the evidence. The Decision shall be in writing and sent to the complainant within 60 days from receipt of the complaint by the LEA ~~local educational agency~~. The Decision should contain:

(1) the findings of fact based on the evidence gathered,

(2) conclusion of law,

(3) disposition of the complaint,

(4) the rationale for such disposition,

(5) corrective actions, if ~~any~~ they are warranted, including, with respect to a pupil fee~~s~~ complaint, a remedy that comports with Education Code section 49013(d) **and section 4600(u)**.

(6) notice of the complainant's right to appeal the LEA ~~local educational agency~~ Decision to the CDE ~~Department~~, and

(7) procedures to be followed for initiating an appeal to the CDE ~~Department~~.

(f) Nothing in this chapter shall prohibit the parties from utilizing alternative methods to resolve the allegations in the complaint, including, but not limited to, mediation.

(g) Nothing in this chapter shall prohibit an LEA ~~local educational agency~~ from resolving complaints prior to the formal filing of a written complaint.

NOTE: Authority cited: Sections 221.1 and 33031, Education Code; and Section 11138, Government Code. Reference: Sections 200, ~~and~~ 220, and 49013, Education Code; Sections 11135, 11136, and 11138, Government Code; and 34 C.F.R. Section 106.8.

Article 4.5. Appeal of LEA ~~Local Educational Agency~~ Decision

§ 4633. Appeal of LEA ~~Local Educational Agency~~ Decision.

(a) If the Decision is appealed, the CDE ~~Department~~ shall notify the LEA ~~local educational agency~~ of the appeal. Upon notification by the CDE ~~Department~~ that the Decision has been appealed, the LEA ~~local educational agency~~ shall forward the following to the CDE ~~Department~~:

(1) A copy of the original complaint;

(2) A copy of the Decision;

(3) A summary of the nature and extent of the investigation conducted by the LEA ~~local educational agency~~, if not covered in the Decision;

(4) A copy of the investigation file, including but not limited to, all notes, interviews and documents submitted by the parties or gathered by the investigator;

(5) A report of any action taken to resolve the complaint;

(6) A copy of the LEA ~~local educational agency~~ complaint procedures; and

(7) Such other relevant information as the CDE ~~Department~~ may request.

(b) The CDE ~~Department~~ shall not receive evidence from the parties that could have been presented to the LEA ~~local educational agency~~ investigator during the investigation, unless requested by the CDE ~~Department~~. Any confidential information or pupil information in the investigative file shall remain confidential and shall not be disclosed by the CDE ~~Department~~.

(c) The CDE ~~Department~~ may contact the parties for further information, if necessary.

(d) The CDE ~~Department~~ shall review the investigation file, the summary of the nature and extent of the investigation conducted by the LEA ~~local educational agency~~, the complaint procedures, documents and any other evidence received from the LEA ~~local educational agency~~ and determine whether substantial evidence exists:

(1) That the LEA ~~local educational agency~~ followed its complaint procedures; and

(2) That the relevant findings of fact in the Decision which are the subject of the appeal are supported by the evidence.

(e) The CDE ~~Department~~ shall review the conclusions of law which are the subject of the appeal and determine whether they are correct.

(f) If the CDE ~~Department~~ determines that the Decision is deficient because it lacks findings of fact and conclusions of law regarding the subject of the appeal, the CDE ~~Department~~ may return the Decision to the LEA ~~local educational agency~~ in order to correct the deficiencies within 20 days of the return.

(g) If the CDE ~~Department~~ finds that the Decision is supported by substantial evidence, and that the legal conclusions are not contrary to law, the appeal shall be denied.

(h) If the CDE ~~Department~~ finds the grounds for the appeal have merit:

(1) The CDE ~~Department~~ may, if there is a lack of substantial evidence or a procedural defect in the investigation, remand the investigation to the LEA ~~local educational agency~~ for further investigation of the allegations which are the subject of the appeal; or

(2) The CDE ~~Department~~ may issue a decision based on the evidence in the investigation file received from the LEA ~~local educational agency~~; or

(3) If the CDE ~~Department~~ determines that it is in the best interest of the parties, conduct a further investigation of the allegations which are the basis for the appeal and issue a decision following further investigation.

(i) If the CDE ~~Department~~ finds merit in the appeal, the CDE's ~~Department's~~ decision on appeal shall contain the following:

(1) A finding that the LEA ~~local educational agency~~ complied or did not comply with its complaint procedures;

(2) The CDE's ~~Department's~~ findings of fact and conclusions of law regarding the issue on appeal; and

(3) Where a determination is made that the LEA ~~local educational agency~~ failed to comply with the applicable state or federal law or regulation, remedial orders and/or required actions to address the violation(s), including, with respect to a pupil fee~~s~~ complaint, a remedy that specifies the LEA's obligation to comply with Education Code section 49013(d) **and section 4600(u)**.

(j) The CDE must issue a **written** decision regarding an appeal of a pupil fee~~s~~ complaint **and provide a copy of the written decision to the appellant** within 60 days of the CDE's receipt of the appeal.

NOTE: Authority cited: Sections 221.1 and 33031, Education Code; and Section 11138, Government Code. Reference: Sections 200, ~~and~~ 220, and 49013, Education Code; Sections 11135, 11136 and 11138, Government Code; 34 C.F.R. Sections 106.8~~;~~ and ~~34 CFR~~ 299.10(a)(2).

Article 6. Direct State Intervention

§ 4650. Basis of Direct State Intervention.

(a) Except for complaints under sections 4680, 4681, 4682 and 4683 regarding instructional materials, teacher vacancies or misassignments, and condition of a facility, the CDE ~~Department~~ shall directly intervene without waiting for LEA ~~local educational agency~~ investigation if one or more of the following situations exist:

(1) The complaint includes an allegation, and the CDE ~~Department~~ verifies, that an LEA ~~local educational agency~~ failed to comply with the complaint procedures required by this Chapter and its local rules and regulations, including, but not limited to, the failure or refusal of the LEA ~~local educational agency~~ to cooperate with the investigation;

(2) The complaint relates to an agency that is not an LEA ~~local educational agency~~ funded through the Child Development or Child Nutrition Programs;

(3) The complainant requests anonymity because he or she would be in danger of retaliation and would suffer immediate and irreparable harm if he or she filed a complaint with the LEA ~~local educational agency~~ (except for complaints regarding pupil fees, which may be filed anonymously with the principal of a public school);

(4) The complainant alleges that the LEA ~~local educational agency~~ failed or refused to implement the final decision resulting from its local investigation or local mediation agreement;

(5) The complainant alleges and the CDE ~~Department~~ verifies that through no fault of the complainant, no action has been taken by the LEA ~~local educational agency~~

within 60 calendar days of the date the complaint was filed. Prior to direct intervention, the CDE ~~Department~~ shall attempt to work with the LEA ~~local educational agency~~ to allow it to complete the investigation and issue a Decision.

(6) The complainant alleges and the CDE ~~Department~~ verifies that he or she would suffer immediate and irreparable harm as a result of an application of a district-wide policy that is in conflict with state or federal law covered by this Chapter, and that filing a complaint with the LEA ~~local educational agency~~ would be futile.

(7) For complaints relating to special education, any one of the following shall be a condition for direct state intervention:

(A) The complainant alleges that a public agency, other than an LEA ~~local educational agency~~, as specified in Government Code section 7570 et seq., fails or refuses to comply with an applicable law or regulation relating to the provision of free appropriate public education to individuals with disabilities;

(B) The complainant alleges that the LEA ~~local educational agency~~ or public agency fails or refuses to comply with the due process procedures established pursuant to federal and state law and regulation; or has failed or refused to implement a due process hearing order;

(C) The complainant alleges facts that indicate that the child or group of children may be in immediate physical danger or that the health, safety or welfare of a child or group of children is threatened.

(D) The complainant alleges that an individual with a disability is not receiving the special education or related services specified in his or her individualized educational program (IEP).

(E) The complaint involves a violation of federal law governing special education, 20 U.S.C. section 1400 et seq., or its implementing regulations.

(b) The complaint shall identify the basis, as described in subdivision (a) above, for filing the complaint directly to the CDE ~~Department~~. The complainant must present the CDE ~~Department~~ with clear and verifiable evidence that supports the basis for the direct filing, except as in subdivision (a)(7).

NOTE: Authority cited: Section 221.1 and 33031, Education Code; and Section 11138, Government Code. Reference: Sections 200, ~~and~~ 220, and 49013, Education Code; Sections 11135, 11136, and 11138, Government Code; 34 C.F.R. Sections 106.8~~;~~ and ~~34 CFR~~ 299.10(a)(2).

5-29-13 [California Department of Education]

FINAL STATEMENT OF REASONS
Pupil Fees and Discrimination Complaints

UPDATE OF INITIAL STATEMENT OF REASONS

The original proposed text was made available for public comment for at least 45 days from March 30, 2013, through May 14, 2013, and 5 individuals responded with comments.

A public hearing was held at 1:30 p.m. on May 14, 2012, at the California Department of Education, and 0 individuals responded with comments.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE INITIAL NOTICE PERIOD OF MARCH 30, 2013 THROUGH MAY 14, 2013.

MYRANDA S. MARSH, EXECUTIVE DIRECTOR/PRINCIPAL, JAMES JORDAN MIDDLE SCHOOL, *4/5/13*

Comment: The commenter requested an “interpretation of the recent case law” that would permit schools to issue a required materials list so long as they offer to provide free materials upon parent request.

Reject: The comment does not address the proposed regulations. The regulations do not provide interpretations of recent case law. Education Code section 49011(b)(1) states that all materials needed to participate in educational activities shall be provided to pupils free of charge.

SALLY SMITH, ATTORNEY, 4/14/13 3:55 PM and 3:58 p.m.

Comment: The commenter requested that proposed new section 4600(u) be amended to state that reasonable efforts must be made to reimburse all pupils who paid a pupil fee to a school-affiliated group such as a booster club, foundation or parent-teacher association.

Reject: Education Code section 49010 states that pupil fees relate to educational activities, which are activities offered by “schools, school districts, charter schools or county offices of education.” In Assembly Bill 165, the predecessor bill to Assembly Bill 1575, the legislature considered and rejected, on May 27, 2011, adding the phrase “other entities working under the supervision of, or in coordination with” schools, school districts, charter schools and county offices of education. The commenter’s request exceeds the authority of the statute.

SALLY SMITH, ATTORNEY*, 4/24/13 8:58 AM*

Comment: The commenter requested that the definition of community service classes contained in Education Code section 51810 be clarified to distinguish such classes from the educational activities that must be free.

Reject: Education Code section 49010 provides definitions of "pupil fee" and "educational activity." The request to amend Education section 51810 relating to community service classes exceeds the CDE's authority with respect to these regulations.

SALLY SMITH, ATTORNEY, 5/3/13 10:58 AM

Comment: The commenter requested that the regulations be amended to state that school districts may not charge pupil fees without publishing them and adopting them at school board meetings.

Reject: The statute that provides the authority for these regulations does not address this issue.

BROOKS ALLEN, AMERICAN CIVIL LIBERTIES UNION OF SOUTHERN CALIFORNIA, 5/7/2013 11:07 am

Comment: The commenter requested that section 4622 be amended to state: "The notice shall also advise the recipient of the prohibition on pupil fees for participation in educational activities as set forth in section 49011 of the Education Code, including the requirements that apply to this prohibition that are set forth in section 49011(b) of the Education Code, the requirements set forth in subdivisions (c)-(e) of section 49011 of the Education Code, and the definitions of "educational activity" and "pupil fee" in section 49010 of the Education Code."

Partially accept, partially reject: Education Code section 49013(e) states that "Information regarding the requirements of this article shall be included in the annual notification distributed to pupils, parents and guardians, employees, and other interested persons pursuant to Section 4622 of Title 5 of the California Code of Regulations." Accordingly, Section 4622 will be amended to state "The notice shall also include information regarding the requirements of Education Code sections 49010 through 49013 relating to pupil fees."

Comment: The commenter requested that section 4633(j) be amended to state "The CDE must issue a <u>written</u> decision regarding an appeal of a pupil fees complaint <u>and provide a copy of the written decision to the appellant</u> within 60 days of the CDE's receipt of the appeal."

Accept: Education Code section 49013(c) states that the complainant shall receive a written appeal decision within 60 days of the CDE's receipt of the appeal. Accordingly, section 4633(j) will be amended to state: "The CDE must issue a written decision regarding an appeal of a pupil fees complaint and provide a copy of the written decision to the appellant within 60 days of the CDE's receipt of the appeal."

Comment: The commenter requested that sections 4631(e)(5) and 4633(i)(3) be amended to incorporate the definition of "reasonable efforts" in proposed Section 4600(u).

Accept: Education Code section 49013(d) references reasonable efforts towards reimbursement "subject to procedures established through regulations adopted by the state Board." Although the regulations are already incorporated by the reference to Education Code section 49013(d) in proposed section 4631(e)(5), for completeness' sake that proposed regulation will be amended to state: "corrective actions, if they are warranted, including, with respect to a pupil fees complaint, a remedy that comports with Education Code section 49013(d) <u>and section 4600(u)."</u> Similarly, although the regulations are already incorporated by the reference to Education Code section 49013(d) in proposed section 4633(i)(3), for completeness' sake that proposed regulation will be amended to state: "Where a determination is made that the LEA failed to comply with the applicable state or federal law or regulation, remedial orders and/or required actions to address the violation(s), including, with respect to a pupil fees complaint, a remedy that specifies the LEA's obligation to comply with Education Code section 49013(d) <u>and Section 4600(u)."</u>

SLOAN SIMMONS, LOZANO SMITH LAW FIRM, 5/14/2013, 7:38 AM

<u>Comment</u>: The commenter requests that section 4630 be amended to require that pupil fee complainants either (1) reside within the school district's boundaries or (2) be the parent of at least one child enrolled in the district's schools.

<u>Reject</u>: The authorizing statute, Education Code section 49013, includes no restrictions as to who may file a pupil fees complaint. Section 4600(c) states that a complainant includes "any individual, including a person's duly authorized representative or an interested third party, public agency, or organization who files a written complaint alleging violation of federal or state laws or regulations . . . " In addition, Education Code section 49013 states that a complaint may be filed anonymously "if it provides evidence or information leading to evidence to support an allegation of noncompliance with the requirements of this article." (Stated alternatively, a complaint may *not* be filed anonymously if it does *not* provide evidence or information leading to evidence to support an allegation of noncompliance with the requirements of Education Code sections 49101-49013.) The commenter's request exceeds the authority of the statute.

<u>Comment</u>: The commenter requests that Section 4630 be amended to provide for a 6-month statute of limitations for pupil fee complaints, rather than a one-year statute of

limitations. The commenter notes that Government Code section 905(o) exempts pupil fee complaints filed pursuant to Education Code section 49013 from the provisions relating to the filing of claims for money or damages against local public entities. One of those provisions states that the statute of limitations for a claim relating to a cause of action for death or for injury to person or to personal property or growing crops shall be presented within six months after accrual, and that a claim relating to any other cause of action shall be presented within one year of accrual. (Government Code section 911.2.) The commenter states that a claim for reimbursement of a pupil fee is akin to a claim that would have a six-month statute of limitations. The commenter asserts that, for consistency's sake, pupil fee complaints should have a six-month statute of limitations.

Reject: Education Code section 49013(d) directs the State Board of Education to adopt regulations relating to "reasonable efforts by the public school to ensure full reimbursement to all affected pupils, parents, and guardians." Proposed Section 4630(c)(2), in establishing a one-year statute of limitations, further defines "reasonable efforts" in that schools need not seek to reimburse persons who paid a pupil fee more than one year prior to the filing of the complaint.

Because Government Code section 905(o) exempts pupil fee complaints filed pursuant to the UCP from the provisions relating to the filing of claims for money or damages against local public entities, the statutes of limitation contained in Government Code section 911.2 do not provide specific authority for Section 4630(c)(2). Accordingly, the reference to Government Code section 911.2 will be deleted.

MELISSA GOODMAN, SENIOR STAFF ATTORNEY, AMERICAN CIVIL LIBERTIES UNION
JOHN O'CONNOR, EXECUTIVE DIRECTOR, EQUALITY CALIFORNIA
ILONA TURNER, DIRECTOR, TRANSGENDER LAW CENTER
CARLYN LAUB, EXECUTIVE DIRECTOR, GAY-STRAIGHT ALLIANCE NETWORK
JENNIFER C. PIZER, SENIOR COUNSEL AND DIRECTOR, LAW AND POLICY PROJECT
SHELBI D. DAY, STAFF ATTORNEY, LAMBDA LEGAL
5/14/13, 4:53 PM

Comment: The commenters request that sections 4620, 4621(a), and 4622 be amended to add harassment, intimidation, and bullying after the word discrimination.

Accept: The proposed regulations will be amended to add harassment, intimidation or bullying after the word discrimination to ensure consistency with Education Code section 234.1.

Comment: The commenters request that sections 4610(c) be amended to read: "This chapter also applies to the filing of complaints which allege unlawful discrimination harassment, intimidation or bullying based on actual or perceived disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or on the basis of a person' (sic) association with a person or group with one or more of these actual or perceived characteristics…."

Partially accept: The proposed regulation will be amended to include “discrimination, harassment, intimidation or bullying” rather than “discrimination” to make the regulation more illustrative and consistent with the language specified in Education Code section 234.1.
Partially reject: The protected classes covered by this regulation are already specified within the referenced statutes. Referencing these statutes, rather than duplicating their content within Section 4610(c) ensures that the proposed regulation will remain consistent with existing law if and when the referenced statutes change. There is no need to reiterate them within Section 4610(c).

Comment: The commenters request that section 4621 be amended to read: “Each local educational agency shall adopt policies and procedures not inconsistent with sections 4600 – 4695 for the investigation and resolution of complaints. Each local educational agency shall adopt a specific process for receiving, investigating, and resolving complaints about discrimination, harassment, intimidation and bullying, which must meet the requirements of Cal. Education Code Section 234.1(b), (e), and (f).”

Reject: The UCP process, with the proposed modifications, meets the requirements of Education Code section 234.1. A separate process, specific to complaints of discrimination, harassment, intimidation, or bullying is not required.

Comment: The commenters request that section 4621(a) be amended to read: “Local policies shall ensure that complainants are protected from retaliation and that the identity of a complainant alleging discrimination, harassment, intimidation, or bullying remain confidential as appropriate. Local policies shall also ensure that student’s privacy rights are protected throughout the process and that highly personal and private information, including but not limited to information tending to reveal a student’s sexual orientation, gender identity, or gender expression, is not disclosed to others, including to a student’s parent or guardian, unless there is a specific, articulable, and compelling reason for doing so. The mere fact that the student filed a complaint, by itself, is not a specific, articulable, and compelling reason that justifies disclosure of a (sic) such information without the student’s consent.”

Partially accept: The proposed regulation will be amended to include “discrimination, harassment, intimidation or bullying” rather than “discrimination” to make the regulation more illustrative and consistent with the language specified in Education Code section 234.1.
Partially reject: The confidentiality provision within the proposed regulation is consistent with the requirements specified within Education Code section 234.1. Including the commenter’s interpretation of the law would exceed the scope and purpose of the proposed regulation.

Comment: The commenters request that section 4630(b)(3) be amended to read: “An investigation of a discrimination, harassment, intimidation or bullying complaint shall be

conducted in a manner that protects the confidentiality of the parties and maintains the integrity of the process. School officials investigating and resolving complaints shall ensure that student's privacy rights are protected throughout the process and that highly personal and private information, including but not limited to information tending to reveal a student's sexual orientation, gender identity, or gender expression, is not disclosed to others, including to a student's parent or guardian, unless there is a specific, articulable, and compelling reason for doing so. There (sic) mere fact that the student filed a complaint, by itself, is not a specific, articulable, and compelling reason that justifies disclosure of a (sic) such information without the student's consent."

Partially accept: The proposed regulation will be amended to include "discrimination, harassment, intimidation or bullying" rather than "discrimination" to make the proposed regulation more illustrative and consistent with the language specified in Education Code section 234.1.
Partially reject: The confidentiality provision within the proposed regulation is consistent with the requirements specified within Education Code section 234.1. Including the commenter's interpretation of the law would exceed the scope and purpose of the proposed regulation.

Comment: The commenters request that section 4630 be amended to clarify where and with who complains should be filed.

Reject: Section 4621(b) states that each local educational agency shall include in its policies and procedures the person(s), employee(s) or agency position(s) or unit(s) responsible for receiving complaints, investigating complaints and ensuring local educational agency compliance. It is not necessary to repeat this information in Section 4630.

Comment: The commenters request that section 4633(j) be amended to read: "CDE must issue a decision regarding an appeal of a complaint within 60 days of the CDE's receipt of the appeal." They further state that the "60 day time period should apply to all complaint appeals to CDE, including appeals of complaints for discrimination, harassment, intimidation or bullying."

Reject: The commenter's desire to ensure that a determination on appeals of LEA decisions relative to complaints of discrimination, harassment, intimidation, or bullying be made within 60 days, is addressed within Section 4662(b) of the existing regulations.

Comment: The commenters request that section 4622 be amended to read: "Local educational agencies must also publicize their discrimination, harassment, intimidation, and bullying policies and procedures in a manner consistent with the requirements of Cal. Ed. Code section 234.1" and that information about complaint procedures be provided through the student handbook and both District and school websites.

Reject: The requirement to publicize policies preventing discrimination, harassment, intimidation, or bullying, as described by the commenter are already addressed in Section 4960(b) of the regulations.

Comment: The commenters request that section 4610 be "amended to make clear that complaints about biased or non-inclusive instruction, including complaints alleging violations of Cal. Ed. Code sections 51500, 51933, 51204.5 and 60040 are subject to the Uniform Complaint Procedures because they are, essentially, discrimination complaints."

Reject: To the extent the complaints described in the comments constitute discrimination complaints the current proposed language provides sufficient clarity.

Comment: The commenters request that Education Code sections 234.1 – 5 be included as authority cited in relevant revised regulations.

Partially accept: Education Code section 234.1 will be cited as a reference for provisions relating to the process of receiving and investigating complaints of discrimination, harassment, intimidation, and bullying.
Partially reject: Education Code sections 234.2 – 234.5 are not supportive authority for these proposed regulations as they do not apply to the process specified therein.

Comment: The commenters request that section 4900 be amended to read: "Therefore, no person in the State of California shall be subjected to discrimination, or any other form of illegal bias, including harassment, intimidation, or bullying."

Response: No response required because this comment does not address the amendments proposed during this 45-day comment period.

Comment: The commenters request that section 4960 (a) be amended to read: "Each local agency shall investigate complaints of unlawful discrimination, harassment, intimidation, and bullying in its programs or activities.

Response: No response required because this comment does not address the amendments proposed during this 45-day comment period.

Comment: The commenters request that sections 4900(a) and (b), 4902(j), 4920, 4925, 4926, 4930,4931, 4940, 4960, and 4965 be amended to list the terms "gender identity" and "gender expression" as prohibited bases for discrimination and other bias-based conduct.

Response: No response required because this comment does not address the amendments proposed during this 45-day comment period.

Comment: The commenters request that section 400(d) be created to read: “All local educational agencies must adopt a policy that prohibits discrimination, harassment, intimidation and bullying based on a person’s actual or perceive disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. The policy must comply with the requirements of, and include the content mandated by Cal. Ed. Code 234.1(a).”

Response: No response required because this comment does not address the amendments proposed during this 45-day comment period.

Comment: The commenters request that section 4962 be amended to read: “Compliance with the provision of this division shall be carried out in accordance with the complaint procedures specified in sections 4601 through 4671 of this Title, the requirements of Education Code 234.1, and Government Code sections 11136 and 11137.”

Response: No response required because this comment does not address the amendments proposed during this 45-day comment period.

Comment: The commenters request that section 4964 be amended to read: “All complaints or allegations of discrimination, harassment (including sexual harassment), intimidation, or bullying will be kept confidential during any informal and or formal complaint procedures except when disclosure is necessary during the course of an investigation, in order to take subsequent remedial action and to conduct ongoing monitoring. Student’s privacy rights will be protected throughout the process and highly personal and private information, including but not limited to information tending to reveal a student’s sexual orientation, gender identity, or gender expression, will not be disclosed to others, including to a student’s parent or guardian, unless there is a specific, articulable, and compelling reason for doing so. The mere fact that the student filed a complaint, by itself, is not a specific, articulable, and compelling reason that justifies disclosure of such information without the student’s consent.”

Response: No response required because this comment does not address the amendments proposed during this 45-day comment period.

Comment: The commenters request that section 4963(a) be amended to read: ”No person from or in the educational or work environment of a local agency shall retaliate against a complainant, witness, or other person who support or participation in a discrimination, harassment, (including sexual harassment), intimidation, or bullying investigation.”

Response: No response required because this comment does not address the amendments proposed during this 45-day comment period.

Comment: The commenters request that section 4960(b) be amended to read: ”Each governing board shall have the ongoing responsibility to publicize the provisions of this Chapter, as well as the requirements of Cal. Ed. Code 234.1, to students, parents, employees, agents of the governing board and the general public. The policy shall be posted in all schools and offices including staff lounges and student government meeting rooms, and meet all other publication requirements found in Cal. Ed. Code 234.1 – 5.”

Response: No response required because this comment does not address the amendments proposed during this 45-day comment period.

After the 45-day comment period, the following changes were made to the proposed text of the regulations and sent out for a 15-Day comment period:

Education Code section 234.1 is added to the “Notes” section under references to sections 4600, 4620, 4621, 4622, and 4630 as it relates to the process of receiving and investigating complaints of discrimination, harassment, intimidation, and bullying.

The reference to Government Code section 911.2 is deleted from the Notes section relating to section 4630 because, as explained in the Final Statement of Reasons, it does not provide specific authority for section 4630(c)(2).

SECTION 4600(u) is amended to add to the definition of reasonable reimbursement efforts the limitation, referenced in proposed section 4630(c)(2), that the school need not address pupil fees paid more than one year prior to the filing of the complaint.

SECTIONS 4620 and 4621(a) are added to rulemaking in order to amend each section to add the words “harassment, intimidation, and bullying” after the word “discrimination.” This is necessary to make the regulation more illustrative and consistent with the language specified in Education Code section 234.1.

SECTION 4622 is amended to include the requirement in Education Code section 49013(e) that the local educational agency’s annual notification to students, parents and employers include information regarding the requirements of Education Code sections 49010 through 49013 relating to pupil fees. This is necessary to ensure that LEAs make the statutorily-required notification. This section is also amended to add the words “harassment, intimidation, and bullying” after the word “discrimination” to make the regulation more illustrative and consistent with the language specified in Education Code section 234.1. Education Code section 49013 was added to the Authority cited of the Notes section.

SECTION 4631(e)(5) is amended to add that the remedy must comport not only with Education Code section 49013(d) generally but also Section 4600(u) specifically. Although Education Code section 49013(d) already states that the reimbursement

remedy is subject to procedures established through regulations adopted by the state board, inclusion of the specific reference to section 4600(u) is necessary to ensure LEAs' complete understanding of the required remedy.

SECTION 4633(i)(3) is amended to add that the remedy must specify the local educational agency's obligation to comply not only with Education Code section 49013(d) generally but also section 4600(u) specifically. Although Education Code section 49013(d) already states that the reimbursement remedy is subject to procedures established through regulations adopted by the state board, inclusion of the specific reference to section 4600(u) is necessary to ensure LEAs' complete understanding of the required remedy.

SECTION 4633(j) is amended to include the requirement in Education Code section 49013(c) that the complainant receive a written decision within 60 days of the CDE's receipt of the appeal. This is necessary is ensure that not only does the CDE issue a decision within 60 days of the CDE's receipt of the appeal, but also that (1) the decision is written and (2) the appellant receives a copy of the decision.

ALTERNATIVES DETERMINATION

The State Board of Education 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 or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

LOCAL MANDATE DETERMINATION

The proposed regulations do not impose any mandate on local agencies or school districts.

5-29-13 [California Department of Education]

STATE OF CALIFORNIA — DEPARTMENT OF FINANCE

ECONOMIC AND FISCAL IMPACT STATEMENT

(REGULATIONS AND ORDERS)

STD. 399 (REV. 12/2008)

See SAM Section 6601 - 6616 for Instructions and Code Citations

DEPARTMENT NAME	CONTACT PERSON	TELEPHONE NUMBER
Education	Carolyn Nealon	916-319-0295
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400		NOTICE FILE NUMBER
Pupil Fees and Discrimination Complaints: Uniform Complaint Procedures (Version dated 5/29/13)		Z

ECONOMIC IMPACT STATEMENT

A. ESTIMATED PRIVATE SECTOR COST IMPACTS (Include calculations and assumptions in the rulemaking record.)

1. Check the appropriate box(es) below to indicate whether this regulation:

- ☐ a. Impacts businesses and/or employees
- ☐ b. Impacts small businesses
- ☐ c. Impacts jobs or occupations
- ☐ d. Impacts California competitiveness
- ☐ e. Imposes reporting requirements
- ☐ f. Imposes prescriptive instead of performance
- ☐ g. Impacts individuals
- ☑ h. None of the above (Explain below. Complete the Fiscal Impact Statement as appropriate.)

h. (cont.) The regulations would not impose any additional costs to the private sector.

(If any box in Items 1 a through g is checked, complete this Economic Impact Statement.)

2. Enter the total number of businesses impacted: _____ Describe the types of businesses (Include nonprofits.): _____

Enter the number or percentage of total businesses impacted that are small businesses: _____

3. Enter the number of businesses that will be created: _____ eliminated: _____

Explain: _____

4. Indicate the geographic extent of impacts: ☐ Statewide ☐ Local or regional (List areas.): _____

5. Enter the number of jobs created: _____ or eliminated: _____ Describe the types of jobs or occupations impacted: _____

6. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here?

☐ Yes ☐ No If yes, explain briefly: _____

B. ESTIMATED COSTS (Include calculations and assumptions in the rulemaking record.)

1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? $ _____

a. Initial costs for a small business: $ _____ Annual ongoing costs: $ _____ Years: _____

b. Initial costs for a typical business: $ _____ Annual ongoing costs: $ _____ Years: _____

c. Initial costs for an individual: $ _____ Annual ongoing costs: $ _____ Years: _____

d. Describe other economic costs that may occur: _____

ECONOMIC AND FISCAL IMPACT STATEMENT cont. (STD. 399, Rev. 12/2008)

2. If multiple industries are impacted, enter the share of total costs for each industry: _____

3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements. (Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted.): $ _____

4. Will this regulation directly impact housing costs? ☐ Yes ☐ No If yes, enter the annual dollar cost per housing unit: _____ and the number of units: _____

5. Are there comparable Federal regulations? ☐ Yes ☐ No Explain the need for State regulation given the existence or absence of Federal regulations: _____

Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: $ _____

C. ESTIMATED BENEFITS (Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.)

1. Briefly summarize the benefits that may result from this regulation and who will benefit: _____

2. Are the benefits the result of : ☐ specific statutory requirements, or ☐ goals developed by the agency based on broad statutory authority?

Explain: _____

3. What are the total statewide benefits from this regulation over its lifetime? $ _____

D. ALTERNATIVES TO THE REGULATION (Include calculations and assumptions in the rulemaking record. Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.)

1. List alternatives considered and describe them below. If no alternatives were considered, explain why not: _____

2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

Regulation:	Benefit: $_____	Cost: $_____
Alternative 1:	Benefit: $_____	Cost: $_____
Alternative 2:	Benefit: $_____	Cost: $_____

3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives: _____

4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs? ☐ Yes ☐ No

Explain: _____

E. MAJOR REGULATIONS (Include calculations and assumptions in the rulemaking record.) Cal/EPA boards, offices, and departments are subject to the following additional requirements per Health and Safety Code section 57005.

ECONOMIC AND FISCAL IMPACT STATEMENT cont. (STD. 399, Rev. 12/2008)

1. Will the estimated costs of this regulation to California business enterprises exceed $10 million ? ☐ Yes ☐ No (If No, skip the rest of this section.)

2. Briefly describe each equally as an effective alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:

   Alternative 1: _____

   Alternative 2: _____

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

Regulation:	$ _____	Cost-effectiveness ratio: $ _____
Alternative 1:	$ _____	Cost-effectiveness ratio: $ _____
Alternative 2:	$ _____	Cost-effectiveness ratio: $ _____

FISCAL IMPACT STATEMENT

A. FISCAL EFFECT ON LOCAL GOVERNMENT (Indicate appropriate boxes1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)

☐ 1. Additional expenditures of approximately $ _____ in the current State Fiscal Year which are reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code. Funding for this reimbursement:

   ☐ a. is provided in _____, Budget Act of _____ or Chapter _____, Statutes of _____

   ☐ b. will be requested in the _____ (FISCAL YEAR) Governor's Budget for appropriation in Budget Act of _____

☐ 2. Additional expenditures of approximately $ _____ in the current State Fiscal Year which are not reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code because this regulation:

   ☐ a. implements the Federal mandate contained in _____

   ☐ b. implements the court mandate set forth by the _____

   court in the case of _____ vs. _____

   ☐ c. implements a mandate of the people of this State expressed in their approval of Proposition No. _____ at the _____ (DATE) election;

   ☐ d. is issued only in response to a specific request from the _____

   _____, which is/are the only local entity(s) affected;

   ☐ e. will be fully financed from the _____ (FEES, REVENUE, ETC.) authorized by Section

   _____ of the _____ Code;

   ☐ f. provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each such unit;

   ☐ g. creates, eliminates, or changes the penalty for a new crime or infraction contained in _____

☐ 3. Savings of approximately $ _____ annually.

☐ 4. No additional costs or savings because this regulation makes only technical, non-substantive or clarifying changes to current law regulations.

ECONOMIC AND FISCAL IMPACT STATEMENT cont. (STD. 399, Rev. 12/2008)

☑ 5. No fiscal impact exists because this regulation does not affect any local entity or program.

☐ 6. Other.

B. FISCAL EFFECT ON STATE GOVERNMENT (Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)

☐ 1. Additional expenditures of approximately $ _____ in the current State Fiscal Year. It is anticipated that State agencies will:

☐ a. be able to absorb these additional costs within their existing budgets and resources.

☐ b. request an increase in the currently authorized budget level for the _____ fiscal year.

☐ 2. Savings of approximately $ _____ in the current State Fiscal Year.

☑ 3. No fiscal impact exists because this regulation does not affect any State agency or program.

☐ 4. Other.

C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS (Indicate appropriate boxes1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)

☐ 1. Additional expenditures of approximately $ _____ in the current State Fiscal Year.

☐ 2. Savings of of approximately $ _____ in the current State Fiscal Year.

☑ 3. No fiscal impact exists because this regulation does not affect any federally funded State agency or program.

☐ 4. Other.

FISCAL OFFICER SIGNATURE		DATE 6/12/13
AGENCY SECRETARY[1] APPROVAL/CONCURRENCE		DATE 6/19/13
DEPARTMENT OF FINANCE[2] APPROVAL/CONCURRENCE	PROGRAM BUDGET MANAGER	DATE

1. *The signature attests that the agency has completed the STD.399 according to the instructions in SAM sections 6601-6616, and understands the impacts of the proposed rulemaking. State boards, offices, or department not under an Agency Secretary must have the form signed by the highest ranking official in the organization.*

2. *Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD.399.*

AAV of Item 32 Attachment 4

Accessible Alternative Version (AAV) of Item 32 Attachment 4 for the July 2013 SBE Meeting Agenda.

This page is the Accessible Alternative Version (AAV) of Item 32 Attachment 4 from the California State Board of Education (SBE) Meeting Agenda for July 2013. The scanned Item 32 Attachment 4 (PDF) version is considered to be the official version of the document.

Economic and Fiscal Impact Statement

(REGULATIONS AND ORDERS). *User entries from the STD. 399 (REV. 12/2008) Form.*

Department Name: Education

Contact Person: Carolyn Nealon

Telephone Number: 916-319-0295

Descriptive Title From Notice Register Or From 400: Pupil Fees and Discrimination Complaints: Uniform Complaint Procedures (Version dated May 29, 2013)

Notice File Number: Z

Economic Impact Statement

Section A. ESTIMATED PRIVATE SECTOR COST IMPACTS (Include calculations and assumptions in the rulemaking record.)

Section A.1. Check the appropriate box(es) below to indicate whether this regulation:

- Selected option is H: None of the above (Explain below. Complete the Fiscal Impact Statement as appropriate)
- Option H explanation: The regulations would not impose any additional costs to the private sector.

Fiscal Impact Statement

Section A. FISCAL EFFECT ON LOCAL GOVERNMENT (Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)

- Selected option is 5: No fiscal impact exists because this regulation does not affect any local entity or program.

Section B. FISCAL EFFECT ON STATE GOVERNMENT (Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)

- Selected option is 3: No fiscal impact exists because this regulation does not affect any State agency or program.

Section C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS (Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)

- Selected option is 3: No fiscal impact exists because this regulation does not affect any federally funded State agency or program.

Fiscal Officer Signature by Carolyn Nealon dated June 12, 2013

Agency Secretary 1 Approval / Concurrence Signature by Jeannie Oropeza dated June 19, 2013

Department of Finance 2 Approval / Concurrence Signature: No signature.

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1. *The signature attests that the agency has completed the STD.399 according to the instructions in SAM sections 6601-6616, and understands the impacts of the proposed rulemaking. State boards, offices, or department not under an Agency Secretary must have the form signed by the highest ranking official in the organization.*
2. *Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in*

the STD.399.

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

Last Modified: Friday, June 28, 2013