



California State Board of Education

Meeting Agenda Items for January 14, 2015

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.
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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.
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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 <i>Education Code</i>
GC	California <i>Government Code</i>
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

SBE Agenda for January 2015

Agenda for the California State Board of Education (SBE) meeting on January 14, 2015.

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
- Kenton Shimosaki, Student Member
- *Vacancy*

Secretary & Executive Officer

- Hon. Tom Torlakson

Executive Director

- Karen Stapf Walters

Schedule of Meeting	Location
Wednesday, January 14, 2015 8:30 a.m. Pacific Time ± STATE BOARD OF EDUCATION Public Session. The Closed Session will take place at approximately 11:30 a.m. (The Public may not attend.)	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.

The Closed Session (1) may commence earlier than 11:30 a.m.; (2) may begin at or before 11:30 a.m., be recessed, and then be reconvened later in the day; or (3) may commence later than 11:30 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:

- *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
- *Cruz et al. v. State of California, State Board of Education, State Department of Education, Tom Torlakson et al.*, Alameda County Superior Court, Case No. RG14727139
- *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
- *Nevada City School District and the Board of Trustees of the Nevada City School District v. California Department of Education, State Superintendent of Instruction Tom Torlakson, State Board of Education*, Nevada County Superior Court, Case No. CU14-080329
- *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 ; Los Angeles County Superior Court, Case No. BS 148496
- *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
- *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.

ALL TIMES ARE APPROXIMATE AND ARE PROVIDED FOR CONVENIENCE ONLY

ALL ITEMS MAY BE HEARD IN A DIFFERENT ORDER THAN HOW THEY ARE LISTED ON THE AGENDA 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 or any other individual 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 at 1430 N Street, Room 5111, Sacramento, CA 95814; by telephone at 916 319-0827; or by facsimile at 916 319-0175.

CALIFORNIA STATE BOARD OF EDUCATION

FULL BOARD AGENDA

Public Session

Wednesday, January 14, 2015

Wednesday, January 14, 2015 – 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 01](#)

Subject: California Assessment of Student Performance and Progress: Update on Program Activities, including National Center and State Collaborative Phase II Pilot; Alternate Field Test; Technology Update; Smarter Balanced Updates on the Digital Library of Formative Assessment Resources, Interim Assessments, Achievement Level Setting, and Reporting for 2014–15 California Assessment of Student Performance and Progress Results.

Type of Action: Action, Information

[Item 02](#)

Subject: Elementary and Secondary Education Act: Proposed Amendments to the Accountability Workbook for 2015.

Type of Action: Action, Information

[Item 03](#)

Subject: Update on Developing a New Accountability System Using Multiple Measures consistent with *Education Code* Sections 52052 through 52052.9.

Type of Action: Action, Information

- [Item 03 Attachment 2](#)
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[Item 04](#)

Subject: Local Control Funding Formula Update: LEA Implementation; Identification of Resources to Support Local Planning; Development of the Evaluation Rubrics, including Implications for the Statewide Accountability System.

Type of Action: Action, Information

- [Item 04 Attachment 2](#)
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[Item 05](#)

Subject: Report to the State Legislature: Status of Implementation of the Local Control Funding Formula as Required by Senate Bill 859 (Chapter 33, Statutes of 2014)

Type of Action: Action, Information

- [Item 05 Attachment 1](#)
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[Item 06](#)

Subject: 2015 United States Senate Youth Program Presentation.

Type of Action: Information

PUBLIC HEARING

A Public Hearing on the following agenda item will commence no earlier than 1:00 p.m. on Wednesday, January 14, 2015. The Public Hearing will be held as close to 1:00 p.m. as the business of the State Board permits.

[Item 07](#)

Subject: Petition for Establishment of a Charter School Under the Oversight of the State Board of Education: Consideration of the

OnePurpose School which was denied by the San Francisco Unified School District and the San Francisco County Office of Education.

Type of Action: Action, Information, Hearing

- [OnePurpose School Presentation Slides](#)

END OF PUBLIC HEARING

[Item 08](#)

Subject: Elementary and Secondary Education Act: Supplemental Educational Services Providers: Removal of Providers from the 2012–14, 2013–15, and/or 2014–16 Approval Lists for Failure to Meet the Participation, Growth Criteria, or Submit a Complete 2013–14 Supplemental Educational Services Accountability Report.

Type of Action: Action, Information

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 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, and public comment will be taken before board action on all proposed consent items; 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.

Federal Program Waiver (Carl D. Perkins Career and Technical Education Improvement Act of 2006)

[Item W-01](#)

Subject: Request by two school districts for a waiver of Section 131(c)(1) of the Carl D. Perkins Career and Technical Education Improvement Act of 2006 (Public Law 109-270).

Waiver Numbers:

- Durham Unified School District Fed-12-2014
- Lucerne Valley Unified School District Fed-11-2014

(Recommended for APPROVAL)

Physical Education Program (Block Schedules)

[Item W-02](#)

Subject: Request by River Delta Joint Unified School District to waive portions of California *Education Code* Section 51222(a), related to the statutory minimum requirement of 400 minutes of physical education each 10 school days for students in grades nine through twelve in order to implement a block schedule at Rio Vista High School.

Waiver Number: 5-8-2014

(Recommended for APPROVAL WITH CONDITIONS)

Special Education Program (Educational Interpreter for pupils who are Deaf or Hard of Hearing)

[Item W-03](#)

Subject: Request by three local educational agencies to waive *California Code of Regulations*, Title 5, Section 3051.16(b)(3), the requirement that educational interpreters for pupils who are Deaf or Hard of Hearing meet minimum qualifications as of July 1, 2009, to allow three educational interpreters to continue to provide services to students until June 30, 2015, under a remediation plan to complete those minimum requirements.

Waiver Numbers:

- Hanford Elementary School District 15-9-2014
- San Luis Obispo County Office of Education 5-10-2014
- Sutter County Office of Education 7-9-2014

(Recommended for APPROVAL WITH CONDITIONS)

Community Day Schools (CDS) (Minimum School Day)

[Item W-04](#)

Subject: Request by Folsom-Cordova Unified School District for a first time waiver, and Red Bluff Joint Union High School District for a renewal waiver, of portions of California *Education Code* Section 48663(a), relating to community day school minimum instructional minutes.

Waiver Numbers:

- Folsom-Cordova Unified School District 11-9-2014
- Red Bluff Joint Union High School District 8-9-2014

(Recommended for APPROVAL WITH CONDITIONS)

Charter School Program (Nonclassroom-Based Funding)

[Item W-05](#)

Subject: Request by five local educational agencies to waive portions of *California Code of Regulations*, Title 5, Section 11963.6(c), relating to the submission and action on determination of funding requests regarding nonclassroom-based instruction.

Waiver Numbers:

- Armona Union Elementary School District 14-10-2014
- Jefferson Elementary School District 15-10-2014
- West Covina Unified School District 23-10-2014
- Yosemite Unified School District 16-9-2014
- Yosemite Unified School District 17-9-2014

(Recommended for APPROVAL)

Equity Length of Time (Transitional Kindergarten)

[Item W-06](#)

Subject: Request by two school districts to waive California *Education Code* Section 37202(a), the equity length of time requirement for transitional kindergarten and kindergarten programs at the district's elementary schools.

Waiver Numbers:

- Mendocino Unified School District 10-9-2014
- Santa Ana Unified School District 11-8-2014

(Recommended for APPROVAL WITH CONDITIONS)

Other Waivers (Employment - Retirement System)

[Item W-07](#)

Subject: Request by Sanger Unified School District for a renewal to waive California *Education Code* Section 45134(c), to allow the employment of a State Teachers' Retirement System retiree as a classified school bus driver.

Waiver Number: 18-10-2014

(Recommended for APPROVAL)

Physical Fitness Testing (Body Composition Assessment)

[Item W-08](#)

Subject: Request by three school districts to waive portions of the California *Education Code* Section 60800(a), relating to Physical Fitness Testing, specifically to suspend body composition assessment for fifth and seventh grade students participating in a statewide school-based fitness study during 2014–15 and 2015–16 school years.

Waiver Numbers:

- Alhambra Unified School District 11-11-2014
- Moreno Valley Unified School District 10-11-2014
- Visalia Unified School District 12-10-2014

(Recommended for APPROVAL)

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

[Item W-09](#)

Subject: Request by three school districts to waive California Education Code sections specific to statutory provisions for the sale or lease of surplus property.

Waiver Numbers:

- Hacienda-la Puente Unified School District 5-11-2014
- Hacienda-la Puente Unified School District 6-11-2014
- Hacienda-la Puente Unified School District 7-11-2014
- Hacienda-la Puente Unified School District 8-11-2014
- Palm Springs Unified School District 1-11-2014
- Palm Springs Unified School District 2-11-2014
- Palm Springs Unified School District 3-11-2014
- Palm Springs Unified School District 4-11-2014
- San Lorenzo Unified School District 3-9-2014
- San Lorenzo Unified School District 4-9-2014

(Recommended for APPROVAL WITH CONDITIONS)

Note: W-09 was updated on December 30 to correctly reflect the recommendation for action as “APPROVAL WITH CONDITIONS.”

School District Reorganization (Election of Governing Board)

[Item W-10](#)

Subject: Request by three school districts to waive California *Education Code* Section 5020, and portions of sections 5019, 5021, and 5030, that require a districtwide election to establish a by-trustee-area method of election.

Waiver Numbers:

- Lancaster Elementary School District 21-10-2014
- Sulphur Springs Union Elementary School District 20-10-2014
- Tulelake Basin Joint Unified School District 9-9-2014

(Recommended for APPROVAL)

School District Reorganization (Lapsation of a Small District)

[Item W-11](#)

Subject: Request by two school districts to waive portions of California *Education Code* sections 35780 and 35782, which require lapsation of a district with an average daily attendance of less than six.

Waiver Numbers:

- Citrus South Tule Elementary School District 22-10-2014
- Porterville Unified School District 7-10-2014

(Recommended for APPROVAL)

Schoolsite Council Statute (Shared, Composition, or Shared and Composition of Members)

[Item W-12](#)

Subject: Request by eight 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 of members.

Waiver Numbers:

- Castle Rock Union Elementary School District 6-9-2014
- Chawanakee Unified School District 17-10-2014
- Cuyama Joint Unified School District 16-10-2014
- Elkins Elementary School District 14-9-2014
- Nevada County Office of Education 6-10-2014
- Paso Robles Joint Unified School District 13-10-2014
- River Delta Joint Unified School District 8-10-2014
- Southern Trinity Joint Unified School District 12-9-2014

(Recommended for APPROVAL WITH CONDITIONS)

Special Education Program (Algebra I Requirement for Graduation)

[Item W-13](#)

Subject: Request by North Santa Cruz County Special Education Local Plan Area to waive California *Education Code* Section 51224.5(b), the requirement that all students graduating in the 2014–15 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(s) based on *Education Code* Section 56101, the special education waiver authority.

Waiver Number: 2-9-2014

(Recommended for APPROVAL WITH CONDITIONS)

Special Education Program (Child Specific/ NPA or NPS Certification)

[Item W-14](#)

Subject: Request by Capistrano Unified School District to waive California *Education Code* Section 56366.1(a), the requirement for state certification to allow an uncertified out-of-state nonpublic school, Perkins School for the Blind located in Watertown, Massachusetts, to provide services to one special education student.

Waiver Number: 3-10-2014

(Recommended for APPROVAL)

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

[Item W-15](#)

Subject: Request by South Whittier Elementary School District 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 Number: 19-10-2014

(Recommended for APPROVAL WITH CONDITIONS)

END OF WAIVERS

[Item 09](#)

Subject: Revision to California State Board of Education Policy document *Guidelines for Piloting Textbooks and Instructional Materials*.

Type of Action: Action, Information

[Item 10](#)

Subject: Presentation on My Digital Chalkboard.

Type of Action: Information

[Item 11](#)

Subject: Update on the Expansion of Career Pathways in California's High Schools.

Type of Action: Information

[Item 12](#)

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

[Item 13](#)

Subject: GENERAL 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 14](#)

Subject: California Assessment of Student Performance and Progress: Approval of 2015 Local Educational Agency Apportionment Amounts.

Type of Action: Action, Information

[Item 15](#)

Subject: Approval of 2014–15 Consolidated Applications.

Type of Action: Action, Information

[Item 16](#)

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

Type of Action: Action, Information

[Item 17](#)

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 2012 School Improvement Grant Application to Extend the Period of Availability of Those Funds Until September 30, 2016; Approval of the Application and Criteria for Cohort 2 Local Educational Agencies to Extend the Use of Fiscal Year 2012 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 18](#)

Subject: 2015 English Language Arts/English Language Development Adoption of Instructional Materials: Appointment of Reviewers, Approval of Reviewer Training Materials, and Approval of Revised Program 5 Criteria Map and Content Standards Map.

Type of Action: Action, Information

- [Item 18 Attachment 1](#)
 - [Item 18 Attachment 2](#)
-

[Item 19](#)

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

Type of Action: Action, Information

[Item 20](#)

Subject: Consideration of a Retroactive Request for Determination of Funding as Required for A Nonclassroom-based Charter School 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 21](#)

Subject: Appoint Richard Zeiger as the Chief Deputy Superintendent of Public Instruction in accordance with Article IX, Section 2.1, of the Constitution of the State of California.

Type of Action: Action, Information

ADJOURNMENT OF MEETING

This agenda is posted on the State Board of Education's Web site at <http://www.cde.ca.gov/be/ag/ag/index.asp>. 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, please submit these and any related materials to our office by 12:00 Noon on January 9, 2015, the Friday prior to the meeting.



California State Board of Education
Meeting Agenda Items for January 14, 2015

ITEM 01



CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2015 AGENDA

SUBJECT	
California Assessment of Student Performance and Progress: Update on Program Activities, including National Center and State Collaborative Phase II Pilot; Alternate Field Test; Technology Update; Smarter Balanced Updates on the Digital Library of Formative Assessment Resources, Interim Assessments, Achievement Level Setting, and Reporting for 2014–15 California Assessment of Student Performance and Progress Results.	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

SUMMARY OF THE ISSUE(S)

This item reflects the collaboration of the Assessment Development and Administration Division (ADAD), the Educational Data Management Division (EDMD), and the Special Education Division (SED) of the California Department of Education (CDE).

California Assessment of Student Performance and Progress

The California Assessment of Student Performance and Progress (CAASPP) System includes Smarter Balanced computer-based assessments that are aligned with the Common Core State Standards (CCSS), specified state-developed paper-pencil assessments that were previously administered through the Standardized Testing and Reporting (STAR) Program, and new assessments to be recommended by the CDE with stakeholder input and approved by the State Board of Education (SBE).

This item provides an update on the following topics: (1) the status of the National Center and State Collaborative (NCSC) Phase II Pilot and the development of an alternate field test for spring 2015; (2) technology update, including the status of the Broadband Infrastructure Improvement Grant (BIIG) to support technology infrastructure; and (3) the status and progress of Smarter Balanced activities. Within the Smarter Balanced update, the item covers the progress of the Smarter Balanced Digital Library of Formative Assessment Resources (Digital Library), interim assessments, the setting of achievement levels, and the reporting of 2014–15 Smarter Balanced summative assessment results under the CAASPP System.

NCSC Phase II Pilot

The NCSC conducted the Phase II Pilot between October 20 and November 21, 2014. The pilot window was extended for one additional week to capture more item data in reading, writing, and mathematics across grades three through eight, and grade eleven. The CDE sent an e-mail communication to the field to notify local educational agencies (LEAs) of the test window extension.

The NCSC consortium had a total of 6,313 students who submitted test forms. Of these, 1,533 students were from California. California students made up 24 percent of the total students tested during the Phase II Pilot, which was the largest number of students from any participating state to submit test forms.

Technical reports for the Phase I and Phase II Pilot and operational administration will be available in the fall of 2015, at the close of the NCSC grant.

Spring 2015 Alternate Field Test in English Language-Arts (ELA) and Mathematics

Item development continues for the spring 2015 alternate assessment field test. In fall 2014, the CAASPP contractor, Educational Testing Service (ETS), conducted a focus group of educators to gather information regarding types of items for the alternate assessment. Teachers with expertise in working with students with disabilities participated in a two-day training on item writing for ELA and mathematics before beginning the item writing process. Two item reviews are scheduled in December 2014 and February 2015. The test administration manual and a training Webcast are scheduled to be released in early March 2015.

Technology Update

The BIIG Request for Proposals (RFP) from technology service providers closed December 8, 2014. The K–12 High Speed Network (K12HSN), in cooperation with the Corporation for Education Network Initiatives in California (CENIC), performed a review of the proposals to determine the technology service providers' responsiveness to the RFP. A subsequent Technical Peer Review comprised of representatives from the 11 California County Superintendents Educational Services Association regions took place on December 16, 2015. The selection of sites funded is expected to occur in early January 2015. An oral update on BIIG, including the total number of schools funded, will be provided at the January 2015 SBE meeting.

A survey of a stratified random sample of schools for the Statewide Network Connectivity Report concluded in early December 2014. Pursuant to a provision in the 2014–15 Budget Act, the school-site connectivity data are being analyzed for the Report, which is due to the Department of Finance (DOF), Legislative Analyst's Office, and the Legislature by March 1, 2015.

General information about the BIIG and the Statewide Network Connectivity Report are available on the K12HSN Senate Bill 852 Web Page at <http://www.k12hsn.org/sb852/>.

Smarter Balanced Update

The Digital Library

The Smarter Balanced Digital Library is an online warehouse that includes tools and resources designed to support teachers in the use of classroom-based formative assessment practices. The initial enrollment of 63,000 teachers for the preview period has grown to over 155,000 educators from 4,980 school sites. The Digital Library contains over 2,500 resources for consortium teachers, kindergarten through grade twelve (K–12). Since the November 2014 SBE meeting, CDE staff have identified LEAs that have not registered school sites or users, and has provided this information to ETS to conduct a call campaign to the identified LEAs. CDE staff is working with Smarter Balanced to develop a presentation that includes released Digital Library resources. An oral update will be provided regarding the status of educator enrollments, resources, and the release of sample resources.

Interim Assessments

The Smarter Balanced Interim Assessments allow teachers to check student progress throughout the year, giving them actionable information to inform instruction and help students meet the challenge of college-and-career-ready standards. There are two types of interim assessments: the interim comprehensive assessments (ICAs) which are full assessments based on the same blueprints as the summative assessments, and the interim assessment blocks (IABs) which assess smaller sets of skills. More information about the interim assessments can be found at the Smarter Balanced Interim Assessments Web page at <http://www.smarterbalanced.org/interim-assessments/>. The ICAs are expected to be released on January 15, 2015 with the IABs to be released on January 27, 2015. LEAs are encouraged to use the interim assessments as a resource for professional development during the 2014–15 school year.

Reporting results for the ICA will be consistent with the summative assessment providing an overall scale score, achievement level, and a claim score per content area/subject (e.g., reading, writing, or problem solving). A claim score provides additional information about student achievement at a more refined level. Claim score reporting will consist of three classifications: above standard, at or near standard, and below standard. Specific information regarding claims can be found in the following Web documents for ELA and mathematics Smarter-Balanced-Mathematics-Claims <http://www.smarterbalanced.org/wordpress/wp-content/uploads/2012/09/Smarter-Balanced-Mathematics-Claims.pdf> and Smarter-Balanced-ELA-Literacy-Claims <http://www.smarterbalanced.org/wordpress/wp-content/uploads/2012/09/Smarter-Balanced-ELA-Literacy-Claims.pdf>.

Smarter Balanced Achievement Level Setting

California and other member states of the Smarter Balanced Assessment Consortium voted to approve achievement levels for the ELA/Literacy and mathematics assessments that will be administered as part of the CAASPP System. The

achievement levels serve as a starting point for discussion about the performance of individual students and groups of students in ELA/literacy and mathematics. There are other measures that students, teachers, and parents can also use to help evaluate the academic progress of students and schools. Information about the achievement levels can be found on the Smarter Balanced Assessment Consortium Achievement Levels Web page at <http://www.smarterbalanced.org/achievement-levels/>.

The Smarter Balanced member states also unanimously approved a position paper “Interpretation and Use of Scores and Achievement Levels” also located on the Smarter Balanced Assessment Consortium Achievement Levels Web page at <http://www.smarterbalanced.org/achievement-levels/>. This paper provides broad guidelines about scores and achievement levels and how they may be interpreted by state officials, parents, teachers, and other stakeholders.

Finally, Smarter Balanced developed a video that explains the achievement level setting process and state members’ perspectives. This video is also available on the Smarter Balanced Assessment Consortium Achievement Levels Web page at <http://www.smarterbalanced.org/achievement-levels/>.

Reporting for 2014–15 CAASPP Results

For the Smarter Balanced summative assessments, individual student results for mathematics and ELA will be reported as overall scale scores, performance levels, and as performance at the claim level. A student’s test results for a content area may be viewed by the LEA electronically within four weeks of a student completing testing in the content area through the CAASPP contractor’s Test Operations and Management System as well as from the Smarter Balanced online reporting system. Because California has mandated reporting requirements that are not provided in the Smarter Balanced online reporting system, LEAs will have access to both reporting sites.

Additionally, the current CAASPP contractor will provide paper Individual Student Reports (ISRs) which will include test results for all Smarter Balanced and non-Smarter Balanced assessments (i.e., science). LEAs will receive paper versions of the ISRs within eight weeks. Parents can expect to receive the paper ISR from their student’s LEA within 20 business days of the LEAs receipt of the ISRs.

RECOMMENDATION

The CDE recommends that the SBE take action as deemed necessary and appropriate. No specific action is recommended at this time.

BRIEF HISTORY OF KEY ISSUES

California Assessment of Student Performance and Progress

Per California *Education Code (EC)* Section 60640, the CAASPP System succeeded the STAR Program on January 1, 2014. The new statewide assessment system has been designed to support the full implementation of the CCSS.

In November, the SBE approved the CDE's recommendation for full implementation of the technology-enabled assessment system and the Smarter Balanced operational assessments in 2014–15. Also approved was the recommendation to use the Smarter Balanced assessment development and implementation process as a model for the alternate assessments aligned to the CCSS.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In November 2014, the CDE provided the SBE with an update on CAASPP activities, including Smarter Balanced, Achievement Level Setting, Technology, Science Assessment, Grade Two Diagnostic Assessments, and Alternate Field Test development, including the NCSC assessment activities.

(<http://www.cde.ca.gov/be/ag/ag/yr14/documents/nov14item02a2.pdf>)

In November 2014, the SBE approved the CDE's recommendations for the full implementation of a technology-enabled assessment system and the administration of the Smarter Balanced summative assessments in 2014–15.

(<http://www.cde.ca.gov/be/ag/ag/yr14/documents/nov14item03.doc>)

In September 2014, the CDE provided the SBE with an update on CAASPP activities, including the Smarter Balanced Field Test administration, focus groups, and post-test survey; science assessment stakeholder meetings; and alternate assessment activities.

(<http://www.cde.ca.gov/be/ag/ag/yr14/documents/sep14item03.doc>)

In July 2014, the CDE provided the SBE with an update on CAASPP activities; details of the Smarter Balanced Field Test; results of the mid-test survey, planning of the post-test survey; and focus group meetings, and future outreach activities for the 2015 Smarter Balanced operational assessments.

(<http://www.cde.ca.gov/be/ag/ag/yr14/documents/jul14item22.doc>)

In July 2014, the SBE approved Amendment #12 to the current CAASPP contract with Educational Testing Service (ETS) and directed CDE and SBE staff to work with ETS in the modification of the scope of work, timeline, and budget for the 2014–15 administration of the CAASPP System. The previous contract end date was December 31, 2014 for the completion of the 2013–14 test administration. Amendment 12 added overlapping scope of work tasks, increased the budget, and extended the contract end

date to December 31, 2015.

(<http://www.cde.ca.gov/be/ag/ag/yr14/documents/jul14item05.doc>)

FISCAL ANALYSIS (AS APPROPRIATE)

The NCSC Phase II Pilot is funded by NCSC.

A total of \$26,689,000 in one-time funding was provided in the 2014–15 Budget Act to support the BIIG.

The 2014–15 Budget Act includes a total of \$89,081,000 for contracts related to the CAASPP System as approved by the SBE and contingent upon DOF review of the related contract during contract negotiations prior to its execution. The development of an alternate assessment field test for spring 2015, the hosting of Smarter Balanced Interim Assessments, and the reporting of 2014–15 CAASPP results, including Smarter Balanced Summative Assessment results, are only a portion of the tasks included in the scope of work and budget for Amendment 12 to the ETS CAASPP contract approved by the SBE in July 2014 for the 2014–15 CAASPP test administration. The budget for Amendment 12 is approximately \$84 million.

The costs for the setting of Smarter Balanced achievement levels and providing California teacher access to the Digital Library of formative assessment tools are included in the CDE contract with the University of California, Los Angeles (UCLA) for Smarter Balanced consortium services approved by the SBE in September 2013. The UCLA contract is capped at \$9.55 million annually.

ATTACHMENT(S)

None



California State Board of Education
Meeting Agenda Items for January 14, 2015

ITEM 02



CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2015 AGENDA

SUBJECT	
Elementary and Secondary Education Act: Proposed Amendments to the Accountability Workbook for 2015.	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

SUMMARY OF THE ISSUE(S)

Since 2004, the State Board of Education (SBE) has annually approved proposed amendments to California's Consolidated State Application Accountability Workbook (hereafter referred to as the Accountability Workbook) and submitted them to the U.S. Department of Education (ED).

RECOMMENDATION

The California Department of Education (CDE) recommends that the SBE approve seven amendments to California's Accountability Workbook. These amendments would impact the 2015 Adequate Yearly Progress (AYP) determinations.

BRIEF HISTORY OF KEY ISSUES

The CDE is proposing amendments to the Accountability Workbook that would impact the reporting of the 2015 AYP.

Four of the amendments are related to the establishment of California's new statewide student assessment system and its affects on existing elements within the Accountability Workbook, such as removing all references to the former Standardized Testing and Reporting (STAR) Program assessments; updating the grade levels under Pair and Share; suspending the use of an alternate assessment for AYP calculations; and using grade eleven Smarter Balanced assessment results rather than the grade ten California High School Exit Examination (CAHSEE) results.

The fifth amendment requests suspending the requirement to meet the Annual Measureable Objectives (AMOs) for the 2015 AYP only. The sixth amendment updates the definition of socioeconomically disadvantaged (SED). The seventh and final amendment replaces the Academic Performance Index (API) as the additional indicator for AYP determinations with attendance rates for elementary and middle schools.

Proposed Amendments to the Accountability Workbook

The proposed amendments to the current Accountability Workbook are listed in order of the critical element. The page references are also included.

1. Add a Grade Level to Pair and Share (Workbook Critical Element 1.1, page 8)

The Elementary and Secondary Education Act (ESEA) requires that the CDE produce an accountability report for every public school and local educational agency (LEA) in the state. The current Accountability Workbook indicates that for elementary schools with only kindergarten and/or grade one students, their AYP reports will solely be based on grade two test results of schools with which they are paired. Pairing is based on matriculation patterns.

Since the Smarter Balanced assessments are administered to students starting at grade three, this critical element will need to be edited to reflect that pairing and sharing will occur for elementary schools with only kindergarten, grade one, and/or grade two students and will solely be based on grade three test results.

2. Replace STAR Program Assessments with Smarter Balanced Assessments for Grades Three Through Eight (Workbook Critical Element 1.3, pages 12–13)

Upon enactment of Assembly Bill (AB) 484, a new assessment system, referred to as the California Assessment of Student Performance and Progress (CAASPP) System, was established. The CAASPP System includes the Smarter Balanced assessments which tests students in grades three through eight in English-language arts (ELA) and mathematics from which proficiency results will be used for AYP determinations. The Accountability Workbook will be updated to reflect the use of these new assessments.

3. Suspend the Use of Alternate Assessments (Workbook Critical Element 1.3, pages 12–13)

To date, the AYP includes results from students who take an alternate assessment (e.g., the California Alternate Performance Assessment [CAPA]). In spring 2015, an alternate assessment field test will be administered and the CDE will not have alternate assessment results to use for the 2015 AYP calculations. Roughly one percent of students statewide take the CAPA each year so suspending the inclusion of the alternate assessment in the AYP will have a minimal impact. Once the alternate assessment is fully implemented and operational in 2015–16, the CDE will use these results for the 2016 AYP calculations.

4. Suspend the AMOs for 2015 AYP (Workbook Critical Element 3.2, pages 27–28; 5.2, page 39)

The ESEA requires that all schools and LEAs meet the AMOs as part of the AYP determinations. For the 2014 AYP, the AMO targets reached 100 percent in ELA and mathematics.

In 2015, AYP reports will be produced using the results of the first operational Smarter Balanced assessments. California *Education Code* Section 52052(e)(2)(F) prohibits the comparison of Smarter Balanced results to STAR Program results. Therefore, safe harbor (a growth measure) cannot be used as an alternative method for meeting AMO targets. Without safe harbor, schools and LEAs will not have an opportunity to meet the AMO targets. The CDE recommends that for the 2015 AYP only, the AMOs be reported, but not used to make AYP determinations. Schools and LEAs would only be responsible for meeting the participation rate and the additional indicator. In 2016, safe harbor will be available for schools and LEAs to demonstrate growth from one year to the next and they will be held responsible for meeting AMO targets.

5. Update the Definition of Socioeconomically Disadvantaged (Workbook Critical Element 5.1, pages 37–38)

This is a technical amendment. Currently, a student is included in the SED student group if the student is eligible for the Free and Reduced-Priced Meals (FRPM) Program or if the highest level of education for both of the student's parents/guardians is less than a high school diploma. These data are obtained from the California Longitudinal Pupil Achievement Data System (CALPADS). LEAs are not required to submit an FRPM eligibility record in CALPADS for migrant, foster youth, or homeless students because they are automatically eligible. As a result, some of these students are not included in the SED student group for accountability reporting. The CDE recommends adding these students to more accurately report the performance of the SED student group.

6. Replace the Grade Ten CAHSEE with the Grade Eleven Smarter Balanced Assessment (Critical Element 6.1, page 48)

In 2014–15, the Smarter Balanced assessments will be administered to students in grade eleven in ELA and mathematics. Because all grade eleven students statewide will take the same Smarter Balanced assessments in ELA and mathematics, the CDE is proposing to use these results for the reporting of the 2015 AYP rather than continuing to use the grade ten CAHSEE results.

7. Replace the API with Attendance Rates as the Additional Indicator for Elementary and Middle Schools (Workbook Critical Element 7.2, page 53)

Along with meeting percent proficient and participation rate targets, the ED requires schools and LEAs to meet one additional indicator for AYP determinations. The ED requires that the cohort graduation rate be the additional indicator for high schools and allows each state to choose the additional indicator for elementary and middle schools.

Because the CDE cannot produce a 2015 Growth API, the CDE recommends replacing the API with attendance rates (based on Average Daily Attendance [ADA]) as the additional indicator for AYP determinations.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has submitted amendments to California's Accountability Workbook each year since the initial submission in January 2003. Most amendments have been in response to changes in California's assessment system or to changes in federal requirements. The most recent changes to the Accountability Workbook include:

- For the 2014 AYP, the SBE and CDE submitted two amendments. The first amendment added an extended-year (six-year) cohort graduation rate, and the second amendment removed the API as an additional indicator for high schools.
- For the 2013 AYP, the SBE and CDE submitted a technical amendment in response to the ED requiring a change to the proposed calculation method used for the five-year cohort graduation rate.
- For the 2012 AYP, the SBE and CDE submitted three amendments. The first amendment was in response to a previous Title I Monitoring Visit finding by the ED. As a result, the CDE agreed to produce all LEA accountability report cards and post them on the CDE Web site. The second amendment was a technical change that revised the definition of the SED student group in the Accountability Workbook to align with the definition on the student answer document. A third amendment, approval of a five-year graduation rate, was not approved for 2012 AYP determinations.

FISCAL ANALYSIS (AS APPROPRIATE)

Fiscal impact will be minimal, as the AYP reports are generated by CDE staff and posted on the CDE AYP Web page. All expenses are included in the Analysis, Measurement, and Accountability Reporting Division's budget.

ATTACHMENT(S)

None.



California State Board of Education
Meeting Agenda Items for January 14, 2015

ITEM 03



CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2015 AGENDA

SUBJECT	
Update on Developing a New Accountability System Using Multiple Measures consistent with <i>Education Code</i> Sections 52052 through 52052.9.	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

SUMMARY OF THE ISSUE(S)

This is an update to the State Board of Education (SBE) regarding the development of a new accountability system related to the implementation of California *Education Code* (EC) sections 52052 through 52052.9. The California Department of Education (CDE) will provide a brief update on the progress made toward implementing the main components of California EC sections 52052 through 52052.9, as amended by Senate Bill (SB) 1458 (Steinberg).

RECOMMENDATION

The CDE recommends that the SBE approve the following actions to be conducted by the Technical Design Group (TDG) and the Public Schools Accountability Act (PSAA) Advisory Committee: (1) recommend options for moving the state accountability system from using a single index to using multiple measures to parallel the state priorities; (2) present options for an alternative point scale for the new accountability system; and (3) provide a recommendation on the most appropriate timing for the release of the next accountability reporting cycle.

These resulting recommendations from the TDG and PSAA Advisory Committee will be provided to the State Superintendent of Public Instruction (SSPI). The SSPI is expected to bring recommendations to the SBE at the March 2015 meeting for consideration.

BRIEF HISTORY OF KEY ISSUES

The TDG and PSAA Advisory Committee are working to address the mandates required in SB 1458.

College and Career Indicator

California *EC* Section 52052(H) states it is the intent of the Legislature that the state’s system of public school accountability be more closely aligned with both the public’s expectations for public education and the workforce needs of the state’s economy. Therefore, SB 1458, California *EC* sections 52052(a)(3)(F)(i) require that by 2016, the assessments results shall constitute no more than 60 percent of the high school Academic Performance Index (API) and that the remaining 40 percent must encompass other indicators such as graduation data and student preparedness for college and career.

To determine what measures (e.g., college and career indicator [CCI]) should be included in this new accountability index, the CDE has been meeting with the PSAA Advisory Committee and the TDG. The PSAA Advisory Committee meets bi-monthly. All meetings are Web streamed and archived on the CDE PSAA Web page at <http://www.cde.ca.gov/ta/ac/pa/>.

The CDE has also conducted six regional meetings and one Webcast to present the proposed methodology for incorporating data in the API, where CDE staff presented a working model for inclusion of a CCI in the API. There were 146 attendees who provided comments. Based on these comments, the CDE conducted a statewide survey to which 1,768 individuals responded. Approximately 80 percent of the respondents supported the methodology for incorporating graduation data in the API and the proposed CCI working model.

To further support this information-gathering and decision-making process, the CDE contracted with the Educational Policy Improvement Center (EPIC) to conduct analyses of six different types or clusters of potential measures of college and career preparedness, presented in a series of white papers and a final summary report.

The following table lists the measures and EPIC’s presentation dates at the PSAA Advisory Committee meetings.

Cluster of Measures	Individual Measures	Presented
College-entrance exams	<ul style="list-style-type: none"> • SAT • ACT 	April 4, 2014
Accelerated coursework	<ul style="list-style-type: none"> • Advanced Placement • International Baccalaureate 	
Innovative measures	<ul style="list-style-type: none"> • Metacognitive assessment • Performance assessment • California State Seal of Biliteracy 	June 17, 2014
Course-taking behaviors	<ul style="list-style-type: none"> • A-G subject requirements • Career and Technical Education course pathways • Integrated course pathways 	

Cluster of Measures	Individual Measures	Presented
Career preparedness assessments	<ul style="list-style-type: none"> • ACT's WorkKeys • Armed Services Vocational Aptitude Battery • National Occupational Competency Testing Institute • Industry certification assessments 	August 5, 2014
Multiple measures	Does not review a cluster of measures, instead identifies theory, practice in various states, and cutting-edge concepts around use of multiple measures for accountability	

At the December 2, 2014 PSAA Advisory Committee meeting, Dr. Conley presented EPIC's final report summarizing findings from the series of white papers that examined: (a) potential measures of college and career preparedness and (b) the technical aspects related to constructing an indicator employing multiple measures of college and career preparedness. The report concluded with a discussion about the role of the revised API in California's reformed accountability system. The executive summary is provided in Attachment 1.

Dr. Conley's presentation was followed by Dr. Linda Darling-Hammond who discussed her newest paper, *Recognizing and Supporting College and Career Readiness in the California School Accountability System*, co-authored by Soung Bae both representing the Stanford Center for Opportunity Policy in Education (SCOPE). Mr. Christopher Cabaldon, from Linked Learning, also presented with Dr. Darling-Hammond.

The TDG is also providing technical guidance on college and career preparedness, specifically the CCI. The TDG concluded that combining the CCI into one indicator that provides multiple pathways (i.e., measures) for students to contribute to the API would provide the most advantages. All students in the four-year cohort graduation rate would be included. Each measure within the indicator would have levels of criteria and API points. Points would be assigned only once according to the highest level criterion a student achieved across the multiple measures. Attachment 2 illustrates the current CCI working model.

The TDG is in the process of reviewing the current CCI working model to address findings from EPIC's white papers and the impact of the state priorities.

It is important to note that, consistent with *EC* Section 52052(L), indicators approved by the SBE for inclusion in the API shall not be incorporated until at least one full school year after the SBE's decision to include the indicator in the API.

Graduation Indicator

In June 2013, the PSAA Advisory Committee recommended to the SSPI a methodology for incorporating graduation data in the API. The CDE took this recommendation to the

SBE in November 2013. The SBE took no action and deferred a decision to a future SBE meeting.

The methodology outlined below was presented prior to the passage of SB 1458. The point structure illustrated represents the prior API point scale. Since SB 1458 restricts comparing test scores from the California Assessment of Student Performance and Progress (CAASPP) tests to the Standardized Testing and Reporting (STAR) Program tests, a new point scale will be applied to represent the new accountability index once determined.

- Incorporate graduation data in the same way that assessment results are now included in the API which is at the student level. Students in the four-year graduation cohort will be assigned various API points pending their identification within the following four graduation statuses:
 - Four-Year Graduation with Diploma: 1000 points
 - Special Education Certificate Recipient: 1000 points
 - High School Equivalency Test: 800 points
 - Non-Graduate: 200 points

The proposed assignment of 1000 API points for students who earn a Special Education certificate is supported by the Advisory Commission on Special Education (ACSE), which is reflected in a formal recommendation made at its August 2013 meeting. The ACSE meetings are archived on the CDE ACSE Web page at <http://www.cde.ca.gov/sp/se/as/acse.asp>.

The recommended methodology also includes a bonus point structure at the schoolwide level which provides additional points to four-year graduates who are identified for specific programs. Four-year graduates who are identified in more than one program may earn bonus points more than once. Each identified program is worth 50 bonus points each which allows a maximum of 200 bonus points to be earned by a graduate.

The identified programs are:

- English learner (EL): 50 points
- Students with disabilities (SWD): 50 points
- Socioeconomically disadvantaged (SED): 50 points
- Foster Youth (FY): 50 points

Graduate API Points	+	Bonus Points Added				=	Maximum API Points Earned **
		EL	SWD	SED	FY		
1000		50	50	50	50	1200	

** School-level capped at 1000 API points

Regarding the graduation indicator, the CDE is also developing an alternative method to indicate student success for Alternative Schools Accountability Model (ASAM) schools.

The CDE has presented to the PSAA Advisory Committee and TDG a methodology for incorporating 1-Year instead of 4-Year graduation data for ASAM and charter high schools that serve credit deficient students. Using 1-Year graduation data, simulations show an increase in the API for most schools under all scenarios. Although the PSAA Advisory Committee indicated that the 1-year methodology was an option, the committee did request that the CDE staff explore other methodologies for an ASAM graduation indicator.

Smarter Balanced Assessment Results

In addition to analyzing the reliability, validity, fairness, and practicality of using various measures within the CCI, the TDG has discussed the development of a student growth model based on Smarter Balanced assessment results. Once the type and format of data received from the Smarter Balanced assessments is clarified, the TDG will fully explore various growth models to determine how best to design a student growth accountability model.

Assembly Bill 484 prohibits the comparison Smarter Balanced assessment results to STAR Program results. Therefore, the CDE recommends that the SBE direct the TDG and the PSAA Advisory Committee to provide options for an alternative point scale for the new accountability system.

Direction of the API

In March 2014, the CDE recommended that the SBE approve not calculating the 2014 Growth and Base APIs and the 2015 Growth API for elementary, middle, and high schools. This recommendation was made because the Smarter Balanced assessments were being field tested in 2014 and those results could not be used for any accountability measures.

Beginning in 2015, the first administration of the full, computer-adaptive Smarter Balanced assessments will occur. These assessments are based on the Common Core State Standards (CCSS). Although significant gains have been made toward the implementation of the CCSS, local educational agencies (LEAs) across the state are in various stages of implementation.

Further, there is growing interest, as expressed in PSAA Advisory Committee meetings, to report academic performance separate from college and career readiness. Although SB 1458 requires accountability components to be merged, a legislative change could revise that mandate.

Therefore, the CDE recommends that the SBE direct the TDG and the PSAA Advisory Committee to recommend options for moving the state accountability system from using a single index to using multiple measures to parallel the state priorities, and to provide a recommendation on the most appropriate timing for the release of the next accountability reporting cycle.

To begin discussions regarding the development of a new state accountability system, the TDG and PSAA may want to consider the following questions:

- How can school performance be communicated effectively to all educational stakeholders? For instance, should school performance be graphically displayed in snapshots? If so, should performance be compared between schools in the district to the state average or to a statewide goal?
- What are some possible options for redesigning the state accountability system (e.g., create multiple indicators vs. one index; develop separate indicators for ASAM schools, develop a student-level growth model, etc.)
- Should a statewide goal be established to provide a standardized comparison of schools? Should goals be set for all measures (e.g., assessments, graduation, college and career preparedness, etc.)?
- Should performance targets be established to ensure schools can be compared in a valid and reliable manner in addition to LEAs establishing goals set through the state priorities?
- If state goals or performance targets are established, when should they be applied? That is, should the CDE allow LEAs more time before applying goals or targets?

An implementation timeline for the new state assessment system and accountability was provided in the SBE December 2014 Information Memorandum.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In March 2014, the CDE recommended that the SBE approve not calculating the 2014 Growth and Base APIs and the 2015 Growth API for elementary, middle, and high schools. Because there was a possibility of producing a high school API, the PSAA Advisory Committee reviewed options for producing a high school API at its December 9, 2013 meeting. The SBE March 2014 agenda is located at <http://www.cde.ca.gov/be/ag/ag/yr14/agenda201403.asp>.

In November 2013, the CDE took the PSAA Advisory Committee's recommendation for incorporating graduation data in the API to the SBE. The SBE took no action and deferred a decision to a future SBE meeting. The November 2013 agenda is located at <http://www.cde.ca.gov/be/ag/ag/yr13/agenda201311.asp>.

In July 2013, the CDE provided the SBE an update on the progress made toward implementing components identified in SB 1458, including results of public input received at regional meetings. These regional meetings were held to seek feedback from the public and stakeholders on new high school accountability requirements for the API. The July 2013 agenda is located at

<http://www.cde.ca.gov/be/ag/ag/yr13/agenda201307.asp>.

FISCAL ANALYSIS (AS APPROPRIATE)

The 2013 State Budget provided the CDE with two positions to support the implementation of SB 1458 and the redesign of the API. The Analysis, Measurement, and Accountability Reporting Division began work associated with implementing SB 1458 (e.g., researching college and career measures, running simulations, etc.).

ATTACHMENT(S)

Attachment 1: Measures for a College and Career Indicator: Final Report (7 pages)

Attachment 2: College and Career Indicator Working Model (1 page)

Measures for a College and Career Indicator: Final Report

Prepared for the California Department of Education
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November 2014



Acknowledgments

EPIC's researchers were ably assisted by two members of the Public Schools Accountability Act Advisory Committee, who offered invaluable comments and insights that helped shape the final report. Committee co-chair Kenn Young and member Ed Haertel provided their views on earlier versions of this report that were helpful in refining its focus and content.

The staff at the California Department of Education offered steady and consistent guidance, leadership, and attention to detail. EPIC is grateful for the support and flexibility of Keric Ashley, director of the Analysis, Measurement, and Accountability Report Division, and Jenny Singh, who headed the project team, which also included Ryan Lam.

The authors wish to acknowledge the important contributions of EPIC staff members, most notably Barbara Hewick in her role as copyeditor for this report and the six white papers that preceded it, and Dr. Matt Coleman for his guidance and insights throughout this project.

Executive Summary

In 2012, California Senate Bill 1458 added a measure of college and career preparedness to the Academic Performance Index (API). The Public Schools Accountability Act Advisory Committee was charged with making recommendations to the State Superintendent of Public Instruction and the State Board of Education regarding measures that could serve as indicators of college and career preparedness at the high school level.

Nature of Evaluation

The Educational Policy Improvement Center (EPIC) was commissioned to evaluate potential measures identified by the Committee. To do so, EPIC employed a criterion-based evaluation framework that focused on the technical quality, stakeholder relevance, and system utility of each potential measure as represented in Table 1.

Table 1. Evaluative Criteria for Potential College and Career Preparedness Measures

Dimension	Criterion
Technical quality	has a <i>research base</i> demonstrating a relationship with postsecondary success
	allows for <i>fair comparisons</i>
	has <i>stability</i>
Stakeholder relevance	has <i>value for students</i>
	is <i>publicly understandable</i>
	has <i>instructional sensitivity</i>
	emphasizes <i>student performance</i> , not educational processes
System utility	<i>minimizes burden</i>
	provides as much <i>student coverage</i> as possible
	recognizes <i>various postsecondary pathways</i>

The Measures

Five potential categories of measures were evaluated and reported in a series of white papers (and a sixth white paper examined multiple measures):

1. College admission exams
2. Advanced coursework
3. Innovative measures
4. Course-taking behavior
5. Career preparedness assessments

The college admission exams category comprises the SAT and ACT. The advanced coursework category includes the Advanced Placement program and the International

Baccalaureate Diploma Programme. Innovative measures consist of metacognitive assessments, performance assessments, and the California State Seal of Biliteracy. The course-taking behavior category includes the University of California’s a–g subject requirements, career technical education course pathways, and integrated course pathways. The career preparedness category consists of ACT’s WorkKeys, assessments from the National Occupational Competency Testing Institute, the Armed Services Vocational Aptitude Battery, and industry certifications.

Findings

The evaluation of each category of measures resulted in a rating of strong, medium, or weak on each of the ten criteria, as shown in Table 2.

Table 2. Evaluation of Measures of College and Career Preparedness

	A1: Research base	A2: Fair comparisons	A3: Stability	B1: Value to students	B2: Publicly understandable	B3: Instructional sensitivity	B4: Student performance	C1: Minimizes burden	C2: Student coverage	C3: Various pathways
S = Strong, M = Moderate, W = Weak										
College admission exams	S	M	S	M	S	M	S	S	M	M
SAT	S	M	S	M	S	M	S	S	M	M
ACT	S	M	S	M	S	M	S	S	M	M
Advanced coursework	S	M	S	S	M	S	S	M	M	M
Advanced Placement	S	M	S	S	M	S	S	M	M	M
International Baccalaureate	M	M	S	S	W	S	S	W	W	M
Innovative Measures	M	M	M	S	M	S	S	M	S	S
Metacognitive assessment	M	M	W	S	M	M	M	M	S	S
Performance assessment	M	M	M	S	M	S	S	M	S	S
California State Seal of Biliteracy	W	W	M	M	M	S	S	M	W	S
Course-taking behavior	S	M	M	S	S	S	S	S	M	M
a–g subject requirements	S	M	M	S	S	S	S	S	M	M
CTE course pathway	M	M	M	M	S	S	S	S	M	M
Integrated course pathway	S	M	M	S	M	S	S	M	W	S
Career preparedness assessments	M	M	M	M	M	S	S	S	M	M
ACT’s WorkKeys	M	M	M	M	M	M	S	S	M	M
ASVAB	W	M	S	W	W	W	S	S	M	M
NOCTI	M	M	M	M	M	S	S	M	M	M
Industry certifications	W	W	W	S	S	S	S	W	M	M

Technical Considerations

Potential technical considerations for a college and career indicator include setting the benchmark levels associated with college and career preparedness, combining multiple measures into one indicator, and aggregating student level measures to generate a summative high school-level rating.

The challenge with setting benchmark levels for tests is that they can end up being used as cut score judgments about students even though their purpose is to measure school effectiveness. Benchmark levels also tend to underrepresent the complexity of college and career preparedness.

Policymakers can use combinations of measures in several ways: 1) they can allow strengths in one area to compensate for weaknesses in others, known as a compensatory or complementary approach; 2) they can create a matrix of ratings or scores that are applied to a series of measures; or 3) they can adopt an approach where a school needs to reach a designated level on all measures, which is a conjunctive model.

In a complementary model, student performance counts only for the measure on which each student performs best. Complementary models can be compensatory in nature, which means strong scores in one area make up for weaker scores on other measures within specified ranges, or complementary in the sense that only the best performance is incorporated, regardless of how a student does on other measures. Technically, the matrix model does not combine measures. Instead, the matrix model calculates scores for each individual measure, which allows for more nuances than a single API score. Finally, the conjunctive approach requires schools to meet or exceed certain thresholds on all measures.

Additional Possible Indicators

Other measures beyond those identified by the Public Schools Accountability Act Advisory Committee could conceivably contribute information to a college and career indicator. These measures include dual/concurrent enrollment, culminating projects, coursework in languages other than English, lab science coursework, and college remediation rate. These measures all have the potential to make a distinctive contribution to understanding how well schools are preparing students for college and careers.

Recommended College and Career Indicator

The EPIC evaluation leads to the recommendation that a measure of course-taking behavior would be the single best indicator that meets the evaluative criteria used and also has the greatest probability of leading to improvements in college and career preparedness statewide.

When combined with the grades students get in courses, course-taking behavior is the best single predictor of college success. Its advantages include a well-developed research base, relative stability over time, understanding of both educators and noneducators, the ability to implement with little additional burden on schools, and the potential for all students to earn points for their school.

School scores for student course-taking behavior could potentially be weighted to take into account the nature of the students in the school. Doing so would give more points to schools whose students historically have not taken courses to prepare themselves for postsecondary education but increase the number of those types of courses they take.

A Multiple-Measure System

One conclusion reached by the EPIC researchers' evaluations of the measures considered is that all of them have potential value in certain situations, but all have limitations when applied to all students in California in a uniform fashion. This observation suggests that an indicator that incorporates multiple measures could be a more valid representation of college and career preparedness statewide than a single measure.

Several states have accountability systems that incorporate multiple measures. The challenge is to avoid excessive complexity while still including the most important measures. In a multiple-measure system, schools can receive points for student performance in more than one area, which validates a wider variety of pathways to postsecondary preparedness and a range of programs to meet their needs.

Creating a Coherent System

The API does not exist in a vacuum; quite the contrary. In fact, California schools have long attempted to meet state and federal accountability requirements that were similar to but not the same as California's own standards. With the recent introduction of an additional level of accountability at the district level in the form of Local Control Accountability Plans, educators will be challenged to manage a process that could conceivably send conflicting messages but also could be more relevant and valuable locally. A coherent system of accountability is necessary to focus educator efforts.

A state/local partnership model is one way to create more coherence. In this approach the state establishes a set of core measures that are consistently applied to all schools, and local schools then add measures that best reflect the quality of their programs and areas where they want to improve. The state measures foundational skills such as reading and mathematics and a few other key indicators, such as attendance and graduation rates. Local measures are then selected to address local programs that demonstrate school effectiveness for local student populations and address other state priorities.

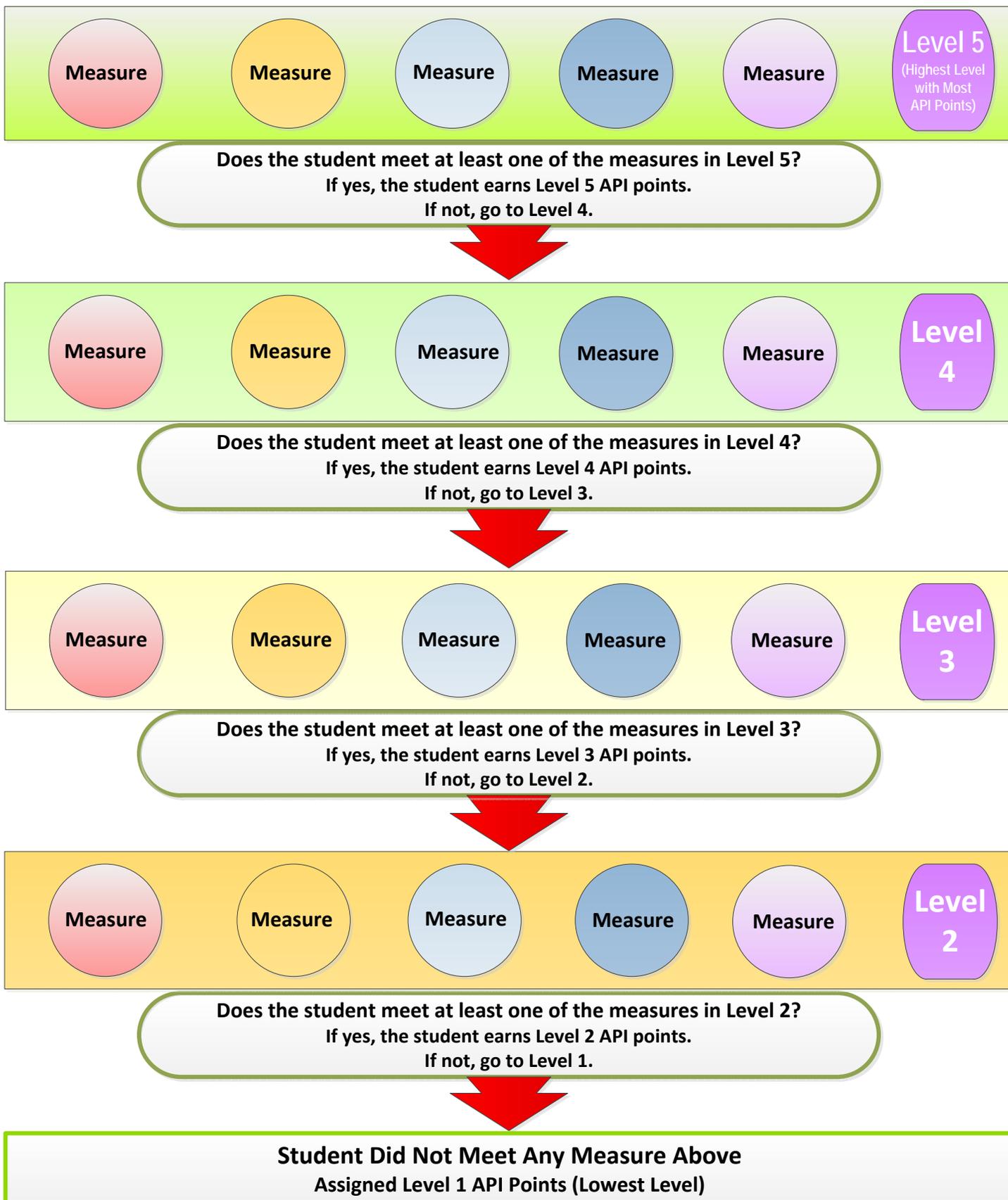
Conclusion

Holding schools accountable for student performance based solely on educational outputs has proven to be challenging and nowhere near as effective as policymakers had hoped it would be. Accountability in the future will likely be more of a partnership between the state and local schools and will include more dimensions and measures than a single test in reading and mathematics. The college and career indicator that is being added to the API is a small step in that direction, but much more work remains to create an accountability system that acknowledges the full range of factors necessary to achieve sustained improvement of educational practice across all of California's diverse public high schools.

College and Career Indicator Working Model

Points are awarded based on a student's highest achievement on any one measure*.

Student data from CALPADS 4-year cohort (same cohort as grad rate)



* Measure: Each measure identified in this conceptual model may be a college measure, a career measure, or a combination of both.



California State Board of Education

Meeting Agenda Items for January 14, 2015

ITEM 04



CALIFORNIA STATE BOARD OF EDUCATION

January 2015 AGENDA

SUBJECT	
Local Control Funding Formula Update: LEA Implementation; Identification of Resources to Support Local Planning; Development of the Evaluation Rubrics, including Implications for the Statewide Accountability System.	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

SUMMARY OF THE ISSUE(S)

On July 1, 2013, the Governor signed Assembly Bill 97 (Chapter 47, Statutes of 2013) to enact the Local Control Funding Formula (LCFF). This agenda item is one of several in a series of regular information or action items to demonstrate progress in the implementation of the LCFF to the State Board of Education (SBE) and to the public.

RECOMMENDATION

No specific action is recommended at this time.

BRIEF HISTORY OF KEY ISSUES

On January 16, 2014, the SBE took action to approve emergency regulations governing the expenditure of LCFF funds pursuant to the requirements of California *Education Code (EC)* Section 42238.07 and the Local Control and Accountability Plan (LCAP) template pursuant to *EC* Section 52064, available on the California Department of Education (CDE) LCFF Web page at <http://www.cde.ca.gov/re/lr/rr/lcffemergencyregs.asp>. In September 2014, the SBE readopted the emergency regulations for a second 90-day extension while the permanent rulemaking process continued.

In addition, the SBE commenced the regular rulemaking process. This process is required to adopt permanent regulations and included an initial period of 45 days for written comments and a public hearing to receive verbal and written testimony. There have also been two subsequent 15-day comment periods to respond to proposed revisions that have resulted from public comments. The SBE adopted permanent regulations on November 14, 2014, and the CDE submitted the regulations to the Office of Administrative Law for approval.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

July 2014: The CDE provided a status update regarding issues specific to the implementation of LCFF and the development of the LCAP (<http://www.cde.ca.gov/be/ag/ag/yr14/documents/jul14item01.doc>). The update included discussion of recent work conducted to identify common elements of required state and federal plans as part of the work to reduce duplication in planning documents; a discussion of proposed changes to the School Accountability Report Card template to align with LCFF state priorities (approved by the SBE at the July 2014 meeting: <http://www.cde.ca.gov/be/ag/ag/yr14/documents/jul14item02.doc>); a progress report on the development of the electronic LCAP template; and an update regarding the proposed process to begin developing the evaluation rubrics.

In separate items, the SBE approved proposed changes to the permanent regulations governing expenditure of supplemental and concentration funds and the LCAP template, and directed that the changes be circulated for a 15-day comment period (<http://www.cde.ca.gov/be/ag/ag/yr14/documents/jul14item11.doc>). The SBE also took action to readopt the emergency regulations governing expenditure of supplemental and concentration funds and the LCAP template, which were otherwise set to expire in advance of the adoption of permanent regulations (<http://www.cde.ca.gov/be/ag/ag/yr14/documents/jul14item16.doc>).

September 2014: The CDE provided a status update regarding issues specific to the implementation of LCFF and the development of the LCAP (<http://www.cde.ca.gov/be/ag/ag/yr14/documents/sep14item17.doc>). The discussion included a report on the initial work of the Evaluation Rubric Design Group; a summary of the changes to LCFF provisions that align income verification requirements for LCFF more closely to the requirements for the National School Lunch Program; an overview of the LCAP review and approval process conducted both by CDE and the county offices of education (COEs); a report on the additional functionality within the California Longitudinal Pupil Achievement Data System (CALPADS) that allows local educational agencies (LEAs) to identify foster youth enrolled in each school; an overview of services for foster youth, including tools and promising practices, that CDE makes available to districts and COEs; and a presentation by an advocacy organization, FosterEd, addressing issues specific to foster youth and providing an overview of the ways in which select districts addressed foster youth services in the 2014–15 LCAP.

In separate items, the SBE approved proposed changes to the permanent regulations governing expenditure of supplemental and concentration funds and the LCAP template, and directed that the changes be circulated for a 15-day comment period (<http://www.cde.ca.gov/be/ag/ag/yr14/documents/sep14item18.doc>). The SBE also took action to readopt the emergency regulations governing expenditure of supplemental and concentration funds and the LCAP template, which were otherwise set to expire in advance of the adoption of permanent regulations (<http://www.cde.ca.gov/be/ag/ag/yr14/documents/jul14item16.doc>).

November 2014: The CDE provided a status update regarding issues specific to the implementation of LCFF and the development of the LCAP (<http://www.cde.ca.gov/be/ag/ag/yr14/documents/nov14item13.doc>). The discussion included a report of CDE's review of county office LCAPs and plans to provide training to the COEs for the development of the 2015–16 LCAP, including sharing LCAP review guidelines well in advance with COE staff, collecting sample segments of 2014 LCAPs that conveyed information clearly, and providing small group or individual coaching sessions to COEs beginning in late winter; a status report on the ongoing work of the Evaluation Rubric Design Group; a status report on the development of the electronic LCAP template; a report on the additional functionality within CALPADS that allows LEAs to identify foster youth enrolled in each school; an update on the Plan Alignment work; a report on the additional guidance provided about the expectation for the incorporation of the academic content and performance standards in the LCAP and for charter authorizers; and a presentation by the California County Superintendents Educational Services Association regarding the review and approval of the 2014–15 school district LCAPs, and its plans for upcoming training for the 58 COEs to prepare for reviewing the 2015–16 school district LCAPs.

In a separate item, the SBE adopted the proposed permanent Local Control Funding Formula Spending Requirements and Local Control and Accountability Plan, *California Code of Regulations*, Title 5, sections 15494–15497.5, and directed the CDE to submit the rulemaking file to the Office of Administrative Law (OAL), authorizing the CDE, in consultation with SBE staff, to take any necessary action or make technical edits or corrections consistent with the SBE's action, and to respond to any direction or concern expressed by the OAL during its review of the rulemaking file. (<http://www.cde.ca.gov/be/ag/ag/yr14/documents/nov14item14.doc>).

FISCAL ANALYSIS (AS APPROPRIATE)

The 2014 Budget Act provides an increase of \$5.6 billion over the 2013 Budget Act level of \$55.3 billion for a total of \$60.9 billion in Proposition 98 funding for 2014–15. The budget appropriates \$4.7 billion of this Proposition 98 funding to school districts and charter schools and \$25.9 million for COEs to support the second year of LCFF implementation. The second-year investment in the LCFF is projected to close over 29 percent of the remaining funding gap for school districts and charter schools, and close the entire funding gap for COEs. COEs receive a county operations grant to cover the cost of county oversight of school districts, among other operational responsibilities (*EC* Section 2575 subdivision [I]).

ATTACHMENT(S)

Attachment 1: Update on Local Control Funding Formula Issues and Resources
(7 Pages)

Attachment 2: Slide presentation regarding California School Climate, Health, and Learning Surveys (16 Pages)

Attachment 3: Rubric Update (5 Pages)

Update on Local Control Funding Formula Issues and Resources

Overview

Below is an update about key issues identified by the State Board of Education (SBE) as topics for further discussion or clarification. Each topic is introduced, followed by a brief status update. Suggested resources to support local planning activities are included where available. These topics will be updated and new topics will be added as local educational agencies (LEAs) transition through the Local Control and Accountability Plan (LCAP) implementation phases.

California Healthy Kids Survey

The California Healthy Kids Survey (CHKS) is a nationally recognized, comprehensive data collection system for assessing student perceptions of school climate, social emotional health and learning, and campus safety. It is an anonymous, confidential survey of youth resiliency, protective factors, and risk behaviors, administered to students at grades five, seven, nine, and eleven. It enables schools and communities to collect and analyze data regarding local youth health risks and behaviors, school connectedness, protective factors, and school violence.

The CHKS is part of a comprehensive, data-driven decision-making process for improving school climate and the student learning environment to support overall school improvements. It is a companion tool to the California School Climate Survey (<http://www.cde.ca.gov/ls/he/at/cscs.asp>) for staff, and the California School Parent Survey (<http://www.cde.ca.gov/ls/he/at/csps.asp>) for parents. Together, they form the California School Climate, Health, and Learning Survey System (<http://cal-schls.wested.org/>).

The CHKS was developed to fulfill federal Safe and Drug Free Schools (Title IV) Program requirements. It was initially funded with a combination of funding from Title IV and the Tobacco Use Prevention and Education (TUPE) programs. Between the years 2003–2010, 850 LEAs completed the survey every two years, representing 7,000 schools, 1 million students, and 100,000 school staff. But when Title IV was no longer funded in 2011, the survey became voluntary and participation in the survey declined by one third, primarily in the elementary grades. Factors cited by LEAs for dropping the survey were largely related to budget cuts. The loss of Title IV funding also resulted in a reduction of a significant portion of the state-level funding necessary to support continued availability of the CHKS. Although TUPE funds continue to be available, they are not sufficient to maintain the survey.

However, in 2013–2014 participation in CHKS rebounded by 18%. Based on positive anecdotal feedback from LEAs that the survey is a valuable resource, the California Department of Education (CDE) predicts that in the next few years, participation could return to 2010 levels. Thus, the CDE will continue its efforts to identify a stable funding source.

With the introduction of the LCAP, many LEAs are using the information available through the CHKS to establish baseline data and/or measure progress on several of the priorities outlined in the Local Control Funding Formula (LCFF):

- School climate
- Pupil engagement
- Parent involvement
- Academic achievement
- Implementation of SBE-adopted standards

At the heart of the CHKS is a research-based core module that provides valid indicators of student engagement and achievement, safety, positive social emotional development, health, and overall well-being. In addition, there are supplementary modules from which to choose at the secondary school level that ask detailed questions on specific topics. These include more in-depth questions about resiliency and protective factors; school climate; resiliency and youth development; social emotional health and learning; tobacco use; alcohol and other drug use; safety/violence; physical health; sexual behavior; after school activities; gang awareness; lesbian, gay, bisexual, and transgender school experiences; and school connectedness of students from military families. LEAs can also modify their questions in a custom module to target topics of local interest. The new CHKS Social Emotional Health module can help assess the social emotional competencies of the students necessary to help them meet performance objectives on SBE-adopted standards.

California *Education Code (EC)* sections 51513 and 51938(b) specify that parent consent be granted before students are given questionnaires or surveys asking about personal beliefs or practices that include health behavior and risks. CDE provides sample letters in fourteen languages for LEAs to use for notification purposes. The local school board must formally adopt, in consultation with parents, a consent policy for the administration of the CHKS. More information about the types of consent and sample letters are located on the California Healthy Kids Survey Web site at <http://www.cde.ca.gov/ls/he/at/chks.asp>.

English Learners and the Local Control Funding Formula

In the 2013–14 school year, there were more than 1.4 million English Learners (ELs) in California public schools, nearly the same level as in 2012–13.

- The 1,413,549 ELs constitute 22.7 percent of the total enrollment in California public schools. Of this number, 1,228,476 students (87 percent) are also designated as socioeconomically disadvantaged.
- A total of 2,685,793 students speak a language other than English in their homes. This number represents about 43.1 percent of the state's public school enrollment.

- The majority of ELs (73 percent) are enrolled in the elementary grades, kindergarten through grade six.
- Although EL data is collected for 60 language groups, 95 percent speak one of the ten most common languages in the state: Spanish (84.24%), Vietnamese (2.3%), Pilipino (1.4%), Cantonese (1.3%), Mandarin (1.2%), Arabic (1.1%), Hmong (0.9%), Korean (0.9%), Punjabi (0.6%), Russian (0.5%).

The State has identified these goals for ELs:

- Ensure that ELs acquire full proficiency in English as rapidly and effectively as possible and attain parity with native speakers of English.
- Ensure that ELs, within a reasonable period of time, achieve the same rigorous grade-level academic standards that are expected of all students.

By designating ELs as one of the three student groups for whom districts receive supplemental and concentration grants under the LCFF, the State has again emphasized its commitment to ensuring the academic success of this group of students. For several years, the CDE has provided guidance to districts, county offices of education (COEs), and charter schools to assist them in implementing programs and services that are effective in meeting the needs of ELs. More recently, because of the number and breadth of the state priorities which must be addressed in the LCAP, including implementation of the English Language Development standards adopted by the SBE two years ago, the CDE's technical assistance has expanded to include resources to assist LEAs to develop goals, actions, and services in the planning process targeted to the needs of ELs.

- **California English Language Development Standards (CA ELD Standards):** In November 2012, the SBE adopted the current California ELD Standards to align with the state's English Language Arts (ELA) Common Core State Standards (CCSS). ELD standards help guide curriculum, instruction, and assessment for ELs who are developing the English language skills needed to engage successfully with state subject matter standards for college- and career-readiness (<http://www.cde.ca.gov/sp/el/er/eldstandards.asp>).
- **The California English Language Development Standards (CA ELD Standards) Implementation Plan:** This plan identifies major phases and activities in the implementation of the CA ELD Standards throughout California's educational system. The plan describes a philosophy and strategies for the successful integration of the CA ELD Standards to align to the CCSS for ELA and to address English language and literacy skills ELs need in key content areas such as history/social studies, science, and technical subjects.

The Department is currently working to align ELD to CCSS in math and the Next Generation Science Standards. The goal of the CA ELD Standards Implementation Plan is to serve as a guide of the major steps in the

development, adoption, and implementation of the CA ELD Standards for LEAs and COEs (<http://www.cde.ca.gov/sp/el/er/documents/nov2013impplanfinal.pdf>).

- **California English Language Development Standards (CA ELD Standards) Launch Events:** The CDE conducted the first of three professional development events to launch the ELA/ELD Framework following the Accountability Leadership Institute in San Diego in December 2014. The two subsequent events are scheduled in January in Redwood City and in February in Fresno. Sessions targeted the range of literacy skills across all grade levels with practical suggestions for teachers, administrators, coaches, and educational stakeholders. The event featured Libia Gil, Assistant Deputy Secretary and Director of the Office of English Language Acquisition from the US Department of Education, who acknowledged that California is the first state to develop an ELA/ELD Framework. Superintendent Torlakson's remarks included a video by US Secretary of Education Arne Duncan, who noted the importance and uniqueness of this framework.

In addition to the more recently developed tools and resources described above, the CDE provides technical assistance to districts and charters to ensure compliance with state requirements for EL identification, program placement, parental waivers, and alternative programs as described below.

- **EL Identification**

EC 306 (a) states that an "English learner" means a child who does not speak English or whose native language is not English and who is not currently able to perform ordinary classroom work in English, also known as a Limited English Proficiency or LEP child. Currently the state's assessment for ELs is the California English Language Development Test (CELDT), and information regarding the CELDT may be found at <http://www.cde.ca.gov/ta/tg/el/celdtfaq.asp>. However, California is transitioning to the English Language Proficiency Assessments for California (ELPAC) to begin in the 2016–2017 school year. The ELPAC will be aligned to the approved English Language Development (ELD) Standards and will be comprised of two separate assessments: an initial identification assessment to screen potential ELs, and an annual summative assessment for use after ELD instruction and content have been provided.

- **Program Placement**

After an EL is identified: the student is typically placed in one of two programs:

- **Structured English Immersion or Sheltered English Immersion (SEI):** These classrooms are designed for students with less than "reasonable fluency," although LEAs have discretion to set specific criteria. Typically ELs scoring at the beginning to intermediate levels on the CELDT are considered

to have less than “reasonable fluency.” SEI is an English language acquisition process for young children in which nearly all classroom instruction is in English, but with curriculum and presentation designed for children who are learning the language (*EC 306 (d)*). SEI may include: (1) ELD appropriate for each student to gain at least one level of English proficiency; (2) content instruction utilizing specially designed academic instruction in English whenever needed for full access to the core; and/or (3) primary language support.

At any point, a parent/guardian of an EL may request his/her child be placed in an English language mainstream classroom instead of the SEI classroom. A waiver is not necessary for this request to be granted. However, all ELs must receive appropriate services to overcome language barriers that prevent equal access to the core curriculum.

- **English Language Mainstream:** These classrooms are designed for students who are either “native English language speakers or already have acquired reasonable fluency in English.” Students shall be transferred from a SEI classroom to an English language mainstream classroom when the pupil has acquired a reasonable level of English proficiency.

- **Parental Waivers**

The parent/guardian may request a waiver to allow his/her child to participate in an alternative program according to local district waiver procedures. The final decision to grant or deny the request lies with the principal and educational staff who must grant the waiver, unless a determination has been made that the alternative program would not be better suited for the overall educational development of the pupil. Some examples of alternative programs include:

- **Dual Language Program or Two-Way Immersion:** These programs integrate language minority students (ELs) and language majority students (English speakers) in order to develop their bilingualism and literacy in English and another language. In two-way programs, the model selected generally prescribes the amount of time spent in the target (non-English) language.
- **Transitional Bilingual Education (TBE):** This program provides academic instruction in ELs’ home language as they learn English. TBE typically begins in kindergarten or grade one and provides initial instruction in literacy and academic content areas through the student’s home language, along with instruction in oral English and other subjects such as art, music and physical education. This program is sometimes referred to as early-exit bilingual education as students gradually transition from academic subjects taught in their home language to English.

- **Developmental Bilingual Education (DBE):** This program is an enrichment form of dual language education that uses ELs' home language and English for literacy and academic instruction throughout the elementary grade levels and, wherever possible, high school as well. Different than two-way immersion, DBE is a one-way program that includes only or primarily language-minority students. Sometimes this program is referred to as a late-exit program.
- **Clearinghouse for Multilingual Documents (CMD):** CMD provides schools and districts a service to download translated notices for free and modify them to suit local needs. The CMD is an online resource that helps LEAs to locate, access, and share parental notification documents that have been translated into non-English languages. (LEAs include districts, county offices, and charter schools.) Through the CMD, LEAs voluntarily provide translated documents they have created and are willing to make available to other LEAs. The information includes links for translated documents provided by LEA contributors, the language in which each translation is available, the programs served by a translation, and contact information in the event of questions. Through the CMD, registered LEA users may locate a translation, access and review it, download it, and adapt or revise it to suit local needs. This resource supports LEAs in their efforts to increase parent engagement (<http://www.cde.ca.gov/ls/pf/cm/>).

CDE also allocates federal funding through the Elementary and Secondary Education Act, Title III program to districts, COEs, and charter schools. CDE provides technical assistance regarding Title III best practices, requirements, and other resources. The recipients are considered sub-grantees and have various federal requirements regarding expenditures depending on whether the sub-grantee program is used to increase English proficiency of limited English proficient children or immigrant children and youth. Once an LEA has identified EL needs in the LCAP, Title III may be used to supplement the activities outlined in the LCAP, with allowable and approved expenditures per federal requirements. Information regarding Title III and contact information for assistance is available at <http://www.cde.ca.gov/sp/el/t3/>.

Local District Presentation: Incorporation of EL Goals in the LCAP

Chula Vista Elementary School District (CVESD) will share with the SBE its process for developing an LCAP incorporating all students, including EL and low income students. CVESD has 29,220 students enrolled in 47 schools (including charter schools), with an EL population of 35%. CVESD offers a Dual Language Acquisition Program, averages class sizes of 25 or less in grades K–3, and has an ethnic composition of 68% Hispanic, 13% White, 11% Filipino, 4% African American, 3% Asian/Pacific Islander, and 1% Other.

Emma Sanchez, the Executive Director of Operations & Instructional Support at CVESD, will describe their LCAP experience and highlight the ways in which the plan incorporates EL goals. The CVESD LCAP is available for review at

<http://www.cvesd.org/Documents/CVESD%20LCAP%20080714.pdf>. In addition, CVESD Superintendent Escobedo has prepared a video presentation on the new funding formula for CVESD that is posted at <https://www.youtube.com/watch?v=z2-QzdRHX9c&feature=youtu.be>.

CVESD identified six goals in its LCAP that specifically address goals for ELs, with identification of tools and resources for achievement. The district also developed Folders of Evidence for English Learners with an emphasis on these priorities: Parent Engagement, Conditions of Learning, and Pupil Outcomes.

Electronic Template Development

Local Agency Systems Support Office and Technology Services staff have met several times over the past year to continue the development of an electronic template for the LCAP. Based on the version of the LCAP template adopted by the SBE in November 2014 as part of the permanent regulations process, program and technology staff have worked together to create mockups of data entry screens, review and approval process screens, user account management, and search and display screens to display a final copy of the LCAP to the public in the template format. Development is currently in the coding phase, where these elements are being programmed into a cohesive system.

The next phase of development is to field test the template with a select number of LEAs before making it available to all LEAs. The field test version of the template is projected to be available by May 2015, in time to be used for submission of the 2015–16 LCAP and the annual update. Staff will continue to develop a detailed plan for field testing, including the release of the field test version, support to LEAs involved in field testing, and collection of feedback to inform modifications to the final version of the electronic template.

LCAP and State Priorities: Common Core Implementation

As districts across the state are implementing their LCAPs, determining progress on Common Core and other state standards is important within their local contexts. Representatives from Jurupa Unified School District, Assistant Superintendent Dave Doubravsky is here to provide an update on how their LCAP goals, actions, and services are strengthening the implementation of standards in their district.

LCAP Template & Evaluation Rubric Update

(provided by WestEd; Jannelle Kubinec and Nancy Brownell presenting)

Updated LCAP Template

Since the SBE approved the revised LCAP template including the Annual Update tables on November 14th, editable electronic versions of the template in English and Spanish have been posted at lcff.wested.org, along with the revised expenditure regulations and a statement that the regulations and template are pending approval from the Office of Administrative Law. In addition, several new LCFF Channel videos were created and posted to help communicate changes to the LCAP template and a series of webinars to support the use of the revised LCAP template. The webinar topics are as follows:

December 11: A Tour of the New LCAP

January 13: LCAP Annual Update

January 28: State and Local Priority Data Metrics

Evaluation Rubrics

WestEd continues to facilitate a process for developing evaluation rubrics that reflects a design process consistent with the overall LCFF design principles of transparency, student performance, engagement, and equity.

Throughout the months of September through November, input regarding expectations and elements for the evaluation rubrics was sought through regional input sessions that included educational leaders, teachers, parents, and students; a policy stakeholder session; and presentations at various statewide organization conferences and meetings. Input from such sessions was used by the Evaluation Rubrics Design Group (RDG) to help develop a conceptual outline for the evaluation rubrics. The RDG is comprised of educational leaders from school districts, county offices of education (COEs), and charter schools; California Department of Education (CDE) staff with responsibility for monitoring COEs; and SBE representatives. Over the past four months the RDG has reviewed examples of rubrics used by other states and LEAs; reviewed and discussed research pertaining to accountability systems, early LCFF implementation experiences, and evidenced-based practices; and considered several questions including the following:

1. What is the vision for the evaluation rubric?
2. What will make the evaluation rubrics useful, meaningful, and informative to affecting changes in outcomes for students?
3. How might the evaluation rubrics balance the need to be comprehensive, yet simple?
4. How might the evaluation rubrics reference and support LEA-level, equity or subgroup, and school-level performance?
5. What suggestions do you have to ensure that the evaluation rubric and related resources are useful for small districts? Charter schools? Other unique cases?

The RDG has valued and carefully considered the extensive feedback provided from stakeholders to inform discussion of the above questions. The RDG has also developed conceptual drafts of a vision and outline for the evaluation rubrics.

Evaluation Rubrics Vision

California *Education Code (EC)* Section 52064.5 requires that the State Board of Education (SBE) adopt evaluation rubrics on or before October 1, 2015. The evaluation rubrics will allow local educational agencies (LEAs) to evaluate their strengths, weaknesses, and areas that require improvement; assist county superintendents of schools to identify needs and focus technical assistance; and assist the Superintendent of Public Instruction to direct interventions when warranted. Furthermore, the evaluation rubrics should provide standards for school districts and individual school site performance and expectations for improvement as related to the identified Local Control Funding Formula (LCFF) priorities.

The evaluation rubrics are an integral part of the LCFF performance and accountability system. Once developed, the rubrics will serve as tools to ensure LEAs are able to align resources to implement strategies that result in meaningful student outcomes.

The evaluation rubrics design process is guided by the following key principles. The evaluation rubrics should:

- Align to the LCFF design principles: (1) student-focused, (2) equity, (3) transparency, and (4) performance.
- Serve as a resource that LEAs find useful to guide reflections and provide helpful ideas to support students.
- Support of a continuous improvement process focused on student-level outcomes.
- Facilitate reflection that supports local ownership of planning and implementation of actions that support student-level outcomes.
- Not grade nor judge, but provide ways to identify strengths, areas for improvements, and strategies to improve.
- Include other resources and tools that in combination support high-quality planning and implementation.
- Extend to all strategic planning and implementation efforts. The evaluation rubrics are not limited to LCAPs.

All LEAs should be able to use the evaluation rubrics to develop plans that are responsive to needs and evidenced by outcomes for students. Following are examples of how different types of LEAs are envisioned to use and benefit from the evaluation rubrics.

Districts, Charter Schools, and County Offices of Education Developing Plans – As part of the development of plans, including LCAPs, districts, charter schools, and county offices of education will use the rubrics and related tools and resources to review data to reflect on areas of strengths and areas in need of improvement based on growth and progressive improvement in results for students that are part of the LEA. The rubrics will give LEAs feedback about areas within their planning process that can be strengthened with linkages to practice guides or other materials to identify potential strategies to support improvement. LEAs would minimally refer to the evaluation rubrics as part of their plan development, but the evaluation rubrics and related tools could be useful to assess progress and support communication regarding results throughout the year.

County Superintendents and California Department of Education as Reviewers and Technical Assistance Providers – The evaluation rubrics will be used to assist in identifying districts and charter schools in need of support and assistance and to diagnose strengths and areas in need of improvement through the review of outcome metrics at the LEA-wide, subgroup, and school level. The evaluation rubrics also provide a tool to engage in dialogue with LEAs regarding their process and ways to improve linkages between planning processes to outcomes for students. The resources and tools related to the evaluation rubric can help with the identification and implementation of new strategies that have an evidence or research base to support improvements in student outcomes.

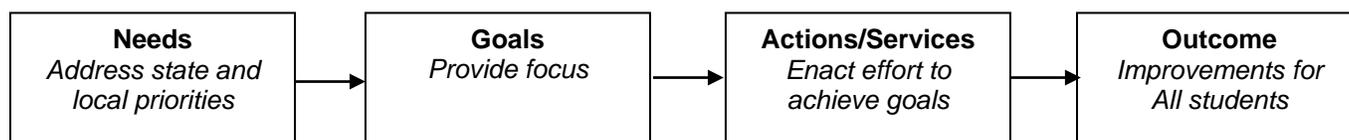
Evaluation Rubrics Concept

The evaluation rubrics are envisioned as a part of a larger system that supports the overall objectives of LCFF to improve pupil outcomes, support transparency, and increase equity. The evaluation rubrics would serve as tools to LEAs in the creation, reflection, and assessment of plans and actions. In addition, when necessary, the evaluations will inform technical assistance providers identifying and supporting areas of strength and need of improvement. In other words, the eventual evaluation rubrics would ideally be used by LEAs because they find them of use, not because they are mandated as part of the process. Other elements of this system would include the state accountability system, support from the California Collaborative for Educational Excellence, and resources and tools that share and support implementation of promising and evidenced based practices that align with state and local priorities.

There are currently three major groupings of LCFF state priorities (i.e., Conditions for Learning, Pupil Outcomes, and Engagement) that are reflected in the LCAP and emerging as commonly recognized organizers for state and local priorities. Using the three major groupings for the evaluation rubric could be an effective structure for the evaluation rubrics. The content of the evaluation rubrics would be organized around questions designed to assess practices that align to the process for creating a plan that leads to student-level outcomes.

Data and metrics related to state and local priorities are a critical aspect of effective planning and realizing pupil outcomes. Data related to state and local priorities could be provided for analysis and review through a data display that organized the data into groupings based on the LCFF state and local priority areas for All Students/LEA-wide, Subgroups/Equity, and Schools. The data available related to metrics would help provide an at a glance understanding of strengths and areas in need of potential improvement. The display of this information should facilitate transparency and focuses on outcomes with emphasis on growth and sustainability. It is not intended to be scored or used to rank LEAs.

The evaluation rubrics would be structured around questions with references to practices that align to the process for creating a high-quality plan that results in improved pupil outcomes. These questions are based on the theory of action that underlies the creation of plans to realize outcomes for all students.



Following are examples of questions that would include an identification of practice to guide selection and assessment of strengths and/or potential improvements. The practice assessment would place emphasis on growth, effective resource use, and alignment to research-based and evidenced-based practices. The questions would be replicated and adapted to each grouping of state priorities (e.g., Conditions for Learning, Pupil Outcomes, and Engagement).

1. Needs and Goals
 - a. Was data for all relevant metrics reviewed?
 - b. Do the goal(s) provide focused attention towards needs identified?
2. Actions/Services
 - a. Is there an evidence or research base to support actions/services to address needs and goals?
 - b. Are there sufficient staff to fully implement the identified actions/services?
 - c. Is there sufficient funding to fully implement the identified actions/services?
 - d. Is there a clear timeline and expectations to fully implement the identified actions/services?
3. Outcomes
 - a. Is there evidence of student-level outcome improvements?

Improvement in student-level outcomes are central to this approach. Data for metrics related to state and local priorities for the LEA, subgroups within the LEA, and schools that comprise the LEA would be considered as part of the evaluation rubric use. Supporting tools and resources such as a glossary, handbook for using the evaluation rubric, and practice guides that include promising practice examples will complement the evaluation rubrics.

Major Evaluation Rubrics Activities

- January SBE Meeting – Present evaluation rubrics concept
- Late-January – Second round of regional and policy input sessions to share draft evaluation rubrics for input
- March SBE Meeting – Share draft evaluation rubrics that incorporates stakeholder input and provide summary from second round of stakeholder input
- April – Third round of regional and policy input sessions to share revised draft evaluation rubrics for input
- May SBE Meeting – Share examples of tools and other resources that support the use of the evaluation rubrics and provide summary from third round of stakeholder input
- July SBE Meeting – Present final drafts of evaluation rubrics
- September SBE Meeting – Final evaluation rubrics for SBE approval

Moving Toward a Continuous Improvement Accountability System

The statutory establishment of eight state priorities in the Local Control Accountability Plan (LCAP) provides the foundation for an innovative accountability system that includes multiple measures of student, school and district success. These measures, which are grouped into pupil outcomes, conditions for learning and engagement will take into account the full picture of student academic performance, reflecting the breadth and depth of students' readiness for college, career and citizenship, increase district and school capacity to drive continuous improvement, and engage the local community in decisions and actions supporting student success.

The evaluation rubrics described above are envisioned as part of this new accountability system that focuses on meaningful learning for all students that is enabled by professionally skilled and knowledgeable educators, and supported by adequate and appropriate resources aligned to the state priorities. The evaluation rubrics are an integral part of the LCFF performance and accountability system and reflect state and national conversations: the purpose of accountability is not simply to identify and punish ineffective schools and districts, but to provide needed support and assistance to strengthen and improve effectiveness.

In contrast, the state's current accountability system is based almost entirely on the Academic Performance Index (API), which was created in 1999 through the California Public Schools Accountability Act (PSAA). The API is calculated using a variety of standardized test scores and yields a single number which we use to categorize and sort schools and districts. The policy context and our state educational goals were quite different fifteen years ago and reflected the sanctions and reward model described above.

Given the larger context of LCFF and the revised expectations that a new accountability system reflect the state priorities, the appropriateness and relevance of a revised API needs to be evaluated. The API is deeply embedded and woven into the fabric of educational policy and needs to be unraveled. This change was discussed in greater detail in Item 3.



The California School Climate, Health, and Learning Surveys

A Tool to Assess School Climate, Campus Safety, and Pupil Engagement



CALIFORNIA DEPARTMENT OF EDUCATION
Tom Torlakson, State Superintendent of Public Instruction



Tom Torlakson
State Superintendent
of Public Instruction

Did you know?



Among our 1.9 million high school students:

- One-third report being bullied or harassed at school
- Forty percent do not feel safe at school
- Twenty-four percent experienced cyber bullying
- Nine percent report carrying a gun or weapon to school at least once
- Eighteen percent of ninth graders are afraid of being beaten up (23 percent)





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of Public Instruction

Did you know? (Cont.)

- One-third **cannot** report at least one **caring adult** at school
- One-third report **no** teacher or adult at school believes that they will be a success (low expectation)
- One-half do not feel being **part of their school**
- One-third report **chronic sadness**





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Cal-SCHLS

- The California Department of Education (CDE) owns a data collection system that provides data for school improvements in **multiple levels.**
- Three linked school-based kindergarten through grade 12 (K–12) assessment tools:
 - **California Healthy Kids Survey** (CHKS, 1999)
 - **California School Climate Survey** of staff (CSCS, 2004)
 - **California School Parent Survey** (CSPS, 2011)



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Cal-SCHLS

- Developed to fulfill federal Safe and Drug Free Schools (Title IV) Program requirements.
- Now **voluntary** with the defunding of Title IV (except for districts that receive grants under the CDE's Tobacco-Use and Prevention Education [TUPE]).
- Transformed into a tool focused on assessing **school climate** and providing data to guide school improvement.



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Cal-SCHLS

- **Comparable** across schools and districts and support County and State Planning
- Can be **customized**
- Students: grades five, seven, nine, and eleven
- Staff/Parents: all grades
- Both **print and online** versions
- District receives district-level report, administration and data use guides, and support materials



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Survey Participation

- Under Title IV (2003–2010)
 - 850+ districts, 7000+ schools, 1M students, 100K staff
- Declined one-third 2011–13 (largely elementary)
- In 2013–14 rebounded by 18 percent
 - Mostly due to LCAP
 - Administered by 450 districts among 414,177 students
- Anticipate the need to address all state priorities in the LCAP will increase use of the survey to pre-2011 levels



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Low Cost

- A thirty cent fee per enrolled student per grade covers both CHKS and CSCS
 - Half of districts <\$130
 - Next 20 percent, \$150–\$350
 - Largest 10 percent, \$1,000 (based on 900 per grade sampling plan)
- School-level reports: \$50
- School Climate Report Cards: \$100

Secondary School Climate Report Card

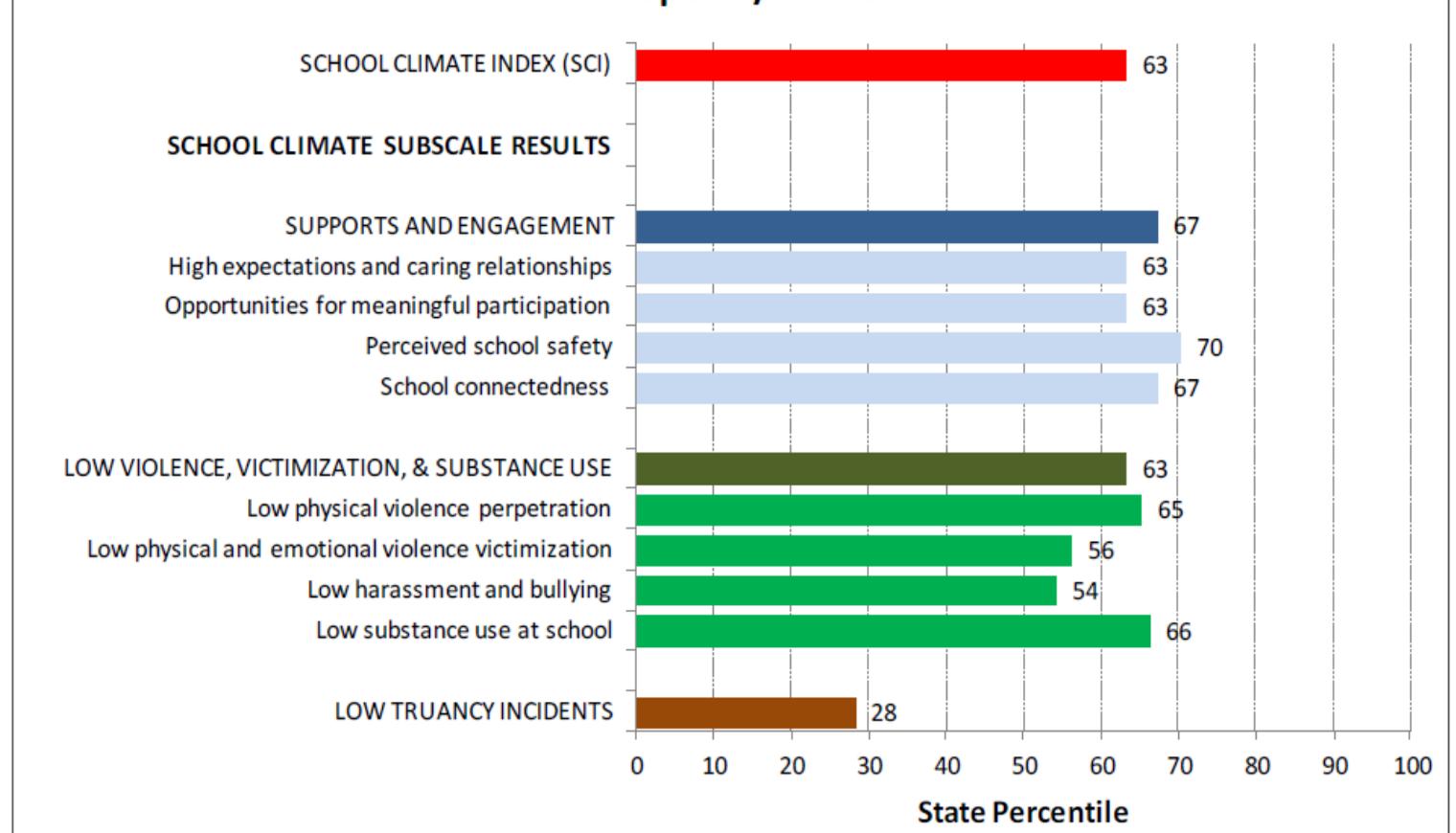


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School Climate Index (SCI)

	Score ^A	State Percentile ^B	Similar Schools Percentile ^C
School Climate Index ^D	317	63	86

School Climate Characteristics as State Percentiles - Student Reports/Incident Data





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School Variables Assessed

- School connectedness, learning engagement, and student performance
- Academic rigor
- Academic mindset (motivation, perseverance)
- Relationships between and among students/staff
- Perceived safety, discipline, and order
- Violence and victimization (bullying)
- Substance use and availability at school
- Respect for diversity and equity
- Physical environment
- Parent involvement
- Supports, services, and policies to address needs of students and staff



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California Healthy Kids Survey Secondary Supplementary Modules

- School Climate
- Resilience and Youth Development
- Social-Emotional Health and Learning
- Alcohol and other Drugs Use and Tobacco Use
- Safety/Violence
- Physical Health
- Sexual Behavior
- Afterschool Module
- Gang Risk Awareness
- Lesbian, Gay, Bi-sexual, and Transgender School Experiences
- Military Connected Schools



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Data Availability (California Healthy Kids Survey/California School Climate Survey)

- **District, county, and state-level** data reports posted on websites
- **School** reports (when requested) through districts
- **Online** through *Query CHKS*, a partnership with kidsdata.org
 - District, county, and state level
 - Selected cross-tabs
 - Data graphing
- **Datasets** on request (low preparation fee)
- **Custom** reports



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Value of Data

- Demonstrate **need** for and obtain **funding**
- Guide **programmatic action planning**
- Used by **multiple stakeholders** in education, public health, mental health, social services, and research etc.
- Foster **school-community collaboration**
- **Evaluation and Accountability**
 - Do schools that receive program funding have better outcomes than schools without?
- Determine **student groups in greatest needs:**
 - E.g., Race/ethnicity, gender, socio economic status, homeless, foster youth, military-connected



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Supporting School Success

- Assesses how supportive school climate is at fostering learning engagement needed for school success
- CHKS Core and supplements measure “non-cognitive” skills required of students and assess:
 - Persistence (grit)
 - Collaboration and cooperation
 - Problem solving
 - Academic mindset



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Local Control and Accountability Plan

- Single most valuable tool for developing, guiding, and monitoring an effective LCAP
- Data to validate multiple **state priorities**
 - School climate
 - Pupil engagement
 - Parent involvement
 - Academic achievement (overarching)
 - SBE-adopted standards
- Compare outcomes with similar schools
- Add questions to assess local priorities
- Assess achievement, other needs, among **subgroups** (e.g., ethnicity, foster, homeless)

Appendix to Page 9 Bar Chart

**California Safe and Supportive Schools Project
Secondary School Climate Report Card**



Tom Torlakson
State Superintendent
of Public Instruction

School Climate Index	Score: 317	State Percentile: 63	Similar Schools Percentile: 86
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**School Climate Characteristics as State Percentiles – Student Reports/Incident Data
School Climate Subscale Results**

School Climate Characteristic	State Percentile
Supports and Engagement	67
High expectations and caring relationships	63
Opportunities for meaningful participation	63
Perceived school safety	70
School connectedness	67
Low Violence, Victimization, & Substance Use	63
Low physical violence perpetration	65
Low physical and emotional violence victimization	56
Low harassment and bullying	54
Low substance use at school	66
Low Truancy Incidents	28



California State Board of Education
Meeting Agenda Items for January 14, 2015

ITEM 05



CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2015 AGENDA

SUBJECT Report to the State Legislature: Status of Implementation of the Local Control Funding Formula as Required by Senate Bill 859 (Chapter 33, Statutes of 2014)	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing
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SUMMARY OF THE ISSUE(S)

Senate Bill (SB) 859 was signed by the Governor on June 20, 2014. Section 50 of that bill requires that the State Board of Education (SBE), in collaboration with the California Department of Education (CDE), report to the Legislature regarding the status of implementation of the Local Control Funding Formula (LCFF). The report must include all of the following information:

1. A description of the implementation roles and responsibilities of CDE, the SBE, the California Collaborative for Educational Excellence, the Fiscal Crisis Management and Assistance Team, and county offices of education for LCFF oversight and technical assistance to local educational agencies.
2. A description of implementation challenges to date and efforts made by state and local entities to address those challenges.
3. Observations of the CDE and the SBE about the first year that local educational agencies completed their local control and accountability plans (LCAPs).
4. The SBE's long-term vision for LCFF support and guidance to the field and which agency or agencies would provide that support and guidance.

RECOMMENDATION

The SBE staff recommends that the SBE approve the submission of the attached report to the Legislature.

KEY ISSUES

Substantial progress was made in the first year of implementation of the Local Control Funding Formula (LCFF). Collaborative efforts at every level of public education helped build the foundation for a school funding and accountability system that provides meaningful and sustained support to improve learning for all students.

The vision of LCFF is to refocus the educational system on improving instructional outcomes. LCFF works to align local budgets and resource allocations with local goals and state priorities to improve student outcomes, and it allows the state to provide the support needed to drive continuous improvement. The system is intended to be simple, transparent and easily understood by educators, parents and the public.

LCFF provides more funding for students with the greatest needs, specifically English language learners, low-income students and foster youth, and it links transparency and accountability directly to the local budgeting process by requiring each school district, county office of education (COE), and charter school to adopt a Local Control and Accountability Plan (LCAP). By teaming the fiscal and instructional planning processes at the local level and requiring stakeholder engagement, LCFF and LCAP should lead to less incremental decision-making and more cooperative and comprehensive discussions about how to improve student outcomes.

Now evolving, California's new accountability system will build on the foundations of LCFF. Together, the school funding and accountability system will provide transparency of decision-making processes in support of student achievement and outcomes. It will focus on a broader set of outcomes than in the past and it will differentiate the performance of schools and districts in reliable and meaningful ways to allow for the provision of appropriate support and assistance.

Many challenges were identified and addressed during the first year of LCFF implementation. By far, the largest implementation challenge resulted from the timing of the new funding formula. The timing required the State Board of Education (SBE) to adopt emergency regulations to maximize the amount of time provided for local community engagement and development of the LCAPs in the initial year of implementation. The SBE and California Department of Education (CDE) sought to model extensive public and stakeholder engagement and transparency throughout the LCFF implementation and LCFF/LCAP regulation adoption process.

In response to feedback from the field and stakeholder groups throughout the year, the SBE revised the expenditure regulations and the LCAP template to be more user-friendly. In addition, the revised template includes an Annual Update table that will provide evidence of progress toward expected outcomes. The modifications made the template easier to use and to read, and will result in LCAPs for 2015-16 that better describe goals, actions, and services to address the state priorities and meet the needs of all students.

To learn more about this first year of implementation, the SBE commissioned a survey of county offices of education, school districts and charter schools during October 2014. The survey results showed that an overwhelming majority of county offices of education and school districts view the LCAP as a valuable tool for goal development, quality of work sessions, board engagement and stakeholder feedback. Charter schools also reported that LCAPs are a valuable tool, especially for engaging staff in planning discussions and as a tool for setting goals.

Several other reports have been published or are under development that describe the LCFF and LCAP process and highlight efforts and challenges experienced during this first year. The mix of hope, anxiety, excitement, and concern reflected in feedback and in public debate during the first year of LCFF was not surprising. With support and evaluation systems still being constructed, implementation challenges are to be expected, and the lessons learned from them will drive improvements as all stakeholders seek to realize the ultimate goals of LCFF.

The ability to remain persistent and patient is critical at this early stage in LCFF implementation. Increasing public interest and collaboration among education stakeholders led to considerable progress during this first year of LCFF implementation. The SBE and CDE plan to continue to provide guidance and educate the public by showcasing best practices through the various public outreach mechanisms described in this report. Looking forward, considerable work remains.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

On January 16, 2014, the SBE took action to approve emergency regulations governing the expenditure of LCFF funds pursuant to the requirements of California *Education Code (EC)* Section 42238.07 and the Local Control and Accountability Plan (LCAP) template pursuant to *EC* Section 52064, available on the California Department of Education (CDE) LCFF Web page at <http://www.cde.ca.gov/re/lr/rr/lcffemergencyregs.asp>. In September 2014 the SBE readopted the emergency regulations for a second 90-day extension while the permanent rulemaking process continues.

In addition, the SBE commenced the regular rulemaking process. This process is required to adopt permanent regulations and includes an initial period of 45 days for written comments and a public hearing to receive verbal and written testimony. There have also been two subsequent 15-day comment periods to respond to proposed revisions that have resulted from public comments. The progress of these activities is addressed today in a separate agenda item.

May 2014: The CDE provided a status update regarding issues specific to the implementation of the LCFF and the development of the LCAP

(<http://www.cde.ca.gov/be/ag/ag/yr14/documents/may14item10.doc>). The update included discussion of the provision of services to foster youth; planning information about the development of an electronic template, including plans to link it to other LCFF implementation activities; the LCAP review process for districts and county offices of education (COEs); and a description of the process of developing LCAP evaluation rubrics. The item also included presentations by two local educational agencies and the California County Superintendents Educational Services Association describing local processes and resources to support implementation of the LCFF.

In addition, the SBE took action to approve the Superintendent's recommendation to contract with the Riverside COE to serve as the fiscal agent for the California Collaborative for Educational Excellence and to authorize the CDE to execute a contract for services (<http://www.cde.ca.gov/be/ag/ag/yr14/documents/may14item11-addendum.doc>).

July 2014: The CDE provided a status update regarding issues specific to the implementation of LCFF and the development of the LCAP (<http://www.cde.ca.gov/be/ag/ag/yr14/documents/jul14item01.doc>). The update included discussion of recent work conducted to identify common elements of required state and federal plans as part of the work to reduce duplication in planning documents; a discussion of proposed changes to the School Accountability Report Card template to align with LCFF state priorities (approved by the SBE at the July 2014 meeting: <http://www.cde.ca.gov/be/ag/ag/yr14/documents/jul14item02.doc>); a progress report on the development of the electronic LCAP template; and an update regarding the proposed process to begin developing the evaluation rubrics.

In separate items, the SBE approved proposed changes to the permanent regulations governing expenditure of supplemental and concentration funds and the LCAP template, and directed that the changes be circulated for a 15-day comment period (<http://www.cde.ca.gov/be/ag/ag/yr14/documents/jul14item11.doc>). The SBE also took action to readopt the emergency regulations governing expenditure of supplemental and concentration funds and the LCAP template, which were otherwise set to expire in advance of the adoption of permanent regulations (<http://www.cde.ca.gov/be/ag/ag/yr14/documents/jul14item16.doc>).

September 2014: The CDE provided a status update regarding issues specific to the implementation of LCFF and the development of the LCAP (<http://www.cde.ca.gov/be/ag/ag/yr14/documents/sep14item17.doc>). The discussion included a report on the initial work of the Evaluation Rubric Design Group; a summary of the changes to LCFF provisions that align income verification requirements for LCFF more closely to the requirements for the National School Lunch Program; an overview of the LCAP review and approval process conducted both by CDE and the COEs; a report on the additional functionality within the California Longitudinal Pupil Achievement Data System (CALPADS) that allows LEAs to identify foster youth enrolled in each school; an overview of services for foster youth, including tools and promising practices, that CDE makes available to districts and COEs; and a presentation by an

advocacy organization, FosterEd, addressing issues specific to foster youth and providing an overview of the ways in which select districts addressed foster youth services in the 2014–15 LCAP.

In separate items, the SBE approved proposed changes to the permanent regulations governing expenditure of supplemental and concentration funds and the LCAP template, and directed that the changes be circulated for a 15-day comment period (<http://www.cde.ca.gov/be/ag/ag/yr14/documents/sep14item18.doc>). The SBE also took action to readopt the emergency regulations governing expenditure of supplemental and concentration funds and the LCAP template, which were otherwise set to expire in advance of the adoption of permanent regulations (<http://www.cde.ca.gov/be/ag/ag/yr14/documents/jul14item16.doc>).

November 2014: The CDE provided a status update regarding issues specific to the implementation of LCFF and the development of the LCAP (<http://www.cde.ca.gov/be/ag/ag/yr14/documents/nov14item13.doc>). The discussion included a report of CDE’s review of county office LCAPs and plans to provide training to the COEs for the development of the 2015–16 LCAP, including sharing LCAP review guidelines well in advance with COE staff, collecting sample segments of 2014 LCAPs that conveyed information clearly, and providing small group or individual coaching sessions to COEs beginning in late winter; a status report on the ongoing work of the Evaluation Rubric Design Group; a status report on the development of the electronic LCAP template; a report on the additional functionality within CALPADS that allows LEAs to identify foster youth enrolled in each school; an update on the Plan Alignment work; a report on the additional guidance provided about the expectation for the incorporation of the academic content and performance standards in the LCAP and for charter authorizers; and a presentation by the California County Superintendents Educational Services Association regarding the review and approval of the 2014–15 school district LCAPs, and its plans for upcoming training for the 58 COEs to prepare for reviewing the 2015–16 school district LCAPs.

In a separate item, the SBE adopted the proposed permanent Local Control Funding Formula Spending Requirements and Local Control and Accountability Plan, *California Code of Regulations*, Title 5, sections 15494–15497.5, and directed the CDE to submit the rulemaking file to the Office of Administrative Law (OAL), authorizing the CDE, in consultation with SBE staff, to take any necessary action or make technical edits or corrections consistent with the SBE’s action, and to respond to any direction or concern expressed by the OAL during its review of the rulemaking file. (<http://www.cde.ca.gov/be/ag/ag/yr14/documents/nov14item14.doc>).

FISCAL ANALYSIS (AS APPROPRIATE)

None.

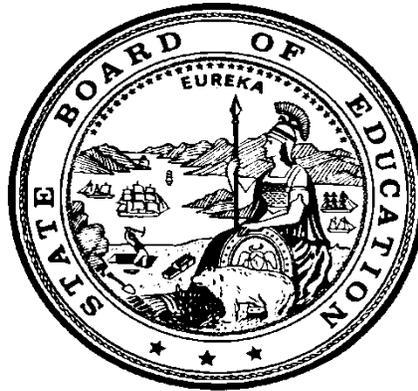
ATTACHMENT(S)

Attachment 1: Report to the State Legislature: Status of Implementation of the Local Control Funding Formula (24 pages)

State Board of Education

Report to the State Legislature

**Status of Implementation of the Local Control Funding Formula
as Required by Senate Bill 859
(Chapter 33, Statutes of 2014)**



Prepared by:

Staff to the State Board of Education

January 2015

Description: Report on the Status of Implementation of the Local Control Funding Formula

Authority: Senate Bill 859 (Chapter 33, Statutes of 2014), Section 50

Recipient: Legislature

Due Date: February 1, 2015

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Executive Summary

Substantial progress was made in the first year of implementation of the Local Control Funding Formula (LCFF). Collaborative efforts at every level of public education helped build the foundation for a school funding and accountability system that provides meaningful and sustained support to improve learning for all students.

The vision of LCFF is to refocus the educational system on improving instructional outcomes. LCFF works to align local budgets and resource allocations with local goals and state priorities to improve student outcomes, and it allows the state to provide the support needed to drive continuous improvement. The system is intended to be simple, transparent and easily understood by educators, parents and the public.

LCFF provides more funding for students with the greatest needs, specifically English language learners, low-income students and foster youth, and it links transparency and accountability directly to the local budgeting process by requiring each school district, county office of education (COE), and charter school to adopt a Local Control and Accountability Plan (LCAP). By teaming the fiscal and instructional planning processes at the local level and requiring stakeholder engagement, LCFF and LCAP should lead to less incremental decision-making and more cooperative and comprehensive discussions about how to improve student outcomes.

Now evolving, California's new accountability system will build on the foundations of LCFF. Together, the school funding and accountability system will provide transparency of decision-making processes in support of student achievement and outcomes. It will focus on a broader set of outcomes than in the past and it will differentiate the performance of schools and districts in reliable and meaningful ways to allow for the provision of appropriate support and assistance.

Many challenges were identified and addressed during the first year of LCFF implementation. By far, the largest implementation challenge resulted from the timing of the new funding formula. The timing required the State Board of Education (SBE) to adopt emergency regulations to maximize the amount of time provided for local community engagement and development of the LCAPs in the initial year of implementation. The SBE and California Department of Education (CDE) modeled extensive public and stakeholder engagement and transparency throughout the LCFF implementation and LCFF/LCAP regulation adoption process.

In response to feedback from the field and stakeholder groups throughout the year, the SBE revised the expenditure regulations and the LCAP template to be more user-friendly. In addition, the revised template includes an Annual Update table that will provide evidence of progress toward expected outcomes. These modifications made the template easier to

use and to read, and will result in LCAPs for 2015-16 that better describe goals, actions, and services to address the state priorities and meet the needs of all students.

To learn more about this first year of implementation, the SBE commissioned a survey of COEs, school districts and charter schools during October 2014. The survey results showed that an overwhelming majority of COEs and school districts view the LCAP as a valuable tool for goal development, quality of work sessions, board engagement and stakeholder feedback. Charter schools also reported that LCAPs are a valuable tool, especially for engaging staff in planning discussions and for setting goals.

Several other reports have been published or are under development that describe the LCFF and LCAP process and highlight efforts and challenges experienced during this first year. The mix of hope, anxiety, excitement, and concern reflected in the feedback and in public debate during the first year of LCFF was not surprising. With support and evaluation systems still being constructed, implementation challenges are to be expected, and the lessons learned from them will drive improvements as all stakeholders seek to realize the ultimate goals of LCFF.

The ability to remain persistent and patient is critical at this early stage in LCFF implementation. Increasing public interest and collaboration among education stakeholders led to considerable progress during this first year of LCFF implementation. The SBE and CDE plan to continue to provide guidance and educate the public by showcasing best practices through the various public outreach mechanisms described in this report. Looking forward, considerable work remains.

Introduction

Substantial progress was made in the first year of LCFF implementation. Collaborative efforts at every level of public education helped build the foundation for a school funding and accountability system that provides meaningful and sustained support to improve learning for all students.

The vision of LCFF is to refocus the educational system on improving instructional outcomes. LCFF works to align local budgets and resource allocations with local goals and state priorities to improve student learning, and allows the state to provide the support needed to drive continuous improvement. The system is intended to be simple, transparent and easily understood by educators, parents and the public.

The LCFF creates base, supplemental and concentration grants in place of most previously existing and convoluted K-12 funding streams. All local educational agencies (LEAs) receive a base grant. LEAs then receive a supplemental grant, which is twenty percent more than the base grant on a per-pupil basis for students who are low-income, English language learners or in the foster care system. If 55 percent or more of an LEA population consists of such students, the LEA gets a concentration grant equal to 50 percent of the base grant, for each of these students above the 55 percent threshold. The formula also includes an

adjustment for grade levels to reflect the differential costs of educating students in different grade spans.

While the state enacted the LCFF in the 2013-14 fiscal year, most LEAs are not anticipated to be fully funded according to the statutory formula until 2020-21, as full implementation relies on an increase in education funding. In the meantime, as funding for K-14 education grows along with the state's revenues, the current Administration's publicly-stated intent is to direct a large portion of the new education funding each year toward funding LEAs on the basis of the LCFF. This fiscal transition allows the state to ensure that no LEA receives less funding than they received in 2012-13 and that new resources are directed to supporting the neediest students according to the formula. Mirroring this transition period for funding is a transition in accountability for LEAs that will also take time to develop and implement.

LCFF links transparency and accountability directly to the local budgeting process by requiring each school district, COE and charter school to adopt an LCAP. Properly implemented, LCFF and LCAP should lead to less incremental decision-making and more cooperative and comprehensive discussions about how to improve student outcomes and achieve goals. Ultimately, these system components will drive continuous improvement in all schools and for all students.

LEAs must annually complete LCAPs that describe locally-developed goals for each of the state priorities (see chart below). LEAs may also include additional local priorities in their LCAPs. In the LCAP, LEAs must also identify actions and services to meet their goals and identify supporting expenditures in their budget. LCAPs must cover a three year planning period and also include an Annual Update section, which requires a reporting of progress toward meeting goals in the prior year's LCAP. For school districts, the plan, along with the district budget, is submitted to the COE for review and approval. COEs submit their LCAPs, and budgets, to the State Superintendent of Public Instruction (SPI) for review and approval. The charter school process works somewhat differently than for a school district or COE process, but is similarly intended to bolster transparency and improve educational outcomes for all students.

Evaluation rubrics, now under development, will support the overall objectives of LCFF to improve student outcomes, support transparency and increase equity. The evaluation rubrics will serve as tools for LEAs in the creation, reflection and assessment of plans and actions.

The California Collaborative for Educational Excellence (CCEE) will have a key role in the new system once it is fully operational. It will advise and assist school districts, COEs, and charter schools in achieving their LCAP goals. The members of CCEE board have been appointed and will convene in early 2015 to determine how to provide the expertise and technical support for LEAs that face challenges in improving student outcomes and reaching their locally-adopted goals.

The level of public interest in LCFF and LCAP, the collaboration of school communities, and the issues and challenges that groups and organizations raised before the SBE in this first year of implementation helped shape the policy decisions made thus far. The SBE is encouraged by the progress made throughout the system, and remains committed to listening and learning from the experiences of practitioners and stakeholders, and to addressing needs as they arise.

This report highlights implementation challenges and efforts to address them, observations about the first year of LCFF implementation, the SBE’s long-term vision for LCFF, and a review of implementation roles and responsibilities for various state and local entities.

LCFF State Priorities and Related Data Elements

<p>Pupil Achievement</p> <ul style="list-style-type: none"> » Performance on statewide standardized tests. » Score on Academic Performance Index. » Share of pupils that meet the requirements for entrance to the University of California and the California State University or complete career technical education sequences or programs. » Share of English learners that become English proficient. » English learner reclassification rate. » Share of pupils that pass Advanced Placement exams with 3 or higher. » Share of pupils determined prepared for college by the Early Assessment Program. 	<p>School Climate</p> <ul style="list-style-type: none"> » Pupil suspension rates. » Pupil expulsion rates. » Other local measures.
<p>Pupil Engagement</p> <ul style="list-style-type: none"> » School attendance rates. » Chronic absenteeism rates. » Middle school dropout rates. » High school dropout rates. » High school graduation rates. 	<p>Parental Involvement</p> <ul style="list-style-type: none"> » Efforts to seek parent input. » Promotion of parental participation.
<p>Other Pupil Outcomes</p> <ul style="list-style-type: none"> » Other indicators of pupil performance in required areas of study. 	<p>Basic Services</p> <ul style="list-style-type: none"> » Rate of teachers appropriately assigned and fully credentialed. » Pupil access to standards-aligned instructional materials. » Facilities maintained in good repair.
	<p>Implementation of State Standards</p> <ul style="list-style-type: none"> » Implementation of State Board of Education-adopted academic content and performance standards for all pupils, including English learners.
	<p>Course Access</p> <ul style="list-style-type: none"> » Pupils access and enrollment in all required areas of study.




Section 1: Implementation Challenges and Efforts to Address Them

The timing of the new funding formula presented the largest implementation challenge to date. The LCFF was enacted on July 1, 2013 and became effective immediately. This required the SBE to adopt emergency regulations including the spending regulations and the LCAP template.

The SBE responded to widespread stakeholder requests by adopting the emergency spending regulations as swiftly as possible and the LCAP template two months in advance

of the statutory deadline. The goal of this early adoption was to maximize the amount of time provided for local community engagement and development of the LCAPs in the initial year of implementation. The SBE initiated the permanent rulemaking process at the same time and clarified that ongoing stakeholder outreach and submission of written comments would be critical for the development and successful implementation of the regulations and template.

The SBE and the CDE, with assistance from WestEd, sought to model extensive public and stakeholder engagement and transparency throughout the LCFF implementation and LCFF/LCAP regulation adoption process. Stakeholder input was gathered at regional sessions, regularly-scheduled meetings with representatives of statewide organizations, and public comments at SBE meetings, which helped inform the development of the LCFF regulations, LCAP template and other resources. In addition, the SBE and CDE worked to provide resources through a “WestEd LCFF Channel,” posting of Frequently Asked Questions, Webinar broadcasts with updates on topics of interest, and other tools to aid in planning. The SBE, CDE, Department of Finance (DOF) and California County Superintendents Educational Services Association (CCSESA) collaborated on trainings as well as *“The CCSESA LCAP Approval Manual; A Guide for Review and Approval of District LCAPs”* which was widely used.

Groups such as the California State PTA, Families in Schools, Association of California School Administrators (ACSA), California School Boards Association (CSBA) and PICO California helped bolster stakeholder engagement around LCFF and communicate the SBE’s progress in approving regulations. For example, EdSource posted an “LCFF Tracker Page,” investigating LCFF implementation in various school districts as well as questions and answers, an explanation of how the formula works, a funding comparison tool, an implementation timeline, and other materials in English and Spanish. Hundreds of education stakeholders attended the SBE’s meetings to share their experiences with the LCAP process in local districts, and the SBE received thousands of written comments for its consideration.

Consistent with observations and input at SBE meetings, as well as feedback from the field and stakeholder groups throughout the year, the CDE and SBE revised the expenditure regulations and LCAP template through the formal rulemaking process. Many of the public comments the CDE and SBE received about the template proposed modifications to make it easier to use and to read – for the community, other stakeholders, practitioners, and reviewers alike. As a result, the SBE adopted changes to the template and approved the permanent LCFF expenditure regulations and LCAP template at its November 2014 meeting.

The changes have been praised by a wide range of stakeholders, and SBE and CDE staff believes the revised template and regulations, combined with the experiences from this year, will result in LCAPs for 2015-16 that better describe LEA goals, actions, and services to address the state priorities and meet the needs of all students, including significant student subgroups. One particularly notable addition in the new LCAP template is the

creation of a separate table for an Annual Update. Each year, an LEA will provide an Annual Update that will communicate to local stakeholders progress toward implementation of goals and how implementation compares to the adopted LCAP, including a comparison of planned and implemented actions, services, and expenditures. The Annual Update will also provide evidence of progress toward expected outcomes and adjustments based on a reflection of state and local priorities. Over the next several years, the SBE will continue to review and revise as necessary the spending regulations and template.

Guidance materials are continuously updated in response to questions and emerging issues. For example, the second state priority to be addressed in the LCAP is the “implementation of the academic content and performance standards adopted by the state board” To ensure that LEAs are informed about the comprehensive nature of this priority, the CDE posted a Frequently Asked Questions (FAQ) on the LCFF web page both to list the standards currently adopted by the SBE and to provide a link to the SBE’s Content Standards web page at <http://www.cde.ca.gov/fg/aa/lc/lcffffaq.asp>. Additionally, CDE has posted FAQs that address many issues concerning charter school LCAPs at <http://www.cde.ca.gov/fg/aa/lc/lcffffaq.asp>.

Especially in these first few years, there will continue to be a need for resources and training for LEAs regarding LCAPs, LCFF formulas and the apportionment process, and related topics. Now that the permanent LCFF expenditure regulations are finalized and approved, CDE resources are being dedicated to providing additional technical assistance to all LEAs and specifically to the COEs for the development of the 2015–16 LCAP. Current plans include sharing LCAP review guidelines well in advance with COE staff; collecting and sharing sample segments of 2014 LCAPs that conveyed information clearly; and providing small group or individual coaching sessions to COEs in early 2015.

Section 2: Observations about the First Year of LCFF/LCAP Implementation

When reviewing the first year of LCFF implementation, it is useful to reflect on the transformative events simultaneously taking place in California’s schools. Less than a year before Assembly Bill 97 and Senate Bill 91 were enacted on July 1, 2013 establishing the LCFF, the possibility of students losing weeks of instruction if Proposition 30 did not pass was being openly discussed in some school districts. With LEAs beginning to recover after the Great Recession, LCFF presented a path forward. As Governor Brown stated at the time, “We are bringing government closer to the people, to the classroom where real decisions are made and directing the money where the need and the challenge is greatest. This is a good day for California, it’s a good day for school kids and it’s a good day for our future.”

In a joint letter to County Superintendents, District Superintendents, and Charter Administrators dated August 7, 2013, State Board President Michael Kirst and State Superintendent of Public Instruction Tom Torlakson hailed LCFF as a “historic reform” that shifted “California from a complex school finance system to one focused on equity, transparency, and performance.” They noted that “[while] LCFF remains a work in

progress, many provisions are now operational... [and] LEAs are expected to begin rethinking their approach to planning, budgeting and using funds aligned to the eight state priorities....” They closed by committing to keep LEAs and stakeholders informed throughout the LCFF implementation process and stated that “LCFF’s implementation requires patience as we work to make changes that lead to enduring changes for students.”

An emphasis on communication and transparency helped define the first year of implementation. Numerous revisions and improvements were suggested by educators, parents, students, lawmakers, education groups and advocacy organizations during the year and the final regulations and template reflect this collaboration. By listening to stakeholders and learning about LCFF and LCAP implementation in local districts, the SBE was able to make adjustments that clarify the intent of the law and bolster transparency at the local level.

Groups and organizations actively involved in the development of the regulations and the revised template praised the SBE for its inclusive approach during the rulemaking process. The Education-Trust Executive Director Ryan J. Smith said, “The Education Trust–West would like to thank the State Board of Education, and its staff, for listening to the concerns of parents, community-based organizations, students, and other civil rights advocates when developing the final implementing regulations for the Local Control Funding Formula. We appreciated the opportunity to work together to ensure our neediest students will benefit from supplemental funding. We look forward to continuing our cooperative relationship in the coming year.”

ACLU of California Director of Education Advocacy David Sapp said, “...We also commend the State Board and staff for their commitment to seek input from stakeholders and foster authentic engagement and transparency throughout this process and believe it should serve as an example for districts on involving students, parents, and community groups in the LCAP process each year.”

To assess observations from COEs, districts and charter schools, the SBE commissioned a survey about the first year of LCFF/LCAP implementation. The survey, conducted by WestEd in October 2014, included responses from 903 COEs and schools districts and 560 charter schools, a 93 percent response rate from COEs and school districts and a 55 percent response rate from charter schools.

An overwhelming majority of all COE and district respondents reported that the LCAP was a valuable tool for goal development, quality of work sessions, board engagement and stakeholder feedback. The COE and district respondents reported that the greatest change when developing LCAPs as compared to other LEA planning processes was the level of stakeholder engagement, with 70 percent reporting moderate and large changes. A majority of COEs and districts also reported moderate and large changes in decision-making based on student/program needs, focusing on unduplicated pupils, and the amount of internal LEA teaming. COEs and districts also rated the LCAP process useful in identifying gaps, engaging staff in planning discussions, monitoring student performance,

sharing it with stakeholders and setting goals. Forty-six percent of respondents reported the LCAP very useful in sharing with stakeholders. Forty-eight percent of COEs and districts reported that, in planning for the 2014-15 cycle of LCAP development, they plan to make changes in evaluating data to develop the plan.

Results for charter schools similarly showed that the LCAP was a valuable tool for goal development, quality of work sessions, and stakeholder feedback. More than 81 percent of charter schools responded that the LCAP would be a useful tool for engaging staff in planning discussions and over 86 percent believed it would be a useful tool for setting goals. Compared to other planning processes, 52 percent of charter schools reported that the LCAP resulted in an increased level of stakeholder engagement. Unlike school districts and county offices of education, a majority of charter schools did not report that the LCAP resulted in changes in decision-making based on student or program needs or an increased amount of internal teaming. This difference in results is likely explained by the fact that a charter school's program is uniquely designed in the charter petition and that parents choose the school based on that program.

Perhaps as a reflection of the difference in the baseline levels of stakeholder engagement, larger districts were consistently more likely than smaller districts to report that the LCAP process led to greater changes in their planning processes. They were also more likely than smaller districts to report higher valuation and usefulness of planning activities in preparing their 2014-15 LCAP, and to foresee greater changes in preparing their 2015-16 LCAPs, making budget decisions and evaluating data. The same results were true for charter schools.

An October 2014 report funded by the Stuart Foundation, <http://www.sri.com/work/publications/toward-grand-vision-early-implementation-californias-local-control-funding-formula>, followed the law's first year implementation in 10 school districts. The report notes overall enthusiasm for LCFF among districts. "In particular, districts and COEs recognize the potential of the LCFF to shift budgeting from a compliance exercise...to an activity focused on addressing the needs of their students." The report notes districts' strong support for the parent engagement component of LCFF. Timing, capacity issues and plan integration are among concerns shared with the researchers by school district officials.

The report also noted that this enthusiasm was tempered by a fear that the state will change the system before it has time to mature. Researchers noted that one refrain sounded over and over was, "Please leave it alone. Give us time to get used to it, to learn how to work with it, and to make it work for us."

An Education Trust-West report, *the Language of Reform: English Learners in California's Shifting Education Landscape*, released in September 2014 reviewed LCAPs from 11 top-performing districts to uncover programs and services to improve outcomes for English learners. Their research found that unified districts including Selma, Calipatria, Los

Alamitos and West Contra Costa are improving results for English learners beyond what other districts with similar student populations are accomplishing. Their efforts are focused on sharing information about how these top performing districts are investing their LCFF funds in programs to serve English learners and encouraging more districts to include these successful models in their LCAPs. Results-driven advocacy such as this will continue to evolve and expand over time.

Presentations and testimony at SBE meetings also have helped to showcase LCAP efforts and challenges experienced. At the November 2014 SBE meeting, leadership of the California County Superintendents Educational Services Association (CCSESA) provided a summary of the LCAP experience in its first year. They discussed the support offered by county superintendents statewide including professional development regarding the LCAP regulations and template as well as ongoing support provided through monthly meetings at the county level and networking meetings. They described the technical assistance provided by counties during LCAP development and the support provided before, during and after review. They also noted resources such as *The LCAP Approval Manual*, a toolkit, and workshops and ongoing technical assistance that help build support and collaboration through the development of shared resources and learning.

The most notable improvement the SBE and CDE expect to see in future LCAPs is more clarity in detailing goals and actions to address each of the state priorities for all students and for each student subgroup. For example, first year LCAPs often reflected a tension between the requirement to address all of the state priorities, many with multiple metrics, while at the same time maintaining a reasonable and manageable number of goals. As a result, in some instances, it was difficult to clearly ascertain that a LCAP had addressed all of the state priorities for all student subgroups. Beginning with the 2015-16 school year, Annual Updates will provide an important link to progress on student outcomes, and include an assessment of the effectiveness of the specific actions and investments adopted in the LCAP.

The year was filled with a flurry of implementation activities as described above. Districts, COEs, charter schools, teachers, administrators, parents, and students were absorbing all of these changes while also implementing the new academic standards, transitioning to a new statewide assessment system, and preparing for the online field test of the new assessments. Accordingly, mixed reactions to all of these changes were reflected in feedback and in public debate during the first year of LCFF implementation.

Section 3: Long-Term Vision for LCFF

In a state as large and diverse as California, instituting educational change is a complex undertaking. LCFF purposely does not prescribe a top-down, state-centered, compliance approach. The vision is to refocus the educational system on improving instructional outcomes, aligning local budgets and resource allocations with local goals and state priorities to improve student learning, and allowing the state to provide the support

needed to drive continuous improvement. The system is intended to be simple, transparent and easily understood by educators, parents and the public.

The changes being made through LCFF represent a major overhaul in the way the state provides meaningful and sustained support to improve outcomes for all students. The law links transparency and accountability directly to the local budgeting process by requiring counties, school districts and charter schools to adopt LCAPs. Properly implemented, LCFF and LCAP can drive continuous improvement in all schools and for all students. The LCAP is designed to enhance allocation of resources, integrating school district budgets with locally approved goals that align with and, in some districts augment, the state's eight educational priorities.

By teaming the fiscal and instructional planning processes at the local level and requiring stakeholder engagement, LCFF and LCAP should lead to less incremental decision-making and more cooperative and comprehensive discussions about how to improve student learning and achieve goals. For those school districts, county offices of education and charter schools that have relied upon strategic planning to align their long-term vision and goals, the LCAP's Annual Update will help articulate continual improvement. LCAP is not a comprehensive strategic plan, but it is a valuable tool for enhancing the budget component of a strategic plan.

LCAPs, Annual Updates, evaluation rubrics and the California Collaborative for Educational Excellence (CCEE) are intended to be components of a coherent educational system that helps drive continuous improvement. Greater transparency and stakeholder engagement should strengthen confidence in the educational system and improve the overall return on investment.

Now evolving, California's new accountability system will build on the foundations of all these components. The new system will provide transparency of decision-making processes in support of student achievement and outcomes. It will focus on a broader set of outcomes than in the past and it will differentiate the performance of schools and districts in reliable and meaningful ways so they receive appropriate support and assistance.

By providing well-timed, accessible and actionable data for use by educators, parents, community members and policymakers, LCFF will focus district and school leaders on significant areas in need of improvement. As more system components are developed and become operational over the next several years, the goal is that LCFF will increase district and school capacity and drive continuous improvement in the long-term.

Members of the SBE recognize that effective implementation of such a major initiative will take time. Persistence and patience are critical at this early stage in LCFF implementation. The SBE plans to continue to showcase transparency and engagement and to respond to recommendations from stakeholders, as evidenced by the SBE's revisions to the LCAP template to make it more user-friendly.

Much of the discussion during the development of the permanent regulations and template focused on how LEAs can ensure effective parent, student and community involvement, as public participation is essential in the new system. The SBE provided guidance by adding definitions and guiding questions to the template to help LEAs focus on effective engagement. The SBE's guidance and support will continue to evolve based on the needs of LEAs and the education community.

The SBE also will provide guidance and support through the adoption of the evaluation rubrics. The evaluation rubrics are an integral part of the LCFF performance and accountability system. Once developed, evaluation rubrics will support the overall objectives of LCFF to improve student outcomes, support transparency and increase equity. The evaluation rubrics will serve as tools to LEAs in the creation, reflection and assessment of plans and actions.

The CCEE will have a key role in the new system once it is fully operational. It has a major role in determining how to provide the expertise and technical support for schools and districts that face challenges in improving student outcomes and reaching their locally adopted goals.

Members of the SBE have expressed their intent to implement LCFF consistent with the vision of Governor Brown to direct the money where the needs and the challenges are greatest, while focusing on student outcomes and giving LEAs the flexibility to make spending decisions focused on local priorities. The level of public interest in LCFF and LCAP, the collaboration of school communities, and the issues and challenges that groups and organizations brought before the SBE in this first year of implementation helped shape the policy decisions made thus far. Looking forward, considerable work remains.

Section 4: Implementation Roles and Responsibilities for LCFF Oversight and Technical Assistance

Within the context of the LCFF, there are many components of oversight and technical assistance. The SBE, CDE, Fiscal Crisis Management and Assistance Team (FCMAT), county superintendents, supporting professional organizations, and administrators, teachers, other school personnel, parents, students and local stakeholders all play vital roles. Descriptions of the state and local level components and their roles and responsibilities are provided in the sections below.

State Board of Education

The majority of the SBE's efforts during the first year of implementation focused on the development of the LCFF regulations and LCAP template. Specifics about this adoption process are provided below. In addition, the following SBE section describes the purpose of evaluation rubrics and the efforts now underway to develop those rubrics.

Spending Regulations and LCAP Template

The SBE has been widely praised for seeking input from stakeholders and fostering authentic engagement and transparency in its work to adopt the LCFF spending regulations and the LCAP template. From July 2013 through December 2013, the SBE facilitated an LCFF stakeholder input process including: monthly meetings of an implementation working group comprised of representatives from approximately 25 statewide organizations directly involved with local implementation; a series of regional stakeholder input and community forum sessions; conference calls with representatives from LEAs and various education stakeholder groups; public comments at the scheduled SBE meetings; and the collection of written comments from the public through the LCFF Web portal (<http://lcff.wested.org/>). Following the November 2013 SBE meeting, SBE and CDE staff met with representatives from more than 40 groups to integrate ideas and recommendations into the draft regulations and template.

On January 16, 2014, the SBE approved the emergency regulations, as directed by *Education Code (EC) 42238.07*, including the spending regulations and the LCAP template. At the January meeting, the SBE also commenced the regular rulemaking process. This process is required to adopt permanent regulations and provides a period of 45 days for written comments, followed by a public hearing to receive verbal and written testimony.

The emergency regulations were approved by the Office of Administrative Law (OAL) on January 27, 2014, and were extended and approved again on July 11, 2014 and on October 8, 2014 while the permanent rulemaking process was underway. The 45-day public comment period for the permanent regulations began on February 1, 2014 and ended on March 17, 2014. In response to public comment, the SBE initiated two additional 15-day public comment periods from July 12, 2014 through July 28, 2014, and from September 6, 2014 through September 22, 2014. The SBE approved the permanent regulations on November 14, 2014 and the regulations were submitted to the OAL for approval on November 21, 2014.

Evaluation Rubrics

The evaluation rubrics are envisioned as a part of a larger system that supports the overall objectives of LCFF to improve student outcomes, support transparency and increase equity. The SBE must adopt the evaluation rubrics by October 2015 as required by *EC Section 52064.5*. Evaluation rubrics will allow school districts, COEs, and charter schools to evaluate their strengths, weaknesses, and areas that require improvement; assist county superintendents to identify needs and focus technical assistance; and assist the SPI to direct interventions when warranted. Furthermore, the rubrics must provide standards for school district and individual school site performance and expectations for improvement related to the LCFF priorities in the *Education Code*.

The rubric development process now underway includes a Rubric Design Group (RDG) comprised of educational leaders from school districts, COEs, and charter schools; CDE staff with responsibility for reviewing COEs' LCAPs; and SBE representatives. The work of the RDG is informed by extensive input from practitioners and the education community,

research about educational systems change, resource management and engagement, and policy leaders.

Rubric Creation Timeline	
August 2014	WestEd commences facilitation and outreach for participation in the RDG and develops a plan to engage and gather input from working groups. Update below.
Summer/Fall 2014	WestEd convenes the RDG to plan a timeline for future meetings and establish working principles, and organizes and facilitates sessions with various working groups for preliminary input.
Spring 2015	The RDG completes a first draft of evaluation rubrics to include as part of an update to the SBE.
Spring/Summer 2015	WestEd organizes and facilitates follow-up sessions with various working groups regarding draft evaluation rubrics.
July 2015	WestEd presents an updated draft of the evaluation rubrics for review and comment by the SBE prior to adoption.
September 2015	Evaluation rubrics adopted by the SBE.

Information about the RDG process is posted and will be regularly updated at <http://lcff.wested.org>. This includes notifications regarding input opportunities, a form for online feedback, and summaries and updates about the proceedings and progress of the RDG.

California Department of Education

The CDE has a wide array of responsibilities associated with implementing LCFF and providing technical assistance, ranging from fiscal services guidance and foster youth data sharing, to approval of COE LCAPs, review of LCAPs from SBE-authorized charter schools, and plan alignment for LEAs. The SPI also is tasked with providing technical assistance to any county office of education that fails to improve student achievement across more than one state priority for one or more numerically significant student subgroup.

Local Agency Systems Support

Following passage of the LCFF, the CDE created the Local Agency Systems Support Office (LASSO). Over the past 18 months, this office has assisted with the development of spending regulations and the LCAP template. The LASSO also provided guidance and technical assistance to LEAs regarding the programmatic implementation of LCFF through the development and maintenance of a CDE LCFF Web page and FAQs (<http://www.cde.ca.gov/fg/aa/lc/>), as well as presentations to various advocacy and education groups, and responses to numerous telephone or emailed inquires. Staff is also responsible for preparing LCFF agenda items for the SBE, including working with LEAs or outside sources to identify and showcase potential tools, resources and promising practices. Staff has also initiated the development of an electronic LCAP template as

requested by the SBE; and participated with SBE staff and WestEd on the design and development of the evaluation rubrics.

LASSO staff reviews and approves LCAPs from COEs. The CDE received 65 LCAPs for the 2014-15 school year. These included plans from 58 COEs and seven from districts that are the sole district within a county. Most plans were submitted within the required timeframe, and most received an initial review within the first two weeks of receipt. Program and fiscal staff within the CDE reviewed each LCAP, first independently, then collaboratively, to identify plan elements requiring clarification. In those cases where clarification was deemed necessary, CDE staff contacted the COE or district by phone to seek clarification, and a majority of the requests for clarification were completed within a few days of the initial notification. In a small number of instances, the clarification process was not completed by August 15, the date by which LEAs were to be notified in writing of such requests. Necessary clarifications were received, and all 65 plans were approved.

As part of its charter oversight functions for the SBE, CDE also reviewed 24 LCAPs received from charter schools authorized by the SBE. The initial focus of the review was Section 1, Stakeholder Engagement, and Section 2, Goals and Progress Indicators. In some instances CDE staff requested clarifying information from the charter school administrator as part of the review. Charter School Division staff also reviewed the LCAP budget to verify alignment with Sections 3A and 3B, Actions, Services, and Expenditures. It is anticipated that goals and actions identified in the LCAP Sections 3A and 3B will be evident during the annual site visit to the SBE-authorized charter schools.

Now that the permanent spending regulations and LCAP template have been adopted by the SBE and are awaiting approval by OAL, the LASSO is reallocating resources to provide greater technical assistance to the field in the development of their LCAPs including sharing LCAP review guidelines well in advance of the 2015-16 LCAP review cycle with COE staff, collecting sample segments of 2014 LCAPs that clearly conveyed information, and providing small group or individual coaching sessions to COEs beginning in late winter.

School Fiscal Services

CDE fiscal staff provides advice and assistance on regulations development and contributes technical statutory changes necessary to make the funding formula work. These efforts include apportioning LCFF funds (including Proposition 30 apportionments); modifying data collection systems to perform LCFF apportionment calculations; updating the SBE's criteria and standards for assessing fiscal solvency to reflect LCFF changes; establishing audit procedures used by independent auditors when performing LEA audits; modifying the software used by LEAs to prepare budget, interim, and year-end reports to reflect LCFF changes; providing LCFF accounting guidance, such as for accounting for students served by a COEs but for whom the funding is credited to a district; and reviewing the fiscal components of COE LCAPs.

As a result of the adoption of LCFF, the division's work included a complete overhaul of the data collection software LEAs use to report funding data, as well as the system CDE uses to

calculate apportionments. A completely new data collection software package was released in March 2014, and CDE provided a webinar, reference guides and other assistance to LEAs to explain the data reporting changes. In response to the amount of interest in the new funding formula, CDE also created individual school district and charter school funding snapshots which synthesize each entity's LCFF funding in a clear, detailed manner. The funding snapshots can be downloaded on CDE's Web site, and over 13,000 snapshots were downloaded between June and October of 2014.

Education Data Management

As part of the regular California Longitudinal Pupil Achievement Data System (CALPADS) updates, the CDE has provided ongoing communication to the field about changes to CALPADS data collection practices resulting from implementation of the LCFF.

CDE is working in partnership with the California Department of Social Services to implement CALPADS functionality to identify foster youth. As required by state law, this functionality will provide LEAs the ability to view reports that are updated weekly, identifying the students enrolled in each school who are foster youth. The design specifications were developed in consultation with LEA staff working with foster youth.

Through this statewide match that identifies foster students, LEAs are informed of the foster students enrolled in each school, as well as whether the student is in a foster care placement, or living at home receiving family maintenance services; whether the student is under the supervision of the county social services or probation department; the student's social worker's name and contact information; and the student's court appointed educational representative's name and contact information. In addition to being able to view information about all foster students enrolled in schools in each county, COEs are able to view information about students within its jurisdiction who are attending schools in other counties. This facilitates the ability of counties to monitor the academic progress of all foster youth within its jurisdiction. Only staff with a special security role will be able to view the foster reports.

Additional information regarding CALPADS and Foster Youth are available on the LCFF Frequently Asked Question Web page at <http://www.cde.ca.gov/fg/aa/lc/lciffaq.asp>.

Improvement and Accountability

With the transition to a new system of assessments and accountability, and the implementation of a new funding system, the SPI, the CDE, and the SBE recognize the need to review the landscape of current state and federal plan requirements.

For example, *EC* Section 52064(b) calls for a LCAP template that also meets the requirements for federal Elementary and Secondary Education Act local educational agency (LEA) Plans (pursuant to Section 1112 of Subpart 1 of Part A of Title I of Public Law 107-110), and further directs the SBE to minimize duplication of effort at the local level. *EC* Sections 52062(a)(4) and 52068(a)(4) require the superintendent of a school district or a

COE to ensure that actions included in the LCAP are consistent with strategies embedded within the Single Plan for Student Achievement (SPSA).

Underlying the expectation of aligning the LCAP with other state and federal planning requirements, *EC* Sections 52060(f), 52066(f), and 47605(iii)(C) specify that to the extent practicable, data that are reported in the LCAP shall be reported in a manner that is consistent with the way information is reported in the School Accountability Report Card (SARC). The CDE Plan Alignment and Coordination Project (PACP) was established to address this need to develop resources to support an integrated and coordinated planning process. This project will capture the similarities and contrasts among existing planning and reporting requirements in order to provide recommendations that support comprehensive planning for LEAs.

Fiscal Crisis Management and Assistance Team (FCMAT)

FCMAT assumed the lead role in developing a LCFF Calculator to help LEAs estimate LCFF revenue during the phase-in to full implementation. The idea started out as a simple spreadsheet developed by the Marin COE to be used to assess budgets for districts in that county. The Marin COE was soon joined by staff members of the El Dorado and San Diego COEs, with the goal to provide calculations for all types of LEAs. The spreadsheet quickly evolved into a comprehensive workbook to help estimate LCFF revenues.

In November 2013, FCMAT assumed responsibility for maintaining and updating the LCFF Calculator. FCMAT continues to work with the original development team, the CDE, SBE and the Department of Finance to ensure it remains a robust tool for school districts and charter schools to estimate LCFF revenues. Future plans for the Calculator include developing web-based software for seamless updates and reducing software conflict issues. Other tools include the LCFF Calculator Manual, Calculator Caveats, LCFF Listserve Subscription, LCFF Online Help Desk, and CALPADS Reports & LCFF Self-paced Training.

County Superintendents and the California County Superintendents Educational Services Association (CCSESA)

County Superintendents are responsible for reviewing and approving each district's LCAP within each county. County Superintendents are also tasked with providing technical assistance to any district that fails to improve student achievement across more than one state priority for one or more numerically significant student subgroup. The 58 County Superintendents are represented and supported by CCSESA. Two of CCSESA's organizational committees, the Business and Administration Steering Committee (BASC) and the Curriculum and Instruction Steering Committee (CISC), were instrumental in creating and providing resources as well as LCAP-related training to COEs throughout the state during the first year of implementation. COEs also provided extensive LCAP trainings and support to district staff and charter school administrators within their respective counties. "*The CCSESA LCAP Approval Manual; A Guide for Review and Approval of District LCAPs*" was created to assist COEs. In addition, CCSESA conducted surveys to assess COE LCAP experiences and provided regular feedback to the SBE and CDE.

Local Educational Agencies (LEAs)

The ultimate goal of the LCAP development process is to improve educational outcomes for all students. Under the LCFF, LEAs adopt LCAPs with annual goals for all students and numerically significant student subgroups to be achieved under the state priorities set forth in the *Education Code*. State agencies and County Superintendents provide support and assistance with LCAP development as detailed above. Subsequently, county superintendents and the CDE review LCAPs and ultimately approve or disapprove them based on criteria specified in statute. If an LEA requests additional support in developing its LCAP, or if its LCAP is disapproved, the LCFF statutes provide multiple routes for support and assistance.

LCAP Review

A district's governing board must adopt an LCAP by July 1 of each year and submit the approved LCAP to the COE within 5 days. In addition to any general consultation that takes place between districts and COEs, state law provides a county superintendent approximately six weeks, until August 15, to seek clarification in writing from the district about the contents of the LCAP after the district submits it. The district then has 15 days to respond. Following the response, the county superintendent may submit recommendations for amendments to the LCAP. The governing board of the school district must consider the recommendations in a public meeting.

Pursuant to *EC* Section 52070, the county superintendent must approve the LCAP before October 8, if he or she determines all of the following:

- (1) The LCAP adheres to the template adopted by the SBE.
- (2) The budget for the applicable fiscal year adopted by the governing board of the school district includes expenditures sufficient to implement the specific actions and strategies included in the LCAP, based on the projections of the costs included in the plan.
- (3) The LCAP adheres to the expenditure requirements adopted by the SBE regarding the expenditure of funds apportioned on the basis of the number and concentration of unduplicated pupils pursuant to *EC* Sections 42238.02 and 42238.03.

If an LCAP is Not Approved or if a District or COE Requests Assistance, Support is Provided

If a county superintendent of schools does not approve an LCAP or Annual Update or if the governing board of a school district requests technical assistance, *EC* Section 52071 requires that the county superintendent of schools provide technical assistance, including, among other things, any of the following:

- (1) Identification of the school district's strengths and weaknesses in regard to the state priorities described in subdivision (d) of *EC* Section 52060, communicated in writing to the school district. This identification shall include a review of effective, evidence-based programs that apply to the school district's goals.

- (2) Assignment of an academic expert or team of academic experts to assist the school district in identifying and implementing effective programs that are designed to improve the outcomes for all pupil subgroups identified pursuant to *EC* Section 52052. The county superintendent of schools may also solicit another school district within the county to act as a partner to the school district in need of technical assistance.
- (3) Request that the SPI assign the California Collaborative for Educational Excellence (CCEE) to provide advice and assistance to the school district.

If the SPI does not approve an LCAP or Annual Update approved by a county board of education, or if the county board of education requests technical assistance, *EC* Section 52071.5 requires that the SPI provide technical assistance.

Evaluation Rubrics

The LCFF support and oversight systems established by the Legislature and Governor in 2013 include provisions that seek to ensure LEAs are well informed when developing their LCAPs, student outcomes improve, and if they don't, appropriate remedial actions are taken.

Once the SBE adopts the LCFF evaluation rubrics, they will:

- (1) Be used by LEAs to evaluate their strengths, weaknesses, and areas that require improvement;
- (2) Be used by county superintendents of schools and the SPI to identify LEAs in need of assistance and focus technical assistance pursuant to *EC* Sections 52071, 52071.5 and 47607.3; and
- (3) Be used to assist the SPI to direct interventions when the SPI and SBE deem they are warranted, using the criteria and process set forth in *EC* Sections 52072 and 52072.5.

The rubrics must reflect a holistic, multidimensional assessment of school district and school site performance. In addition, the rubrics will provide standards for school districts and individual school site performance and expectations for improvement in regard to the identified LCFF priorities and guide continuous improvement for California's districts, COEs, and charter schools. The SBE has asked WestEd to coordinate and facilitate a process for developing rubrics as described above. More information can be found at <http://lcff.wested.org>.

California Collaborative for Educational Excellence (CCEE)

The statutory purpose of the CCEE is "to advise and assist school districts, county superintendents of schools, and charter schools in achieving the goals set forth in a local control and accountability plan [LCAP]..." *EC* Section 52074 provides that the SPI may

direct the CCEE to advise and assist a school district, county superintendent of schools, or charter school in any of the following circumstances:

- (1) If the LEA requests the advice and assistance of the CCEE;
- (2) If the county superintendent of schools of the county in which the school district or charter school is located determines, following the provision of technical assistance pursuant to Section 52071 or 47607.3 as applicable, that the advice and assistance of the CCEE is necessary to help the school district or charter school accomplish the goals described in the LCAP; or
- (3) If the SPI determines that the advice and assistance of the CCEE is necessary to help the LEA accomplish the goals set forth in the LCAP.

EC Section 52074 (c) requires the SPI, with approval of the SBE, to contract with a LEA, or consortium of LEAs, to serve as the fiscal agent for the CCEE. In March 2014, the CDE solicited responses from LEAs interested in serving as the CCEE fiscal agent. LEAs were required to respond to the Letter of Interest by April 11, 2014. At the May 2014 meeting, the SBE approved the SSPI's recommendation of Riverside COE to serve as the fiscal agent.

The CCEE will be governed by a five-member board. As of this writing the following individuals are members of the CCEE board:

- The State Superintendent of Public Instruction: Tom Torlakson
- On behalf of the President of the SBE: Sue Burr, Member, State Board of Education
- A county superintendent of schools appointed by the Senate Committee on Rules: Michael Watkins, Santa Cruz County Superintendent of Schools
- A teacher appointed by the Speaker of the Assembly: Tim Sbranti, Dublin Mayor and teacher
- A superintendent of a school district appointed by the Governor: Sandra Thorstenson, Superintendent, Whittier Union High School District

The board of the CCEE will convene for the first time in early 2015. Once the CCEE is fully operational, pursuant to the founding statute, the fiscal agent, at the direction CCEE Board, shall contract with individuals, local educational agencies, or organizations with the expertise, experience, and a record of success to carry out the statutory purposes of the CCEE. The areas of expertise, experience, and record of success shall include, but are not limited to, all of the following:

- (1) State priorities as described in subdivision (d) of Section 52060.
- (2) Improving the quality of teaching.
- (3) Improving the quality of school district and schoolsite leadership.
- (4) Successfully addressing the needs of special pupil populations, including, but not limited to, English learners, pupils eligible to receive a free or reduced-price meal, pupils in foster care, and individuals with exceptional needs.

Conclusion

The history of education reform reveals that improvement takes time and quality implementation is difficult. The SBE and CDE remain committed to listening and learning from the experiences of practitioners and stakeholders as they implement the new regulations and LCAP template. The SBE will continue to lead discussions about what is working and what can be improved, and it will make improvements as needed.

During the LCFF's infancy, implementation challenges are to be expected, and they help inform our work. As evidenced throughout this report, transparency helped build trust and create better results in this first year of implementation.

The level of public interest in the LCFF and LCAP, the collaboration of school communities, and the issues and challenges brought before the SBE in this first year of implementation helped shape the policy decisions made thus far. Stakeholder engagement will continue to be critical as we continue to develop a school funding and accountability system that provides meaningful and sustained support to improve educational outcomes for all students.

Appendix A: Data from Chart appearing on Page 6.

LCFF State Priorities and Related Data Elements

Pupil Achievement

- Performance on Statewide Standardized Tests
- Score on Academic Performance Index
- Share of pupils that meet the requirements for entrance to the University of California and the California State University or complete career technical education sequences or programs
- Share of English Learners that become English proficient
- English Learner reclassification rate
- Share of pupils that pass the Advanced Placement Exams with 3 or higher
- Share of pupils determined prepared for college by the Early Assessment Program

Pupil Engagement

- School Attendance rates,
- Chronic Absenteeism rates
- Middle school dropout rates
- High school dropout rates
- High school graduation rates

Other Pupil Outcomes

- Other indicators of pupil performance in required areas of study

School Climate

- Pupil suspension rates
- Pupil expulsion rates
- Other local measures

Parental Involvement

- Efforts to seek parent input
- Promotion of parental participation

Basic Services

- Rate of teachers appropriately assigned and fully credentialed
- Pupil access to standards-aligned instructional materials
- Facilities maintained in good repair

Implementation of State Standards

- Implementation of State Board of Education-adopted academic content and performance standards for all pupils, including English learners

Course Access

- Pupils access and enrollment in all required areas of study



California State Board of Education
Meeting Agenda Items for January 14, 2015

ITEM 06



CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2015 AGENDA

SUBJECT	
2015 United States Senate Youth Program Presentation	<input type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

SUMMARY OF THE ISSUE(S)

The State Superintendent of Public Instruction (SSPI) will announce the selection of the two delegates and first and second alternates to represent California at the 53rd annual United States Senate Youth Program (USSYP) held in Washington, DC on March 7-14, 2015.

A news release about the recipients is available on the California Department of Education (CDE) Year 2014 Web page at <http://www.cde.ca.gov/nr/ne/yr13/yr13rel118.asp>

RECOMMENDATION

The CDE recommends that the State Board of Education (SBE) President and the SSPI present the 2015 USSYP awards to the 2015 delegates and alternates. The two delegates are (1) Benjamin Omar Beltran and (2) Dahkota Kicking Bear Brown. The two alternates are (1) Claire J. Liu and (2) Dustin Chiang.

BRIEF HISTORY OF KEY ISSUES

Sponsored by the William Randolph Hearst Foundation, the USSYP was established in 1962 by Senate Resolution 324, and has continued each year by action of the United States Senate.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

This is an annual event at the January SBE meeting.

FISCAL ANALYSIS (AS APPROPRIATE)

The William Randolph Hearst Foundation provides funding to the CDE to assist with the costs associated with administering the USSYP.

ATTACHMENT(S)

None.



California State Board of Education
Meeting Agenda Items for January 14, 2015

ITEM 07



CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2015 AGENDA

SUBJECT	
Petition for Establishment of a Charter School Under the Oversight of the State Board of Education: Consideration of the OnePurpose School which was denied by the San Francisco Unified School District and the San Francisco County Office of Education.	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input checked="" type="checkbox"/> Public Hearing

SUMMARY OF THE ISSUE(S)

On September 23, 2014, the San Francisco Unified School District (SFUSD) voted to deny the petition of OnePurpose School (OPS) by a vote of six to one. The SFUSD Board of Education acts on the behalf of the city and county of San Francisco; therefore, the OPS appeal was submitted directly to the State Board of Education (SBE).

Pursuant to California *Education Code (EC)* Section 47605(j), petitioners for a charter school that have been denied at the local level may petition the SBE for approval of the charter, subject to certain conditions.

RECOMMENDATION

The California Department of Education (CDE) proposes to recommend that the SBE hold a public hearing to approve, with technical amendments as specified in Attachment 1, the petition to establish OPS for a five year term effective January 16, 2015, through June 30, 2019, under the oversight of the SBE, based on the CDE's findings pursuant to *EC* sections 47605(b)(1), 47605(b)(5), and *California Code of Regulations*, Title 5 (5 *CCR*) Section 11967.5. The Meeting Notice for the Advisory Commission on Charter Schools (ACCS) Web page is located at <http://www.cde.ca.gov/be/cc/cs/accsnotice121014.asp>. 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.

ACCS Recommendation

The ACCS considered the OPS petition at its December 10, 2014, meeting. By a vote of six to zero, the ACCS recommends that the SBE approve the petition to establish OPS under the oversight of the SBE.

BRIEF HISTORY OF KEY ISSUES

OPS submitted a petition on appeal to the CDE on October 9, 2014.

In their petition, OPS asserts that the mission is to provide a rigorous academic program that enables all pupils to attend and graduate college, secure 21st century employment, and to break the cycle of poverty that is prevalent in the Mission District of San Francisco.

The petitioners propose to serve approximately 120 pupils in transitional kindergarten through grade one in the first year of operation (2015–16) and expand to 312 pupils in transitional kindergarten through grade five, p. 23 of Attachment 3 of Agenda Item 02 on the ACCS December 10, 2014 Meeting Notice for the ACCS Web page. (This item is not available for online viewing. Please contact the Charter Schools Division at 916-322-6029 or by e-mail at Charters@cde.ca.gov for more information).

In considering the OnePurpose School petition, CDE staff reviewed the following:

- The OPS petition, Attachments 3 and 5 of Agenda Item 02 on the ACCS December 10, 2014, Meeting Notice for the ACCS Web page. (This item is not available for online viewing. Please contact the Charter Schools Division at 916-322-6029 or by e-mail at Charters@cde.ca.gov for more information).
- Educational and demographic data of schools where pupils would otherwise be required to attend, Attachment 2 of Agenda Item 02 on the ACCS December 10, 2014, Meeting Notice for the ACCS Web page located at <http://www.cde.ca.gov/be/cc/cs/documents/accs-dec14item02a2.xls>.
- OPS budget information, Attachment 4 of Agenda Item 02 on the ACCS December 10, 2014, Meeting Notice for the ACCS Web page. (This item is not available for online viewing. Please contact the Charter Schools Division at 916-322-6029 or by e-mail at Charters@cde.ca.gov for more information).
- Description of changes to the petition necessary to reflect the SBE as the authorizing entity, Attachment 6 of Agenda Item 02 on the ACCS December 10, 2014, Meeting Notice for the ACCS Web page. (This item is not available for online viewing. Please contact the Charter Schools Division at 916-322-6029 or by e-mail at Charters@cde.ca.gov for more information).

On September 23, 2014, the SFUSD, acting on behalf of the county of San Francisco, denied the petition without written findings.

The information in this item provides the analysis that CDE staff has been able to complete to date with the available information.

Pursuant to *EC* sections 47605(b)(1), 47605 (b)(2), 47605(b)(5), and 5 *CCR* Section 11967.5.1, a charter school petition must provide a reasonably comprehensive

description of multiple required elements. The required elements are summarized in Attachment 1, p.2 of Agenda Item 02 on the ACCS December 10, 2014, Meeting Notice for the ACCS Web page located at <http://www.cde.ca.gov/be/cc/cs/documents/accs-dec14item02a1.doc>.

The CDE finds that the OPS petition does provide a reasonably comprehensive description for some of the required elements, as indicated by a “yes” on p. 2 of Attachment 1 of Agenda Item 02 on the ACCS December 10, 2014, Meeting Notice for the ACCS Web page located at <http://www.cde.ca.gov/be/cc/cs/documents/accs-dec14item02a1.doc>, while others require a technical amendment. Additional information and amendments to the petition would be needed if it is approved as an SBE-authorized charter school. These amendments are due to the change in authorizer, or to strengthen or clarify elements for monitoring and accountability purposes.

Educational Program

CDE staff finds that the petition is consistent with sound educational practice. The OPS petition provides a reasonably comprehensive description of an educational plan that includes services for English learners (EL), pupils with disabilities, low achieving pupils, and high achieving pupils. OPS plans to model the Common Core State Standards through Science, Technology, Engineering, and Mathematics curriculum and Project Based Learning. Additionally, OPS plans to focus on the “whole child” by building a strong, collaborative relationship with families and collective community members.

Budget

The OPS budget and multiyear projections are reasonable, and the charter appears to be fiscally viable with the assumed enrollment growth and EL, low income, and foster youth population projections.

The OPS petition addresses the requirements of *EC* Section 47605(b)(ii), including a description of the school’s annual goals, for all pupils (i.e. schoolwide) identified pursuant to *EC* Section 52052, for each of the applicable state priorities identified in *EC* Section 52060(d), and a description of the specific annual actions the school will take to achieve each of the identified annual goals. However, the petition does not include a description of annual goals by subgroup to satisfy the requirement of *EC* Section 52052. Therefore, a technical amendment is required to address pp. 103–111 in the petition (Attachment 1, p. 33).

A detailed analysis of the review of the entire petition is provided in Attachment 1 of Agenda Item 02 on the ACCS December 10, 2014, Meeting Notice for the ACCS Web page located at <http://www.cde.ca.gov/be/cc/cs/documents/accs-dec14item02a1.doc>.

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 six sites
- One countywide benefit charter
- Eight all district charters, operating a total of 18 sites
- Thirteen 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 an SBE-authorized charter school, the CDE would receive approximately one percent of the revenue of the charter school for the CDE's oversight activities. However, no additional resources are allocated to the CDE for oversight.

ATTACHMENT(S)

Attachment 1: State Board of Education Standard Conditions on Opening and Operation (3 pages)

STATE BOARD OF EDUCATION STANDARD CONDITIONS ON OPENING AND OPERATION

- **Insurance Coverage.** Prior to opening, (or such earlier time as school may employ individuals or acquire or lease property or facilities for which insurance would be customary), submit documentation of adequate insurance coverage, including liability insurance, which shall be based on the type and amount of insurance coverage maintained in similar settings. Additionally, the School will provide a document stating that the District will hold harmless, defend, and indemnify the State Board of Education (SBE) and the California Department of Education (CDE), their officers and employees, from every liability, claim, or demand that may be made by reason of: (1) any injury to volunteer; and (2) any injury to person or property sustained by any person, firm, or corporation caused by any act, neglect, default, or omission of the School, its officers, employees, or agents. In cases of such liabilities, claims, or demands, the School at its own expense and risk will defend all legal proceedings that may be brought against it and/or the SBE or the CDE, their officers and employees, and satisfy any resulting judgments up to the required amounts that may be rendered against any of the parties.
- **Memorandum of Understanding/Oversight Agreement.** Prior to opening, either: (a) accept an agreement with the SBE, administered through the CDE, to be the direct oversight entity for the school, specifying the scope of oversight and reporting activities, including, but not limited to, adequacy and safety of facilities; or (b) enter into an appropriate agreement between the charter school, the SBE (as represented by the Executive Director of the SBE), and an oversight entity, pursuant to the California *Education Code (EC)* Section 47605(k)(1), regarding the scope of oversight and reporting activities, including, but not limited to, adequacy and safety of facilities.
- **Special Education Local Plan Area Membership.** Prior to opening, submit written verification of having applied to a Special Education Local Plan Area (SELPA) for membership as a local educational agency and submit either written verification that the school is (or will be at the time pupils are being served) participating in the SELPA, or an agreement between a SELPA, a school district that is a member of the SELPA, and the school that describes the roles and responsibilities of each party and that explicitly states that the SELPA and the district consider the school's pupils to be pupils of the school district in which the school is physically located for purposes of special education programs and services (which is the equivalent of participation in the SELPA). Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of CDE staff following a review of either: (1) the school's written plan for membership in the SELPA, including any proposed contracts with service providers; or (2) the agreement between a SELPA, a school district, and the school, including any proposed contracts with service providers.
- **Educational Program.** Prior to opening, submit a description of the curriculum development process the school will use and the scope and sequence for the grades envisioned by the school; and submit the complete educational program for pupils to be served in the first year including, but not limited to, a description of the curriculum

and identification of the basic instructional materials to be used; plans for professional development of instructional personnel to deliver the curriculum and use the instructional materials; and identification of specific assessments that will be used in addition to the assessment identified in *EC* Section 60640 in evaluating student progress. Satisfaction of this condition should be determined by the Executive Director of the SBE, based primarily on the advice of CDE staff.

- **Student Attendance Accounting.** Prior to opening, submit for approval the specific means to be used for student attendance accounting and reporting that will be satisfactory to support state average daily attendance claims and satisfy any audits related to attendance that may be conducted. Satisfaction of this condition should be determined by the Executive Director of the SBE, based primarily on the advice of the Director of the School Fiscal Services Division.
- **Facilities Agreements.** Prior to opening, present written agreements (e.g., a lease or similar document) indicating the school's right to use the principal school sites and any ancillary facilities identified by the petitioners for at least the first year of each school's operation and evidence that the facilities will be adequate for the school's needs. Satisfaction of this condition should be determined by the Executive Director of the SBE, based primarily on the advice of the Director of the School Facilities and Transportation Services Division.
- **Zoning and Occupancy.** Not less than 30 days prior to the school's opening, present evidence that each school's facility is located in an area properly zoned for operation of a school and has been cleared for student occupancy by all appropriate local authorities. For good cause, the Executive Director of the SBE may reduce this requirement to fewer than 30 days, but may not reduce the requirement to fewer than 10 days. Satisfaction of this condition should be determined by the Executive Director of the SBE, based primarily on the advice of the Director of the School Facilities and Transportation Services Division.
- **Final Charter.** Prior to opening, present a final charter that includes all provisions and/or modifications of provisions that reflect appropriately the SBE as the chartering authority and otherwise address all concerns identified by CDE and/or SBE staff, and that includes a specification that the school will not operate satellite schools, campuses, sites, resource centers or meeting spaces not identified in the charter without the prior written approval of the Executive Director of the SBE, based primarily on the advice of the Charter Schools Division (CSD) staff. Satisfaction of this condition is determined by the Executive Director of the SBE, based primarily on the advice of the Director of the CSD.
- **Processing of Employment Contributions.** Prior to the employment of any individuals by the school, present evidence that the school has made appropriate arrangements for the processing of the employees' retirement contributions to the California Public Employees' Retirement System (CALPERS) and the California State Teachers' Retirement System (CALSTRS).

- **Operational Date.** If any deadline specified in these conditions is not met, approval of the charter is terminated, unless the SBE deletes or extends the deadline not met. If the school is not in operation by September 30, 2015, approval of the charter is terminated.

ONEPURPOSE SCHOOL

Presentation for the
California State Board of Education



ONEPURPOSE SCHOOL

CAPACITY



FOUNDER + CEO



PRINCIPAL

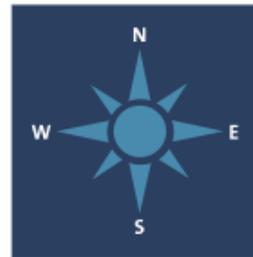


**LEADERSHIP
PUBLIC SCHOOLS**
LEARN. LEAD. SUCCEED.



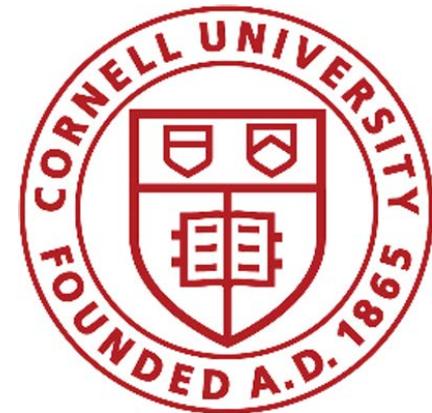
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Opening the door to greater educational opportunities since 1969.



KIPP:
SUMMIT
ACADEMY

**TEACHFOR
AMERICA**



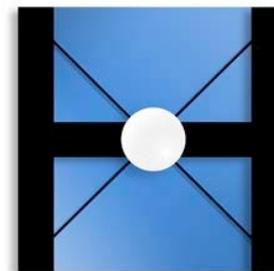
New Leaders



ADVISORY BOARD WITH DEEP EXPERTISE WITH LOW-INCOME URBAN YOUTH



California Charter Schools Association Hart Vision Award
Charter School of the Year 2013



HIGH TECH HIGH



FUNDERS

- Next Generation Learning Challenges
- LinkedIn
- The Walther Foundation
- Mary A. Crocker Trust



EDUCATIONAL MODEL



THE BIG PICTURE

Engagement +
Rigor +
Grit +
21st Century Skills +
Agency
=
SUCCESS



ELEMENTS

- Project-based learning.
- **STEM** (Science, Technology, Engineering, and Math).
- **Close relationships** among students, teachers, and, critically, parents.
- **Academic rigor** focused on core content (e.g., math, English, science) and higher-order thinking skills.



ELEMENTS, con't.

- Purposeful teaching of attitudes and personal qualities critical for college success.
- Integration of blended learning innovations to increase personalization.
- Mental and physical health care available on/near site.



RESULTS



RESULTS FOR MAKING WAVES ACADEMY'S UPPER SCHOOL WHILE ANTONIO TAPIA WAS UPPER SCHOOL DIRECTOR

- Students of color: **90%**
- Eligible for free/reduced lunch: **76%**
- API ranking: **7**
- Similar Schools ranking: **10**
- 10th grade ELA CAHSEE PASS RATE: **92%**
- 10th grade math CAHSEE PASS RATE: **90%**
- Growth targets met: **ALL** (Af-Am, Latino, Socioeconomically Disadvantaged, English Learner)

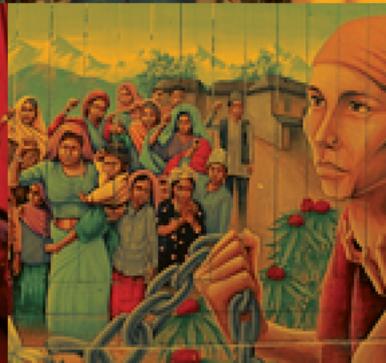


RESULTS FOR ENVISION SCHOOLS

Graduation Statistics	National Averages	Envision Schools
High School Grads Attending College	60%	90%
First Generation College Students	16%	60%
Hispanic College Attendance	25%	91%
African American College Attendance	32%	87%
First Year College Persistence	55%	85%

The information on the table shown above is available in text form on the last page of this document.





The following is information that was displayed in the previous table

Results for Envision Schools

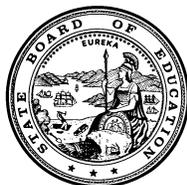
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Hispanic College Attendance	25%	91%
African American College Attendance	32%	87%
First Year College Attendance	55%	85%





California State Board of Education
Meeting Agenda Items for January 14, 2015

ITEM 08



CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2015 AGENDA

SUBJECT	
Elementary and Secondary Education Act: Supplemental Educational Services Providers: Removal of Providers from the 2012–14, 2013–15, and/or 2014–16 Approval Lists for Failure to Meet the Participation, Growth Criteria, or Submit a Complete 2013–14 Supplemental Educational Services Accountability Report.	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

SUMMARY OF THE ISSUE(S)

The Elementary and Secondary Education Act (ESEA) Section 1116(e)(4)(C) 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 ESEA also requires the SEA to monitor and evaluate approved SES providers.

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) remove SES providers from the approved 2012–14, 2013–15, and/or 2014–16 lists who failed to (1) deliver the basic program to at least 75 percent of the students for whom the provider has an approved local educational agency (LEA) contract (participation) (*California Code of Regulations*, Title 5 [5 CCR] Section 13075.5[d][3][D]); (2) demonstrate a record of effectiveness in increasing the academic proficiency of students (growth) (5 CCR Section 13075.5[d][3][E]); or (3) submit a complete 2013–14 SES Accountability Report (5 CCR Section 13075.4[a]). SES regulations are located on the CDE SES Web document at <http://www.cde.ca.gov/ta/ac/ti/documents/sesregsnew082011.doc>. Attachment 1 is the list of providers recommended for removal.

BRIEF HISTORY OF KEY ISSUES

Federal law requires an SEA to monitor and evaluate approved SES providers in accordance with ESEA, Title I, Part A Section 1116(e)(4)(D). 5 CCR Section 13075.4(a) requires approved SES providers to submit an annual SES Accountability Report to the CDE by August 1. 5 CCR Section 13075.5(d)(3)(H) allows the SBE to terminate an approved provider for failing to meet the reporting requirements under 5 CCR Section 13075.4.

On August 21, 2014, pursuant to 5 CCR Section 13075.5(d)(1) and (2), the SES providers who did not submit or submitted incomplete Accountability Reports by the deadline were given an additional 30 calendar days to submit a complete report. These providers received additional technical assistance from the CDE, and the CDE SES Accountability Report Web page was reopened to allow the submission of the corrected reports by the resubmission deadline of September 18, 2014. Attachment 2 is a copy of the notification of the deadline for resubmission.

On October 7, 2014, SES providers that failed, after 30 calendar days, to correct the violation were notified that the SES provider would be recommended for removal from the state approved provider list. Providers were notified that action would be taken by the SBE on the recommendation for removal at its January 2015 meeting. Pursuant to 5 CCR Section 13075.5(d)(3)(D) and (E), providers not meeting the 75 percent participation requirement (participation) or demonstrated record of effectiveness in increasing the academic achievement of the majority of their students (growth) were also given an additional deadline of November 7, 2014, to provide evidence of compliance. Attachment 3 is a copy of the notification of recommendation for removal.

On November 20, 2014, SES providers that failed to provide evidence of compliance were again notified that the SBE will take action on the recommendation for removal from the state approved provider list at its January 2015 meeting. Attachment 4 is a copy of the notification of recommendation for removal.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At its September 2014 meeting, the SBE approved additional Program Improvement (PI) LEAs based on an approved waiver of Title 34 of the *Code of Federal Regulations* Section 200.47(b)(1)(iv)(A) and (B) granted by the U. S. Department of Education (ED) on November 19, 2013.

(<http://www.cde.ca.gov/be/ag/ag/yr14/documents/sep14w13.doc>)

At its January 2014 meeting, the SBE removed the providers recommended for removal from the approved provider list for failure to submit their Accountability Report.

(<http://www.cde.ca.gov/be/ag/ag/yr14/documents/jan14item10.doc>)

At its January 2013 meeting, the SBE removed the providers recommended for removal from the approved provider list for failure to submit their Accountability Report.

(<http://www.cde.ca.gov/be/ag/ag/yr13/documents/jan13item21.doc>)

At its January 2012 meeting, the SBE removed the providers recommended for removal from the approved provider list for failure to submit their Accountability Report.

(<http://www.cde.ca.gov/be/ag/ag/yr12/documents/jan12item06.doc>)

FISCAL ANALYSIS (AS APPROPRIATE)

There is no fiscal impact to the state.

ATTACHMENT(S)

- Attachment 1: Supplemental Educational Services Providers Recommended for Removal from the 2012–14, 2013–15, and/or 2014–16 Approved Lists for Failure to Meet the Participation Requirement, Growth Criteria, or Submit a Complete 2013–14 Supplemental Educational Services Accountability Report (2 Pages)
- Attachment 2: August 21, 2014, letter from Kimberly Born, Administrator, Title I Policy and Program Guidance Office, California Department of Education, to Supplemental Educational Services Providers regarding Supplemental Educational Services Accountability Report Extension (1 Page)
- Attachment 3: October 7, 2014, letter from Kimberly Born, Administrator, Title I Policy and Program Guidance Office, California Department of Education, to Supplemental Educational Services Providers regarding Supplemental Educational Services Accountability Report Evaluation and Opportunity to Correct (2 Pages)
- Attachment 4: November 20, 2014, letter from Kimberly Born, Administrator, Title I Policy and Program Guidance Office, California Department of Education, to Supplemental Educational Services Providers for Recommendation for Removal from the Approved List of Supplemental Educational Services Providers (1 Page)

Supplemental Educational Services Providers Recommended for Removal from the 2012–14, 2013–15, and/or 2014–16 Approved Lists for Failure to Meet the Participation Requirement, Growth Criteria, or Submit a Complete 2013–14 Supplemental Educational Services Accountability Report

The X indicates each approval period from which the identified provider will be removed if the State Board of Education approves the California Department of Education staff recommendation.

Provider Business Name	Approval Period		
	2012–14	2013–15	2014–16
Aavanza (Extreme Learning DBA Aavanza)		X	
Abacus In-Home Tutoring, Inc.		X	
Affluent Access		X	X
Basic Learning Skills, Inc.		X	
Bright Futures Inc., DBA Sylvan Learning Center	X		
Cyber Learning		X	
Educational Tutorial Service	X		
Innovative Educational Programs, LLC		X	
iPad Tutoring LLC (previously known as Learn with Laptops)		X	
K12 Tutors, Inc.	X		
Kid Angel Foundation	X		
KnowledgePoints DBA of Academic Achievement Inc.		X	

Provider Business Name	Approval Period		
	2012–14	2013–15	2014–16
Learning Support Services		X	
Primanti Montessori School; DBA #1 Advancing Education		X	
Regal Pacific Group, LLC DBA Huntington Learning Center		X	
Smart Education LLC DBA Club Z Tutoring		X	
THINK Together	X		
TUTORS & MORE, INC.		X	
World Literacy Crusade		X	



CALIFORNIA
DEPARTMENT OF
EDUCATION

August 21, 2014

TOM TORLAKSON
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

Dear Supplemental Educational Services Provider:

**SUPPLEMENTAL EDUCATIONAL SERVICES ACCOUNTABILITY REPORT
EXTENSION**

Our records indicate your organization either did not submit the required 2013–14 Supplemental Educational Services (SES) Accountability Report by the August 1, 2014, deadline or the report submitted was incomplete or inaccurate. The Title 5, *California Code of Regulations* (5 CCR) for SES requires the submission of the annual SES Accountability Report and stipulates that failure to submit the report may result in a recommendation to the State Board of Education (SBE) to remove an SES provider from approved provider status.

Pursuant to 5 CCR, Section 13075.5(d)(2), this notice provides you with an additional opportunity for your organization to submit or resubmit a corrected report no later than 5 p.m. on **September 18, 2014**. Failure to submit the report by this deadline will result in the recommendation to the SBE to remove your organization as an approved provider.

Online access to the report is located on the California Department of Education SES Accountability Report Web page at <http://www.cde.ca.gov/ta/ac/ti/ap1/logon.aspx>. Attached are three documents to assist you in working with an updated version of the online SES report. These documents include the following:

- Summary Checklist, identifying information that is lacking (Attachment 1)
- Sample Template for Batch SES Data Reporting form (Attachment 2)
- 2013–14 Record Layout for Uploading of SES Student Data (Attachment 3)

If you have questions regarding technical assistance, please contact Clifton Davis, Jr., Associate Governmental Program Analyst, Title I Policy and Program Guidance Office, by phone at 916-322-5140 or by e-mail at SES@cde.ca.gov.

If you have any questions regarding this subject, please contact Stephanie Smith, Education Programs Consultant, Title I Policy and Program Guidance Office, by phone at 916-319-0948 or by e-mail at SES@cde.ca.gov.

Sincerely,

/s/

Kimberly Born, Administrator
Title I Policy and Program Guidance Office

KB:ss
Attachments

1/7/2015 1:00 PM



TOM TORLAKSON
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

CALIFORNIA
DEPARTMENT OF
EDUCATION

October 7, 2014

Dear Supplemental Educational Services Provider:

**SUPPLEMENTAL EDUCATIONAL SERVICES ACCOUNTABILITY REPORT EVALUATION
AND OPPORTUNITY TO CORRECT**

An evaluation of the 2013–14 Supplemental Educational Services (SES) Accountability Report submitted by your organization provides evidence that it failed to do one or both of the following:

1. Deliver the basic program to at least 75 percent of the students for whom you had an approved contract as required in *California Code of Regulations (5 CCR) Title 5, Section 13075.5(d)(3)(D)*
2. Demonstrate a record of effectiveness in increasing the academic proficiency to the majority of students served as required in 5 CCR, Section 13075.5(d)(3)(E)

The California Department of Education (CDE) may recommend to the State Board of Education (SBE) to remove an SES provider from approved provider status if this criterion is not met.

Pursuant to 5 CCR, Section 13075.5(d), this notice provides the opportunity for the organization to correct the violation and/or provide evidence of compliance. Please submit your response no later than **November 7, 2014**, to:

California Department of Education
Title I Policy and Program Guidance Office
1430 N Street, Suite 6208
Sacramento, CA 95814
Attn: Stephanie Smith, Education Programs Consultant

Compliance would include evidence that:

- The contract with the local educational agency was for less than 10 students
- The student(s) did not attend a single session
- The student(s) did not complete the program due to factors beyond the control of the providers

Failure to correct and/or demonstrate compliance by this deadline will result in the recommendation to the SBE to remove this organization as an approved provider. The SBE is currently scheduled to take action on the CDE recommendation for removal from the approved provider list at its January 2015 meeting.

1/7/2015 1:00 PM

October 7, 2014
Page 2

If you have any questions regarding this subject, please contact Stephanie Smith, Education Programs Consultant, Title I Policy and Program Guidance Office, by phone at 916-319-0948 or by e-mail at SES@cde.ca.gov.

Sincerely,

/s/

Kimberly Born, Administrator
Title I Policy and Program Guidance Office

KB:ss



TOM TORLAKSON
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

CALIFORNIA
DEPARTMENT OF
EDUCATION

November 20, 2014

Dear Supplemental Educational Services Provider:

**RECOMMENDATION FOR REMOVAL FROM THE APPROVED LIST OF
SUPPLEMENTAL EDUCATIONAL SERVICES PROVIDERS**

This letter serves as notification that the California Department of Education (CDE) is recommending your organization to the California State Board of Education (SBE) for removal from the approved list of Supplemental Educational Services (SES) providers.

Our records indicate that you are an SES provider approved in 2012, 2013, or 2014, and you did not submit one of the following: (1) the required 2013–14 SES Accountability Report by September 18, 2014, extended deadline; or (2) the report submitted by the deadline was incomplete or inaccurate; or (3) the compliance response provided did not meet regulatory requirement(s). The Accountability Report is required pursuant to *California Code of Regulations*, Title 5 (5 CCR), Section 13075.4(a).

Consistent with 5 CCR, Section 13075.5 (d)(1), a written notification was provided to your organization on October 7, 2014, with an additional opportunity for your organization to provide a compliance response by November 7, 2014.

Pursuant to 5 CCR, Section 13075.5(d)(2), failure to comply with the written notice after 30 calendar days may result in a recommendation to the SBE to remove the organization as an approved provider. The SBE is currently scheduled to take action on the recommendation for removal from the CDE at its January 2015 meeting.

If you have any questions regarding this subject, please contact Stephanie Smith, Education Programs Consultant, in the Title I Policy and Program Guidance Office, by phone at 916-319-0948 or by e-mail at SES@cde.ca.gov.

Sincerely,

/s/

Kimberly Born, Administrator
Title I Policy and Program Guidance Office

KB:ss

1/7/2015 1:00 PM



California State Board of Education
Meeting Agenda Items for January 14, 2015

WAIVER ITEM W-01



CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2015 AGENDA

Federal Waiver

<p>SUBJECT</p> <p>Request by two school districts for a waiver of Section 131(c)(1) of the Carl D. Perkins Career and Technical Education Improvement Act of 2006 (Public Law 109-270).</p> <p>Waiver Numbers: Durham Unified School District Fed-12-2014 Lucerne Valley Unified School District Fed-11-2014</p>	<p><input checked="" type="checkbox"/> Action</p> <p><input checked="" type="checkbox"/> Consent</p>
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SUMMARY OF THE ISSUES

The California Department of Education recommends approval to waive the Carl D. Perkins Career and Technical Education Act of 2006 (Perkins Act), Public Law 109-270 Section 131(c)(1) which requires local educational agencies (LEAs) whose allocations are less than \$15,000 to enter into a consortium with other agencies. If they are unable to do so, under Section 131(c)(2), they may waive the consortium requirement if the LEA is in a rural, sparsely populated area, thus allowing the districts to meet the needs of their students.

Authority for Waiver: Federal Waiver Authority (Public Law 109-270) Section 131(c)(2).

RECOMMENDATION

Approval Approval with conditions Denial

SUMMARY OF KEY ISSUES

The criterion for qualifying for this waiver is demonstration that the LEAs cannot form or join a consortium that handles the Perkins funds. There are no other districts in the local area willing to join in a consortium. Districts are located in various rural counties and have student populations ranging from 255 to 358. Districts are seeking waivers to function independently in order to meet the needs of the students in the district.

Local board approval date(s): Various

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Section 131(c)(1) of the Perkins Act requires LEAs whose allocations are less than \$15,000 to enter into a consortium with other LEAs for the purpose of meeting the

\$15,000 minimum grant requirement. Section 131(c)(2) of the Perkins Act permits states to waive the consortium agreement if the LEA is in a rural, sparsely populated area or is a public charter school operating secondary vocational and technical education programs, and is unable to join a consortium.

The State Board of Education (SBE) Waiver Policy #01-01: Carl D. Perkins Career and Technology Education Improvement Act: Consortium Requirement for Minimum Allocation, available at <http://www.cde.ca.gov/re/lr/wr/documents/perkinspolicyr.doc>, has criteria defining rural that are specifically tied to the National Center for Education Statistics (NCES) Locale Codes numbers 23, 31, 32, 33, 41, 42, or 43.

The SBE has approved all waivers of this statute that have been presented to it to date.

Demographic Information:

Durham Unified School District has a high school student population of 358 and is located in a Suburb: Small (23) area in Butte County.

Lucerne Valley Unified School District has a high school student population of 255 and is located in a Rural: Distant (42) area in San Bernardino County.

FISCAL ANALYSIS (AS APPROPRIATE)

Approval will enable these districts to receive an annual Perkins Act allocation that is listed on Attachment 1. The waivers have no significant effect on the distribution of Perkins Act funds statewide.

ATTACHMENT(S)

Attachment 1: Districts Requesting Carl D. Perkins Career and Technical Education Waivers (1 page)

Attachment 2: Durham Unified School District Federal Waiver Request Fed-12-2014 for Durham High School (1 page) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Lucerne Valley Unified School District Federal Waiver Request Fed-11-2014 for Lucerne Valley High School (1 page) (Original waiver request is signed and on file in the Waiver Office.)

Districts Requesting Carl D. Perkins Career and Technical Education Waivers

Waiver Number	District	Period of Request	Local Board Approval Date	NCES Locale Code	Demographic Information	Perkins Act Allocation
Fed-12-2014	Durham Unified School District for Durham High School	<p>Requested: July 1, 2014 to June 30, 2018</p> <p>Recommended: July 1, 2014 to June 30, 2018</p>	October 15, 2014	23	Student population of 358 located in Butte County	\$6,408.00
Fed-11-2014	Lucerne Valley Unified School District for Lucerne Valley High School	<p>Requested: July 1, 2014 to June 30, 2018</p> <p>Recommended: July 1, 2014 to June 30, 2018</p>	September 15, 2014	42	Student population of 255 located in San Bernardino County	\$8,943.00

California Department of Education
WAIVER SUBMISSION - Federal

CD Code: 0461432

Waiver Number: Fed-12-2014

Active Year: 2014

Date In: 10/20/2014 4:52:13 PM

Local Education Agency: Durham Unified School District
Address: 9420 Putney Dr.
Durham, CA 95938

Start: 7/1/2014

End: 6/30/2018

Waiver Renewal: Y

Previous Waiver Number: Fed-341-2010-WC-13

Previous SBE Approval Date: 7/21/2010

Waiver Topic: Federal Program Waiver
Ed Code Title: Carl D. Perkins Voc and Tech Ed Act
Ed Code Section: PL 109-270 Section 131(c)(1)
Ed Code Authority: PL 109-270 Section 131(c)(2)

Ed Code or CCR to Waive: Request by Durham Unified School District for Durham High School for a waiver of Section 131(c)(1) of the Carl D. Perkins Career and Technical Education Improvement Act of 2006 (Public Law 109-270).

Outcome Rationale: The allocations from Carl D. Perkins grant help to enhance and support greater student learning in our Welding and Automotive. Due to the size of our student population we are eligible to apply for this waiver under Section 23519(c)(1) and (2). In the past these funds have helped purchase welding and automotive supplies (including textbooks) and equipment. Through this grant we have been able to take students on field trips to post-secondary institutions.

Student Population: 294

City Type: Small

NCES Code: 23

Local Board Approval Date: 10/15/2014

Submitted by: Mr. Terry Bennett
Position: Principal, Durham HS
E-mail: tbennett@durhamunified.org
Telephone: 530-895-4685 x224
Fax: 530-895-4692

California Department of Education
WAIVER SUBMISSION - Federal

CD Code: 3675051

Waiver Number: Fed-11-2014

Active Year: 2014

Date In: 10/1/2014 9:26:28 AM

Local Education Agency: Lucerne Valley Unified School District
Address: 8560 Aliento Rd.
Lucerne Valley, CA 92356

Start: 7/1/2014

End: 6/30/2018

Waiver Renewal: Y

Previous Waiver Number: FED-592-2010-WC-1

Previous SBE Approval Date: 1/13/2011

Waiver Topic: Federal Program Waiver
Ed Code Title: Carl D. Perkins Voc and Tech Ed Act
Ed Code Section: PL 109-270 Section 131(c)(1)
Ed Code Authority: PL 109-270 Section 131(c)(2)

Ed Code or CCR to Waive: PL 109-270 Section 131(c)(1)

Outcome Rationale: The District continues to meet the waiver criteria and requests a waiver in order to receive its allocated funds for the 2014-15 through 2017-18 program years.

Student Population: 708

City Type: Rural

NCES Code: 42

Local Board Approval Date: 9/29/2014

Submitted by: Mr. Billy Wessell
Position: Chief Business Official
E-mail: billy_wessell@lvsd.k12.ca.us
Telephone: 760-248-2562



California State Board of Education

Meeting Agenda Items for January 14, 2015

WAIVER ITEM W-02



CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2015 AGENDA

General Waiver

<p>SUBJECT</p> <p>Request by River Delta Joint Unified School District to waive portions of California <i>Education Code</i> Section 51222(a), related to the statutory minimum requirement of 400 minutes of physical education each 10 school days for students in grades nine through twelve in order to implement a block schedule at Rio Vista High School.</p> <p>Waiver Number: 5-8-2014</p>	<p><input checked="" type="checkbox"/> Action</p> <p><input checked="" type="checkbox"/> Consent</p>
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SUMMARY OF THE ISSUES

Rio Vista High School (RVHS) is on a modified A/B block schedule where students receive 870 minutes of physical education (PE) instruction each 10 school days for 18 weeks; however, students rotate into or out of PE every nine weeks. California *Education Code* (EC) Section 51222(a) requires a minimum of 400 minutes of physical education each 10 school days for the entire school year. Because students at RVHS only take PE for a total of 18 weeks, they are seeking a waiver of EC Section 51222(a).

Authority for Waiver: EC Section 33050

RECOMMENDATION

Approval Approval with conditions Denial

This waiver is approved with the following condition: the school must add at least one additional elective PE course as required per EC Section 51222(b).

California EC Section 33051(b) will not apply, and the district will be required to reapply to renew the waiver.

SUMMARY OF KEY ISSUES

California EC Section 51222(a) established requirements for minimum instructional minutes of PE, 400 minutes each 10 school days for pupils in grades 7–12. RVHS has implemented a block schedule in grades 9–12 that does not provide each student with PE instruction for a minimum of 400 minutes each 10 school days.

Students at this school are enrolled in PE for only 18 weeks of the school year, receiving instruction for an average of 87 minutes per school day (four days at 90 minutes and one day at 75 minutes.) This means that PE is taught for 435 minutes per

school week (or 870 minutes each 10 school days). Therefore, the actual time that RVHS students are enrolled in PE meets the minimum minute requirements, if added on an annual basis (7,830 minutes).

Sample Student Schedules	Fall Term A 9 Consecutive Weeks	Fall Term B 9 Consecutive Weeks	Spring Term A 9 Consecutive Weeks	Spring Term B 9 Consecutive Weeks
Student A	Minutes per week of PE instruction = 435	Minutes per week of PE instruction = 0	Minutes per week of PE instruction = 435	Minutes per week of PE instruction = 0
Student B	Minutes per week of PE Instruction = 0	Minutes per week of PE Instruction = 435	Minutes per week of PE Instruction = 0	Minutes per week of PE Instruction = 435

The California Department of Education (CDE) has worked closely with River Delta Joint Unified School District to ensure that all criteria have been met to a high degree of completion. The district has provided evidence indicating they have met the criteria for this waiver as follows:

1. The PE instructional program at RVHS complies with federal and state statutes and regulations related to PE pertaining to minimum minute requirements; instruction is based on PE content standards; and instruction is aligned with the *Physical Education Framework for California Public Schools* (sequential, articulated, and age-appropriate instruction).
2. The district has developed a PE professional development plan for teachers who deliver instruction in PE at that school.
3. The students are enrolled in courses of PE a minimum of 18 weeks in 50–90 minute daily class periods during the regular school year.
4. The district described a method by which it will monitor students' maintenance of a personal physical activity program during the weeks they are not participating in a PE course at that school. The monitoring program includes: student accountability for participation in physical activity; guidance for students in using the principles of exercise to design and complete their physical activity program; specific information regarding the design; and delivery of the monitoring program.
5. The PE program complies with *California Code of Regulations*, Title 5, Article 3.1, Section 10060.
6. All eligible students are prepared for and participate in the physical performance testing as specified in *EC* Section 60800.
7. Alternate day scheduling for PE rather than alternate term scheduling has been thoroughly investigated by the district.

When the district is identified for a Federal Program Monitoring (FPM) review by the CDE, RVHS shall have PE reviewed as a part of the district's FPM process.

As required by State Board of Education (SBE) Waiver Policy #99–03, Physical Education Requirements for Block Schedules, the 2012–13 California Physical Fitness Test (PFT) data was reviewed and indicates that 33 percent of RVHS Grade 9 students met all six out of six fitness standards on each of the PFT items and 23.9 percent of Grade 9 students met five out of six fitness standards. Schools showing a decline in PFT scores may not be eligible for a permanent waiver.

Demographic Information: Rio Vista HS has a student population of 400. The district is located in a rural area of Sacramento County.

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://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC§ionNum=33051.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

SBE Waiver Policy #99–03, Physical Education Requirements for Block Schedules, which was last revised in July 2006, establishes criteria for granting waivers related to PE instructional minutes for the purpose of implementing a block schedule. This policy, #99–03, is available for viewing at <http://www.cde.ca.gov/re/lr/wr/documents/pepolicy.doc>.

Schools began implementing block schedules, sometimes with disregard for the statutory requirements for PE instructional minutes, in the 1980s. Several types of these block schedules incorporate PE instruction on a limited basis and do not meet the statutory requirement of 400 minutes each 10 school days. A committee including PE experts, district staff, SBE members, and CDE staff developed a recommendation for a waiver policy. This group did not feel that they could ask high schools in the state to stop doing block scheduling, so flexibility was sought, and a waiver policy was created.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval or denial.

ATTACHMENT(S)

Attachment 1: Summary Table of Physical Education Block Schedule State Board of Education Waiver for January 2015

Attachment 2: River Delta Joint Unified School District General Waiver Request 5-8-2014 (3 pages) (Original waiver request is signed and on file in the SBE Office or the Waiver Office.)

Summary Table of Physical Education Block Schedule State Board of Education Waivers for January 2015

Waiver Number	District	Period of Request	Bargaining Unit, Representatives Consulted, Date, and Position	Public Hearing and Board Approval Date	Public Hearing Advertisement	SSC/Advisory Committee Consulted, Date, and Position
5-8-2014	River Delta Joint Unified School District	Requested: August 1, 2014 to July 30, 2015 Recommended: August 1, 2014 to July 30, 2015	California Teacher's Association Nancy Vielhauer, Building Representative Support March 5, 2014	Public Hearing August 12, 2014 Local Board Approved August 12, 2014	Newsletter, District website	School Site Council meeting May 14, 2014 No objection

Created by the California Department of Education
 October 6, 2014

**California Department of Education
WAIVER SUBMISSION - General**

CD Code: 3467413 Waiver Number: 5-8-2014 Active Year: 2014

Date In: 8/18/2014 2:32:10 PM

Local Education Agency: River Delta Joint Unified School District
Address: 445 Montezuma St.
Rio Vista, CA 94571

Start: 8/1/2014 End: 7/30/2015

Waiver Renewal: N
Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Physical Education Program
Ed Code Title: Block Schedules
Ed Code Section: 51222(a)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: Notwithstanding *EC* Section 51223, "All pupils, except pupils excused or exempted pursuant to *EC* Section 51241, shall be required to attend upon the courses of physical education for a total period of time of not less than 400 minutes [each ten schooldays]" (*EC* Section 51222[a]).

Outcome Rationale: *EC* Section 51222(a) established requirements for minimum instructional minutes of PE, 400 minutes every ten school days for pupils in grades seven through twelve. Rio Vista High School has implemented a block schedule in grades nine through twelve that does not provide each student with PE instruction for a minimum of 400 minutes every ten school days.

Students at this school are enrolled in PE for only 18 weeks of the school year, receiving instruction for an average of 90 minutes per school day (four days at 90 minutes and one day at 73 minutes). This means that PE is taught for 433 minutes per school week (or 866 minutes each ten days). Therefore, the actual time that Rio Vista High School students are enrolled in PE meets the minimum minute requirements, if added on an annual basis (7,794 minutes).

Sample Student
Schedule Block A
9 Consecutive Weeks in fall term (3897 minutes)
9 Consecutive Weeks in spring term (3897 minutes)
18 weeks totaling 7794 minutes per school year

The Department has worked closely with River Delta Unified School District to ensure that all criteria have been met to a high degree of completion. The district has provided evidence indicating they have met the criteria for this waiver as follows:

1. The PE instructional program at Rio Vista High School complies with federal and state statutes and regulations related to PE pertaining to minimum minute requirements; instruction is based on PE content standards; and instruction aligned with the Physical Education Framework for California Public Schools (sequential, articulated, and age-appropriate instruction).

2. The district has developed a PE professional development plan for teachers who deliver

instruction in PE at that school.

3. The students are enrolled in courses of PE a minimum of 18 weeks in 73-90 minute daily class periods during the regular school year.

4. The district described a method by which it will monitor students' maintenance of a personal physical activity program during the weeks they are not participating in a PE course at that school. The monitoring program includes: student accountability for participation in physical activity; guidance for students in using the principles of exercise to design and complete their physical activity program; specific information regarding the design; and delivery of the monitoring program.

5. The PE program complies with *California Code of Regulations*, Title 5, Article 3.1, Section 10060.

6. All eligible students are prepared for and participate in the physical performance testing as specified in *EC* Section 60800.

7. Alternate day scheduling for PE rather than alternate term scheduling has been thoroughly investigated by the district.

When the district is identified for a Federal Program Monitoring (FPM) review by the CDE, Rio Vista High School shall have PE reviewed as a part of the district's FPM process.

As required by SBE Waiver Policy #99-03, PE Requirements for Block Schedules, the 2012-13 California Physical Fitness Test (PFT) data was reviewed and indicates that 33.3% of Rio Vista High School grade nine students met all six out of six fitness standards on each of the PFT items. This indicates a 9% decrease from their 2011-12 results (42%).

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://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC§ionNum=33051.

Student Population: 400

City Type: Rural

Public Hearing Date: 8/12/2014

Public Hearing Advertised: District website, newsletter home to parents

Local Board Approval Date: 8/12/2014

Community Council Reviewed By: Site Council

Community Council Reviewed Date: 5/14/2014

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Amy Bettencourt

Position: Director of Educational Services

E-mail: abettencourt@riverdelta.k12.ca.us
Telephone: 707-374-1700 x1725
Fax: 707-374-2901

Bargaining Unit Date: 03/05/2014
Name: California Teachers' Association
Representative: Nancy Vielhauer
Title: Building Representative
Position: Support
Comments



California State Board of Education

Meeting Agenda Items for January 14, 2015

WAIVER ITEM W-03



CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2015 AGENDA

General Waiver

<p>SUBJECT</p> <p>Request by three local educational agencies to waive <i>California Code of Regulations</i>, Title 5, Section 3051.16(b)(3), the requirement that educational interpreters for pupils who are Deaf or Hard of Hearing meet minimum qualifications as of July 1, 2009, to allow three educational interpreters to continue to provide services to students until June 30, 2015, under a remediation plan to complete those minimum requirements.</p> <p>Waiver Numbers: Hanford Elementary School District 15-9-2014 San Luis Obispo County Office of Education 5-10-2014 Sutter County Office of Education 7-9-2014</p>	<p><input checked="" type="checkbox"/> Action</p> <p><input checked="" type="checkbox"/> Consent</p>
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SUMMARY OF THE ISSUES

The State Board of Education (SBE) must determine if Anna Moreno, interpreter for the Hanford Elementary School District, Caitlin Carnes, interpreter for the San Luis Obispo County Office of Education, and Richiane Cristobal, interpreter for the Sutter County Office of Education, qualify for educational interpreter waivers, to continue to provide educational interpreter services until June 30, 2015.

Authority for Waiver: *Education Code (EC)* Section 33050

RECOMMENDATION

Approval Approval with conditions Denial

The California Department of Education (CDE) recommends approval of the waiver requests for Anna Moreno, Caitlin Carnes, and Richiane Cristobal with the individual conditions noted in Attachment 1.

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, 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*, Section 3051.16(b)(3) requires 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 EC 33051(a), available at http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC§ionNum=33051.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In 2002, the 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 RID, or equivalent, or to have achieved a score of 4.0 or better on specified assessments.

In November 2009, the SBE approved a policy regarding educational interpreter waiver requests. That policy is on the CDE Web site at http://www.cde.ca.gov/re/lr/wr/documents/interpreter_000.doc

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval.

ATTACHMENT(S)

Attachment 1: List of Waiver Numbers, Districts, Information Regarding Test Scores and Conditions (2 pages)

Attachment 2: Hanford Elementary School District General Waiver Request 15-9-2014 (3 pages) (Original waiver is signed and on file in the Waiver Office.)

Attachment 3: San Luis Obispo County Office of Education General Waiver Request 5-10-2014 (3 pages) (Original waiver is signed and on file in the Waiver Office.)

Attachment 4: Sutter County Office of Education General Waiver Request 7-9-2014 (4 pages) (Original waiver is signed and on file in the Waiver Office.)

List of Waiver Numbers, Districts, Information Regarding Test Scores and Conditions

Waiver Number	LEA	Interpreter	Period of Request	Local Board and Public Hearing Approval Date Public Hearing Advertisement	Bargaining Unit, Representative(s) Consulted, Date and Position	Advisory Committee Consulted, Date and Position	Previous Waivers (Yes/No) Date	Name, Date, and Score of Most Recent Evaluation	Name, Dates, and Scores of Previous Evaluations	Date of Hire
15-9-2014	Hanford Elementary School District	Anna Moreno	Requested: 8/14/2014 to 8/13/2015	Local Board 8/27/14 Public Hearing 8/13/2014	California School Employees Association Chapter 344	Community Advisory Committee 9/18/2014	No	ESSE: I/R 8/2/2014 Scores Pending	EIPA 2/2011 3.9 EIPA 12/2012 3.7	7/29/2014
			Recommended: 8/14/2014 to 6/30/2015	Notice in Local Hanford Sentinel Newspaper on 8/8/2014 and posted throughout the District	Don Riso, President 7/29/2014 Support	No Objections	<p>Conditions:</p> <ol style="list-style-type: none"> The Hanford Elementary School District must provide Ms. Moreno with weekly one-on-one mentorship, based on an individualized professional development plan, by a qualified interpreter. By June 2015, the Hanford Elementary School District must provide CDE with new assessment scores for Ms. Moreno. 			
5-10-2014	San Luis Obispo County Office of Education	Caitlin Carnes	Requested: 8/26/2014 to 6/30/2015	9/4/2014	Classified School Employees Association	Personnel Commission 10/1/2014	Yes	EIPA 9/29/14 Score pending	EIPA 9/26/2011 3.2 EIPA 7/16/2012 Scores were lost.	8/13/2012
			Recommended: 8/26/2014 to 6/30/2015	Notice in local Paper	Jacki Seibert, President 8/27/2014 Support	No Objections	11/8/2012 11/7/2013	<p>Conditions:</p> <ol style="list-style-type: none"> The San Luis Obispo County Office of Education must provide Ms. Carnes with weekly one-on-one mentorship, based on an individualized professional development plan, by a qualified interpreter. By June 2015, the San Luis Obispo County Office of Education must provide CDE with new assessment scores for Ms. Carnes. If Ms. Carnes does not achieve a score of 4.0 or better by June 2015, the San Luis Obispo County Office of Education will no longer employ her as an educational interpreter. 		

Waiver Number	LEA	Interpreter	Period of Request	Local Board and Public Hearing Approval Date Public Hearing Advertisement	Bargaining Unit, Representative(s) Consulted, Date and Position	Advisory Committee Consulted, Date and Position	Previous Waivers (Yes/No) Date	Name, Date, and Score of Most Recent Evaluation	Name, Dates, and Scores of Previous Evaluations	Date of Hire
7-9-2014	Sutter County Office of Education	Richiane Cristobal	Requested: 8/11/2014 to 6/30/2015 Recommended: 8/11/2014 to 6/30/2015	9/10/2014 Notice in Local Newspaper	California School Employees Association Chapter 634 Lisa Wolfe, President 8/6/2014 Support	Community Advisory Committee 8/11/2014 No Objections	No	EIPA 4/26/2014 3.6	N/A	2/14/06 Para-Educator 7/1/2008 Para-Educator with Signing Skills 8/11/2014 Educational Interpreter
Conditions:										
<ol style="list-style-type: none"> 1. The Sutter County Office of Education must provide Ms. Cristobal with weekly one-on-one mentorship, based on an individualized professional development plan, by a qualified interpreter. 2. By June 2015, the Sutter County Office of Education must provide CDE with new assessment scores for Ms. Cristobal. 										

Created by California Department of Education
November 21, 2014

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1663917

Waiver Number: 15-9-2014

Active Year: 2014

Date In: 9/29/2014 1:52:09 PM

Local Education Agency: Hanford Elementary School District
Address: 714 North White St.
Hanford, CA 93230

Start: 8/14/2014

End: 8/13/2015

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: *California Code of Regulations*, Title 5 (5 CCR) Section 3051.16
Specialized Services for Low-Incidence Disabilities.

(b) Certification requirements for educational interpreters for deaf and hard of hearing pupils.
[(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. If providing Cued Language transliteration, a transliterator shall possess TECUnit certification, or have achieved a score of 4.0 or above on the EIPA - Cued Speech.]

Outcome Rationale: In order to provide adequate interpretation services to a student in our LEA we have employed our own Educational Interpreter. The EIPA certification tests in February of 2011 and scored a 3.9 and again in December of 2012 with a score of 3.7. She recently took the ESSE:I/R on August 2, 2014. District and Interpreter are awaiting her scores. Clearly the District and the employee are working toward becoming certified as outlined in the CCR. We are seeking this waiver in order to continue to provide interpreter services for our deaf and hard of hearing student.

Student Population: 5650

City Type: Rural

Public Hearing Date: 8/13/2014

Public Hearing Advertised: Through the local Hanford Sentinel Newspaper on 8/8/14 and posted notices through-out the District.

Local Board Approval Date: 8/27/2014

Community Council Reviewed By: Special Education Local Planning Agency (SELPA) Advisory

Community Council Reviewed Date: 9/18/2014

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Jeri Higdon
Position: Classified Personnel Manager
E-mail: jhigdon@hesd.k12.ca.us
Telephone: 559-585-3602
Fax: 559-584-8013

Bargaining Unit Date: 07/29/2014
Name: California School Employees Association Chapter #344
Representative: Ron Riso
Title: President
Position: Support
Comments:

EDUCATIONAL INTERPRETER

Certification Remediation Plan (2014-2015)
Hanford Elementary School District &
Anna Moreno, Educational Interpreter

Effective July 1, 2009 as required by CA Code of Regulations, Sections 3051.16(b)(3) and 3065, an educational interpreter shall be certified by the national RID; 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 NIC assessment.

If an educational interpreter has not met the standard, the district may apply for a one year waiver on their behalf. As a condition for waiver approval, a remediation plan must be in place and evidence must be submitted to prove that the educational interpreter is making satisfactory progress toward meeting the certification requirements.

I, *Anna Moreno* understand that with an EIPA score of 3.9 I do not meet the standard for educational interpreters as outlined above and in order to become a certified educational interpreter, I must meet one of the following assessment options:

Score 4.0 or above on one of the following assessments:

EIPA ESSE-I/R NIC

With the personal goal of achieving RID National Certification

Actions I will take to complete the above requirements:

Participate in test preparation workshops offered through CCRID (Central California Registry for Interpreters for Deaf)

Dates: TBD during the 2014-2015 school year

Participate in seminars offered at Kings County Office of Education / Deaf and Hard of Hearing Services.

Dates: TBD during the 2014-2015 school year

Meet regularly with certificated interpreter mentor for feedback and progress monitoring of the above learning goals.

Mentor - Mrs. Stephanie Braz, Education Specialist Instruction Credential Level II

Participate in tri-annual meetings with mentor and Director of Special Services to review educational interpreter learning goals focused on improvement of education interpreter skills and exam preparation.

Dates: November 2014, January 2015, April 2015

Complete the ESSE-I/R or EIPA by May 1, 2015

Date: August 2, 2014; with other dates as needed

I further understand that the Director of Special Services and I will discuss my Certification Remediation Plan regularly to ensure that I am actively working toward the required interpreter certification. I further understand that meeting this certification requirement or a CDE waiver approval is a condition of continued employment with Hanford Elementary School District.

Anna Moreno, Educational Interpreter

Date

Jaime Martinez, Assistant Superintendent

Date

Karen McConnell, Director of Special Services

Date

Ron Riso, President CSEA Chapter #344

Date

California Department of Education
WAIVER SUBMISSION - General

CD Code: 4010405

Waiver Number: 5-10-2014

Active Year: 2014

Date In: 10/9/2014 11:02:57 AM

Local Education Agency: San Luis Obispo County Office of Education
Address: 3350 Education Dr.
San Luis Obispo, CA 93405

Start: 8/26/2014

End: 6/30/2015

Waiver Renewal: Y

Previous Waiver Number: 1-8-2013-W-03

Previous SBE Approval Date: 11/7/2013

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: EC 3051.16. Specialized Services for Low-Incidence Disabilities.
(b) Certification requirements for educational interpreters for deaf and hard of hearing pupils.
(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. If providing Cued Language transliteration, a transliterator shall possess TECUnit certification, or have achieved a score of 4.0 or above on the EIPA - Cued Speech.

Outcome Rationale: 2013-14 school year overview of her efforts to obtain certification:

In September 2013, Caitlin took the written portion of the RID test, but she did not pass, as it was written for the broad role of interpreter across all settings, rather than being focused on educational interpretation. In the past, she had passed the written portion of the EIPA interpreter test without difficulty, but she did not score high enough on the performance portion of this test (score was 3.5).

Throughout the 2013-14 school year, Caitlin met with Abby Kopp (RID certified interpreter) once a week, to formally build skills but they also interacted on a daily basis in an effort to build her skills. Caitlin observed Abby and Abby also observed Caitlin (team interpreting) while she worked in the classroom as an interpreter twice weekly during the 2013-14 school year.

2014-15 school year :

SLOCOE ordered and has received EIPA Educational Interpreting Practice DVDs for elementary and middle school, and Abby and Caitlin will be using them to further build her skills this year.

Caitlin has contacted the EIPA test provider, and is waiting to schedule the performance section of this test. She has requested a test date for the week of 9/29/14. She has already passed the written section of this test.

Student Population: 132

City Type: Rural

Public Hearing Date: 9/4/2014

Public Hearing Advertised: Notice in local paper

Local Board Approval Date: 9/4/2014

Community Council Reviewed By: Personnel Commission

Community Council Reviewed Date: 10/1/2014

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Cynthia Mauch

Position: HR Specialist

E-mail: cmauch@slococoe.org

Telephone: 805-782-7221

Fax:

Bargaining Unit Date: 08/27/2014

Name: Classified School Employees Association

Representative: Jacki Seibert

Title: President

Position: Support

Comments:

REMEDIATION PLAN FOR CAITLIN CARNES

October 1, 2014

Caitlin Carnes took the written portion of the RID examination in September, 2013, but did not pass the exam.

Caitlin meets with Abby Kopp, a Certified Interpreter for the Deaf, for an hour once a week and they also interact daily to build her skills. Abby provides feedback to Caitlin about her performance as an interpreter during these times.

SLOCOE ordered the EIPA Educational Interpreting Practice DVD for elementary and middle school, and Caitlin has studied this in order to prepare for the exam. She retook the EIPA exam in September, and expects results within the month. She has already passed the written section of the exam.

Sincerely,

Cynthia Mauch
SLOCOE HR

California Department of Education
WAIVER SUBMISSION - General

CD Code: 5110512

Waiver Number: 7-9-2014

Active Year: 2014

Date In: 9/15/2014 12:42:52 PM

Local Education Agency: Sutter County Office of Education
Address: 970 Klamath Ln.
Yuba City, CA 95993

Start: 8/11/2014

End: 6/30/2015

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: *California Code of Regulations (CCR)*, Title 5, Section 3051.16: 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 and 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.

Outcome Rationale: Based on increased enrollment of the D/HH population and individual IEP goals and services that must be met under IDEA, services by an interpreter are mandatory. Furthermore, Sutter County Superintendent of Schools has recruited extensively to fill the position to no avail. Therefore, we would like to promote an employee who has worked in the D/HH program as a Para-Educator with Signing Skills for the past 6 years. This employee recently completed an Interpreter Preparation Program and scored a 3.6 on the EIPA.

Student Population: 372

City Type: Rural

Public Hearing Date: 9/10/2014

Public Hearing Advertised: Notice in local newspaper

Local Board Approval Date: 9/10/2014

Community Council Reviewed By: Community Advisory Committee (CAC)

Community Council Reviewed Date: 8/11/2014

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Wendy Bedard
Position: Human Resources Director
E-mail: wendyb@sutter.k12.ca.us
Telephone: 530-822-2905
Fax: 530-671-3422

Bargaining Unit Date: 08/06/2014
Name: California School Employees Association, Chapter 634
Representative: Lisa Wolfe
Title: CSEA President
Position: Support
Comments:

TO: Richiane Cristobal, Educational Interpreter

FROM: Barbara Hickman, Assistant Superintendent, Special Education Programs

DATE: September 11, 2014

RE: **Professional Development / Remediation Plan**

This letter is to inform you that the Sutter County Board of Education approved the request for Sutter County Superintendent of Schools to submit an Educational Interpreter waiver on your behalf to the California Department of Education (CDE).

A waiver, if granted, will allow you to work as an Educational Interpreter for the 2014-2015 school year, while you are working towards a passing score on the interpreter assessment. A 4.0 score on an acceptable sign language assessment is the state requirement which is listed below in the Title 5, California Code of Regulations (CCR). All educational sign language interpreters employed in the K-12 public school system must meet this requirement.

California Code of Regulations (CCR), Title 5, Section 3051.16 states the following:

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 and 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.

You have provided Sutter County Superintendent of Schools with assessment results indicating you are at a 3.6 level according to the EIPA. Therefore, the Remediation Plan below will be followed by you to assist in meeting qualification requirements of a Sign Language Interpreter by June 30, 2015.

Professional Development / Remediation Plan for 2014-2015:

You are required to take advantage of the opportunities and resources available from Sutter County Superintendent of Schools in order to maximize your assessment score.

Opportunities are as follows:

You will receive individual mentoring and professional development activities by a Certified Interpreter. This work will include meeting with your mentor on a regular basis focusing on skill development, peer mentoring, job shadowing other certified interpreters, attending deaf community events.

You will work with the mentor to film samples of your work, self-assess the skill domains, and determine the root causes of issues with skills. Professional development activities will be developed for you to complete.

You will participate in group training sessions, workshops, conferences and any other organized professional development activities as they become available throughout the year.

Based on your recent EIPA assessment, specific areas of focus will be:

- Processing time that is efficient and results in conveying the overall message, including the teacher's content and intent. Focus on clear sentence boundaries to manage the flow of the delivery and to ensure semantically accurate vocabulary.
- Spatial organization, including classifiers and use of space to show comparisons, sequence of events and cause/effect relationships.
- Production of non-manual markers to show adverbs and adjectives and to indicate sentence types.
- Sign to English skills, both receptive and expressive.

Page 2
Richiane Cristobal
Professional Development / Remediation Plan
September 11, 2014

- Increase pragmatic awareness – develop analysis time to comprehend and convey the speaker's pragmatic drive – the intent of WHY someone is speaking.

The Sutter County Superintendent of Schools Office expects your full cooperation in this Professional Development/Remediation Plan. Your continued employment will be contingent on the California State Board's approval of the waiver request. There is no guarantee that the waiver will be granted when requested.

Should you have any questions and/or concerns, please contact Wendy Bedard, Human Resources Director at (530) 822-2905. Thank you in advance for your attention and cooperation in this matter. We look forward to your successful obtainment of a passing score on an interpreter assessment in the near future.

Employee
Richiane Cristobal

CSEA, Local Chapter President
Lisa Wolfe

Assistant Superintendent, Special Education
Barbara Hickman

Director, Human Resources
Wendy Bedard



California State Board of Education
Meeting Agenda Items for January 14, 2015

WAIVER ITEM W-04



CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2015 AGENDA

General Waiver

<p>SUBJECT</p> <p>Request by Folsom-Cordova Unified School District for a first time waiver, and Red Bluff Joint Union High School District for a renewal waiver, of portions of California <i>Education Code</i> Section 48663(a), relating to community day school minimum instructional minutes.</p> <p>Waiver Numbers: Folsom-Cordova Unified School District 11-9-2014 Red Bluff Joint Union High School District 8-9-2014</p>	<p><input checked="" type="checkbox"/> Action</p> <p><input checked="" type="checkbox"/> Consent</p>
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SUMMARY OF THE ISSUES

Request by Folsom-Cordova Unified School District (USD) for a first-time waiver, and Red Bluff Joint Union High School District (JUHSD) for a renewal waiver, of portions of California *Education Code (EC)* Section 48663(a), relating to community day school minimum instructional minutes.

The districts each wish to reduce instructional minutes on one day each week for purposes of implementing professional learning communities, with the commitment to provide additional instructional minutes during the other days of the week to make up for the reduction in instructional time.

For both the Folsom-Cordova USD and the Red Bluff JUHSD, *EC* Section 33051(b) will apply, and the districts will not need to reapply if the information contained on the request remains current.

Authority for Waiver: *EC* Section 33050

RECOMMENDATION

Approval **Approval with conditions** **Denial**

The California Department of Education (CDE) recommends approval of the waiver request for the community day school (CDS) operated by Folsom-Cordova USD with the condition that the instructional minutes be made up during the remaining days of the week as noted below.

The CDE recommends approval of the waiver request for the CDS operated by Red Bluff JUHSD with the condition that the instructional minutes be made up during the remaining days of the week as noted below.

SUMMARY OF KEY ISSUES

The Local Control Funding Formula (LCFF) eliminated funding for most categorical programs, including funding for CDSs. However, neither the LCFF nor Senate Bill 971, signed by the Governor on September 30, 2014, has an impact on programmatic conditions of *EC* Section 48663 providing for the minimum instructional day in CDSs.

Folsom-Cordova USD is requesting a first time waiver, and Red Bluff JUHSD is requesting a renewal waiver of the requirement of *EC* Section 48663(a) to provide a daily minimum of 360 minutes of instructional time.

Folsom-Cordova USD proposes to provide 300 minutes of instruction and dismiss one hour early one day each week (Friday) to allow time for teachers, specialists, and administrators to meet as a professional learning community, matching teachers who teach similar grades and subject areas in its alternative and traditional schools, to analyze student data and collaborate regarding common core, testing, and instructional strategies. The district would provide an additional 15 minutes of instruction on the other days (Monday through Thursday) for a total of 375 instructional minutes on those days. The total instructional minutes for the week would, therefore, be the same as with the statutory 360 minutes per day.

Red Bluff JUHSD proposes to provide 300 minutes of instruction and dismiss one hour early one day each week (Monday) to allow time for teachers, specialists, and administrators to meet as a professional learning community to analyze student data and collaborate on lesson design. The district would provide an additional 20 minutes of instruction on the other days (Tuesday through Friday), for a total of 380 instructional minutes on those days. The net total for the week would actually provide an additional 20 minutes of instructional time as compared to the statutory 360 minutes per day requirement (minus 60 minutes on one day, plus 20 x 4 or 80 minutes for the extended days).

Demographic Information:

Folsom-Cordova USD has a student population of 19,356 and is located in an urban area in Sacramento County.

Red Bluff JUHSD has a student population of 1,610 and is located in a rural area in Tehama County.

Because this is a general waiver, if the State Board of Education (SBE) decides to deny the waiver, it must cite one of the seven reasons in *EC* 33051(a), available at http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC§ionNum=33051.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has approved several previous waiver requests of the minimum instructional day in a CDS where the district agreed that, if instructional minutes were reduced during one day of the week, other days would be extended so that the total instructional minutes provided to students during the week would equal or exceed the total as normally provided under statute.

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 (1 page)

Attachment 2: Folsom-Cordova Unified School District General Waiver Request 11-9-2014 (2 pages) (Original Waiver request is signed and on file in the Waiver Office.)

Attachment 3: Red Bluff Joint Union High School District General Waiver Request 8-9-2014 (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

Waiver Number	District Name, Size of District, and Local Board Approval Date	Grade Span Requested (if waiver of California Education Code [EC] sections 48660 and 48916.1[d])	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/Schoolsite Council Name, Date of Review and any Objections
11-9-2014	Folsom-Cordova Unified School District (USD) 19,559 Total Students September 18, 2014		Requested: July 1, 2014 through June 30, 2016 Recommended: July 1, 2014 through June 30, 2016	NO	YES	Folsom Cordova Education Association Michael Itkoff September 18, 2014 Support	Schoolsite Council and Alternative Education Committee August 12, 2014 No Objections
	Conditions: This waiver provides for the Community Day School (CDS) operated by the Folsom-Cordova USD to reduce instructional time by one hour on one day each week to allow time for teachers, specialists, and administrators to meet to analyze student data and collaborate on lesson design, with other school days increased by 15 minutes so that total instructional time is not reduced.						
8-9-2014	Red Bluff Joint Union High School District (JUHSD) 1,500 Total Students 5 Students in CDS September 17, 2014		Requested: June 7, 2014 through June 6, 2016 Recommended: June 7, 2014 through June 6, 2016	YES	YES	Red Bluff Union High School Teachers Association Steve Piffero August 25, 2014 Neutral	Red Bluff Joint Union High School District Board of Trustees September 17, 2014 No Objections
	Conditions: This waiver provides for the CDS operated by the Red Bluff JUHSD to reduce instructional time by one hour on one day each week to allow time for teachers, specialists, and administrators to meet to analyze student data and collaborate on lesson design, with other school days increased by 20 minutes so that total instructional time is not reduced.						

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3467330

Waiver Number: 11-9-2014

Active Year: 2014

Date In: 9/23/2014 11:28:19 AM

Local Education Agency: Folsom-Cordova Unified School District
Address: 1965 Birkmont Dr.
Rancho Cordova, CA 95742

Start: 7/1/2014

End: 6/30/2016

Waiver Renewal: N

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: Community Day Schools (CDS)
Ed Code Title: Minimum School Day
Ed Code Section: 48663(a)
Ed Code Authority: 33050

Ed Code or CCR to Waive: 48663(a) [The minimum school day in a community day school is 360 minutes of classroom instruction] provided by a certificated employee of the district reporting attendance of the pupil for apportionment funding.

Outcome Rationale: The Folsom Cordova Unified School District is requesting a waiver of the California Education Code Section 48663(a), regarding community day school minimum school day of 360 minutes of classroom instruction. The district wishes to offer 375 minutes of instruction on Monday, Tuesday, Wednesday, Thursday and 300 minutes on Friday, so the teachers at Mather Youth Academy can collaborate with each other. In addition, Mather Youth Academy instructors can collaborate with teachers who teach similar grades and subject areas from our alternative and comprehensive schools regarding common core, testing and instructional strategies. The local school board voted unanimously to approve the waiver request. The Folsom Cordova Education Association President, Michael Itkoff, the principal, teachers, support staff and school site council representatives also supported and approved the waiver. The Folsom Cordova Unified School District is requesting the waiver for July 1, 2014 through June 30, 2016.

Student Population: 19559

City Type: Urban

Public Hearing Date: 9/18/2014

Public Hearing Advertised: Posted at each school site, at the District office and on the District's web page.

Local Board Approval Date: 9/18/2014

Community Council Reviewed By: School Site Council and Alternative Education Committee.
Community Council Reviewed Date: 8/12/2014
Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Steve Muzinich
Position: Director of Attendance and Due Process
E-mail: smuzinic@fcusd.org
Telephone: 916-294-9012
Fax: 916-294-9020

Bargaining Unit Date: 09/18/2014
Name: Folsom Cordova Education Association
Representative: Michael Itkoff
Title: President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 5271639

Waiver Number: 8-9-2014

Active Year: 2014

Date In: 9/18/2014 7:32:38 AM

Local Education Agency: Red Bluff Joint Union High School District
Address: 1525 Douglass St.
Red Bluff, CA 96080

Start: 6/7/2014

End: 6/6/2016

Waiver Renewal: Y

Previous Waiver Number: 15-8-2013-W-04

Previous SBE Approval Date: 11/7/2013

Waiver Topic: Community Day Schools (CDS)
Ed Code Title: Minimum School Day
Ed Code Section: 48663(a)
Ed Code Authority: 33050

Ed Code or CCR to Waive: [48663. (a) the minimum school day in a community day school is 360 minutes of classroom instruction provided by a certificated employee of the district reporting the attendance of the pupils for apportionment funding.]

Outcome Rationale: Red Bluff High School District has PDM (Professional Development Mondays) each week. The district has implemented Professional Learning Communities and feels it's important that the CDS teacher continue to be part of this professional development each Monday. There is a record of successful implementation which has improved instruction at the CDS, learning for the students, and increased collaboration. The instructional minutes missed each Monday will continue to be made up throughout the rest of the week and students are fine with this modified weekly schedule. There are currently 5 students at CDS.

Student Population: 1500

City Type: Rural

Public Hearing Date: 9/17/2014

Public Hearing Advertised: Notices placed at several school sites and community locations around Red Bluff, Website

Local Board Approval Date: 9/17/2014

Community Council Reviewed By: Red Bluff Joint Union High School District Board of Trustees
Community Council Reviewed Date: 9/17/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Todd Brose
Position: Superintendent
E-mail: tbrose@rbhsd.org
Telephone: 530-529-8700
Fax: 530-529-8840

Bargaining Unit Date: 08/25/2014
Name: Red Bluff Union High School Teachers Association
Representative: Steve Piffero
Title: President
Position: Neutral
Comments:



California State Board of Education
Meeting Agenda Items for January 14, 2015

WAIVER ITEM W-05



CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2015 AGENDA

General Waiver

SUBJECT	<input checked="" type="checkbox"/> Action
Request by five local educational agencies to waive portions of <i>California Code of Regulations</i> , Title 5, Section 11963.6(c), relating to the submission and action on determination of funding requests regarding nonclassroom-based instruction.	<input checked="" type="checkbox"/> Consent
Waiver Numbers: Armona Union Elementary School District 14-10-2014 Jefferson Elementary School District 15-10-2014 West Covina Unified School District 23-10-2014 Yosemite Unified School District 16-9-2014 Yosemite Unified School District 17-9-2014	

SUMMARY OF THE ISSUES

Five local educational agencies (LEAs) are requesting, on behalf of the charter schools identified in Attachment 1, that the California State Board of Education (SBE) waive portions of *California Code of Regulations*, Title 5 (5 *CCR*), Section 11963.6(c), in order to allow the charter schools to request a non-prospective funding determination for their respective funding periods.

The five charter schools each submitted a determination of funding request after the required February 1 deadline, thereby making the request retroactive, not prospective. If the waiver is approved by the SBE, the schools may then submit the retroactive funding request for consideration.

Authority for Waiver: *Education Code (EC)* Section 33050

RECOMMENDATION

Approval **Approval with conditions** **Denial**

The California Department of Education (CDE) recommends that the SBE approve requests by Armona Union Elementary School District, Jefferson Elementary School District, West Covina Unified School District, and Yosemite Unified School District to waive specific portions of 5 *CCR*, Section 11963.6(c), in order to allow the specified charter schools to submit determination of funding requests for the specified fiscal years. Approval of these waiver requests will also allow the SBE to consider the requests, which are not prospective. Without the waiver, the SBE may not consider the determination of funding request and the charter school's nonclassroom-based average

daily attendance (ADA) may not be funded for the affected fiscal years.

SUMMARY OF KEY ISSUES

California *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 SBE. The CDE reviews a charter school's determination of funding request and presents it for consideration to the Advisory Commission on Charter Schools, pursuant to relevant 5 *CCR*.

Pursuant to 5 *CCR*, Section 11963.6(c), any determination of funding request approved by the SBE for an existing nonclassroom-based charter school must be prospective (not for the current year) and in increments of a minimum of two years and a maximum of five years in length. In addition, the funding determination request must be submitted by February 1 of the fiscal year prior to the year the funding determination will be effective.

Each of the five charter schools submitted a determination of funding request after the required February 1 deadline, thereby making the request retroactive, not prospective.

Demographic Information:

Armona Union Elementary School District is requesting a waiver for the California Virtual Academy @ Kings which serves a student population of 601 and is located in an urban area in Kings County.

Jefferson Elementary School District is requesting a waiver for the California Virtual Academy @ San Mateo which serves a student population of 904 and is located in an urban area in San Mateo County.

West Covina Unified School District is requesting a waiver for the California Virtual Academy @ Los Angeles which serves a student population of 3,896 and is located in an urban area in Los Angeles County.

Yosemite Unified School District is requesting a waiver for the Mountain Home School Charter which serves a student population of 205 and is located in a rural area in Madera County.

Yosemite Unified School District is requesting a waiver for the Glacier High School Charter which serves a student population of 95 and is located in a rural area in Madera County.

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://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC§ionNum=33051.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has approved similar waiver requests regarding non-prospective funding determination requests for charter schools that offer nonclassroom-based instruction at the September 3, 2014 meeting.

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of the waiver request will allow the SBE to consider the charter school's determination of funding request. Subsequent approval of the determination of funding request by the SBE will allow the charter school's nonclassroom-based ADA to be funded at the funding determination rate approved by the SBE for the specified fiscal years.

ATTACHMENT(S)

- Attachment 1: Local Educational Agencies Requesting Waiver of Nonclassroom-Based (NCB) Funding Determination Request Deadline (2 Pages)
- Attachment 2: Armona Union Elementary School District General Waiver Request 14-10-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)
- Attachment 3: Jefferson Elementary School District General Waiver Request 15-10-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)
- Attachment 4: West Covina Unified School District General Waiver Request 23-10-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)
- Attachment 5: Yosemite Unified School District General Waiver Request 16-9-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)
- Attachment 6: Yosemite Unified School District General Waiver Request 17-9-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Local Educational Agencies Requesting Waiver of Nonclassroom-Based (NCB) Funding Determination Request Deadline

Waiver Number	Local Educational Agency (Charter Authorizer)	Existing Charter School (CDS Code)	NCB Funding Determination Period of Request	Public Hearing and Local Board Approval Date	Public Hearing Advertisement	SSC/Advisory Committee Position
14-10-2014	Armona Union Elementary School District	California Virtual Academy @ Kings (16-63875-0112698)	Requested: July 1, 2013 to June 30, 2015 Recommended: July 1, 2014 to June 30, 2015	Public Hearing and Local Board Approval Date 10/9/2014	Posted agenda at the school district visible to the public; Posted on Web site	Governing Board of Directors of the Armona Union Elementary School District No objections
15-10-2014	Jefferson Elementary School District	California Virtual Academy @ San Mateo (41-68916-0112284)	Requested: July 1, 2013 to June 30, 2015 Recommended: July 1, 2014 to June 30, 2015	Public Hearing and Local Board Approval Date 10/8/2014	Posting of the agenda on the main entrance door of the district office	Governing Board Members No objections
23-10-2014	West Covina Unified School District	California Virtual Academy @ Los Angeles (19-65094-0112706)	Requested: July 1, 2013 to June 30, 2015 Recommended: July 1, 2014 to June 30, 2015	Public Hearing and Local Board Approval Date 10/14/2014	Posted agenda at the school district location visible to the public	Governing Board of Directors of the West Covina Unified School District No objections

Waiver Number	Local Educational Agency (Charter Authorizer)	Existing Charter School (CDS Code)	NCB Funding Determination Period of Request	Public Hearing and Local Board Approval Date	Public Hearing Advertisement	SSC/Advisory Committee Position
16-9-2014	Yosemite Unified School District	Mountain Home School Charter (20-76414-6110076)	Requested: July 1, 2014 to June 30, 2015 Recommended: July 1, 2014 to June 30, 2015	Public Hearing and Local Board Approval Date 9/8/2014	Posted at district location, website, all school locations within district	Rivergold Site Council (9/9/2014) and Yosemite Unified School District Advisory Council (9/29/2014) No objections
17-9-2014	Yosemite Unified School District	Glacier High School Charter (20-76414-2030237)	Requested: July 1, 2014 to June 30, 2015 Recommended: July 1, 2014 to June 30, 2015	Public Hearing and Local Board Approval Date 9/8/2014	Posted at district location, website, all school locations within the district	Rivergold Site Council (9/9/2014) and Yosemite Unified School District Advisory Committee of Yosemite Unified (9/29/2014) No objections

Created by the California Department of Education
December 2, 2014

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1663875

Waiver Number: 14-10-2014

Active Year: 2014

Date In: 10/15/2014 8:17:53 AM

Local Education Agency: Armona Union Elementary School District
Address: 11115 C St.
PO Box 368
Armona, CA 93202

Start: 7/1/2013

End: 6/30/2015

Waiver Renewal: N

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: Charter School Program
Ed Code Title: Nonclassroom-Based Funding
Ed Code Section: 11963.6 (c)
Ed Code Authority: 33050

Ed Code or CCR to Waive: 11963.6 (c) Any determination of funding request approved by the State Board of Education for an existing nonclassroom-based charter school from the 2006-07 fiscal year forward shall be prospective (not for the current year), in increments of a minimum of two years and a maximum of five years in length. Beginning with the 2007-08 fiscal year, nonclassroom-based charter schools that had a funding determination in the prior year must submit a funding determination request by February 1 of the fiscal year prior to the year the funding determination will be effective, when a new request is required under these regulations.

Outcome Rationale: Due to unforeseen circumstance, the February 1, 2014 filing deadline was missed for the filing of the charter school's Funding Determination for the 2014-15 school year. The form was immediately completed after the deadline. Unfortunately, the state notified the charter school on April 10, 2014 that they would not be able to accept the filing and that they must request a waiver from the chartering school district and re-file once the new forms were released for the 2014-15 school year in the Fall of 2014.

Due to the fact that charter schools are unable to file for waivers themselves, we must instead file it on their behalf.

Since beginning our relationship with California Virtual Academy @ Kings, the charter school has never missed a filing deadline for the Funding Determination. To ensure that this doesn't occur in the future, they have cross-trained staff on how to complete this as well as added a shared financial calendar with due dates.

Student Population: 601

City Type: Urban

Public Hearing Date: 10/9/2014

Public Hearing Advertised: Posted agenda at the school district visible to public Posted on Web site

Local Board Approval Date: 10/9/2014

Community Council Reviewed By: Governing Board of Directors of the Armona Union
Elementary School District

Community Council Reviewed Date: 10/9/2014

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Xavier Pina

Position: Superintendent

E-mail: xpina@armona.k12.ca.us

Telephone: 559-583-5000 x5003

Fax: 559-583-5004

California Department of Education
WAIVER SUBMISSION - General

CD Code: 4168916

Waiver Number: 15-10-2014

Active Year: 2014

Date In: 10/15/2014 10:23:46 AM

Local Education Agency: Jefferson Elementary School District
Address: 101 Lincoln Avenue
Daly City, CA 94015

Start: 7/1/2013

End: 6/30/2015

Waiver Renewal: N

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: Charter School Program
Ed Code Title: Nonclassroom-Based Funding
Ed Code Section: 11963.6(c)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: Any determination of funding request approved by the State Board of Education for an existing nonclassroom-based charter school from the 2006-07 fiscal year forward shall be prospective (not for the current year), in increments of a minimum of two years and a maximum of five years in length. Beginning with the 2007-08 fiscal year, nonclassroom-based charter schools that had a funding determination in the prior year must submit a funding determination request by February 1 of the fiscal year prior to the year the funding determination will be effective, when a new request is required under these regulations.

Outcome Rationale: This waiver is for California Virtual Academy @ San Mateo.

Due to unforeseen circumstance, the February 1, 2014 filing deadline was missed for the filing of the charter school's Funding Determination for the 2014-15 school year. The form was immediately completed after the deadline. Unfortunately, the state notified the charter school on April 10, 2014 that they would not be able to accept the filing and that they must request a waiver from the chartering school district and re-file once the new forms were released for the 2014-15 school year in the Fall of 2014.

Due to the fact that charter schools are unable to file for waivers themselves, we must instead file it on their behalf.

Since beginning our relationship with California Virtual Academy @ San Mateo, the charter school has never missed a filing deadline for the Funding Determination. To ensure that this doesn't occur in the future, they have cross-trained staff on how to complete this as well as added a shared financial calendar with due dates.

Student Population: 904

City Type: Urban

Public Hearing Date: 10/8/2014

Public Hearing Advertised: Posting of the Agenda on the main entrance door of the district office.

Local Board Approval Date: 10/8/2014

Community Council Reviewed By: The governing Board members

Community Council Reviewed Date: 10/8/2014

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Bernie Vidales

Position: Superintendent

E-mail: bvidales@jsd.k12.ca.us

Telephone: 650-746-2401

Fax: 650-992-2265

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1965094

Waiver Number: 23-10-2014

Active Year: 2014

Date In: 10/28/2014 11:36:09 AM

Local Education Agency: West Covina Unified School District
Address: 1717 West Merced Ave.
West Covina, CA 91790

Start: 7/1/2013

End: 6/30/2015

Waiver Renewal: N

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: Charter School Program
Ed Code Title: Nonclassroom-Based Funding
Ed Code Section: 11963.6(c)
Ed Code Authority: 33050

Ed Code or CCR to Waive: 11963.6 (c) Any determination of funding request approved by the State Board of Education for an existing nonclassroom-based charter school from the 2006-07 fiscal year forward shall be prospective (not for the current year), in increments of a minimum of two years and a maximum of five years in length. Beginning with the 2007-08 fiscal year, nonclassroom-based charter schools that had a funding determination in the prior year must submit a funding determination request by February 1 of the fiscal year prior to the year the funding determination will be effective, when a new request is required under these regulations.

Outcome Rationale: This waiver is for California Virtual Academy @ Los Angeles.

Due to unforeseen circumstance, the February 1, 2014 filing deadline was missed for the filing of the charter school's Funding Determination for the 2014-15 school year. The form was immediately completed after the deadline. Unfortunately, the state notified the charter school on April 10, 2014 that they would not be able to accept the filing and that they must request a waiver from the chartering school district and re-file once the new forms were released for the 2014-15 school year in the Fall of 2014.

Due to the fact that charter schools are unable to file for waivers themselves, we must instead file it on their behalf.

Since beginning our relationship with California Virtual Academy @ Los Angeles, the charter school has never missed a filing deadline for the Funding Determination. To ensure that this doesn't occur in the future, they have cross-trained staff on how to complete this as well as added a shared financial calendar with due dates.

Student Population: 3896

City Type: Urban

Public Hearing Date: 10/14/2014

Public Hearing Advertised: Posted agenda at the school district location, visible to the public

Local Board Approval Date: 10/14/2014

Community Council Reviewed By: Governing Board of Directors of the West Covina Unified
School District

Community Council Reviewed Date: 10/14/2014

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Michael Seaman

Position: Assistant Superintendent - Human Resources

E-mail: mseaman@wcusd.org

Telephone: 626-939-4600 x4671

Fax:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 2076414

Waiver Number: 16-9-2014

Active Year: 2014

Date In: 9/30/2014 10:05:04 AM

Local Education Agency: Yosemite Unified School District
Address: 50200 Road 427, Ste. A
Oakhurst, CA 93644

Start: 7/1/2014

End: 6/30/2015

Waiver Renewal: N

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: Charter School Program
Ed Code Title: Nonclassroom-Based Funding
Ed Code Section: Title 5 (5 CCR), Section 11963.6(c)
Ed Code Authority: 33050

Ed Code or CCR to Waive: 5 CCR § 11963.6 Submission and Action on Determination of Funding Requests Regarding Nonclassroom-Based Instruction.

(c) Any determination of funding request approved by the State Board of Education for an existing nonclassroom-based charter school from the 2006-07 fiscal year forward shall be prospective (not for the current year), in increments of a minimum of two years and a maximum of five years in length. Beginning with the 2007-08 fiscal year, nonclassroom-based charter schools that had a funding determination in the prior year must submit a funding determination request by February 1 of the fiscal year prior to the year the funding determination will be effective, when a new request is required under these regulations.

Outcome Rationale: This waiver is being requested by the authorizing district (Yosemite Unified School District) on behalf of Mountain Home School Charter to permit Mountain Home School Charter (MHSC) to submit a late request for a Funding Determination to the CDE and be eligible for 100% funding for the next five school years to support the school's educational program and operations. MHSC represents approximately 205 students in a rural mountain area and without funding this school will not be able to operate.

The Funding Determination requests were due to the CDE by February 1, 2014. MHSC's prior Funding Determinations were approved at the March 10-11, 2010 State Board of Education meeting for 100% funding for 5 years. MHSC erred by not submitting in a timely manner the request for Funding Determination. MHSC Director was under the impression that the 2010 SBE-approved Funding Determination expired in fiscal year 2014-15 and needed to be renewed in February of 2015. When actually, according to 5 CCR §.6, MHSC needed to submit the funding determination requests by February 1 of the fiscal year (2014) prior to the year the funding determinations would be effective.

We are asking you to grant this waiver so that they may submit a determination of funding

request after the required February 1 deadline, and thereby continue to operate this school.
Thank you for your consideration.

Student Population: 205

City Type: Rural

Public Hearing Date: 9/8/2014

Public Hearing Advertised: Posted at district location, website, all school locations within district

Local Board Approval Date: 9/8/2014

Community Council Reviewed By: Rivergold Site Council (09/09/2014) Yosemite Unified School
District District Advisory Council (09/29/2014)

Community Council Reviewed Date: 9/9/2014

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Jimmy Monreal

Position: Assistant Superintendent/CBO

E-mail: jmonreal@yosemiteusd.com

Telephone: 559-683-8801 x378

Fax:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 2076414

Waiver Number: 17-9-2014

Active Year: 2014

Date In: 9/30/2014 10:24:50 AM

Local Education Agency: Yosemite Unified School District
Address: 50200 Road 427, Ste. A
Oakhurst, CA 93644

Start: 7/1/2014

End: 6/30/2015

Waiver Renewal: N

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: Charter School Program
Ed Code Title: Nonclassroom-Based Funding
Ed Code Section: Title 5 (5 CCR), Section 11963.6(c)
Ed Code Authority: 33050

Ed Code or CCR to Waive: 5 CCR § 11963.6 Submission and Action on Determination of Funding Requests Regarding Nonclassroom-Based Instruction.

(c) Any determination of funding request approved by the State Board of Education for an existing nonclassroom-based charter school from the 2006-07 fiscal year forward shall be prospective (not for the current year), in increments of a minimum of two years and a maximum of five years in length. Beginning with the 2007-08 fiscal year, nonclassroom-based charter schools that had a funding determination in the prior year must submit a funding determination request by February 1 of the fiscal year prior to the year the funding determination will be effective, when a new request is required under these regulations.

Outcome Rationale: This waiver is being requested by the authorizing district (Yosemite Unified School District) on behalf of Glacier High School Charter to permit Glacier High School Charter (GHSC) to submit a late request for a Funding Determination to the CDE and be eligible for 100% funding for the next five school years to support the school's educational program and operations. GHSC represents approximately 95 students in a rural mountain area and without funding this school will not be able to operate.

The Funding Determination requests were due to the CDE by February 1, 2014. GHSC's prior Funding Determinations were approved at the March 10-11, 2010 State Board of Education meetings for 100% funding for 5 years. GHSC erred by not submitting in a timely manner the request for Funding Determination. GHSC Director was under the impression that the 2010 SBE-approved Funding Determination expired in fiscal year 2014-15 and needed to be renewed in February of 2015. When actually, according to 5 CCR §.6, GHSC needed to submit the funding determination requests by February 1 of the fiscal year (2014) prior to the year the funding determinations would be effective.

We are asking you to grant this waiver so that they may submit a determination of funding

request after the required February 1 deadline, and thereby continue to operate this school.
Thank you for your consideration.

Student Population: 95

City Type: Rural

Public Hearing Date: 9/8/2014

Public Hearing Advertised: Posted at district location, website all school locations within the district

Local Board Approval Date: 9/8/2014

Community Council Reviewed By: Rivergold Site Council (09/09/2014) Yosemite USD District
Advisory Committee of Yosemite Unified (09/29/14)

Community Council Reviewed Date: 9/9/2014

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Jimmy Monreal

Position: Assistant Superintendent/CBO

E-mail: jmonreal@yosemiteusd.com

Telephone: 559-683-8801 x378

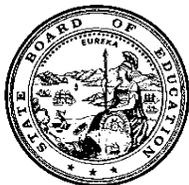
Fax: 559-683-4160



California State Board of Education

Meeting Agenda Items for January 14, 2015

WAIVER ITEM W-06



CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2015 AGENDA

General Waiver

<p>SUBJECT</p> <p>Request by two school districts to waive <i>California Education Code</i> Section 37202(a), the equity length of time requirement for transitional kindergarten and kindergarten programs at the district's elementary schools.</p> <p>Waiver Numbers: Mendocino Unified School District 10-9-2014 Santa Ana Unified School District 11-8-2014</p>	<p><input checked="" type="checkbox"/> Action</p> <p><input checked="" type="checkbox"/> Consent</p>
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SUMMARY OF THE ISSUES

Mendocino Unified School District (MUSD), and Santa Ana Unified School District (SAUSD) seek waivers of *California Education Code (EC)* Section 37202(a), the equity length of time requirement for kindergarten and transitional kindergarten (TK). The California Department of Education (CDE) recommends approval of the waiver with conditions.

Authority for Waiver: *EC* Section 33050

RECOMMENDATION

Approval Approval with conditions Denial

The CDE recommends approval of the waiver with conditions. The MUSD and SAUSD will provide information to MUSD and SAUSD families by February 9, 2015, explaining the waiving of *EC* Section 37202(a) allowing TK students to attend school for fewer minutes than kindergarten students.

SUMMARY OF KEY ISSUES

The MUSD and SAUSD are requesting to waive *EC* Section 37202(a), the equity length of time requirement for kindergarten programs. Pursuant to *EC* Section 37202, any TK program operated by a district must be of equal length to any kindergarten program operated by the same district. The MUSD and SAUSD currently offer extended-day (full day) kindergarten programs which exceed the maximum four-hour school day (*EC* 46111 [a]). The MUSD and SAUSD are requesting flexibility in determining the length of their TK programs in order to provide a modified instructional day, curricula, and

developmentally appropriate instructional practices. The MUSD and SAUSD are concerned that holding TK students in excess of the four-hour minimum school day (pursuant to *EC 48911*) is not in the best educational interest of their TK students.

Demographic Information:

MUSD has a student population of 550 and is located in a rural area in Mendocino County.

SAUSD has a student population of 56,000 and is located in an urban area in Orange County.

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://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC§ionNum=33051.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In November 2014, the State Board of Education (SBE) approved, with conditions, waiver requests from Douglas City Elementary School District, Forestville Union Elementary School District, Franklin-McKinley Elementary School District, Harmony Union Elementary School District, Hermosa Beach City Elementary School District, and Rio Elementary School District to waive *EC* Section 37202, the equity length of time requirement for TK and kindergarten programs.

In September 2014, the SBE approved, with conditions, waiver requests by Dixie Elementary School District, Dunham Elementary School District, Mount Baldy Joint Elementary School District, and Newark Unified School District to waive *EC* Section 37202, the equity length of time requirement for TK and kindergarten programs.

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of this waiver would have no known fiscal impact.

ATTACHMENT(S)

Attachment 1: Districts requesting a waiver for transitional kindergarten (1 page).

Attachment 2: MUSD General Waiver Request 10-9-2014
(2 pages) (Original waiver request is signed and on file in the Waiver Office)

Attachment 3: SAUSD General Waiver Request 11-8-2014
(3 pages) (Original waiver request is signed and on file in the Waiver Office)

Information from Districts Requesting Waivers of Equity Length of Time for Transitional Kindergarten
Portions of California *Education Code* Section 37202(b)

Waiver Number	District	Period of Request	Bargaining Unit, Representatives Consulted, Date, and Position	Public Hearing and Board Approval Date	Public Hearing Advertisement	SSC/Advisory Committee Position
10-9-2014	Mendocino Unified School District	Requested: October 6, 2014, to June 30, 2015 Recommended: October 6, 2014, to June 29, 2016	Mendocino Teachers Association Jenny Otter, President September 24, 2014 Support	September 18, 2014	The Public Hearing Notice was posted in four sites around the district, two local Post Offices, as well as with the regular board agenda.	Reviewed by Mendocino K-8 School Site Council September 24, 2014 No Objection
11-8-2014	Santa Ana Unified School District	Requested: August 18, 2014, to June 12, 2015 Recommended: August 18, 2014, to June 11, 2016	Charter school without a bargaining unit	July 6, 2014	The public hearing was advertised by postings at meeting site and on the school Web site for 72 hours prior to Board Meeting.	Reviewed by the School Site Council June 2, 2014 No Objection

California Department of Education
WAIVER SUBMISSION - General

CD Code: 2365581
Year: 2014

Waiver Number: 10-9-2014

Active

Date In: 9/23/2014 8:48:48 AM

Local Education Agency: Mendocino Unified School District
Address: 44141 Little Lake Rd.
Mendocino, CA 95460

Start: 10/6/2014

End: 6/30/2015

Waiver Renewal: N

Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Equity Length of Time
Ed Code Title: Equity Length of Time
Ed Code Section: 37202
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: "...the governing board of a school district shall maintain all of the elementary day schools established by it for an equal length of time during the school year and all of the day high schools established by it for an equal length of time during the school year."

Outcome Rationale: We have 6 students currently enrolled as transitional kindergarten students in 3 different K/1 grade classes at our K-8 school. We have recently changed our kindergarten program to a full day model (from 8:30 - 2:15) and have discovered that it is a very long day for our TK students. We would like to have our TK program in our kindergarten program in each class from 8:30 to 12:00 (210 minutes). This will allow teachers to better modify the curriculum and program for TK students. We will continue to offer developmentally appropriate curriculum to TK students as well as Kindergarten and first grade students. We will continue to strive to meet the individual needs of all students in our district.

Student Population: 550

City Type: Rural

Public Hearing Date: 9/18/2014

Public Hearing Advertised: Posted in 4 sites around the district, 2 local Post Offices, as well as with the regular board agenda

Local Board Approval Date: 9/18/2014

Community Council Reviewed By: Mendocino K-8 School Site Council

Community Council Reviewed Date: 9/22/2014

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Jason Morse

Position: Superintendent

E-mail: jmorse@mcn.org

Telephone: 707-937-5868

Fax:

Bargaining Unit Date: 09/24/14

Name: Mendocino Teachers Association

Representative: Jenny Otter

Title: President

Position: Approve/Support the waiver

Comments: None

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3066670
Year: 2014

Waiver Number: 11-8-2014

Active

Date In: 8/28/2014 11:07:32 AM

Local Education Agency: Santa Ana Unified School District
Address: 1601 East Chestnut Ave.
Santa Ana, CA 92701

Start: 8/18/2014

End: 6/12/2015

Waiver Renewal: N

Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Equity Length of Time
Ed Code Title: Equity Length of Time
Ed Code Section: 37202(b)
Ed Code Authority: 33050(a)

Ed Code or CCR to Waive: Section 37202 (a) Except if a school has been closed by order of a city or a county board of health, or the State Board of Health, on account of contagious disease, or if the school has been closed on account of fire, flood, or other public disaster, [the governing board of a school district shall maintain off of the elementary day schools established by it for an equal length of time during the school year.]

Outcome Rationale: See Attached

Student Population: 560

City Type: Urban

Public Hearing Date: 7/6/2014

Public Hearing Advertised: Advertised by postings at meeting site and on the school website for 72 hours prior to Board Meeting.

Local Board Approval Date: 7/6/2014

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 6/2/2014
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Vanessa Besack
Position: Director of Operations
E-mail: vbesack@oceaa.org
Telephone: 714-558-2787
Fax: 714-558-5625

ATTACHMENT

**Santa Ana Unified School District is submitting the General Waiver on behalf of:
Orange County Educational Arts Academy
825 N. Broadway St.
Santa Ana, CA 92701**

WAIVER INFORMATION:

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 documents using the 'Attachments' section below.

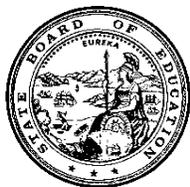
Outcome Rationale: OCEAA is requesting to waive *EC* Section 37202, the equity length of time requirement for transitional kindergarten and kindergarten programs. *EC* Section 37202 requires that all students at a given grade level in a district receive “an equal length” of instructional time. OCEAA currently offers an extended-day (full day) kindergarten program during the second half of the year which substantively exceeds the maximum four-hour school day (*EC* 46110). From August to December, kindergarten students who need additional support and/or enrichment are provided an extended learning opportunity with their Kindergarten teacher based on their individual needs. OCEAA is requesting flexibility in determining the length of our transitional kindergarten program (3.5-4 hours) in order to provide a clear and appropriate academic staircase for our youngest students that enables us to design and implement a high quality transitional kindergarten program that provides a modified instructional day, modified curricula, and developmentally appropriate instructional practices. The transitional kindergarten students will also be provided extended learning opportunities with their classroom teacher based on their individual needs. In order to provide greater continuity between the transitional kindergarten and the kindergarten program, we are requesting a waiver to structure transitional kindergarten so that the first year provides a foundation for the next. Having students in transitional kindergarten participate in an extended day after Winter Break and then return to a half-day schedule in Kindergarten does not create a cohesive 2-year program.



California State Board of Education

Meeting Agenda Items for January 14, 2015

WAIVER ITEM W-07



CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2015 AGENDA

General Waiver

<p>SUBJECT</p> <p>Request by Sanger Unified School District for a renewal to waive California <i>Education Code</i> Section 45134(c), to allow the employment of a State Teachers' Retirement System retiree as a classified school bus driver.</p> <p>Waiver Number: 18-10-2014</p>	<p><input checked="" type="checkbox"/> Action</p> <p><input checked="" type="checkbox"/> Consent</p>
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SUMMARY OF THE ISSUES

The Sanger Unified School District (USD) is requesting a waiver of California *Education Code (EC)* Section 45134(c), to allow a State Teachers' Retirement System (STRS) retiree to be employed as a classified school bus driver.

Authority for Waiver: *EC* Section 33050

RECOMMENDATION

Approval **Approval with conditions** **Denial**

The California Department of Education recommends that the State Board of Education (SBE) approve the request by the Sanger USD to waive *EC* Section 45134(c) for the 2014–15 school year.

SUMMARY OF KEY ISSUES

An employee may continue to receive a retirement allowance while collecting a salary for work in classified service if *EC* Section 45134(c) is waived. The Sanger USD is requesting a renewal of a waiver previously received in 2013 to allow a retired individual to be employed as a substitute bus driver for the district. The district has an ongoing need for substitute bus drivers and since this individual is available and has a good record with the district, they are requesting the waiver to continue to employ him.

Demographic Information:

Sanger USD has a student population of 11,200 and is located in Fresno County serving the city of Sanger, and the communities of Centerville, Del Rey, Fairmont, Lone Star, Tivy Valley, and portions of the Sunnyside area of metropolitan Fresno.

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://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC§ionNum=33051.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE previously approved a waiver for the Sanger USD to employ this individual in 2013. In addition, the SBE has approved several similar waivers for *EC* Section 45134(c) to allow STRS employees to work as janitors, bus drivers, food service workers and staff assistants.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval.

ATTACHMENT(S)

Attachment 1: Information from District Requesting Waiver to Employ Retired CalSTRS Member for Classified Work (1 page)

Attachment 2: Sanger Unified School District General Waiver Request 18-10-2014 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

District Requesting to Employ Retired CalSTRS Member for Classified Work

Education Code Section 45134(c)

Waiver Number	District	Period of Request	District's Request	CDE Recommended Action	Local Board Approval Date	*Bargaining Unit, Representative(s) Consulted, Date, and Position	Potential Annual Penalty Without Waiver	Previous Waivers
18-10-2014	Sanger Unified School District	Requested: July 1, 2014 to June 30, 2015 Recommended: July 1, 2014 to June 29, 2015	To allow the district to employ a retired Cal STRS member as a classified bus driver.	Approval	10/14/2014	California School Employees Association Chapter 153, Karen Deaver 2 nd Vice President 10/14/14 Support	No statewide fiscal impact of waiver approval or denial	Yes 9-8-2013-W-06

Created by California Department of Education
 November 20, 2014

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1062414

Waiver Number: 18-10-2014

Active Year: 2014

Date In: 10/20/2014 1:14:24 PM

Local Education Agency: Sanger Unified School District
Address: 1905 Seventh St.
Sanger, CA 93657

Start: 7/1/2014

End: 6/30/2015

Waiver Renewal: Y

Previous Waiver Number: 9-8-2013-W-06

Previous SBE Approval Date: 11/7/2013

Waiver Topic: Other Waivers

Ed Code Title: Employment - Retirement System

Ed Code Section: 45134(c)

Ed Code Authority: 33050

Ed Code or CCR to Waive: 45134(c)

Outcome Rationale: Request to allow STRS retiree to work as a Classified School Bus Driver

Student Population: 11200

City Type: Rural

Public Hearing Date: 10/14/2014

Public Hearing Advertised: Posted to the District Website

Local Board Approval Date: 10/14/2014

Community Council Reviewed By: Superintendent's Cabinet

Community Council Reviewed Date: 10/14/2014

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Richard Sepulveda

Position: Chief Operations Officer

E-mail: richard_sepulveda@sanger.k12.ca.us

Telephone: 559-524-6521 x6530

Fax: 559-875-4071

Bargaining Unit Date: 10/14/2014
Name: California School Employees Association Chapter 153
Representative: Karen Deaver
Title: 2nd Vice President, CSEA Chapter 153
Position: Support
Comments:



California State Board of Education
Meeting Agenda Items for January 14, 2015

WAIVER ITEM W-08



CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2015 AGENDA

General Waiver

<p>SUBJECT</p> <p>Request by three school districts to waive portions of the California <i>Education Code</i> Section 60800(a), relating to Physical Fitness Testing, specifically to suspend body composition assessment for fifth and seventh grade students participating in a statewide school-based fitness study during 2014–15 and 2015–16 school years.</p> <p>Waiver Numbers: Alhambra Unified School District 11-11-2014 Moreno Valley Unified School District 10-11-2014 Visalia Unified School District 12-10-2014</p>	<p><input checked="" type="checkbox"/> Action</p> <p><input checked="" type="checkbox"/> Consent</p>
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SUMMARY OF THE ISSUES

The Alhambra Unified School District (AUSD), Moreno Valley Unified School District (MVUSD), and Visalia Unified School District (VUSD) are participating in a statewide study on school-based fitness, called The Fit Study. The Fit Study is being led by the University of California, Berkeley and funded by the National Institutes of Health, which spans four school years, beginning in the 2013–14 school year and ending in the 2016–17 school year. The Fit Study evaluates the practice of measuring students' heights and weights at school and sending a report home to parents. The body mass index (BMI), which is calculated using height and weight, is the most commonly used Physical Fitness Test (PFT) to assess body composition. The purpose of the study is to determine if measuring heights and weights at school, and sending a well-designed BMI report to parents, could impact children's health, such as reducing childhood obesity in California.

The study will allow districts and the California Department of Education (CDE) to make decisions about the practice of BMI screening and reporting in schools, based on this evidence. Furthermore, the study will measure the impact of school-based weight assessment and students' attitude towards BMI screening, such as weight-related teasing and the feeling of stigmatization.

The AUSD, MVUSD, and VUSD are requesting a waiver to suspend the body composition assessment, which is one of the six fitness areas of the PFT. The body composition assessment consists of a number of testing options, including BMI. The waiver is being requested for the 2014–15 and 2015–16 school years.

The study is designed to meet the following three goals:

1. Determine the impact of school-based BMI screening and reporting on childhood obesity and obesity disparities.
2. Compare the impact of reporting the BMI alone, versus reporting the BMI with fitness test results on childhood obesity and fitness.
3. Determine the extent to which BMI screening and reporting have unintended consequences on weight-related stigmatization among children.

To achieve goal three of the study, one or more schools in the aforementioned districts have been randomly selected to suspend body composition assessment during the 2014–15 and 2015–16 school years for grades five and seven.

Overall, The Fit Study will evaluate the effects of fitness and BMI screening and reporting processes on children’s health. The study supports the State Superintendent of Public Instruction’s *California for Healthy Kids Initiative*. A letter of support from the former Deputy Superintendent of Public Instruction in the District, School, and Innovation Branch is provided (Attachment 3).

Authority for Waiver: *Education Code (EC) Section 33050*

RECOMMENDATION

Approval **Approval with conditions** **Denial**

The CDE recommends approval to suspend body composition assessment for selected schools participating in The Fit Study during the 2014–15 and 2015–16 school years for the AUSD, MVUSD, and VUSD.

SUMMARY OF KEY ISSUES

The AUSD, MVUSD, and VUSD are participating in a statewide study on fitness testing in schools. The study is led by the University of California, Berkeley and funded by the National Institutes of Health. The study will evaluate the impact that measuring students’ heights and weights (BMI) at school and providing a BMI report to parents has on children’s health, such as reducing childhood obesity. The BMI is the most commonly used PFT to assess body composition. Suspending the body composition assessment among fifth and seventh grade students during the years requested is essential to the scientific design of The Fit Study. During the years the body composition assessment is suspended, students selected to participate in The Fit Study will continue to complete the other five fitness areas of the PFT.

The AUSD has nine schools participating in The Fit Study. Garfield Elementary, Martha Baldwin Elementary, Monterey Highlands Elementary, and William Northrup Elementary have also been selected to suspend body composition assessment, which includes BMI as part of the PFT, for fifth and seventh grade students participating in The Fit Study

during the 2014–15 and 2015–16 school years.

The MVUSD has eight schools participating in The Fit Study. Palm Middle School has also been selected to suspend body composition assessment, which includes BMI as part of the PFT, for seventh grade students participating in The Fit Study during the 2014–15 and 2015–16 school years.

The VUSD is participating in The Fit Study. Four Creeks Elementary, Annie R. Mitchell, Mountain View, Pinkham, Royal Oaks, Willow Glen Elementary and La Joya Middle (grade seven) have also been selected to suspend body composition assessment, which includes BMI as part of the PFT, for fifth grade students participating in the Fit Study during the 2014–15 and 2015–16 school years.

Demographic Information:

Alhambra Unified School District has a student population of 17,826 and is located in an urban area of Los Angeles County.

Moreno Valley Unified School District has a student population of 34,468 and is located in a suburban area of Riverside County.

Visalia Unified School District has a student population of 27,835 and is located in a small area of Tulare County.

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://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC§ionNum=33051.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In July 2014, the State Board of Education (SBE) approved a previous waiver for increasing the PFT window for the Fremont Unified School District to accommodate Kennedy High Schools' block schedule.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide impact in granting this waiver.

ATTACHMENT(S)

Attachment 1: Summary Table of waiver request to suspend body composition assessment as part of Physical Fitness Test for grades fifth and seventh during the 2014–15 and 2105–16 school years (1 page).

Attachment 2: Alhambra Unified School District General Waiver Request 11-11-2014 (2 pages) (Original waiver request if signed and on file in the Waiver Office.)

Attachment 3: Moreno Valley Unified School District General Waiver Request 10-11-2014 (2 pages) (Original waiver request if signed and on file in the Waiver Office.)

Attachment 4: Visalia Unified School District General Waiver Request 12-10-2014 (2 pages) (Original waiver request if signed and on file in the Waiver Office.)

Attachment 5: The CDE letter of support for The Fit Study (2 pages).

**Summary Table of Waiver Requests to Suspend Body Composition Assessment
as Part of Physical Fitness Test for Grades Fifth and Seventh during the 2014–15
and 2105–16 School Years**

Waiver Number	District Name	Period of Request	Local Board and Public Hearing Date	Certificated Bargaining Unit Name and Representative, Date of Action, and Position	Advisory Committee/ School Site Council Name, Date of Review, and any Objections
11-11-2014	Alhambra Unified School District	<p>Requested: March 1, 2015 through May 31, 2017</p> <p>Recommended: February 1, 2015 through May 31, 2016</p>	October 28, 2014	<p>Roz Collier, President, Alhambra Teachers' Association 10/23/2014</p> <p align="center">Support</p>	<p>Garfield Schoolsite Council October 27, 2014 No objections</p> <p>William Northrup Schoolsite Council September 26, 2014 No objections</p> <p>Monterey Highlands Schoolsite Council September 25, 2014 No objections</p> <p>Martha Baldwin Schoolsite Council November 10, 2014 No objections</p>
10-11-2014	Moreno Valley Unified School District	<p>Requested: March 1, 2015 through May 31, 2017</p> <p>Recommend: February 1, 2015 through May 31, 2016</p>	October 21, 2014	<p>Harold Acord, President, Moreno Valley Educators' Association 11/10/2014</p> <p align="center">Support</p>	<p>Palm Middle Schoolsite Council October 22, 2014 No objections</p>
12-10-2014	Visalia Unified School District	<p>Requested: March 1, 2015 through May 31, 2017</p> <p>Recommended: February 1, 2015 through May 31, 2016</p>	September 25, 2014	<p>Karl Kildow, President, Visalia Unified Teachers' Association 10/07/2014</p> <p align="center">Support</p>	<p>Visalia Unified Coordinated School Health Advisory September 19, 2014 No objections</p>

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1975713

Waiver Number: 11-11-2014

Active Year: 2014

Date In: 11/12/2014 9:55:35 AM

Local Education Agency: Alhambra Unified School District
Address: 1515 West Mission Rd.
Alhambra, CA 91803

Start: 3/1/2015

End: 5/31/2017

Waiver Renewal: N

Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Physical Fitness Testing
Ed Code Title: Physical Fitness Testing
Ed Code Section: 60800
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (a) During the month of [February, March, April, or May], the governing board of each school district maintaining any of grades 5, 7, and 9 shall administer to each pupil in those grades the physical performance test designated by the State Board of Education. Each physically handicapped pupil and each pupil who is physically unable to take all of the physical performance test shall be given as much of the test as his or her condition will permit.

Outcome Rationale: The Alhambra Unified School District requests that the annual requirement for body composition assessment as part of the Physical Fitness Test be suspended for 5th and 7th grade students at Garfield Elementary, Martha Baldwin Elementary, Monterey Highlands Elementary, and William Northrup Elementary during the 2014-15 and 2015-16 school years.

Nine schools in the Alhambra Unified School District are participating in a statewide study on school-based fitness testing led by the University of California, Berkeley and funded by the National Institutes of Health. The Fit Study will assess the practice of measuring students' heights and weights at school and sending a body mass index (BMI) report home to parents. BMI screening and reporting occurs frequently in schools across the county, but little evidence exists about its impact on child health. Results from The Fit Study will allow school districts and Departments of Education across the country to make evidence-based decisions about the practice of BMI screening and reporting in schools.

As part of The Fit Study, the aforementioned schools in Alhambra Unified have been randomly selected to suspend the body composition portion of the Physical Fitness Test for 5th and 7th grade students during the 2014-15 and 2015-16 school years. During years that body composition assessment is suspended, 5th and 7th grade students at these schools will complete all other components of the Physical Fitness Test as normal. Halting body composition assessment among 5th and 7th grade students at these schools during the years indicated is critical to the scientific design of The Fit Study.

Student Population: 3486

City Type: Urban

Public Hearing Date: 10/28/2014

Public Hearing Advertised: Newspaper posting (The Pasadena Star)

Local Board Approval Date: 10/28/2014

Community Council Reviewed By: Garfield School Site Council

Community Council Reviewed Date: 10/27/2014

Community Council Objection: N

Community Council Objection Explanation:

Community Council Reviewed By: William Northrup School Site Council

Community Council Reviewed Date: 9/26/2014

Community Council Objection: N

Community Council Objection Explanation:

Community Council Reviewed By: Monterey Highlands School Site Council

Community Council Reviewed Date: 9/25/2014

Community Council Objection: N

Community Council Objection Explanation:

Community Council Reviewed By: Martha Baldwin School Site Council

Community Council Reviewed Date: 11/10/2014

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Jennifer Linchey

Position: Associate Specialist

E-mail: jlinchey@berkeley.edu

Telephone: 510-642-4861

Fax:

Bargaining Unit Date: 10/23/2014

Name: Alhambra Teachers' Association

Representative: Roz Collier

Title: President

Position: Support

Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3367124

Waiver Number: 10-11-2014

Active Year: 2014

Date In: 11/12/2014 9:31:49 AM

Local Education Agency: Moreno Valley Unified School District
Address: 25634 Alessandro Blvd.
Moreno Valley, CA 92553

Start: 3/1/2015

End: 5/31/2017

Waiver Renewal: N

Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Physical Fitness Testing
Ed Code Title: Physical Fitness Testing
Ed Code Section: 60800
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (a) During the month of [February, March, April, or May], the governing board of each school district maintaining any of grades 5, 7, and 9 shall administer to each pupil in those grades the physical performance test designated by the State Board of Education. Each physically handicapped pupil and each pupil who is physically unable to take all of the physical performance test shall be given as much of the test as his or her condition will permit.

Outcome Rationale: The Moreno Valley Unified School District requests that the annual requirement for body composition assessment as part of the Physical Fitness Test be suspended for 7th grade students at Palm Middle School during the 2014-15 and 2015-16 school years.

Eight schools in the Moreno Valley Unified School District are participating in a statewide study on school-based fitness testing led by the University of California, Berkeley and funded by the National Institutes of Health. The Fit Study will assess the practice of measuring students' heights and weights at school and sending a body mass index (BMI) report home to parents. BMI screening and reporting occurs frequently in schools across the county, but little evidence exists about its impact on child health. Results from The Fit Study will allow school districts and Departments of Education across the country to make evidence-based decisions about the practice of BMI screening and reporting in schools.

As part of The Fit Study, Palm Middle School has been randomly selected to suspend the body composition portion of the Physical Fitness Test for 7th grade students during the 2014-15 and 2015-16 school years. During those years, 7th grade students will complete all other components of the Physical Fitness Test as normal. Halting body composition assessment among 7th grade students at Palm Middle School during the years indicated is critical to the scientific design of The Fit Study.

Student Population: 1258

City Type: Suburban

Public Hearing Date: 10/21/2014

Public Hearing Advertised: Newspaper posting (The Press Enterprise)

Local Board Approval Date: 10/21/2014

Community Council Reviewed By: Palm Middle School Site Council

Community Council Reviewed Date: 10/22/2014

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Jennifer Linchey

Position: Associate Specialist

E-mail: jlinchey@berkeley.edu

Telephone: 510-642-4861

Fax:

Bargaining Unit Date: 11/10/2014

Name: Moreno Valley Educators' Association

Representative: Harold Acord

Title: President

Position: Support

Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 5472256

Waiver Number: 12-10-2014

Active Year: 2014

Date In: 10/14/2014 3:40:40 PM

Local Education Agency: Visalia Unified School District
Address: 5000 West Cypress Ave.
Visalia, CA 93277

Start: 3/1/2015

End: 5/31/2017

Waiver Renewal: N

Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Physical Fitness Testing
Ed Code Title: Physical Fitness Testing
Ed Code Section: 60800
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (a) During the month of [February, March, April, or May], the governing board of each school district maintaining any of grades 5, 7, and 9 shall administer to each pupil in those grades the physical performance test designated by the State Board of Education. Each physically handicapped pupil and each pupil who is physically unable to take all of the physical performance test shall be given as much of the test as his or her condition will permit.

Outcome Rationale: The Visalia Unified School District requests that the annual requirement for body composition assessment as part of the Physical Fitness Test be suspended for 5th grade students at Four Creeks Elementary, Annie R. Mitchell, Mountain View, Pinkham, Royal Oaks, and Willow Glen Elementary and for 7th grade students at La Joya Middle during the 2014-15 and 2015-16 school years.

The Visalia Unified School District is participating in a statewide study on fitness testing in schools led by the University of California, Berkeley and funded by the National Institutes of Health. The Fit Study will evaluate the practice of measuring students' heights and weights at school and sending a body mass index (BMI) report home to parents. BMI screening and reporting occurs frequently in schools across the county, but little evidence exists about its impact on child health. Results from The Fit Study will allow school districts and Departments of Education across the country to make evidence-based decisions about the practice of BMI screening and reporting in schools.

As part of The Fit Study, the aforementioned schools in the Visalia Unified School District have been randomly selected to suspend the body composition portion of the Physical Fitness Test for 5th and 7th grade students during the 2014-15 and 2015-16 school years. Fifth and 7th grade students at these schools will complete the other five components of the Physical Fitness Test as normal. Halting body composition assessment among 5th and 7th grade students at these five schools is critical to the scientific design of The Fit Study. Since body composition

assessment will only be halted for two academic years, all affected 5th and 7th grade students will participate in body composition assessment in 7th or 9th grade, respectively.

Student Population: 4010

City Type: Small

Public Hearing Date: 9/25/2014

Public Hearing Advertised: district website; notices at school sites

Local Board Approval Date: 9/25/2014

Community Council Reviewed By: Visalia Unified Coordinated School Health Advisory Committee

Community Council Reviewed Date: 9/19/2014

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Jennifer Linchey

Position: Associate Specialist

E-mail: jlinchey@berkeley.edu

Telephone: 510-642-4861

Fax:

Bargaining Unit Date: 10/07/2014

Name: Visalia Unified Teachers Association

Representative: Karl Kildow

Title: President

Position: Support

Comments:



CALIFORNIA
DEPARTMENT OF
EDUCATION

TOM TORLAKSON
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

January 20, 2012

Kristine Madsen, MD, MPH
University of California, San Francisco
3333 California Street, Suite 245
San Francisco, CA94118

Dear Dr. Madsen,

I am pleased to offer the California Department of Education's (CDE) support for your study *RCT of BMI screening and reporting: effects on obesity, disparities, and body satisfaction*. Your work will evaluate the effect of fitness and body mass index (BMI) screening and reporting processes on child health at a population-level, and you will simultaneously assess students' attitudes towards these practices. Your study fits with the State Superintendent of Public Instruction, Tom Torlakson's *Team California for Healthy Kids* initiative that is based on the foundation that student health is integral to student academic success.

I understand that you will invite 75 schools across California to participate in your study. It will be completely voluntary on the part of the school to choose whether or not to participate in the study. I also understand that once schools have agreed to participate, they will be randomly assigned to one of three groups: 1) conducting fitness and BMI screening as usual and sending BMI reports to parents (Group 1); 2) conducting fitness and BMI screening only (Group 2); or 3) conducting fitness screening, but not measuring BMI in 2015 or 2016 (Group 3).

As you have described, this study will span 4 school years, beginning in the 2013–14 school year and concluding in the 2016–17 school year. Students in grades three through eight may participate. You will use a passive consent process, whereby parents may return a form to the school to *decline* participation for their child. Your research team will administer a survey to students in grades four through eight in each year of the study. In 2013–14, all schools will conduct fitness testing (and BMI assessments) as usual. In the spring of 2015 and 2016, students in Group 3 will not have their BMI measured, but students in Groups 1 and 2 will (and all students will

11/25/2014 1:25 PM

undergo routine additional fitness tests). All students will have BMI assessed again in 2016-2017. Another aspect of this study will entail measuring students' attitudes

Kristine Madsen, MD, MPH

January 20, 2012

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towards BMI screening, such as comfort with measures, any weight-related teasing they experience, body satisfaction, and weight control behaviors. Finally, a random sample of parents will be invited to complete a survey in 2016 asking about their attitudes towards fitness and BMI screening in schools.

While the CDE supports this study, we understand that it will be the responsibility of your research team to recruit local educational agencies (LEAs) and schools. LEAs and schools will sign a Memorandum of Understanding (MOU) with UCSF and issues of data sharing will be taken up directly with districts and schools.

It is also important to note that LEAs that are assigned Group 3 will be required to obtain a State Board of Education waiver from the requirements to measure BMI and report those results. Any LEA or school that participates in the study as part of Group 3 without a State Board of Education approved waiver will be considered out of compliance with state statute.

We are very interested in the results of this study and appreciate the commitment to provide California LEAs, school and the CDE with information regarding the results of this study.

Sincerely,

Deborah V.H. Sigman, Deputy Superintendent of Public Instruction
District, School and innovation Branch

DS/mc



California State Board of Education
Meeting Agenda Items for January 14, 2015

WAIVER ITEM W-09



CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2015 AGENDA

General Waiver

<p>SUBJECT</p> <p>Request by three school districts to waive California Education Code sections specific to statutory provisions for the sale or lease of surplus property.</p> <p>Waiver Numbers: Hacienda-la Puente Unified School District 5-11-2014 Hacienda-la Puente Unified School District 6-11-2014 Hacienda-la Puente Unified School District 7-11-2014 Hacienda-la Puente Unified School District 8-11-2014 Palm Springs Unified School District 1-11-2014 Palm Springs Unified School District 2-11-2014 Palm Springs Unified School District 3-11-2014 Palm Springs Unified School District 4-11-2014 San Lorenzo Unified School District 3-9-2014 San Lorenzo Unified School District 4-9-2014</p>	<p><input checked="" type="checkbox"/> Action</p> <p><input checked="" type="checkbox"/> Consent</p>
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SUMMARY OF THE ISSUES

The Hacienda-la Puente Unified School District (USD) is requesting a waiver of *Education Code (EC)* sections 17472, 17473, and 17474 and portions of sections 17455, 17466, 17468, 17469, 17470, and 17475 which will allow the district to sell four pieces of property using a “request for proposal” (RFP) process that will provide the most benefit to the district.

The Palm Springs USD is requesting a waiver of *EC* sections 17473 and 17474 and portions of 17466, 17472, and 17475 which will allow the district to sell four pieces of property using a “request for proposal” process that will provide the most benefit to the district.

The San Lorenzo USD is requesting a waiver of *EC* sections 17473 and 17474 and portions of 17455, 17466, 17468, 17469, 17470, 17472, and 17475 which will allow the district to sell or lease two pieces of property using a “request for proposal” process that will provide the most benefit to the district.

Authority for Waiver: *EC* Section 33050

RECOMMENDATION

Approval Approval with conditions Denial

The California Department of Education recommends approval with the following conditions: that the proposals for the Hacienda-la Puente USD, Palm Springs USD, and San Lorenzo USD governing boards determined 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 discussed in public session and included in the minutes of the meeting.

The Palm Springs USD must obtain the necessary consents to an assignment from the Bureau of Indian Affairs (BIA) and the individual owner of the land leases for the properties located at 980 East Tahquitz Canyon Way and 1000 East Tahquitz Canyon Way, Palm Springs, CA prior to selling the properties.

Additionally, districts that acquired property with funding from the State Allocation Board (SAB) and did not meet specific criteria in *EC* Section 17462.3 may be subject to a reduction in the funds received from the SAB.

SUMMARY OF KEY ISSUES

Under the provisions of *EC* sections 33050 through 33053, the districts are requesting that specific portions of the *EC* relating to the sale or lease of surplus property be waived.

The Hacienda-la Puente USD is requesting that the requirement of sealed proposals and the oral bidding process be waived allowing the district to market the properties based on the brokerage process, selling at the highest possible value on the most advantageous terms for the district.

The Hacienda-la Puente USD is requesting the sale of four pieces of real property located in the Hacienda Heights and Avocado Heights areas of unincorporated Los Angeles County. All properties were recommended surplus by the district Facilities Advisory Committee. One property is located at 16949 Wedgeworth Drive. The Facilities Advisory Committee recommended 14 acres of this 20.04 parcel surplus. Currently, there is an all-portable school located on this acreage. The district wishes to sell the 14 acres in order to construct a new elementary school on the remaining 6.04 acres replacing the all-portable school currently located there. The new school and students will be separated from any development on the 14 acre site by a permanent wall. The second site is the former Valley High Continuation School located at 14162 East Lomitas Avenue consisting of five acres. The students were relocated several years ago and the property has been declared surplus. The third site is located at 15405 La Subida Drive consisting of 12.58 acres. This site currently houses the Instructional Services Center which will be relocated to another district property. The fourth site is at 16234 Folger Street, the former Glenelder School, and consists of 10 acres. The students from the former Glenelder School were relocated to a new K-8 school. The proceeds of the sale of these properties will be used to design and construct a new

elementary school located at the current Wedgeworth site. The board has stipulated that a minimum of five proposals be brought forward and the board will select the proposal that meets the needs of the district.

The Palm Springs USD is requesting that the requirement of sealed proposals and the oral bidding process be waived allowing the district to market the properties using an RFP process allowing the district to maximize the proceeds from the sale.

The Palm Springs USD is requesting the sale of four pieces of real property. The district owns approximately 9.80 acres of real property located at 1450 Baristo Road, Palm Springs, CA. This property includes office buildings and a tennis center which is currently leased by the City of Palm Springs. The second property is approximately 80 acres of real property located along the east side of Rattler Road in the City of Rancho Mirage. This property is currently vacant land. Additionally, the district owns certain buildings located at 980 East Tahquitz Canyon Way and 1000 East Tahquitz Canyon Way, Palm Springs, CA which is on land leased by the district. The buildings are used by the district for administrative offices, meeting rooms, and health services. These facilities will be moved to a new location within the district. The district held a bid auction for the Rattler Road Property but did not receive bids that met the appraised fair market value. The two properties located on East Tahquitz Canyon are located on Indian Reservation land, and, therefore, there is a need to assign the ground leases and receive consents from the BIA. The RFP process will allow the district to negotiate with potential buyers with consideration of these unique requirements. The property located at 1450 Baristo Road will also need to be negotiated via the RFP process due to a lease held by the City of Palm Springs.

The San Lorenzo USD is requesting that the requirement of sealed proposals and the oral bidding process be waived allowing the district to market the properties using an RFP process allowing the district to maximize the proceeds from the sale or lease. In 2012 the district put these properties out to bid for lease. No responses or sealed bids were received and the existing lease agreements were extended for 36 months.

It is the intent of the district that multiple proposals will be brought forward to the district's board and any offer agreed upon by the district will be subject to board approval in open session.

The San Lorenzo USD is requesting the sale or lease of two pieces of real property. The district is requesting to lease the Lewelling School Site, located at 750 Fargo Avenue, San Leandro, California. This site is approximately 10 acres of real property with approximately 40,000 square feet of buildings. The site has not been used as a public school site for 30 years and has been leased to a private school. This lease will expire in July 2015. San Lorenzo USD is requesting to sell the El Portal School site, located at 2330 Pomar Vista, Castro Valley, California. This site is approximately five acres of real property with approximately 15,000 square feet of buildings. The site has not been used as a public school for 35 years.

Demographic Information:

Hacienda-la Puente USD has a student population of 19,953 and is located in a suburban area in Los Angeles County.

Palm Springs USD has a student population of 24,000 and is located in a suburban area in Riverside County.

San Lorenzo USD has a student population of 11,359 and is located in an urban area in Alameda County.

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://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC§ionNum=33051.

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 districts are requesting to waive the same or similar provisions for the sale or lease of surplus property.

FISCAL ANALYSIS (AS APPROPRIATE)

The flexibility in property disposition requested herein will allow the Hacienda-la Puente USD to maximize revenue. The applicant district will financially benefit from the sale of the properties.

The flexibility in property disposition requested herein will allow the Palm Springs USD to maximize revenue. The applicant district will financially benefit from the sale of the properties.

The flexibility in property disposition requested herein will allow the San Lorenzo USD to maximize revenue. The applicant district will financially benefit from the sale and lease of the properties.

ATTACHMENT(S)

Attachment 1: Summary Table (5 pages)

Attachment 2: Hacienda-la Puente USD General Waiver Request 5-11-2014 (5 pages).
(Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Hacienda-la Puente USD General Waiver Request 6-11-2014 (5 pages).
(Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Hacienda-la Puente USD General Waiver Request 7-11-2014 (5 pages).
(Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Hacienda-la Puente USD General Waiver Request 8-11-2014 (5 pages).
(Original waiver request is signed and on file in the Waiver Office.)

Attachment 6: Palm Springs USD General Waiver Request 1-11-2014 (5 pages).
(Original waiver request is signed and on file in the Waiver Office.)

Attachment 7: Palm Springs USD General Waiver Request 2-11-2014 (4 pages).
(Original waiver request is signed and on file in the Waiver Office.)

Attachment 8: Palm Springs USD General Waiver Request 3-11-2014 (5 pages).
(Original waiver request is signed and on file in the Waiver Office.)

Attachment 9: Palm Springs USD General Waiver Request 4-11-2014 (5 pages).
(Original waiver request is signed and on file in the Waiver Office.)

Attachment 10: San Lorenzo USD General Waiver Request 3-9-2014 (5 pages).
(Original waiver request is signed and on file in the Waiver Office.)

Attachment 11: San Lorenzo USD General Waiver Request 4-9-2014 (4 pages).
(Original waiver request is signed and on file in the Waiver Office.)

Information from Districts Requesting Waivers of Sale or Lease of Surplus Property

Waiver Number	School District	Property	Period of Request	Local Board Approval Date	Public Hearing Date	Bargaining Unit, Representatives Consulted, Date, and Position	Advisory Committee Consulted
5-11-2014	Hacienda-la Puente Unified	Wedgeworth School Site	<p>Requested: November 4, 2014, to November 3, 2016</p> <p>Recommended: November 4, 2014, to November 2, 2016</p>	October 9, 2014	October 9, 2014	<p>Hacienda la-Puente Teacher Association (HLPTA), November 12, 2014 Jane Shultz, President Neutral</p> <p>California School Employee Association #115, November 19, 2014 Eugene Marquez, President Support</p> <p>Service Employee Union International Local 99, November 12, 2014 Joyce Garcia, Chief Steward Support</p>	<p>District Facilities Advisory Committee, October 23, 2014 No objections</p>

6-11-2014	Hacienda-la Puente Unified	14162 East Lomitas Avenue Site	<p>Requested: November 4, 2014, to November 3, 2016</p> <p>Recommended: November 4, 2014, to November 2, 2016</p>	October 9, 2014	October 9, 2014	<p>Hacienda la-Puente Teacher Association (HLPTA), November 12, 2014 Jane Shultz, President Neutral</p> <p>California School Employee Association #115, November 19, 2014 Eugene Marquez, Present Support</p> <p>Service Employee Union International Local 99, November 12, 2014 Joyce Garcia, Chief Steward Support</p>	<p>District Facilities Advisory Committee, October 23, 2014 No objections</p>
7-11-2014	Hacienda-la Puente Unified	Instructional Services Center, 15405 La Subida Drive	<p>Requested: November 4, 2014, to November 3, 2016</p> <p>Recommended: November 4, 2014, to November 2, 2016</p>	October 9, 2014	October 9, 2014	<p>Hacienda la-Puente Teacher Association (HLPTA), November 12, 2014 Jane Shultz, President Neutral</p> <p>California School Employee Association #115, November 19, 2014 Eugene Marquez, Present Support</p>	<p>District Facilities Advisory Committee, October 23, 2014 No objections</p>

						<p>Service Employee Union International Local 99, November 12, 2014 Joyce Garcia, Chief Steward Support</p>	
8-11-2014	Hacienda-la Puente Unified	Former Glenelder Site, 16234 Folger Street	<p>Requested: November 4, 2014, to November 3, 2016</p> <p>Recommended: November 4, 2014, to November 2, 2016</p>	October 9, 2014	October 9, 2014	<p>Hacienda la-Puente Teacher Association (HLPTA), November 12, 2014 Jane Shultz, President Neutral</p> <p>California School Employee Association #115, November 19, 2014 Eugene Marquez, Present Support</p> <p>Service Employee Union International Local 99, November 12, 2014 Joyce Garcia, Chief Steward Support</p>	<p>District Facilities Advisory Committee, October 23, 2014 No objections</p>
1-11-2014	Palm Springs Unified	980 East Tahquitz Road, Admin Offices	<p>Requested: November 3, 2014 to November 3, 2015</p> <p>Recommended: November 3, 2014 to November 1, 2015</p>	October 14, 2014	October 14, 2014	<p>Palm Springs USD Teachers Association (PSUSDTA), October 6, 2014 Mark Acker, President Support</p>	<p>Board of Education, October 14, 2014 No objections</p>

2-11-2014	Palm Springs Unified	1450 Baristo Road Tennis Center	<p>Requested: November 3, 2014 to November 3, 2015</p> <p>Recommended: November 3, 2014 to November 1, 2015</p>	October 14, 2014	October 14, 2014	Palm Springs USD Teachers Association (PSUSDTA), October 6, 2014 Mark Acker, President Support	Board of Education, October 14, 2014 No objections
3-11-2014	Palm Springs Unified	1000 East Tahquitz Road, Meeting and health rooms	<p>Requested: November 3, 2014 to November 3, 2015</p> <p>Recommended: November 3, 2014 to November 1, 2015</p>	October 14, 2014	October 14, 2014	Palm Springs USD Teachers Association (PSUSDTA), October 6, 2014 Mark Acker, President Support	Board of Education, October 14, 2014 No objections
4-11-2014	Palm Springs Unified	Rattler Road Property vacant land	<p>Requested: November 3, 2014 to November 3, 2015</p> <p>Recommended: November 3, 2014 to November 1, 2015</p>	October 14, 2014	October 14, 2014	Palm Springs USD Teachers Association (PSUSDTA), October 6, 2014 Mark Acker, President Support	Board of Education, October 14, 2014 No objections
3-9-2014	San Lorenzo Unified	El Portal School Site	<p>Requested: January 16, 2015 to January 15, 2017</p> <p>Recommended: January 16, 2015 to January 14, 2017</p>	September 2, 2014	September 2, 2014	California School Employees Association, Chapter 69 (CSEA), August 28, 2014 Neva Rowden, President Neutral San Lorenzo Education Association,	Citizens Oversight Committee, August 26, 2014 No objections

						<p>August 26, 2014 Donna Pinkey, President Neutral</p> <p>Service Employees International Union Local 1021, August 28, 2014 David Wiley, President Neutral</p>	
4-9-2014	San Lorenzo Unified	Lewelling School Site	<p>Requested: January 16, 2015 to January 15, 2017</p> <p>Recommended: January 16, 2015 to January 14, 2017</p>	September 2, 2014	September 2, 2014	<p>California School Employees Association, Chapter 69 (CSEA), August 28, 2014 Neva Rowden, President Neutral</p> <p>San Lorenzo Education Association, August 26, 2014 Donna Pinkey, President Neutral</p> <p>Service Employees International Union Local 1021, August 28, 2014 David Wiley, President Neutral</p>	<p>Citizens Oversight Committee, August 26, 2014 No objections</p>

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1973445
Year: 2014

Waiver Number: 5-11-2014

Active

Date In: 11/4/2014 9:56:27 AM

Local Education Agency: Hacienda la Puente Unified School District
Address: 15959 East Gale Ave.
City Of Industry, CA 91745

Start: 11/4/2014

End: 11/3/2016

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, 17468, 17469, 17470, 17472, 17473, 17474, 17475 et seq.
(selected sections)
Ed Code Authority: 33050

Ed Code or CCR to Waive: *Education Code § 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 District requests the stricken language be waived since the District is asking that several provisions of Article 4 be waived and consequently, the sale will not be made precisely in the manner provided in Article 4.

Education Code § 17466.

Before ordering the sale or lease of any property the governing board, in a regular open meeting, by a two-thirds vote of all its members, shall adopt a resolution, declaring its intention to sell or lease the property, as the case may be. The resolution shall describe the property proposed to be sold or leased in such manner as to identify it [and shall specify the minimum price or rental and the terms upon which it will be sold or leased]and the commission, or rate thereof, if any, which the board will pay to a licensed real estate broker [out of the minimum price or rental. The resolution shall fix a time not less than three weeks thereafter for a public meeting of the governing board to be held at its regular place of meeting, at which sealed proposals to purchase or lease will be received and considered].

Rationale: The stricken language to be waived provides for the governing board to establish a minimum price and receive sealed proposals for the purchase of the property at an identified meeting of the District's governing board. The District is requesting that the process of sealed proposals and oral bids to sell the property be waived, allowing the District to negotiate the sale

of a portion of the Wedgeworth School site with an interested purchaser through a more direct process. The District has already passed a resolution of intent to sell the property and has made the statutorily required offers under *Education Code* sections 17457, 17457.5, 17464 and *Government Code* sections 54220 et seq. No purchase resulted. The District intends to conduct directed outreach to developers known to have interest in the property and may use the services of a licensed real estate broker to do so, thereby providing the District with the opportunity to negotiate directly with interested purchasers. Once that process is finalized, the District will bring the proposed sale to its governing board, which will consider a resolution to approve the purchase and sale contract.

Education Code § 17468.

If, in the discretion of the board, it is advisable to offer to pay a commission to a licensed real estate broker who is instrumental in obtaining any proposal, the commission shall be specified in the resolution. No commission shall be paid unless there is contained in or with the [sealed] proposal[or stated in or with the oral bid], which is finally accepted, the name of the licensed real estate broker to whom it is to be paid, and the amount or rate thereof. Any commission shall, however, be paid only out of money received by the board from the sale or rental of the real property.

Rationale: The stricken language to be waived provides for the District to include information about a broker's commission in sealed proposals and oral bids. As stated above, the District is requesting that the requirement of sealed proposals and oral bidding to purchase the property be waived, allowing the District to use the services of a broker but waiving the requirement of a "sealed" proposal or "oral bid." If the District uses a licensed real estate broker, the commission shall be specified in documents required through a brokered sale.

Education Code § 17469.

Notice of the adoption of the resolution [and of the time and place of holding the meeting] shall be given by posting copies of the resolution signed by the board or by a majority thereof in three public places in the district, [not less than 15 days before the date of the meeting,]and by publishing the notice not less than once a week for three successive weeks [before the meeting] in a newspaper of general circulation published in the county in which the district or any part thereof is situated, if any such newspaper is published therein.

Rationale: The stricken language to be waived assumes that the governing board would be following the process of opening proposals and hearing oral bids at a specific meeting. Such a requirement, however, would be removed pursuant to the language requested to be stricken in *Education Code* Section 17466. As modified, the District would still be required to provide notice of its adoption of a resolution to sell the property, but the posting of that resolution and notice in a newspaper is not connected to the process of opening proposals and hearing oral bids.

Education Code § 17470.

(a) The governing board of a school district that intends to sell real property pursuant to this article shall take reasonable steps to ensure that the former owner from whom the district acquired the property receives notice [of the public meeting prescribed by Section 17466,] in writing, by certified mail[, at least 60 days prior to the meeting].

(b) The governing board of a school district shall not be required to accord the former owner the right to purchase the property at the tentatively accepted highest bid price nor to offer to sell the property to the former owner at the tentatively accepted highest bid price.

Rationale: The stricken language to be waived assumes that the governing board would be following the process of opening proposals and hearing oral bids at a specific meeting. Such a requirement, however, would be removed pursuant to the language requested to be stricken in *Education Code* Section 17466. As modified, the District would still be required to take reasonable steps to provide notice to the former owner, but the provision of such notice would no longer be connected to the process of opening proposals and hearing oral bids.

Education Code § 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: The District requests the entire section be waived because the District desires to directly negotiate an agreement to sell a portion of the Wedgeworth School Site. The requirements of this section would be removed pursuant to the language requested to be stricken in *Education Code* Section 17466.

Education Code § 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 District requests the entire section be waived because the District requests that the process of sealed proposals and oral bidding be waived in order to negotiate an agreement to sell a portion of the Wedgeworth School Site directly with interested purchasers. The requirements of this section would be removed pursuant to the language requested to be stricken in *Education Code* Section 17466.

Education Code § 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 District requests the entire section be waived because the District requests that the process of sealed proposals and oral bidding be waived in order to negotiate an agreement to sell a portion of the Wedgeworth School Site directly with interested purchasers. The requirements of this section would be removed pursuant to the language requested to be

stricken in *Education Code* Section 17466.

Education Code § 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: The District requests modification of this section to allow the governing board to consider proposals received and, as desired and appropriate, direct further negotiation and approve the selected proposal.

Outcome Rationale: The Hacienda La Puente Unified School District ("District") seeks a waiver of those portions of *Education Code* statutes requiring the District to open sealed proposals and hear oral bids in order to sell the surplus portion of the Wedgeworth School site currently owned by the District.

The Wedgeworth School site, located at 16949 Wedgeworth Drive in the Hacienda Heights area of unincorporated Los Angeles County, consists of 20.04 acres. Following the recommendation of its Facilities Advisory Committee, the District's governing board declared 14 acres to be surplus property and available for sale ("Property"). The Property is currently zoned as development property by the County of Los Angeles. The District intends to sell the Property and use the proceeds to design and construct a new elementary school on the remaining 6.04 acres of the Wedgeworth School site. For forty years children of the residents of Hacienda Heights have attended an all-portable school on Wedgeworth Drive. The new school would replace the all-portable school on land already owned by the District. During construction there will be a physical barrier (fence) separating the existing school from the construction area. Following construction, although design plans have not yet been finalized, at a minimum, a permanent wall will separate school grounds from the surrounding area.

The District has already complied with the statutory requirements to offer the Property for sale to the entities listed in *Education Code* Sections 17455 et seq., which have declined to purchase it, and now the District seeks to negotiate the sale of the Property with interested purchasers through a direct process.

The District respectfully requests that it be allowed to sell the Property by taking it to the private market place and, through the brokerage process, selling it at the highest possible value on the most advantageous terms. Any offer agreed upon by the District would be subject to approval of the District's governing board in open session. Waiver of the statutory provisions will allow the District to maximize the value of the Property.

Student Population: 19953

City Type: Suburban

Public Hearing Date: 10/9/2014

Public Hearing Advertised: Posted on District website, at District office and other sites where agenda is posted.

Local Board Approval Date: 10/9/2014

Community Council Reviewed By: District Facilities Advisory Committee

Community Council Reviewed Date: 10/23/2014

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Mark Hansberger
Position: Facilities Director
E-mail: mhansberger@hlpusd.k12.ca.us
Telephone: 626-933-8700 x8701
Fax: 626-333-7416

Bargaining Unit Date:

Name:

Representative:

Title:

Position:

Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1973445
Year: 2014

Waiver Number: 6-11-2014

Active

Date In: 11/4/2014 10:19:44 AM

Local Education Agency: Hacienda la Puente Unified School District
Address: 15959 East Gale Ave.
City Of Industry, CA 91745

Start: 11/4/2014

End: 11/3/2016

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, 17468, 17469, 17470, 17472, 17473, 17474, 17475 et seq.
(selected sections)

Ed Code Authority: 33050

Ed Code or CCR to Waive: *Education Code § 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 language indicating that the sale of the property is to be made in the manner provided by this article is requested to be waived since the District is asking that several provisions of the article be waived and consequently, the sale will not be made in the manner provided in Article 4.

Education Code § 17466.

Before ordering the sale or lease of any property the governing board, in a regular open meeting, by a two-thirds vote of all its members, shall adopt a resolution, declaring its intention to sell or lease the property, as the case may be. The resolution shall describe the property proposed to be sold or leased in such manner as to identify it [and shall specify the minimum price or rental and the terms upon which it will be sold or leased]and the commission, or rate thereof, if any, which the board will pay to a licensed real estate broker [out of the minimum price or rental. The resolution shall fix a time not less than three weeks thereafter for a public meeting of the governing board to be held at its regular place of meeting, at which sealed proposals to purchase or lease will be received and considered].

Rationale: The stricken language to be waived provides for the governing board to establish a minimum price and receive sealed proposals for the purchase of the property at an identified meeting of the District's governing board. The District is requesting that the requirement of

sealed proposals to purchase the property be waived, allowing the District to negotiate the sale of the Valley High Continuation School Site with an interested purchaser through a two-phase Request for Proposals (RFP) process. The District intends to provide public notice of the sale, as well as conduct directed outreach to developers known to have the capital and experience necessary for the project, thereby providing the District with the opportunity to negotiate with interested purchasers based on a variety of factors, including experience and purchase price. As the District cannot predict in advance the timing of negotiations with interested purchasers, it cannot at the time of adopting the resolution contemplated by this Section 17466 know when proposals must be brought back to the governing board for consideration. The District intends to utilize the services of a broker to advertise and solicit proposals for the purchase of the Valley High Continuation School Site, and bring proposals to the governing board when necessary to consider the approval of a sale.

Education Code § 17468.

If, in the discretion of the board, it is advisable to offer to pay a commission to a licensed real estate broker who is instrumental in obtaining any proposal, the commission shall be specified in the resolution. No commission shall be paid unless there is contained in or with the [sealed] proposal[or stated in or with the oral bid], which is finally accepted, the name of the licensed real estate broker to whom it is to be paid, and the amount or rate thereof. Any commission shall, however, be paid only out of money received by the board from the sale or rental of the real property.

Rationale: The stricken language to be waived provides for the District to receive sealed proposals and oral bids to purchase the property at an identified meeting of the District's governing board. The District is requesting that the requirement of sealed proposals and oral bidding to purchase the property be waived, allowing the District to negotiate the sale of the Valley High Continuation School Site with an interested purchaser.

Education Code § 17469.

Notice of the adoption of the resolution [and of the time and place of holding the meeting] shall be given by posting copies shall be given by posting copies of the resolution signed by the board or by a majority thereof in three public places in the district, [not less than 15 days before the date of the meeting,]and by publishing the notice not less than once a week for three successive weeks [before the meeting] in a newspaper of general circulation published in the county in which the district or any part thereof is situated, if any such newspaper is published therein.

Rationale: The stricken language to be waived assumes that the Board would be setting a specific meeting to receive proposals for the purchase of the Valley High Continuation School Site. Such a requirement, however, will be removed pursuant to the language stricken within *Education Code* Section 17466. As modified, the District would still be required to provide notice of its adoption of a resolution of intent to sell the property, but the posting of that resolution and notice in a newspaper would no longer be tied to an established date to receive proposals.

Education Code § 17470.

(a) The governing board of a school district that intends to sell real property pursuant to this article shall take reasonable steps to ensure that the former owner from whom the district acquired the property receives notice [of the public meeting prescribed by Section 17466,] in writing, by certified mail[, at least 60 days prior to the meeting].

(b) The governing board of a school district shall not be required to accord the

former owner the right to purchase the property at the tentatively accepted highest bid price nor to offer to sell the property to the former owner at the tentatively accepted highest bid price.

Rationale: The stricken language to be waived assumes that the Board would be setting a specific meeting to receive proposals for the purchase of the Valley High Continuation School Site. Such a requirement, however, will be removed pursuant to the language stricken within *Education Code* Section 17466. As modified, the District would still be required to take reasonable steps to provide notice to the former owner, but the provision of such notice would no longer be tied to an established date to receive proposals.

Education Code § 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: The entire section is to be waived because the District, in negotiating an agreement to sell the Valley High Continuation School Site, will not be opening bids in public session. The District is requesting that the requirement of sealed proposals and oral bidding to purchase the property be waived, allowing the District to negotiate the sale of the Valley High Continuation School Site with an interested purchaser.

Education Code § 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 the Valley High Continuation School Site, will not be accepting oral bids.

Education Code § 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 the Valley High Continuation School Site, will not be accepting oral bids.

Education Code § 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: Modification of the section would remove the requirement that the governing board accept a proposal at the same meeting received, and would instead allow the governing board to consider proposals received and, as desired and appropriate, direct further negotiation.

Outcome Rationale: The Hacienda La Puente Unified School District ("District") seeks a waiver of those portions of *Education Code* statutes requiring the District to open sealed proposals and hear oral bids in order to sell the former Valley High Continuation School site currently owned by the District ("Property"). The Valley High Continuation School has been relocated to another site for several years.

The Property, located at 14162 East Lomitas Avenue in the Avocado Heights area of unincorporated Los Angeles County, consists of 5 acres. Following the recommendation of its Facilities Advisory Committee, the District's governing board declared the Property to be surplus and available for sale. The Property currently is zoned as development property by the County of Los Angeles. The District intends to sell the Property and use the proceeds to design and construct a new elementary school on another site owned by the District.

The District has already complied with the statutory requirements to offer the Property for sale to the entities listed in *Education Code* Sections 17455 et seq., which have declined to purchase it, and now the District seeks to negotiate the sale of the Property with interested purchasers through a direct process.

The District respectfully requests that it be allowed to sell the Property by taking it to the private market place and, through the brokerage process, selling it at the highest possible value on the most advantageous terms. Any offer agreed upon by the District would be subject to approval of the Board of Education in open session. Waiver of the statutory provisions will allow the District to maximize the value of the Property.

Student Population: 19953

City Type: Suburban

Public Hearing Date: 10/9/2014

Public Hearing Advertised: Posted on District website, at District office and other locations where Board agenda is usually posted.

Local Board Approval Date: 10/9/2014

Community Council Reviewed By: District Facilities Advisory Committee

Community Council Reviewed Date: 10/23/2014

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Mark Hansberger

Position: Facilities Director
E-mail: mhansberger@hlpusd.k12.ca.us
Telephone: 626-933-8700 x8701
Fax: 626-333-7416

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1973445
Year: 2014

Waiver Number: 7-11-2014

Active

Date In: 11/4/2014 10:31:54 AM

Local Education Agency: Hacienda la Puente Unified School District
Address: 15959 East Gale Ave.
City Of Industry, CA 91745

Start: 11/4/2014

End: 11/3/2016

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

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(selected sections)

Ed Code Authority: 33050

Ed Code or CCR to Waive: *Education Code § 17455.*

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Rationale: The language indicating that the sale of the property is to be made in the manner provided by this article is requested to be waived since the District is asking that several provisions of the article be waived and consequently, the sale will not be made in the manner provided in Article 4.

Education Code § 17466.

Before ordering the sale or lease of any property the governing board, in a regular open meeting, by a two-thirds vote of all its members, shall adopt a resolution, declaring its intention to sell or lease the property, as the case may be. The resolution shall describe the property proposed to be sold or leased in such manner as to identify it [and shall specify the minimum price or rental and the terms upon which it will be sold or leased]and the commission, or rate thereof, if any, which the board will pay to a licensed real estate broker [out of the minimum price or rental. The resolution shall fix a time not less than three weeks thereafter for a public meeting of the governing board to be held at its regular place of meeting, at which sealed proposals to purchase or lease will be received and considered].

Rationale: The stricken language to be waived provides for the governing board to establish a minimum price and receive sealed proposals for the purchase of the property at an identified meeting of the District's governing board. The District is requesting that the requirement of

sealed proposals to purchase the property be waived, allowing the District to negotiate the sale of the Instructional Services Center Site with an interested purchaser through a two-phase Request for Proposals (RFP) process. The District intends to provide public notice of the sale, as well as conduct directed outreach to developers known to have the capital and experience necessary for the project, thereby providing the District with the opportunity to negotiate with interested purchasers based on a variety of factors, including experience and purchase price. As the District cannot predict in advance the timing of negotiations with interested purchasers, it cannot at the time of adopting the resolution contemplated by this Section 17466 know when proposals must be brought back to the governing board for consideration. The District intends to utilize the services of a broker to advertise and solicit proposals for the purchase of the Instructional Services Center Site, and bring proposals to the governing board when necessary to consider the approval of a sale.

Education Code § 17468.

If, in the discretion of the board, it is advisable to offer to pay a commission to a licensed real estate broker who is instrumental in obtaining any proposal, the commission shall be specified in the resolution. No commission shall be paid unless there is contained in or with the [sealed] proposal[or stated in or with the oral bid], which is finally accepted, the name of the licensed real estate broker to whom it is to be paid, and the amount or rate thereof. Any commission shall, however, be paid only out of money received by the board from the sale or rental of the real property.

Rationale: The stricken language to be waived provides for the District to receive sealed proposals and oral bids to purchase the property at an identified meeting of the District's governing board. The District is requesting that the requirement of sealed proposals and oral bidding to purchase the property be waived, allowing the District to negotiate the sale of the Instructional Services Center Site with an interested purchaser.

Education Code § 17469.

Notice of the adoption of the resolution [and of the time and place of holding the meeting]shall be given by posting copies shall be given by posting copies of the resolution signed by the board or by a majority thereof in three public places in the district, [not less than 15 days before the date of the meeting,] and by publishing the notice not less than once a week for three successive weeks [before the meeting]in a newspaper of general circulation published in the county in which the district or any part thereof is situated, if any such newspaper is published therein.

Rationale: The stricken language to be waived assumes that the Board would be setting a specific meeting to receive proposals for the purchase of the Instructional Services Center Site. Such a requirement, however, will be removed pursuant to the language stricken within *Education Code* Section 17466. As modified, the District would still be required to provide notice of its adoption of a resolution of intent to sell the property, but the posting of that resolution and notice in a newspaper would no longer be tied to an established date to receive proposals.

Education Code § 17470.

- (a) The governing board of a school district that intends to sell real property pursuant to this article shall take reasonable steps to ensure that the former owner from whom the district acquired the property receives notice [of the public meeting prescribed by Section 17466,] in writing, by certified mail[, at least 60 days prior to the meeting].
- (b) The governing board of a school district shall not be required to accord the

former owner the right to purchase the property at the tentatively accepted highest bid price nor to offer to sell the property to the former owner at the tentatively accepted highest bid price.

Rationale: The stricken language to be waived assumes that the Board would be setting a specific meeting to receive proposals for the purchase of the Instructional Services Center Site. Such a requirement, however, will be removed pursuant to the language stricken within *Education Code* Section 17466. As modified, the District would still be required to take reasonable steps to provide notice to the former owner, but the provision of such notice would no longer be tied to an established date to receive proposals.

Education Code § 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: The entire section is to be waived because the District, in negotiating an agreement to sell the Instructional Services Center Site, will not be opening bids in public session. The District is requesting that the requirement of sealed proposals and oral bidding to purchase the property be waived, allowing the District to negotiate the sale of the Instructional Services Center Site with an interested purchaser.

Education Code § 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 the Instructional Services Center Site, will not be accepting oral bids.

Education Code § 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 the Instructional Services Center Site, will not be accepting oral bids.

Education Code § 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: Modification of the section would remove the requirement that the governing board accept a proposal at the same meeting received, and would instead allow the governing board to consider proposals received and, as desired and appropriate, direct further negotiation.

Outcome Rationale: The Hacienda La Puente Unified School District ("District") seeks a waiver of those portions of *Education Code* statutes requiring the District to open sealed proposals and hear oral bids in order to sell a 12.58 acre site which currently houses the Instructional Services Center ("Property"). Instructional Services will be relocated to another District property.

The Property, located at 15405 La Subida Drive in the Hacienda Heights area of unincorporated Los Angeles County, consists of 12.58 acres. Following the recommendation of its Facilities Advisory Committee, the District's governing board declared the Property to be surplus and available for sale. The Property currently is zoned as development property by the County of Los Angeles. The District intends to sell the Property and use the proceeds to design and construct a new elementary school on another site (Wedgeworth) owned by the District.

The District has already complied with the statutory requirements to offer the Property for sale to the entities listed in *Education Code* Sections 17455 et seq., which have declined to purchase it, and now the District seeks to negotiate the sale of the Property with interested purchasers through a direct process.

The District respectfully requests that it be allowed to sell the Property by taking it to the private market place and, through the brokerage process, selling it at the highest possible value on the most advantageous terms. Any offer agreed upon by the District would be subject to approval of the Board of Education in open session. Waiver of the statutory provisions will allow the District to maximize the value of the Property.

Student Population: 19953

City Type: Suburban

Public Hearing Date: 10/9/2014

Public Hearing Advertised: Posted on District website, at District office and other locations where Board agenda is usually posted.

Local Board Approval Date: 10/9/2014

Community Council Reviewed By: District Facilities Advisory Committee

Community Council Reviewed Date: 10/23/2014

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Mark Hansberger

Position: Facilities Director
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California Department of Education
WAIVER SUBMISSION - General

CD Code: 1973445
Year: 2014

Waiver Number: 8-11-2014

Active

Date In: 11/4/2014 10:44:42 AM

Local Education Agency: Hacienda la Puente Unified School District
Address: 15959 East Gale Ave.
City Of Industry, CA 91745

Start: 11/4/2014

End: 11/3/2016

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, 17468, 17469, 17470, 17472, 17473, 17474, 17475 et seq.
(selected sections)

Ed Code Authority: 33050

Ed Code or CCR to Waive: *Education Code § 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 language indicating that the sale of the property is to be made in the manner provided by this article is requested to be waived since the District is asking that several provisions of the article be waived and consequently, the sale will not be made in the manner provided in Article 4.

Education Code § 17466.

Before ordering the sale or lease of any property the governing board, in a regular open meeting, by a two-thirds vote of all its members, shall adopt a resolution, declaring its intention to sell or lease the property, as the case may be. The resolution shall describe the property proposed to be sold or leased in such manner as to identify it [and shall specify the minimum price or rental and the terms upon which it will be sold or leased]and the commission, or rate thereof, if any, which the board will pay to a licensed real estate broker [out of the minimum price or rental. The resolution shall fix a time not less than three weeks thereafter for a public meeting of the governing board to be held at its regular place of meeting, at which sealed proposals to purchase or lease will be received and considered].

Rationale: The stricken language to be waived provides for the governing board to establish a minimum price and receive sealed proposals for the purchase of the property at an identified meeting of the District's governing board. The District is requesting that the requirement of

sealed proposals to purchase the property be waived, allowing the District to negotiate the sale of the Glenelder Elementary School Site with an interested purchaser through a two-phase Request for Proposals (RFP) process. The District intends to provide public notice of the sale, as well as conduct directed outreach to developers known to have the capital and experience necessary for the project, thereby providing the District with the opportunity to negotiate with interested purchasers based on a variety of factors, including experience and purchase price. As the District cannot predict in advance the timing of negotiations with interested purchasers, it cannot at the time of adopting the resolution contemplated by this Section 17466 know when proposals must be brought back to the governing board for consideration. The District intends to utilize the services of a broker to advertise and solicit proposals for the purchase of the Glenelder Elementary School Site, and bring proposals to the governing board when necessary to consider the approval of a sale.

Education Code § 17468.

If, in the discretion of the board, it is advisable to offer to pay a commission to a licensed real estate broker who is instrumental in obtaining any proposal, the commission shall be specified in the resolution. No commission shall be paid unless there is contained in or with the [sealed] proposal[or stated in or with the oral bid], which is finally accepted, the name of the licensed real estate broker to whom it is to be paid, and the amount or rate thereof. Any commission shall, however, be paid only out of money received by the board from the sale or rental of the real property.

Rationale: The stricken language to be waived provides for the District to receive sealed proposals and oral bids to purchase the property at an identified meeting of the District's governing board. The District is requesting that the requirement of sealed proposals and oral bidding to purchase the property be waived, allowing the District to negotiate the sale of the Glenelder Elementary School Site with an interested purchaser.

Education Code § 17469.

Notice of the adoption of the resolution [and of the time and place of holding the meeting] shall be given by posting copies shall be given by posting copies of the resolution signed by the board or by a majority thereof in three public places in the district, [not less than 15 days before the date of the meeting,] and by publishing the notice not less than once a week for three successive weeks [before the meeting] in a newspaper of general circulation published in the county in which the district or any part thereof is situated, if any such newspaper is published therein.

Rationale: The stricken language to be waived assumes that the Board would be setting a specific meeting to receive proposals for the purchase of the Glenelder Elementary School Site. Such a requirement, however, will be removed pursuant to the language stricken within *Education Code* Section 17466. As modified, the District would still be required to provide notice of its adoption of a resolution of intent to sell the property, but the posting of that resolution and notice in a newspaper would no longer be tied to an established date to receive proposals.

Education Code § 17470.

- (a) The governing board of a school district that intends to sell real property pursuant to this article shall take reasonable steps to ensure that the former owner from whom the district acquired the property receives notice [of the public meeting prescribed by Section 17466,] in writing, by certified mail[, at least 60 days prior to the meeting].
- (b) The governing board of a school district shall not be required to accord the

former owner the right to purchase the property at the tentatively accepted highest bid price nor to offer to sell the property to the former owner at the tentatively accepted highest bid price. Rationale: The stricken language to be waived assumes that the Board would be setting a specific meeting to receive proposals for the purchase of the Glenelder Elementary School Site. Such a requirement, however, will be removed pursuant to the language stricken within *Education Code* Section 17466. As modified, the District would still be required to take reasonable steps to provide notice to the former owner, but the provision of such notice would no longer be tied to an established date to receive proposals.

Education Code § 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: The entire section is to be waived because the District, in negotiating an agreement to sell the Glenelder Elementary School Site, will not be opening bids in public session. The District is requesting that the requirement of sealed proposals and oral bidding to purchase the property be waived, allowing the District to negotiate the sale of the Glenelder Elementary School Site with an interested purchaser.

Education Code § 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 the Glenelder Elementary School Site, will not be accepting oral bids.

Education Code § 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 the Glenelder Elementary School Site, will not be accepting oral bids.

Education Code § 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: Modification of the section would remove the requirement that the governing board accept a proposal at the same meeting received, and would instead allow the governing board to consider proposals received and, as desired and appropriate, direct further negotiation.

Outcome Rationale: The Hacienda La Puente Unified School District ("District") seeks a waiver of those portions of *Education Code* statutes requiring the District to open sealed proposals and hear oral bids in order to sell the former Glenelder School site currently owned by the District ("Property"). All of the students from Glenelder have been relocated to a nearby school that was converted into a K-8 school to accommodate them.

The Property, located at 16234 Folger Street in the Hacienda Heights area of unincorporated Los Angeles County, consists of 10 acres. Following the recommendation of its Facilities Advisory Committee, the District's governing board declared the Property to be surplus and available for sale. The Property currently is zoned as development property by the County of Los Angeles. The District intends to sell the Property and use the proceeds to design and construct a new elementary school on another site owned by the District.

The District respectfully requests that it be allowed to sell the Property by taking it to the private market place and, through the brokerage process, selling it at the highest possible value on the most advantageous terms. Any offer agreed upon by the District would be subject to approval of the Board of Education in open session. Waiver of the statutory provisions will allow the District to maximize the value of the Property.

Student Population: 19953

City Type: Suburban

Public Hearing Date: 10/9/2014

Public Hearing Advertised: Posted on District website, at District office and other locations where Board agenda is usually posted.

Local Board Approval Date: 10/9/2014

Community Council Reviewed By: District Facilities Advisory Committee

Community Council Reviewed Date: 10/23/2014

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Mark Hansberger
Position: Facilities Director
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California Department of Education
WAIVER SUBMISSION - General

CD Code: 3367173
Year: 2014

Waiver Number: 1-11-2014

Active

Date In: 11/3/2014 11:44:54 AM

Local Education Agency: Palm Springs Unified School District
Address: 980 East Tahquitz Canyon Way
Palm Springs, CA 92262

Start: 11/3/2014

End: 11/3/2015

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: 17466, 17472, 17473, 17474
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: The Palm Springs Unified School District ("Dostrict") desires to waive the following sections and portions of the *Education Code*. Specifically, the District requests that the language in brackets [] be waived:

EC 17466. Before ordering the sale or lease of any property the governing board, in a regular open meeting, by a two-thirds vote of all its members, shall adopt a resolution, declaring its intention to sell or lease the property, as the case may be. The resolution shall describe the property proposed to be sold or leased in such manner as to identify it [and shall specify the minimum price or rental and the terms upon which it will be sold or leased and the commission, or rate thereof, if any, which the board will pay to a licensed real estate broker out of the minimum price or rental. The resolution shall fix a time not less than three weeks thereafter for a public meeting of the governing board to be held at its regular place of meeting, at which sealed proposals to purchase or lease will be received and considered.] .

Rationale: The purpose of this request is to allow the District to waive the sealed proposal requirement of *Education Code* and use an alternative procedure for the sale of approximately 1.99 acres of real property located within the District at 980 East Tahquitz Canyon Way, Palm Springs, California 92262, consisting of certain buildings the District currently owns (the "Property") located on land currently leased by the District (the "Land"), known generally as the 980 East Tahquitz Property. Specifically, the District desires to sell the Property via an alternative "Request for Proposals" ("RFP") process, in which the District seeks proposals and negotiates with selected proposers to enter into a purchase and sale agreement that provides the most benefit to the District. The deleted language indicates that the District must pass a resolution setting a time by which the District will open all sealed bids for the Property. Since the District will not be conducting a bid process, and cannot predict the timing of the RFP process and its subsequent negotiations with proposers, it cannot at the time of adopting the resolution contemplated by this Section 17466 know when proposals must be brought back to the governing board for consideration. After passing a resolution that authorizes the District to

go forward with the RFP process, the District intends to solicit proposals for the Property and bring proposals to the governing board to consider the approval of the sale.

EC 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 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: The purpose of this request is to allow the District to waive the sealed proposal requirement of *Education Code* and use an alternative procedure for the sale of the approximately 1.99 acres of real property located within the District at 980 East Tahquitz Canyon Way, Palm Springs, California 92262, consisting of certain buildings the District currently owns (the "Property") located on land currently leased by the District (the "Land"), known generally as the 980 East Tahquitz Property.

Specifically, the District desires to sell the Property via an alternative "Request for Proposals" ("RFP") process, in which the District seeks proposals and negotiates with selected proposers to enter into a purchase and sale agreement that provides the most benefit to the District. The deleted language requires the District to obtain sealed bids and select the highest bid. The District is seeking a waiver to allow it to seek proposals and negotiate with interested parties to select the proposal that best meets the needs of the District. The District may select a proposal that offers a lower price but agrees to sale terms that are more beneficial to the District. Thus, the District seeks to eliminate the language which requires it to sell to the highest bidder.

EC 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 purpose of this request is to allow the District to waive the sealed proposal requirement of *Education Code* and use an alternative procedure for the sale of the approximately 1.99 acres of real property located within the District at 980 East Tahquitz Canyon Way, Palm Springs, California 92262, consisting of certain buildings the District currently owns (the "Property") located on land currently leased by the District (the "Land"), known generally as the 980 East Tahquitz Property.

Specifically, the District desires to sell the Property via an alternative "Request for Proposals" ("RFP") process, in which the District seeks proposals and negotiates with selected proposers to enter into a purchase and sale agreement that provides the most benefit to the District. The deleted language relates to the bid process and allows school districts to accept oral bids at the bid hearing. The District will not be accepting bids or conducting a bid hearing but instead will accept proposals and negotiate with interested parties. Thus, the District will not need or accept oral bids.

EC 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 purpose of this request is to allow the District to waive the sealed proposal requirement of *Education Code* and use an alternative procedure for the sale of the approximately 1.99 acres of real property located within the District at 980 East Tahquitz Canyon Way, Palm Springs, California 92262, consisting of certain buildings the District currently owns (the "Property") located on land currently leased by the District (the "Land"), known generally as the 980 East Tahquitz Property.

Specifically, the District desires to sell the Property via an alternative "Request for Proposals" ("RFP") process, in which the District seeks proposals and negotiates with selected proposers to enter into a purchase and sale agreement that provides the most benefit to the District. The deleted language relates to the bid process and allows school districts to accept oral bids at the bid hearing. The District will not be accepting bids or conducting a bid hearing but instead will accept proposals and negotiate with interested parties. Thus, the District will not need or accept oral bids.

EC 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: The purpose of this request is to allow the District to waive the sealed proposal requirement of *Education Code* and use an alternative procedure for the sale of the approximately 1.99 acres of real property located within the District at 980 East Tahquitz Canyon Way, Palm Springs, California 92262, consisting of certain buildings the District currently owns (the "Property") located on land currently leased by the District (the "Land"), known generally as the 980 East Tahquitz Property. Specifically, the District desires to sell the Property via an alternative "Request for Proposals" ("RFP") process, in which the District seeks proposals and negotiates with selected proposers to enter into a purchase and sale agreement that provides the most benefit to the District. The deleted language indicates that a school district's governing board shall accept the highest bid at the bid hearing or within the next 10 days. The District will not conduct a bid hearing but instead will engage in negotiations with any party submitting a proposal in response to the RFP. Once the negotiations end, and the District identifies the best proposal, the District's Board will accept the proposal. Thus, the language in this Section requiring the board to accept a bid on the bid date or within 10 days does not apply to the RFP process.

Outcome Rationale: The Palm Springs Unified School District ("District") owns approximately 1.99 acres of real property located within the District at 980 East Tahquitz Canyon Way, Palm Springs, California 92262, consisting of certain buildings the District currently owns (the "Property") located on land currently leased by the District ("Land"), known generally as the 980 East Tahquitz Property. The Property is currently used by the District as its administrative offices which shall be moved to a new location within the District's boundaries. The District's governing Board declared the Property surplus and decided to sell the Property pursuant to

Education Code section 17466 et seq. The purchaser will take over the District's lease of the Land upon purchasing the Property.

The District seeks a waiver of certain portions of the sale procedure set forth in *Education Code* section 17466 et seq. In summary, the District seeks to waive the provisions requiring the District to conduct a formal bid hearing process in which the District solicits bids and then enters into a purchase and agreement with the winning bidder. Instead, the District desires to sell the Property via an alternative "Request for Proposals" ("RFP") process, in which the District seeks proposals and negotiates with selected proposers to enter into a purchase and sale agreement that provides the most benefit to the District. This RFP process will allow the District to maximize its return on the sale of the Property to the greatest extent possible. The District anticipates that the location and certain qualities of the Property will make it extremely attractive to potential buyers through the RFP process. The fact that the purchaser of the Property will accept assignment of the District's lease of the Land makes the RFP process even more necessary to identify potential purchasers who are willing and able to take over the lease.

In the current real estate market climate, a bid auction scenario is unlikely to attract serious and capable buyers to the Property. The District needs the ability to be flexible and work with potential buyers to create a valuable package. A waiver from the surplus property requirements will allow the District to do this. The District will work to develop a strategic plan for advertising and marketing the Property in order to solicit proposals from potential buyers interested in the Property.

The sale of the Property with the RFP process will allow the District to continue to provide a high-quality educational experience for its students. The District will work closely with legal counsel to ensure that the process by which the Property is sold is fair and open. As indicated above, such a process will produce a better result than a bid auction for both the District and the community.

Student Population: 24000

City Type: Suburban

Public Hearing Date: 10/14/2014

Public Hearing Advertised: Notice was posted on the District's Public Notice Billboard outside its Board Room on 10/6/14

Local Board Approval Date: 10/14/2014

Community Council Reviewed By: Board of Education: Shari Stewart (Pres.), Gary Jeandron, Justin Blake, Richard Clapp, Karen Cornett

Community Council Reviewed Date: 10/14/2014

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Stephen McLoughlin
Position: legal counsel
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Telephone: 562-653-3821
Fax:

Bargaining Unit Date: 10/06/2014
Name: Palm Springs USD Teachers Association
Representative: Mark Acker
Title: President of Palm Springs Teachers Association
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3367173
Year: 2014

Waiver Number: 2-11-2014

Active

Date In: 11/3/2014 12:18:11 PM

Local Education Agency: Palm Springs Unified School District
Address: 980 East Tahquitz Canyon Way
Palm Springs, CA 92262

Start: 11/3/2014

End: 11/3/2015

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: 17466, 17472, 17473, 17474, 17475
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: The Palm Springs Unified School District desires to waive the following sections and portions of the *Education Code*. Specifically, the District requests that the language in brackets [] be waived:

EC 17466. Before ordering the sale or lease of any property the governing board, in a regular open meeting, by a two-thirds vote of all its members, shall adopt a resolution, declaring its intention to sell or lease the property, as the case may be. The resolution shall describe the property proposed to be sold or leased in such manner as to identify it [and shall specify the minimum price or rental and the terms upon which it will be sold or leased and the commission, or rate thereof, if any, which the board will pay to a licensed real estate broker out of the minimum price or rental. The resolution shall fix a time not less than three weeks thereafter for a public meeting of the governing board to be held at its regular place of meeting, at which sealed proposals to purchase or lease will be received and considered.] .

Rationale: The purpose of this request is to allow the District to waive the sealed proposal requirement of *Education Code* and use an alternative procedure for the sale of approximately 9.80 acres of real property located within the District at 1450 Baristo Road, Palm Springs, California 92262, known generally as the Baristo Road Property ("Property"). Specifically, the District desires to sell the Property via an alternative "Request for Proposals" ("RFP") process, in which the District seeks proposals and negotiates with selected proposers to enter into a purchase and sale agreement that provides the most benefit to the District. The deleted language indicates that the District must pass a resolution setting a time by which the District will open all sealed bids for the Property. Since the District will not be conducting a bid process, and cannot predict the timing of the RFP process and its subsequent negotiations with proposers, it cannot at the time of adopting the resolution contemplated by this Section 17466 know when proposals must be brought back to the governing board for consideration. After passing a resolution that authorizes the District to go forward with the RFP process, the District intends to solicit proposals for the Property and bring proposals to the governing board to

consider the approval of the sale.

EC 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 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: The purpose of this request is to allow the District to waive the sealed proposal requirement of *Education Code* and use an alternative procedure for the sale of the approximately 9.80 acres of real property located within the District at 1450 Baristo Road, Palm Springs, California 92262, known generally as the Baristo Road Property (“Property”).

Specifically, the District desires to sell the Property via an alternative “Request for Proposals” (“RFP”) process, in which the District seeks proposals and negotiates with selected proposers to enter into a purchase and sale agreement that provides the most benefit to the District. The deleted language requires the District to obtain sealed bids and select the highest bid. The District is seeking a waiver to allow it to seek proposals and negotiate with interested parties to select the proposal that best meets the needs of the District. The District may select a proposal that offers a lower price but agrees to sale terms that are more beneficial to the District. Thus, the District seeks to eliminate the language which requires it to sell to the highest bidder.

EC 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 purpose of this request is to allow the District to waive the sealed proposal requirement of *Education Code* and use an alternative procedure for the sale of the approximately 9.80 acres of real property located within the District at 1450 Baristo Road, Palm Springs, California 92262, known generally as the Baristo Road Property (“Property”).

Specifically, the District desires to sell the Property via an alternative “Request for Proposals” (“RFP”) process, in which the District seeks proposals and negotiates with selected proposers to enter into a purchase and sale agreement that provides the most benefit to the District. The deleted language relates to the bid process and allows school districts to accept oral bids at the bid hearing. The District will not be accepting bids or conducting a bid hearing but instead will accept proposals and negotiate with interested parties. Thus, the District will not need or accept oral bids.

EC 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.]

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EC 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: The purpose of this request is to allow the District to waive the sealed proposal requirement of *Education Code* and use an alternative procedure for the sale of the approximately 9.80 acres of real property located within the District at 1450 Baristo Road, Palm Springs, California 92262, known generally as the Baristo Road Property (“Property”). Specifically, the District desires to sell the Property via an alternative “Request for Proposals” (“RFP”) process, in which the District seeks proposals and negotiates with selected proposers to enter into a purchase and sale agreement that provides the most benefit to the District. The deleted language indicates that a school district’s governing board shall accept the highest bid at the bid hearing or within the next 10 days. The District will not conduct a bid hearing but instead will engage in negotiations with any party submitting a proposal in response to the RFP. Once the negotiations end, and the District identifies the best proposal, the District’s Board will accept the proposal. Thus, the language in this Section requiring the board to accept a bid on the bid date or within 10 days does not apply to the RFP process.

Outcome Rationale: The Palm Springs Unified School District (“District”) owns approximately 9.80 acres of real property located within the District at 1450 Baristo Road, Palm Springs, California 92262, known generally as the Baristo Road Property (“Property”). The Property is currently includes office buildings and a tennis center. The tennis center is currently used by the City of Palm Springs pursuant to a lease with the District.

The District’s governing Board declared the Property surplus and decided to sell the Property pursuant to *Education Code* section 17466 et seq. The District seeks a waiver of certain portions of the sale procedure set forth in *Education Code* section 17466 et seq. In summary, the District seeks to waive the provisions requiring the District to conduct a formal bid hearing process in which the District solicits bids and then enters into a purchase and agreement with the winning bidder. Instead, the District desires to sell the Property via an alternative “Request for Proposals” (“RFP”) process, in which the District seeks proposals and negotiates with selected proposers to enter into a purchase and sale agreement that provides the most benefit to the District. This RFP process will allow the District to maximize its return on the sale of the Property to the greatest extent possible. The District anticipates that the location and certain qualities of the Property will make it extremely attractive to potential buyers through the RFP

process. The fact that the Property includes a current lease by the City makes the RFP process especially necessary since the purchaser must buy the Property subject to the lease.

In the current real estate market climate, a bid auction scenario is unlikely to attract serious and capable buyers to the Property. The District needs the ability to be flexible and work with potential buyers to create a valuable package. A waiver from the surplus property requirements will allow the District to do this. The District will work to develop a strategic plan for advertising and marketing the Property in order to solicit proposals from potential buyers interested in the Property.

The sale of the Property with the RFP process will allow the District to continue to provide a high-quality educational experience for its students. The District will work closely with legal counsel to ensure that the process by which the Property is sold is fair and open. As indicated above, such a process will produce a better result than a bid auction for both the District and the community.

Student Population: 24000

City Type: Suburban

Public Hearing Date: 10/14/2014

Public Hearing Advertised: Notice was posted on the District's Public Notice Billboard outside its Board Room on 10/6/14

Local Board Approval Date: 10/14/2014

Community Council Reviewed By: Board of Education: Shari Stewart (Pres.), Gary Jeandron, Justin Blake, Richard Clapp, Karen Cornett

Community Council Reviewed Date: 10/14/2014

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Stephen McLoughlin

Position: Legal Counsel for District

E-mail: smcloughlin@aalrr.com

Telephone: 562-653-3821

Fax:

Bargaining Unit Date: 10/06/2014

Name: Palm Springs USD Teachers Association

Representative: Mark Acker

Title: President of Palm Springs USD Teachers Association

Position: Support

Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3367173
Year: 2014

Waiver Number: 3-11-2014

Active

Date In: 11/3/2014 12:25:31 PM

Local Education Agency: Palm Springs Unified School District
Address: 980 East Tahquitz Canyon Way
Palm Springs, CA 92262

Start: 11/3/2014

End: 11/3/2015

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: 17466, 17472, 17473, 17474, 17475
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: The Palm Springs Unified School District desires to waive the following sections and portions of the *Education Code*. Specifically, the District requests that the language in brackets [] be waived:

EC 17466. Before ordering the sale or lease of any property the governing board, in a regular open meeting, by a two-thirds vote of all its members, shall adopt a resolution, declaring its intention to sell or lease the property, as the case may be. The resolution shall describe the property proposed to be sold or leased in such manner as to identify it [and shall specify the minimum price or rental and the terms upon which it will be sold or leased and the commission, or rate thereof, if any, which the board will pay to a licensed real estate broker out of the minimum price or rental. The resolution shall fix a time not less than three weeks thereafter for a public meeting of the governing board to be held at its regular place of meeting, at which sealed proposals to purchase or lease will be received and considered.] .

Rationale: The purpose of this request is to allow the District to waive the sealed proposal requirement of *Education Code* and use an alternative procedure for the sale of approximately 0.88 acres of real property located within the District at 1000 East Tahquitz Canyon Way, Palm Springs, California 92262, consisting of certain buildings the District currently owns (the "Property") located on land currently leased by the District (the "Land"), known generally as the 1000 East Tahquitz Property. Specifically, the District desires to sell the Property via an alternative "Request for Proposals" ("RFP") process, in which the District seeks proposals and negotiates with selected proposers to enter into a purchase and sale agreement that provides the most benefit to the District. The deleted language indicates that the District must pass a resolution setting a time by which the District will open all sealed bids for the Property. Since the District will not be conducting a bid process, and cannot predict the timing of the RFP process and its subsequent negotiations with proposers, it cannot at the time of adopting the resolution contemplated by this Section 17466 know when proposals must be brought back to the governing board for consideration. After passing a resolution that authorizes the District to

go forward with the RFP process, the District intends to solicit proposals for the Property and bring proposals to the governing board to consider the approval of the sale.

EC 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 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: The purpose of this request is to allow the District to waive the sealed proposal requirement of *Education Code* and use an alternative procedure for the sale of the approximately 0.88 acres of real property located within the District at 1000 East Tahquitz Canyon Way, Palm Springs, California 92262, consisting of certain buildings the District currently owns (the "Property") located on land currently leased by the District (the "Land"), known generally as the 1000 East Tahquitz Property.

Specifically, the District desires to sell the Property via an alternative "Request for Proposals" ("RFP") process, in which the District seeks proposals and negotiates with selected proposers to enter into a purchase and sale agreement that provides the most benefit to the District. The deleted language requires the District to obtain sealed bids and select the highest bid. The District is seeking a waiver to allow it to seek proposals and negotiate with interested parties to select the proposal that best meets the needs of the District. The District may select a proposal that offers a lower price but agrees to sale terms that are more beneficial to the District. Thus, the District seeks to eliminate the language which requires it to sell to the highest bidder.

EC 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.]

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Specifically, the District desires to sell the Property via an alternative "Request for Proposals" ("RFP") process, in which the District seeks proposals and negotiates with selected proposers to enter into a purchase and sale agreement that provides the most benefit to the District. The deleted language relates to the bid process and allows school districts to accept oral bids at the bid hearing. The District will not be accepting bids or conducting a bid hearing but instead will accept proposals and negotiate with interested parties. Thus, the District will not need or accept oral bids.

EC 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.]

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Rationale: The purpose of this request is to allow the District to waive the sealed proposal requirement of *Education Code* and use an alternative procedure for the sale of the approximately 0.88 acres of real property located within the District at 1000 East Tahquitz Canyon Way, Palm Springs, California 92262, consisting of certain buildings the District currently owns (the "Property") located on land currently leased by the District (the "Land"), known generally as the 1000 East Tahquitz Property. Specifically, the District desires to sell the Property via an alternative "Request for Proposals" ("RFP") process, in which the District seeks proposals and negotiates with selected proposers to enter into a purchase and sale agreement that provides the most benefit to the District. The deleted language indicates that a school district's governing board shall accept the highest bid at the bid hearing or within the next 10 days. The District will not conduct a bid hearing but instead will engage in negotiations with any party submitting a proposal in response to the RFP. Once the negotiations end, and the District identifies the best proposal, the District's Board will accept the proposal. Thus, the language in this Section requiring the board to accept a bid on the bid date or within 10 days does not apply to the RFP process.

Outcome Rationale: The Palm Springs Unified School District ("District") owns approximately 0.88 acres of real property located within the District at 1000 East Tahquitz Canyon Way, Palm Springs, California 92262, consisting of certain buildings the District currently owns (the "Property") located on land currently leased by the District (the "Land"), known generally as the 1000 East Tahquitz Property. The Property is currently used by the District for meeting rooms and health services which shall be moved to a new location within the District's boundaries. The District's governing Board declared the Property surplus and decided to sell the Property

pursuant to *Education Code* section 17466 et seq. The purchaser will take over the District's lease of the Land upon purchasing the Property.

The District seeks a waiver of certain portions of the sale procedure set forth in *Education Code* section 17466 et seq. In summary, the District seeks to waive the provisions requiring the District to conduct a formal bid hearing process in which the District solicits bids and then enters into a purchase and agreement with the winning bidder. Instead, the District desires to sell the Property via an alternative "Request for Proposals" ("RFP") process, in which the District seeks proposals and negotiates with selected proposers to enter into a purchase and sale agreement that provides the most benefit to the District. This RFP process will allow the District to maximize its return on the sale of the Property to the greatest extent possible. The District anticipates that the location and certain qualities of the Property will make it extremely attractive to potential buyers through the RFP process. The fact that the purchaser of the Property will accept assignment of the District's lease of the Land makes the RFP process even more necessary to identify potential purchasers who are willing and able to take over the lease.

In the current real estate market climate, a bid auction scenario is unlikely to attract serious and capable buyers to the Property. The District needs the ability to be flexible and work with potential buyers to create a valuable package. A waiver from the surplus property requirements will allow the District to do this. The District will work to develop a strategic plan for advertising and marketing the Property in order to solicit proposals from potential buyers interested in the Property.

The sale of the Property with the RFP process will allow the District to continue to provide a high-quality educational experience for its students. The District will work closely with legal counsel to ensure that the process by which the Property is sold is fair and open. As indicated above, such a process will produce a better result than a bid auction for both the District and the community.

Student Population: 24000

City Type: Suburban

Public Hearing Date: 10/14/2014

Public Hearing Advertised: Notice was posted on the District's Public Notice Billboard outside its Board Room on 10/6/14

Local Board Approval Date: 10/14/2014

Community Council Reviewed By: Board of Education: Shari Stewart (Pres.), Gary Jeandron, Justin Blake, Richard Clapp, Karen Cornett

Community Council Reviewed Date: 10/14/2014

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Stephen McLoughlin
Position: Legal Counsel for District
E-mail: smcloughlin@aalrr.com
Telephone: 562-653-3821
Fax:

Bargaining Unit Date: 10/06/2014
Name: Palm Springs USD Teachers Association
Representative: Mark Acker
Title: President of Palm Springs USD Teachers Association
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3367173
Year: 2014

Waiver Number: 4-11-2014

Active

Date In: 11/3/2014 12:32:45 PM

Local Education Agency: Palm Springs Unified School District
Address: 980 East Tahquitz Canyon Way
Palm Springs, CA 92262

Start: 11/3/2014

End: 11/3/2015

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: 17466, 17472, 17473, 17474, 17475
Ed Code Authority: 33050

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Rationale: The purpose of this request is to allow the District to waive the sealed proposal requirement of *Education Code* and use an alternative procedure for the sale of approximately 80 acres of real property (206 approved lots) located along the east side of Rattler Road, north of Ramon Road, City of Rancho Mirage Sphere of Influence, County of Riverside, California known generally as the Rattler Road Property ("Property"). Specifically, the District desires to sell the Property via an alternative "Request for Proposals" ("RFP") process, in which the District seeks proposals and negotiates with selected proposers to enter into a purchase and sale agreement that provides the most benefit to the District. The deleted language indicates that the District must pass a resolution setting a time by which the District will open all sealed bids for the Property. Since the District will not be conducting a bid process, and cannot predict the timing of the RFP process and its subsequent negotiations with proposers, it cannot at the time of adopting the resolution contemplated by this Section 17466 know when proposals must be brought back to the governing board for consideration. After passing a resolution that authorizes the District to go forward with the RFP process, the District intends to solicit

proposals for the Property and bring proposals to the governing board to consider the approval of the sale.

EC 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 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].

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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.

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Outcome Rationale: The Palm Springs Unified School District ("District") owns approximately 80 acres of real property (206 approved lots) located along the east side of Rattler Road, north of Ramon Road, City of Rancho Mirage Sphere of Influence, County of Riverside, California known generally as the Rattler Road Property ("Property"). The Property is currently vacant land.

The District's governing Board declared the Property surplus and decided to sell the Property pursuant to *Education Code* section 17466 et seq. The District seeks a waiver of certain portions of the sale procedure set forth in *Education Code* section 17466 et seq. In summary, the District seeks to waive the provisions requiring the District to conduct a formal bid hearing process in which the District solicits bids and then enters into a purchase and agreement with

the winning bidder. Instead, the District desires to sell the Property via an alternative "Request for Proposals" ("RFP") process, in which the District seeks proposals and negotiates with selected proposers to enter into a purchase and sale agreement that provides the most benefit to the District. This RFP process will allow the District to maximize its return on the sale of the Property to the greatest extent possible. The District anticipates that the location and certain qualities of the Property will make it extremely attractive to potential buyers through the RFP process.

In the current real estate market climate, a bid auction scenario is unlikely to attract serious and capable buyers to the Property. The District needs the ability to be flexible and work with potential buyers to create a valuable package. A waiver from the surplus property requirements will allow the District to do this. The District will work to develop a strategic plan for advertising and marketing the Property in order to solicit proposals from potential buyers interested in the Property.

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Student Population: 24000

City Type: Suburban

Public Hearing Date: 10/14/2014

Public Hearing Advertised: Notice was posted on the District's Public Notice Billboard outside its Board Room on 10/6/14

Local Board Approval Date: 10/14/2014

Community Council Reviewed By: Board of Education: Shari Stewart (Pres.), Gary Jeandron, Justin Blake, Richard Clapp, Karen Cornett

Community Council Reviewed Date: 10/14/2014

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Stephen McLoughlin

Position: Legal Counsel for District

E-mail: smcloughlin@aalrr.com

Telephone: 562-653-3821

Fax:

Bargaining Unit Date: 10/06/2014
Name: Palm Springs USD Teachers Association
Representative: Mark Acker
Title: President of Palm Springs USD Teachers Association
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 0161309
Year: 2014

Waiver Number: 3-9-2014

Active

Date In: 9/3/2014 1:47:57 PM

Local Education Agency: San Lorenzo Unified School District
Address: 15510 Usher St.
San Lorenzo, CA 94580

Start: 1/16/2015

End: 1/15/2017

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] [17468] [17469] [17470] 17472] [17473] [17474] [17475]

Ed Code Authority: 33050-33053

Ed Code or CCR to Waive:

Education Code § [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 language indicating that the sale of the property is to be made in the manner provided by this article is to be waived since the District is asking that several provisions of the article be waived and consequently, the sale will not be made in the manner provided in Article 4.

Education Code §[17466].

Before ordering the sale or lease of any property the governing board, in a regular open meeting, by a two-thirds vote of all its members, shall adopt a resolution, declaring its intention to sell or lease the property, as the case may be. The resolution shall describe the property proposed to be sold or leased in such manner as to identify it [and shall specify the minimum price or rental and the terms upon which it will be sold or leased] and the commission, or rate thereof, if any, which the board will pay to a licensed real estate broker [out of the minimum price or rental. The resolution shall fix a time not less than three weeks thereafter for a public meeting of the governing board to be held at its regular place of meeting, at which sealed proposals to purchase or lease will be received and considered].

Rationale: The stricken language to be waived provides for the governing board to establish a minimum price and receive sealed proposals for the purchase of the property at an identified meeting of the District's governing board. The District is requesting that the requirement of

sealed proposals to purchase the property be waived, allowing the District to use a Request for Proposals process and negotiate the sale of the El Portal School Site with a qualified purchaser. As the District cannot predict in advance the timing of negotiations with interested purchasers, it cannot at the time of adopting the resolution contemplated by this Section 17466 know when proposals must be brought back to the governing board for consideration. The District intends to utilize the services of a broker to advertise and solicit proposals for the purchase of the School Site, and bring proposals to the governing board when necessary to consider the approval of a sale.

Education Code § [17468].

If, in the discretion of the board, it is advisable to offer to pay a commission to a licensed real estate broker who is instrumental in obtaining any proposal, the commission shall be specified in the resolution. No commission shall be paid unless there is contained in or with the[sealed] proposal [or stated in or with the oral bid], which is finally accepted, the name of the licensed real estate broker to whom it is to be paid, and the amount or rate thereof. Any commission shall, however, be paid only out of money received by the board from the sale or rental of the real property.

Rationale: The stricken language to be waived provides for the District to receive sealed proposals and oral bids to purchase the property at an identified meeting of the District's governing board. The District is requesting that the requirement of sealed proposals and oral bidding to purchase the property be waived, allowing the District to use a Request for Proposals process and negotiate the sale of the School Site with a qualified purchaser.

Education Code § [17469].

Notice of the adoption of the resolution [and of the time and place of holding the meeting] shall be given by posting copies of the resolution signed by the board or by a majority thereof in three public places in the district,[not less than 15 days before the date of the meeting], and by publishing the notice not less than once a week for three successive weeks pbefore the meeting] in a newspaper of general circulation published in the county in which the district or any part thereof is situated, if any such newspaper is published therein.

Rationale: The stricken language to be waived assumes that the Board would be setting a specific meeting to receive proposals for the purchase of the School Site. Such a requirement, however, will be removed pursuant to the language stricken within *Education Code* Section 17466. As modified, the District would still be required to provide notice of its adoption of a resolution of intent to sell the property, but the posting of that resolution and notice in a newspaper would no longer be tied to an established date to receive proposals.

Education Code § [17470].

(a) The governing board of a school district that intends to sell real property pursuant to this article shall take reasonable steps to ensure that the former owner from whom the district acquired the property receives notice [of the public meeting prescribed by Section 17466], in writing, by certified mail, [at least 60 days prior to the meeting].

(b) The governing board of a school district shall not be required to accord the former owner the right to purchase the property at the tentatively accepted highest bid price nor to offer to sell the property to the former owner at the tentatively accepted highest bid price.

Rationale: The stricken language to be waived assumes that the Board would be setting a specific meeting to receive proposals for the purchase of the School Site. Such a requirement, however, will be removed pursuant to the language stricken within *Education Code* Section

17466. As modified, the District would still be required to take reasonable steps to provide notice to the former owner, but the provision of such notice would no longer be tied to an established date to receive proposals.

Education Code § [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: The stricken language to be waived provides for the District to receive and open sealed proposals and oral bids to purchase the property at an identified meeting of the District's governing board. The District is requesting that the requirement of sealed proposals and oral bidding to purchase the property be waived, allowing the District to use a Request for Proposals process and negotiate the sale of the School Site with a qualified purchaser.

Education Code § [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 the School Site, will not be accepting oral bids.

Education Code § [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 the School Site, will not be accepting oral bids.

Education Code § [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: Modification of the section would remove the requirement that the governing board accept a proposal at the same meeting received, and would instead allow the governing board

to consider proposals received and, as desired and appropriate, direct further negotiation.
The preceding sections, which are section 17455, 17466, 17468, 17469, 17470, 17472 through 17475, have strike-out but indicate the exact language being waived and is still valid.

Outcome Rationale: Attachment B

Student Population: 11359

City Type: Urban

Public Hearing Date: 9/2/2014

Public Hearing Advertised: Posted 3 Public Places; Legal Ad Daily Review August 21, 2014

Local Board Approval Date: 9/2/2014

Community Council Reviewed By: Citizens Oversight Committee

Community Council Reviewed Date: 8/26/2014

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Lowell Shira

Position: Assistant Superintendent, Business Services

E-mail: lshira@slzusd.org

Telephone: 510-317-4642

Fax: 510-317-6664

Bargaining Unit Date: 08/28/2014

Name: California School Employees Association Chapter 69

Representative: Neva Rowden

Title: Chapter President

Position: Neutral

Comments:

Bargaining Unit Date: 08/26/2014

Name: San Lorenzo Education Association

Representative: Donna Pinkney

Title: Chapter President

Position: Neutral

Comments:

Bargaining Unit Date: 08/28/2014

Name: Service Employees International Union Local 1021

Representative: David Wiley

Title: Chapter President

Position: Neutral

Comments:

Attachment B

Sale of EI Portal School Site

Rationale:

The waiver of certain Education Code sections will allow the District to use a Request for Proposals process and a negotiated sale, thereby maximizing revenues from lease of real property. The waiver will also enable the Board to select a buyer that best meets the needs of the community. Based on recent sales of school property in Alameda County, the Request for Proposal process attracts significant interest from potential buyers.

Property Description:

The EI Portal School Site, located at 2330 Pomar Vista, Castro Valley, California, is approximately 5 acres of real property with approximately 15,000 square feet of buildings that were constructed in 1953-56. The site has been not been used as a public school site for 35 years and has general been leased to private day care providers during the past 35 years.

Student Services:

Students in the general area of the school are served by other schools within the San Lorenzo School District.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 0161309
Year: 2014

Waiver Number: 4-9-2014

Active

Date In: 9/3/2014 3:02:53 PM

Local Education Agency: San Lorenzo Unified School District
Address: 15510 Usher St.
San Lorenzo, CA 94580

Start: 1/16/2015

End: 1/15/2017

Waiver Renewal: N

Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Sale or Lease of Surplus Property
Ed Code Title: Lease of Surplus Property
Ed Code Section: [17455] [17466] [17468] [17469] 17472] [17473] [17475]
Ed Code Authority: 33050-33053

Ed Code or CCR to Waive: *Education Code* § [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 language indicating that the lease of the property is to be made in the manner provided by this article is to be waived since the District is asking that several provisions of the article be waived and consequently, the lease will not be made in the manner provided in Article 4.

Education Code § [17466].

Before ordering the sale or lease of any property the governing board, in a regular open meeting, by a two-thirds vote of all its members, shall adopt a resolution, declaring its intention to sell or lease the property, as the case may be. The resolution shall describe the property proposed to be sold or leased in such manner as to identify it[and shall specify the minimum price or rental and the terms upon which it will be sold or leased] and the commission, or rate thereof, if any, which the board will pay to a licensed real estate broker [out of the minimum price or rental. The resolution shall fix a time not less than three weeks thereafter for a public meeting of the governing board to be held at its regular place of meeting, at which sealed proposals to purchase or lease will be received and considered].

Rationale: The stricken language to be waived provides for the governing board to establish a minimum price and receive sealed proposals for the lease of the property at an identified meeting of the District's governing board. The District is requesting that the requirement of sealed proposals to purchase the property be waived, allowing the District to use a Request for

Proposals process and negotiate the lease of the Lewelling School Site with one or more qualified lessors. As the District cannot predict in advance the timing of negotiations with interested lessors, it cannot at the time of adopting the resolution contemplated by this Section 17466 know when proposals must be brought back to the governing board for consideration. The District intends to utilize the services of a broker to advertise and solicit proposals for the lease of the School Site, and bring proposals to the governing board when necessary to consider the approval of a lease.

Education Code § [17468].

If, in the discretion of the board, it is advisable to offer to pay a commission to a licensed real estate broker who is instrumental in obtaining any proposal, the commission shall be specified in the resolution. No commission shall be paid unless there is contained in or with the [sealed] proposal [or stated in or with the oral bid], which is finally accepted, the name of the licensed real estate broker to whom it is to be paid, and the amount or rate thereof. Any commission shall, however, be paid only out of money received by the board from the sale or rental of the real property.

Rationale: The stricken language to be waived provides for the District to receive sealed proposals and oral bids to lease the property at an identified meeting of the District's governing board. The District is requesting that the requirement of sealed proposals and oral bidding to lease the property be waived, allowing the District to use a Request for Proposals process and negotiate the lease of the School Site with a qualified lessor or lessors.

Education Code § [17469].

Notice of the adoption of the resolution [and of the time and place of holding the meeting] shall be given by posting copies of the resolution signed by the board or by a majority thereof in three public places in the district, [not less than 15 days before the date of the meeting], and by publishing the notice not less than once a week for three successive weeks[before the meeting] in a newspaper of general circulation published in the county in which the district or any part thereof is situated, if any such newspaper is published therein.

Rationale: The stricken language to be waived assumes that the Board would be setting a specific meeting to receive proposals for the lease of the School Site. Such a requirement, however, will be removed pursuant to the language stricken within *Education Code* Section 17466. As modified, the District would still be required to provide notice of its adoption of a resolution of intent to lease the property, but the posting of that resolution and notice in a newspaper would no longer be tied to an established date to receive proposals.

Education Code § [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: The stricken language to be waived provides for the District to receive and open sealed proposals and oral bids to purchase the property at an identified meeting of the District's governing board. The District is requesting that the requirement of sealed proposals and oral bidding to purchase the property be waived, allowing the District to use a Request for Proposals

process and negotiate the lease of the School Site with a qualified lessor or lessors.

Education Code § [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 the agreement(s) to lease the School Site, will not be accepting oral bids.

Education Code § [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: Modification of the section would remove the requirement that the governing board accept a proposal at the same meeting received, and would instead allow the governing board to consider proposals received and, as desired and appropriate, direct further negotiation.

The preceding sections, which are section 17455, 17466, 17468, 17469, 17472, 17473, and 17495 have strike-out but indicate the exact language being waived and is still valid.

Outcome Rationale: Lease of Lewelling School Site

Rationale:

The waiver of certain *Education Code* sections will allow the District to use a Request for Proposals process and a negotiated lease, thereby maximizing revenues from lease of real property. The waiver will also enable the Board to select a lessor (or lessors) that best meets the needs of the community.

Property Description:

The Lewelling School Site, located at 750 Fargo Avenue, San Leandro, California, is approximately 10 acres of real property with approximately 40,000 square feet of buildings that were constructed in 1952-56. The site has been not been used as a public school site for 30 years and has general been leased to a private school during this 30-year period. The lease with the private school will expire in July 2015.

Student Services:

Students in the general area of the school are served by other schools within the San Lorenzo School District.

Student Population: 11359

City Type: Urban

Public Hearing Date: 9/2/2014

Public Hearing Advertised: Posted 3 Public Places; Legal Ad Daily Review August 21, 2014

Local Board Approval Date: 9/2/2014

Community Council Reviewed By: Citizens Oversight Committee

Community Council Reviewed Date: 8/26/2014

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Lowell Shira

Position: Assistant Superintendent, Business Services

E-mail: lshira@slzUSD.org

Telephone: 510-317-4642

Fax: 510-317-6664

Bargaining Unit Date: 08/28/2014

Name: California School Employees Association Chapter 69

Representative: Neva Rowden

Title: Chapter President

Position: Neutral

Comments:

Bargaining Unit Date: 08/26/2014

Name: San Lorenzo Education Association

Representative: Donna Pinkney

Title: Chapter President

Position: Neutral

Comments:

Bargaining Unit Date: 08/28/2014

Name: Service Employees International Union Local 1021

Representative: David Wiley

Title: Chapter President

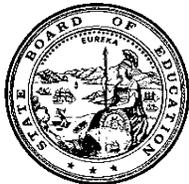
Position: Neutral

Comments:



California State Board of Education
Meeting Agenda Items for January 14, 2015

WAIVER ITEM W-10



CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2015 AGENDA

General Waiver

<p>SUBJECT</p> <p>Request by three school districts to waive <i>California Education Code</i> Section 5020, and portions of sections 5019, 5021, and 5030, that require a districtwide election to establish a by-trustee-area method of election.</p> <p>Waiver Numbers: Lancaster Elementary School District 21-10-2014 Sulphur Springs Union Elementary School District 20-10-2014 Tulelake Basin Joint Unified School District 9-9-2014</p>	<p><input checked="" type="checkbox"/> Action</p> <p><input checked="" type="checkbox"/> Consent</p>
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SUMMARY OF THE ISSUES

School districts that elect governing board members at-large are facing existing or potential litigation under the California Voting Rights Act of 2001 (CVRA). Pursuant to the *California Education Code (EC)*, a district can change from at-large elections to by-trustee-area elections only if the change is approved by both the County Committee on School District Organization (County Committee) and voters at a districtwide election.

To reduce the potential for litigation and to establish by-trustee-area elections as expeditiously as possible, the Lancaster Elementary School District (ESD), the Sulphur Springs Union Elementary School District (UESD), and the Tulelake Basin Joint Unified School District (JUSD) request the California State Board of Education (SBE) to waive the requirement that a by-trustee-area election method be approved at districtwide elections—allowing by-trustee-area elections to be adopted upon review and approval of the respective County Committees.

Authority for Waiver: *EC* Section 33050

RECOMMENDATION

Approval **Approval with conditions** **Denial**

The California Department of Education (CDE) recommends the SBE approve the requests by the Lancaster ESD, the Sulphur Springs UESD, and the Tulelake Basin JUSD to waive *EC* Section 5020, and portions of sections 5019, 5021, and 5030, which require a districtwide election to approve by-trustee-area elections.

SUMMARY OF KEY ISSUES

Approval of these waiver requests would eliminate the election requirement for approval of trustee areas and a by-trustee-area method of election for future governing board elections in the Lancaster ESD, the Sulphur Springs UESD, and the Tulelake Basin JUSD. Voters in these districts will continue to elect all board members—however, if the waiver request is approved, all board members will be elected by trustee areas, beginning with the next board elections.

County Committees have the 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 election methods constitutes an order of election; thus, voters in the districts have final approval.

Many districts in California are facing existing or potential litigation under the CVRA over their at-large election methods. To help avoid potential litigation, the districts are taking action to establish trustee areas and adopt by-trustee-area election methods. In order to establish these trustee areas and the methods of election as expeditiously as possible, the districts are requesting that the SBE waive the requirement that the trustee areas and the election methods be approved at districtwide elections. If the SBE approves the waiver requests, these districtwide elections for the Lancaster ESD, the Sulphur Springs UESD, and the Tulelake Basin JUSD will not be required and by-trustee-area elections can be adopted in the districts upon review and approval of the respective County Committees.

Only the elections to establish trustee areas and election method will be eliminated by approval of the waiver requests—voters in the school districts will continue to elect all governing board members. Moreover, approval of the waiver requests will not eliminate any existing legal rights of currently seated board members.

The waiver requests have been reviewed by CDE staff and it has been determined that there was no significant public opposition to the waivers at the public hearings held by the governing boards of the districts. The CDE has further determined that none of the grounds specified in *EC* Section 33051, which authorize denial of a waiver, exist. The CDE recommends that the SBE approve the requests by the Lancaster ESD, the Sulphur Springs UESD, and the Tulelake Basin JUSD to waive *EC* Section 5020, and portions of sections 5019, 5021, and 5030, which require a districtwide election to approve by-trustee-area elections.

Demographic Information:

The Lancaster ESD has a student population of 14,966 and is located in an urban area in Los Angeles County.

The Sulphur Springs UESD has a student population of 5,400 and is located in an urban area in Los Angeles County.

The Tulelake Basin JUSD has a student population of 507 and is located in a small city in Modoc County.

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://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC§ionNum=33051.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has approved more than 100 similar waivers—most recently for Eastside Union Elementary School District at the November 2014 SBE meeting.

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 districts for districtwide elections.

ATTACHMENT(S)

Attachment 1: Information from Districts Requesting Waivers of Elections Required to Establish Trustee Area Elections (1 page)

Attachment 2: Lancaster Elementary School District General Waiver Request 21-10-2014 (6 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Sulphur Springs Union Elementary School District General Waiver Request 20-10-2014 (6 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Tulelake Basin Joint Unified School District General Waiver Request 9-9-2014 (8 pages) (Original waiver request is signed and on file in the Waiver Office.)

Information from Districts Requesting Waivers of Elections Required to Establish Trustee Area Elections

California *Education Code* Section 5020 and portions of sections 5019, 5021 and 5030

Waiver Number	District	Period of Request	Bargaining Unit, Representatives Consulted, Date, and Position	Public Hearing and Board Approval Date	Public Hearing Advertisement	SSC/Advisory Committee Position
21-10-2014	Lancaster Elementary School District	Requested: October 21, 2014, to October 21, 2016 Recommended: October 21, 2014, to October 19, 2016	Teachers' Association of Lancaster, Dwight Young, Second Vice-President, 10/15/14: Neutral California School Employees' Association, Steffanie Gross, Communications Officer, 10/15/14: Neutral	10/21/14	Notice was posted in a newspaper, on the district Web site, at all school sites, and at the district office.	Reviewed by Schoolsite Councils, Superintendent's Advisory Council, Parent-Teacher Association/Parent Teacher Organization, District Budget Advisory Council (10/15/14): No objections
20-10-2014	Sulphur Springs Union Elementary School District	Requested: October 22, 2014, to October 22, 2016 Recommended: October 22, 2014, to October 20, 2016	Sulphur Springs District Teachers' Association, Maureen Server, President, 10/8/14: Neutral California School Employees' Association, Elizabeth Anderson, President, 10/22/14: Neutral	10/22/14	Notice in newspaper, posted at school sites and district office, and on the district Web site.	Reviewed by all Schoolsite Councils (10/10/14): No objections
9-9-2014	Tulelake Basin Joint Unified School District	Requested: February 15, 2015, to February 14, 2017 Recommended: February 15, 2015, to February 13, 2017	Tulelake Basin Teachers' Association, Liza Butler, President, 10/4/13: Support California School Employees' Association, Teresa Perry, President, 10/16/13: Support	Public Hearings: 4/26/12 and 5/31/12 Board Approval: 8/25/14	Notice was posted in a newspaper of general circulation, at the district office and each school site, and on the school district Web site.	Reviewed by Schoolsite Council (4/9/13) and the English Learner Advisory Committee/District English Learner Advisory Committee (4/16/13): No objections

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1964667

Waiver Number: 21-10-2014

Active Year: 2014

Date In: 10/24/2014 3:43:41 PM

Local Education Agency: Lancaster Elementary School District
Address: 44711 North Cedar Ave.
Lancaster, CA 93534

Start: 10/21/2014

End: 10/21/2016

Waiver Renewal: N

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: School District Reorganization

Ed Code Title: Elimination of Election Requirement

Ed Code Section: 5020 and portions of 5019, 5021, and 5030

Ed Code Authority: 33050-33053

Ed Code or CCR to Waive: Please see Attachment A attached hereto and incorporated herein by reference.

Outcome Rationale: This waiver is requested to expedite efforts by Lancaster School District ("District") to ensure compliance with the California Voting Rights Act (Elections Code section 14025 et seq.) ("CVRA"). By granting this waiver, the District will be able to implement its new "by-trustee area" election system for its November 2015 elections pursuant to a settlement agreement and further to reduce any potential liability under the CVRA. Due to the fact that the CVRA grants a prevailing plaintiff the right to reasonable attorneys' and expert witness fees, the District seeks to reduce the risk of costly litigation under the CVRA. By reducing the risk of such costly litigation in an expeditious and cost-efficient manner, the District will be able to ensure that cuts to necessary and valuable District student programs are not needed because of claims being brought under the CVRA.

Student Population: 14966

City Type: Urban

Public Hearing Date: 10/21/2014

Public Hearing Advertised: Newspaper, website, posted at all school sites and District Office

Local Board Approval Date: 10/21/2014

Community Council Reviewed By: Superintendent's Advisory Council, School Site Council, PTA/PTO, District Budget Advisory Council

Community Council Reviewed Date: 10/15/2014

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Michele Bowers
Position: Superintendent
E-mail: bowersm@lancsd.org
Telephone: 661-948-4661 x134
Fax: 661-942-9452

Bargaining Unit Date: 10/15/2014
Name: CA School Employees Association Chapter 297
Representative: Steffanie Gross
Title: Communications Officer
Position: Neutral
Comments:

Bargaining Unit Date: 10/15/2014
Name: Teachers Association of Lancaster
Representative: Dwight Young
Title: Second Vice-President
Position: Neutral
Comments:

Attachment A

6. Education Code sections 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.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1965045

Waiver Number: 20-10-2014

Active Year: 2014

Date In: 10/23/2014 3:31:15 PM

Local Education Agency: Sulphur Springs Union School District
Address: 27000 Weyerhaeuser Way
Canyon Country, CA 91351

Start: 10/22/2014

End: 10/22/2016

Waiver Renewal: N

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: School District Reorganization
Ed Code Title: Elimination of Election Requirement
Ed Code Section: 5020 & portions of 5019, 5030, 5021
Ed Code Authority: 33050-33053

Ed Code or CCR to Waive: Please see Attachment A, attached hereto and incorporated herein by reference.

Outcome Rationale: This waiver is requested to expedite efforts by Sulphur Springs Union School District ("District") to ensure compliance with the California Voting Rights Act (Elections Code sections 14025 et seq.) ("CVRA"). By granting this waiver, the District will be able to implement its new "by-trustee area" election system for its November 2015 elections pursuant to a settlement agreement and further to reduce any potential liability under the CVRA. Due to the fact that the CVRA grants a prevailing plaintiff the right to reasonable attorneys' and expert witness fees, the District seeks to reduce the risk of costly litigation under the CVRA. By reducing the risk of such costly litigation in an expeditious and cost-efficient manner, the District will be able to ensure that cuts to necessary and valuable District student programs are not needed because of claims brought under the CVRA.

Student Population: 5400

City Type: Urban

Public Hearing Date: 10/22/2014

Public Hearing Advertised: notice in newspaper, at school sites & District Office, and District website

Local Board Approval Date: 10/22/2014

Community Council Reviewed By: School Site Council Chairpersons for all schools

Community Council Reviewed Date: 10/10/2014

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Robert Nolet
Position: Superintendent
E-mail: бнолет@sssd.k12.ca.us
Telephone: 661-252-5131 x224
Fax: 661-252-6849

Bargaining Unit Date: 10/22/2014
Name: Classified School Employees Association
Representative: Elizabeth Anderson
Title: President
Position: Neutral
Comments:

Bargaining Unit Date: 10/08/2014
Name: Sulphur Springs District Teachers Association
Representative: Maureen Server
Title: President
Position: Neutral
Comments:

Attachment A

6. Education Code sections 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.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 2573593

Waiver Number: 9-9-2014

Active Year: 2014

Date In: 9/18/2014 3:39:58 PM

Local Education Agency: Tulelake Basin Joint Unified School District
Address: 400 G St.
Tulelake, CA 96134

Start: 2/15/2015

End: 2/14/2017

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: 33050-33053

Ed Code or CCR to Waive: Please see attachment A.

Outcome Rationale: Please see attachment B.

Student Population: 507

City Type: Small

Public Hearing Date: 5/31/2012

Public Hearing Advertised: Publication in newspaper, posting notices at District offices, school sites and Dist. website.

Local Board Approval Date: 8/25/2014

Community Council Reviewed By: School Site Council and English Learner Advisory
Committee/District English Learner Advisory Committee
Community Council Reviewed Date: 4/9/2013
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Laurie Avedisian-Favini
Position: Attorney
E-mail: lavedisian@lozanosmith.com
Telephone: 559-431-5600
Fax: 530-667-4298

Bargaining Unit Date: 10/16/2013
Name: Classified School Employee Association
Representative: Teresa Perry
Title: Unit President
Position: Support
Comments:

Bargaining Unit Date: 10/04/2013
Name: Tulelake Basin Teachers Association
Representative: Liza Butler
Title: Unit President
Position: Support
Comments:

Attachment A

§ 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."]

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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

Description of circumstances that brought about the request and why waiver is necessary:

Currently, each of the Tulelake Basin Joint Unified School District's ("District") five (5) school board members are elected at large.

On April 26, 2012, the Board voted to change from at-large elections to by-trustee area elections beginning with the 2014 election. Due to unforeseen delays, on August 28, 2014, the Board adopted a resolution postponing the implementation of the "by-trustee area" elections until the 2016 and 2018 Board elections. This change would require trustees to live in designated trustee areas and be elected only by voters residing in their trustee area, not by all voters voting at-large. This decision was made based on an effort to ensure compliance with the California Voting Rights Act and to help prevent the District from being entangled in costly lawsuits that other cities and districts have faced.

The District requests that the State Board of Education grant a waiver of the requirement for a local election to approve the change in the manner of electing school board members (e.g. from at-large elections to by-trustee area elections). This requirement is contained primarily in Education Code section 5020. (See Attachment "A").

If the waiver is approved by the State Board of Education and the change to by-trustee area elections is approved by the Modoc County Committee on School District Reorganization, a local election would not be held: the system for electing trustees would change pursuant to the District's Resolution adopted on August 28, 2014 to change to by-trustee area elections for implementation during the November 2016 elections.

The board conducted public hearings on these issues on August 26, 2010, April 26, 2012 and May 31, 2012. The Board approved final trustee area maps by Resolution dated May 31, 2012.

There was no opposition to the District's plan at the public hearings held by the Governing Board on August 26, 2010, April 26, 2012 and May 31, 2012, regarding the change to by-trustee area elections and the request for SBE's waiver of the election requirement. No community members, bargaining unit representatives, or other interested persons have opposed the waiver or the change to by-trustee area elections. The Governing Board of Tulelake Basin Joint Unified School District 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. Selecting trustees in by-trustee area elections enhances the opportunity for representation on the Board of all communities within the District.
2. 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.
3. The current electoral system leaves the District vulnerable to attack under the California Voting Rights Act. If not waived and if the Governing Board's measure to move to by-trustee area elections is defeated at an election, the District would continue to be vulnerable to a legal challenge regarding the establishing of by-trustee area elections.

4. The decision to change to by-trustee area elections and to request this waiver was supported unanimously by the Governing Board.
5. There has been no opposition to the plan. The District encouraged the community to be involved in drafting the trustee area maps.
6. The Governing Board of the Tulelake Basin Joint Unified School District represents the electorate, and has unanimously resolved to adopt by-trustee area elections and to request this waiver.
7. A copy of the District's resolutions dated May 31, 2012 and August 28, 2014 are attached.

The conditional waiver of the election requirement 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.



California State Board of Education

Meeting Agenda Items for January 14, 2015

WAIVER ITEM W-11



CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2015 AGENDA

General Waiver

<p>SUBJECT</p> <p>Request by two school districts to waive portions of <i>California Education Code</i> sections 35780 and 35782, which require lapsation of a district with an average daily attendance of less than six.</p> <p>Waiver Numbers: Citrus South Tule Elementary School District 22-10-2014 Porterville Unified School District 7-10-2014</p>	<p><input checked="" type="checkbox"/> Action</p> <p><input checked="" type="checkbox"/> Consent</p>
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SUMMARY OF THE ISSUES

The Citrus South Tule Elementary School District (ESD), in Tulare County, is a K–6 component district of the Porterville Unified School District (USD) with a current enrollment of 28 students. However, only two of these students are residents of the Citrus South Tule ESD with the remainder attending on inter-district transfers from the Porterville USD. The governing boards of both districts have approved resolutions to support lapsation of the Citrus South Tule ESD into the Porterville USD. The Tulare County Superintendent of Schools (County Superintendent) also supports the lapsation, noting that the Citrus South Tule ESD’s “long-term ability to operate” is questionable due to its precarious financial status. If the California State Board of Education (SBE) approves the waiver requests, the Citrus South Tule ESD will cease to exist as a component district and will become part of the Porterville USD effective July 1, 2015.

Authority for Waiver: *Education Code (EC)* Section 33050

RECOMMENDATION

Approval **Approval with conditions** **Denial**

The California Department of Education (CDE) recommends that the SBE approve the requests by the Citrus South Tule ESD and the Porterville USD to waive portions of *EC* sections 35780 and 35782, regarding district lapsation.

SUMMARY OF KEY ISSUES

EC Section 35780 requires each county committee on school district organization (county committee) to “lapse” an elementary school district if that district’s average daily attendance (ADA) in first through eighth grade falls below six. The lapsation process requires the county committee to dissolve the district and annex the territory of the

lapsed district to one or more adjacent districts. *EC* Section 35782 requires that the county committee initiate the lapsation process within 45 days of the end of the school year.

Approval of the waiver requests will allow the Tulare County Committee to lapse the Citrus South Tule ESD even if the ADA in the district does not meet the conditions for mandatory lapsation as stated in *EC* Section 35780. Approval also will allow the Tulare County Committee to begin the lapsation process earlier than 45 days prior to the end of the school year.

Citrus South Tule ESD serves students in kindergarten through sixth grade. The first through sixth grade enrollment for the district is 28 according to the most current data provided by the school district. Of these 28 students, only two reside within the boundaries of the Citrus South Tule ESD. The other 26 students reside on the Tule River Indian Reservation, which is within the Porterville USD, and attend Citrus South Tule ESD on inter-district transfers.

The governing board of the Citrus South Tule ESD supports lapsation to:

- Improve financial viability for the Citrus South Tule Elementary School as the district believes it will be unable to maintain fiscal solvency beyond the current school year.
- Provide improved educational opportunity for students since inadequate funds and deficit spending currently are preventing the district from providing up-to-date curricular materials and technology.
- Provide district staff better staff development opportunities through the curricular, technological, and pedagogical expertise of the Porterville USD.

The Tulare County Superintendent supports the lapsation for fiscal reasons, noting that:

- The 2014–15 budget for the Citrus South Tule ESD reflects deficit spending.
- The district lost its necessary small school status in 2013–14.
- The Citrus South Tule ESD will face hardships in the future to cover expenditure increases, particularly increased rates for employee retirement benefits.
- Historically, attendance has been a factor in the district's inability to estimate funding with a reasonable degree of accuracy.

If the waiver requests are approved, the Citrus South Tule ESD will lapse and become a part of the Porterville USD. The districts will have additional time to plan for the consolidation of the districts as a result of waiving the requirement that the county committee wait until 45 days prior to the school year to initiate lapsation.

The CDE recommends that the SBE approve the requests by the Citrus South Tule ESD and the Porterville USD to waive portions of *EC* sections 35780 and 35782, regarding district lapsation. There has been no local opposition to the waiver request reported and the CDE has determined that none of the grounds specified in *EC* Section 33051(a) that authorize denial of a waiver, exist.

Demographic Information:

The Citrus South Tule ESD has a kindergarten through sixth grade student population of 28 and is located in a rural area of Tulare County.

The Porterville USD has a kindergarten through twelfth grade student population of 14,025 and is located in an urban area of Tulare County.

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://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC§ionNum=33051.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has approved similar waivers—most recently for lapsation of the Cox Bar ESD into the Trinity Alps USD (Trinity County) at the March 2014 SBE meeting.

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of the waiver requests will not have negative fiscal effects on any local or state agency.

ATTACHMENT(S)

Attachment 1: Information from Districts Requesting Waivers of Conditions and Effective Dates for Lapsation (1 page)

Attachment 2: Citrus South Tule Elementary School District General Waiver Request 22-10-2014 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Porterville Unified School District General Waiver Request 7-10-2014 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Information from Districts Requesting Waivers of Conditions and Effective Dates for Lapsation
Portions of California *Education Code* sections 35780 and 35782

Waiver Number	District	Period of Request	Bargaining Unit, Representatives Consulted, Date, and Position	Public Hearing and Board Approval Date	Public Hearing Advertisement	SSC/Advisory Committee Position
22-10-2014	Citrus South Tule Elementary School District	Requested: January 1, 2014, to December 31, 2014 Recommended: January 1, 2015, to January 1, 2016	Citrus South Tule Association of Teachers; Tracy Loehner, President; 9/29/14: Support Classified employees have no bargaining unit. However, all classified employees have been kept informed of the lapsation process and support the lapsation.	10/9/14	Notice in local newspaper (Porterville Recorder) on 10/1/14; notice posted at three locations in district from 9/29/14 through 10/9/14.	Reviewed by the Schoolsite Council and the Parent Club: 10/3/14: No objections
7-10-2014	Porterville Unified School District	Requested and Recommended: January 1, 2015, to January 1, 2016	Porterville Educators' Association; Henry Franco, President; 9/24/14: Support California School Employees' Association; Raul Mangana, President; 9/24/14: Support	10/9/14	Notice in local newspaper (Porterville Recorder) on 9/27/14 and 10/2/14.	Reviewed by the District Advisory Committee and the District English Language Committee: 10/6/14: No objections

Created by California Department of Education
October 31, 2014

California Department of Education
WAIVER SUBMISSION - General

CD Code: 5471845

Waiver Number: 22-10-2014

Active Year: 2014

Date In: 10/27/2014 1:55:57 PM

Local Education Agency: Citrus South Tule Elementary School District
Address: 31374 Success Valley Dr.
Porterville, CA 93257

Start: 1/1/2014

End: 12/31/2014

Waiver Renewal: N

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: School District Reorganization

Ed Code Title: Lapsation of a Small District

Ed Code Section: Portions of *EC* sections 35780 and 35782

Ed Code Authority: 33050-33053

Ed Code or *CCR* to Waive: § 35780. Lapse of school district in certain cases; deferments
(a) Any school district which has been organized for more than three years shall be lapsed as provided in this article [if the number of registered electors in the district is less than six or if the average daily attendance of pupils in the school or schools maintained by the district is less than six in grades 1 through 8 or is less than 11 in grades 9 through 12], except that for any unified district which has established and continues to operate at least one senior high school, the board of supervisors shall defer the lapsation of the district for one year upon a written request of the governing board of the district and written concurrence of the county committee. The board of supervisors shall make no more than three such deferments.

(b) For a newly organized school district that has been unable to provide the school facilities necessary for instructional services by employees of the district to all of the pupils who are residents of the district after five years from the date that the reorganization became effective, the county committee on school district organization, upon direction from the State Board of Education, shall initiate lapsation procedures pursuant to Section 35783 or revert the reorganized district to its original status.

(c) A school district may also be lapsed when there are no school facilities or sites on which to maintain any school in the district.

§ 35782. Public hearing; notice [As amended by AB 1599, Stats. 2014 Ch. 327, section 6, chaptered 9-15-14 and effective 1-1-15.

§ 35782. [Within 45 days before the close of each school year,] the county committee shall conduct a public hearing on the issues specified in Section 35780. Notice of the public hearing shall be given at least 10 days in advance of the hearing to each member of the governing

board of the lapsed district immediately before its lapsation, to each of the governing boards that adjoin the lapsed district, and to the high school district of which the lapsed elementary district is a component.

Outcome Rationale: The Citrus South Tule Elementary School District is in a rural area approximately 10 miles east of Porterville, California. The Citrus South Tule Elementary School District is within the boundaries of the Porterville Unified School District. Currently (10.27.2014), Citrus South Tule Elementary School has an enrollment of twenty-eight students. Of the twenty-eight enrolled students, two reside within the boundaries of the Citrus South Tule Elementary School District. The other twenty-six students reside on the Tule River Indian Reservation which is within the Porterville Unified School District boundaries. Students residing on the reservation come to the Citrus South Tule Elementary School by Inter-District Agreement(s) with the Porterville Unified School District. The decision to apply for a waiver is based on the inability of the Citrus South Tule Elementary School District to maintain fiscal solvency beyond the 2014-2015 school-year. In addition, the decision to apply for the waiver is driven by the district's desire to provide students with greater educational opportunity. Inadequate funds and deficit spending have prohibited the Citrus South Tule Elementary School District from providing the most up-to-date curricular materials and best practices training for staff that is needed to improve student performance. Academic Performance Index (API) scores from 2007 through 2013, place Citrus South Tule Elementary School District at or among the lowest performing schools within Tulare County. Little technology is available at Citrus South Tule Elementary School for student or staff use. The students at Citrus South Tule Elementary School were bused daily to and from the Towanits Indian Education Center on the Tule River Indian Reservation during the CAASPP/Smarter Balanced Test administration window because of inadequate technology available at the Citrus South Tule Elementary School.

The desired outcome of this waiver is to provide improved educational opportunity for students, more successful matriculation into grade 7 and beyond, financial viability, efficiency of district functions, allow for greater flexibility in student programs, and enhance the ability of Citrus South Tule Elementary School to continue to exist (as a school within the Porterville Unified School District) and to provide greater educational opportunity to students. Citrus South Tule Elementary School District students will benefit from the curricular and technological updates and enhancements provided by the Porterville Unified School District. The Citrus South Tule Elementary School staff will greatly benefit from the curricular, technological, and pedagogical expertise of the Porterville Unified School District

Student Population: 28

City Type: Rural

Public Hearing Date: 10/9/2014

Public Hearing Advertised: Porterville Recorder 10/01/2014, Public Posting (3 locations) beginning on 09/29/2014

Local Board Approval Date: 10/9/2014

Community Council Reviewed By: School Site Council, Parent Club
Community Council Reviewed Date: 10/3/2014

Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. David Huchingson
Position: Superintendent/Principal
E-mail: dhuchingson@gmail.com
Telephone: 559-784-6333
Fax: 559-784-0413

Bargaining Unit Date: 09/29/2014
Name: Citrus South Tule Association of Teachers
Representative: Tracy Loehner
Title: President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 5475523

Waiver Number: 7-10-2014

Active Year: 2014

Date In: 10/10/2014 10:56:32 AM

Local Education Agency: Porterville Unified School District
Address: 600 West Grand Ave.
Porterville, CA 93257

Start: 1/1/2015

End: 1/1/2016

Waiver Renewal: N

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: School District Reorganization
Ed Code Title: Lapsation of a Small District
Ed Code Section: Portions of 35780 and 35782
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: § 35780. Lapse of school district in certain cases; deferments
(a) Any school district which has been organized for more than three years shall be lapsed as provided in this article[if the number of registered electors in the district is less than six or if the average daily attendance of pupils in the school or schools maintained by the district is less than six in grades 1 through 8 or is less than 11 in grades 9 through 12], except that for any unified district which has established and continues to operate at least one senior high school, the board of supervisors shall defer the lapsation of the district for one year upon a written request of the governing board of the district and written concurrence of the county committee. The board of supervisors shall make no more than three such deferments.

(b) For a newly organized school district that has been unable to provide the school facilities necessary for instructional services by employees of the district to all of the pupils who are residents of the district after five years from the date that the reorganization became effective, the county committee on school district organization, upon direction from the State Board of Education, shall initiate lapsation procedures pursuant to Section 35783 or revert the reorganized district to its original status.

(c) A school district may also be lapsed when there are no school facilities or sites on which to maintain any school in the district.

§ 35782. Public hearing; notice

[Within 30 days after the close of each school year,] the county committee shall conduct a public hearing on the issues specified in Section 35780. Notice of the public hearing shall be given at least 10 days in advance thereof to each member of the governing board of the lapsed district immediately prior to its lapsation, to each of the governing boards which adjoin the lapsed district, and to the high school district of which the lapsed elementary district is a component.

Outcome Rationale: The Citrus South Tule School District (CST) has been informed by the Tulare County Office of Education that based on its current level of funding it will have enough funds to operate as a functioning school district only through the current 2014-2015 school year; possibly one more year. But it is clear that the District will have soon insufficient funds to operate or continue in existence on its own as a school district.

CST currently has an ADA of about 50 students, but almost all of them come from inter-district transfer from Porterville Unified. CST currently has only 2 students who actually live in the district, 5th graders, who once past 6th grade will be attending Porterville Unified anyway. (Although CST is a K-8 school, by long standing agreement its 7th and 8th grades attend schools in Porterville Unified.) Thus, within a year or two, the Citrus South Tule School would have no students attending who are actually residents of the district, as far as we know. The population of the district is less than 500, with only about half of which are registered voters.

Student Population: 14025

City Type: Urban

Public Hearing Date: 10/9/2014

Public Hearing Advertised: Porterville Recorder, 9/27/2014 and 10/2/2014

Local Board Approval Date: 10/9/2014

Community Council Reviewed By: District Advisory Committee and District English Language Committee

Community Council Reviewed Date: 10/6/2014

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Ken Gibbs

Position: Assistant Superintendent for Business Services

E-mail: kgibbs@portervilleschools.org

Telephone: 559-793-2450

Fax: 559-781-8386

Bargaining Unit Date: 09/24/2014

Name: Porterville Educators Association

Representative: Henry Franco

Title: President

Position: Support

Comments:



California State Board of Education
Meeting Agenda Items for January 14, 2015

WAIVER ITEM W-12



CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2015 AGENDA

Specific Waiver

SUBJECT Request by eight local educational agencies under the authority of California <i>Education Code</i> Section 52863 for waivers of <i>Education Code</i> Section 52852, relating to schoolsite councils regarding changes in shared, composition, or shared and composition members. Waiver Numbers: Castle Rock Union Elementary School District 6-9-2014 Chawanakee Unified School District 17-10-2014 Cuyama Joint Unified School District 16-10-2014 Elkins Elementary School District 14-9-2014 Nevada County Office of Education 6-10-2014 Paso Robles Joint Unified School District 13-10-2014 River Delta Joint Unified School District 8-10-2014 Southern Trinity Joint Unified School District 12-9-2014	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Consent
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SUMMARY OF THE ISSUE(S)

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 contained in *EC* 52852 of the School-Based Coordination Program (SBCP) Act that would hinder the success of the program implementation. These waivers must be renewed every two years.

Authority for Waiver: *EC* Section 52863

RECOMMENDATION

Approval Approval with conditions Denial

The California Department of Education (CDE) recommends approval with conditions, see Attachment 1.

SUMMARY OF KEY ISSUES

The Castle Rock Union Elementary School District is requesting a SSC composition change for a small school: Castle Rock Union Elementary School (5 teachers serving 61 students in kindergarten through grade eight). The school is located in a rural area.

The Chawanakee Unified School District is requesting a SSC composition change for a small school: Chawanakee Academy (5 teachers serving 135 students in kindergarten through grade twelve). Chawanakee Academy is a home school, located in a rural area.

The Cuyama Joint Unified School District is requesting a shared SSC for two small schools: Cuyama Elementary School (10 teachers serving 163 students in kindergarten through grade eight) and Cuyama Valley High School (5.5 teachers serving 74 students in grades nine through twelve). The two schools share a superintendent/principal, curriculum, and other services. They are located in a very rural area.

The Elkins Elementary School District is requesting to renew a SSC composition change for a very small school: Elkins Elementary School (1 teacher serving 15 students in kindergarten through grade eight). The school is located in a rural area.

The Nevada County Office of Education is requesting a shared SSC with composition change for three small schools: Edge Academy County Community School (1 teacher serving 3 students in grades seven through twelve), Launch County Community School (2 teachers serving 8 students in grades seven through twelve), and Sugarloaf Mountain, Juvenile Hall Program (2 teachers serving 14 students in grades six through twelve). The three schools share a principal and an administrative secretary. The principal is also the only teacher at Edge Academy County Community School—an independent study school. The schools share similar student populations and student needs. They are located in a rural area.

The Paso Robles Joint Unified School District is requesting a shared SSC with composition change for two small schools: Independence High School (11 teachers serving 118 students in grades nine through twelve) and Liberty Continuation High School (10 teachers serving 89 students in grades nine through twelve). The two schools share the two administrators and some other staff members. They are located in the same school building in a suburban area.

The River Delta Joint Unified School District is requesting to renew a shared SSC for two small schools: Clarksburg Middle School (4 teachers serving 206 students in grades seven through nine) and Delta High School (4 teachers serving 204 students in grades ten through twelve) with an additional 16 teachers teaching at both schools. The two schools are located on the same campus, sharing facilities. In addition, many families have students attending both campuses. They are located in a rural area.

The Southern Trinity Joint Unified School District is requesting to renew a SSC composition change for a very small school: Hoaglin-Zenia Elementary School (1 teacher serving 10 students in kindergarten through grade eight). The school, in addition to having only one teacher, shares a principle with several other schools in the district, which makes it difficult for her to attend all meetings. The school is located 30 miles away from other schools and is in a rural area.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The CDE has previously presented requests from local educational agencies (LEAs) to waive some of the SSC requirements in *EC 52863* or to allow one shared schoolsite council for multiple schools. All of these requests have been granted with conditions. The conditions take into consideration the rationale provided by the LEAs, a majority of which are due to the size, type, location, or other capacities of the schools.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval.

ATTACHMENT(S)

- Attachment 1: Local Educational Agencies Requesting a Schoolsite Council Waiver (4 Pages)
- Attachment 2: Castle Rock Union Elementary School District Specific Waiver Request 6-9-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)
- Attachment 3: Chawanakee Unified School District Specific Waiver Request 17-10-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)
- Attachment 4: Cuyama Joint Unified School District Specific Waiver Request 16-10-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)
- Attachment 5: Elkins Elementary School District Specific Waiver Request 14-9-2014 (1 Page) (Original waiver request is signed and on file in the Waiver Office.)
- Attachment 6: Nevada County Office of Education Specific Waiver Request 6-10-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)
- Attachment 7: Paso Robles Joint Unified School District Specific Waiver Request 13-10-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)
- Attachment 8: River Delta Joint Unified School District Specific Waiver Request 8-10-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)
- Attachment 9: Southern Trinity Joint Unified School District Specific Waiver Request 12-9-2014 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Local Educational Agencies Requesting a Schoolsite Council Waiver

Waiver Number	LEA for School(s) (CDS Code[s])	LEAs Request	CDE Recommendation	Previous Waiver Yes or No Period of Request/ Period Recommended	Collective Bargaining Unit Position/ Current Agreement	SSC/Advisory Committee Position	Local Board Approval Date
6-9-2014	Castle Rock Union Elementary School District for Castle Rock Elementary School (4569922 6050165)	SSC Composition Change	Approval with conditions: the SSC must consist of one principal, one teacher (selected by peers), one other school representative (selected by peers), and three parents/community members (selected by parents).	No Requested: 07/01/2014 to 06/30/2016 Recommended: 07/01/2014 to 06/30/2016	Castle Rock Education Association Autumn Funk, President 09/02/2014	Parent Committee 09/10/2014 No Objections	09/11/2014
17-10-2014	Chawanakee Unified School District for Chawanakee Academy (2075606 6114862)	SSC Composition Change	Approval with conditions: the SSC must consist of one principal, three classroom teachers (selected by peers), one other school representative (selected by peers), four parents/community members (selected by parents), and one student (selected by peers).	No Requested: 08/18/2014 to 06/30/2016 Recommended: 08/18/2014 to 06/30/2016	Chawanakee Teachers Association Kim Boatman, President 09/22/2014	SSC 10/07/2014 No Objections	10/14/2014

Waiver Number	LEA for School(s) (CDS Code[s])	LEAs Request	CDE Recommendation	Previous Waiver Yes or No Period of Request/ Period Recommended	Collective Bargaining Unit Position/ Current Agreement	SSC/Advisory Committee Position	Local Board Approval Date
16-10-2014	Cuyama Joint Unified School District for Cuyama Elementary School (4275010 6045389) and Cuyama Valley High School (4275010 4231205)	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 parents), and three students (selected by peers).	No Requested: 09/02/2014 to 09/01/2016 Recommended: 09/02/2014 to 09/01/2016	California School Employees Association Pete Mendiburu, President 10/05/2014 Support Cuyama Unified Educators Association Russ Barnes, President 10/08/2014 Support	SSC 10/07/2014 No Objections	10/09/2014
14-9-2014	Elkins Elementary School District for Elkins Elementary School (5271514 6053508)	SSC Composition Change	Approval with conditions: the SSC must consist of one principal, one other school representative (selected by peers), and two parents/community members (selected by parents).	Yes Requested: 07/01/2014 to 06/30/2016 Recommended: 07/01/2014 to 06/30/2016	None indicated.	SSC 09/15/2014 No Objections	09/16/2014

Waiver Number	LEA for School(s) (CDS Code[s])	LEAs Request	CDE Recommendation	Previous Waiver Yes or No Period of Request/ Period Recommended	Collective Bargaining Unit Position/ Current Agreement	SSC/Advisory Committee Position	Local Board Approval Date
6-10-2014	Nevada County Office of Education for Edge Academy County Community School (2910298 0123539), Launch County Community School (2910298 0116681), and Sugarloaf Mountain, Juvenile Hall Program (2910298 0116913)	Shared SSC with Composition Change	Approval with conditions: the SSC must consist of one principal, two classroom teachers (selected by peers), one other school representative (selected by peers), three parents/community members (selected by parents), and one student (selected by peers).	No Requested: 11/01/2014 to 10/31/2016 Recommended: 11/01/2014 to 10/31/2016	None indicated	School Advisory Team and Nevada County Superintendent of Schools Leadership Team 10/06/2014 No Objections	10/08/2014
13-10-2014	Paso Robles Joint Unified School District for Independence High School (4075457 0119354) and Liberty Continuation High School (4075457 4035762)	Shared SSC with Composition Change	Approval with conditions: the SSC must consist of one principal, three classroom teachers (selected by peers), one other school representative (selected by peers), three parents/community members (selected by parents), and two students (selected by peers).	No Requested: 08/27/2014 to 08/24/2016 Recommended: 08/27/2014 to 08/24/2016	None indicated	SSC and staff members of both schools 09/23/2014 No Objections	10/14/2014

Waiver Number	LEA for School(s) (CDS Code[s])	LEAs Request	CDE Recommendation	Previous Waiver Yes or No Period of Request/ Period Recommended	Collective Bargaining Unit Position/ Current Agreement	SSC/Advisory Committee Position	Local Board Approval Date
8-10-2014	River Delta Joint Unified School District for Clarksburg Middle School (3467413 0112078) and Delta High School (3467413 5731708)	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 parents), and three students (selected by peers).	Yes Requested: 10/01/2014 to 10/01/2015 Recommended: 10/01/2014 to 10/01/2015	River Delta Unified Teachers Association Paul Delgado, President 09/08/2014	SSC 09/08/2014 No Objections	09/09/2014
12-9-2014	Southern Trinity Joint Unified School District for Hoaglin-Zenia Elementary School (5373833 6053755)	SSC Composition Change	Approval with conditions: the SSC must consist of one teacher in charge, one other school representative (selected by peers), and two parents/community members (selected by parents).	Yes Requested: 12/17/2014 to 12/16/2016 Recommended: 12/17/2014 to 12/16/2016	Southern Trinity Teachers' Association Marie Block, President 09/10/2014	SSC 09/15/2014 No Objections	09/17/2014

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 4569922

Waiver Number: 6-9-2014

Active Year: 2014

Date In: 9/15/2014 10:55:12 AM

Local Education Agency: Castle Rock Union Elementary School District
Address: 29373 Main St.
Castella, CA 96017

Start: 7/1/2014

End: 6/30/2016

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: The Castle Rock Union School District is requesting reduced composition in the members for a small school (less than 80 students) [Statute requires 12 members for a high school sitecouncil and 10 members for elementary schoolsite council] from 10 to 5. I have already met with the collective bargaining unit and they agree.

Outcome Rationale: Our student population and that of the community has been dropping over the years. This is the lowest population of students we have had in awhile. It would be very hard to find 10 members.

Student Population: 61

City Type: Rural

Local Board Approval Date: 9/11/2014

Council Reviewed By: Parent Committee
Council Reviewed Date: 9/10/2014
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Stacie Moore
Position: Superintendent
E-mail: smoore@shastalink.k12.ca.us
Telephone: 530-235-0101
Fax:

Bargaining Unit Date: 09/02/2014
Name: Castle Rock Education Association
Representative: Autumn Funk
Title: President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 2075606

Waiver Number: 17-10-2014

Active Year: 2014

Date In: 10/16/2014 1:54:46 PM

Local Education Agency: Chawanakee Unified School District
Address: 33030 Road 228
North Fork, CA 93643

Start: 8/18/2014

End: 6/30/2016

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: *Education Code* Section 52852. Waive the portion that say that there needs to be 12 members and allow for only 10.

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 ensure parity 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 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.

Outcome Rationale: We have only 5 teachers on staff and under the current regulations all 5 would have to serve on the committee.

Student Population: 135

City Type: Rural

Local Board Approval Date: 10/14/2014

Council Reviewed By: School Site Council

Council Reviewed Date: 10/7/2014

Council Objection: N

Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Jessica Fairbanks

Position: Principal

E-mail: jfairbanks@mychawanakee.org

Telephone: 559-868-4200 x326

Fax: 559-868-4222

Bargaining Unit Date: 09/22/2014

Name: Chawanakee Teachers Association

Representative: Kim Boatman

Title: President

Position: Neutral

Comments:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 4275010

Waiver Number: 16-10-2014

Active Year: 2014

Date In: 10/15/2014 2:22:00 PM

Local Education Agency: Cuyama Joint Unified School District
Address: 2300 Highway 166
New Cuyama, CA 93254

Start: 9/2/2014

End: 9/1/2016

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* 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: Cuyama Elementary School has a student population of 163 with 10 FTE Teachers and Cuyama Valley High School has a student population of 74 with 5.5 FTE Teachers. Cuyama Elementary School and Cuyama Valley High School are five miles apart in the very rural Cuyama Valley in the northeast corner of Santa Barbara County. All of the students attend one of the two sites. The valley depends on agriculture and most of the families have both parents working in the fields.

Dr. F. Paul Chounet is the Superintendent/Principal for the Cuyama Joint Unified School District and oversees both sites. He is the only administrator in the District. Both sites have shared curriculum and other services such as secretarial support, custodial, transportation and maintenance support and school site services.

The same parents are historically on both school site councils and the district has had a difficult time maintaining a quorum at both meetings each month.

Student Population: 237

City Type: Rural

Local Board Approval Date: 10/9/2014

Council Reviewed By: School Site Council

Council Reviewed Date: 10/7/2014
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. F Paul Chounet
Position: Superintendent/Principal
E-mail: pchounet@cuyamaunified.org
Telephone: 661-766-2482
Fax: 661-766-2255

Bargaining Unit Date: 10/05/2014
Name: California School Employees Association, Chap. 288
Representative: Pete Mendiburu
Title: President, CESA Chapter 288
Position: Support
Comments:

Bargaining Unit Date: 10/08/2014
Name: Cuyama Unified Educators
Representative: Russ Barnes
Title: President, Cuyama Unified Educators
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 5271514

Waiver Number: 14-9-2014

Active Year: 2014

Date In: 9/29/2014 1:08:31 PM

Local Education Agency: Elkins Elementary School District
Address: 2960 Elkins Rd.
Paskenta, CA 96074

Start: 7/1/2014

End: 6/30/2016

Waiver Renewal: Y

Previous Waiver Number: 16-10-2012-W-06 Previous SBE Approval Date: 1/16/2013

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: Ed Code requires a minimum of ten members for the school site council.

Outcome Rationale: Elkins School is a small rural school with a student population of 15. We employ an Administrator/Teacher, one full time paraprofessional and three part-time classified employees. We wish to form a four member SSC composed of the school administrator/teacher, one other school employee and two parents or community members elected by parents.

Student Population: 15

City Type: Rural

Local Board Approval Date: 9/16/2014

Council Reviewed By: Elkins School Site Council
Council Reviewed Date: 9/15/2014
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Marian Jensen
Position: Business Manager
E-mail: mjensen@elkinsschoolca.org
Telephone: 530-833-5582
Fax:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 2910298

Waiver Number: 6-10-2014

Active Year: 2014

Date In: 10/9/2014 12:24:45 PM

Local Education Agency: Nevada County Office of Education
Address: 112 Nevada City Hwy.
Nevada City, CA 95959

Start: 11/1/2014

End: 10/31/2016

Waiver Renewal: Y

Previous Waiver Number: 18-11-2012-W-05 Previous SBE Approval Date: 3/14/2013

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: [EC 52852] Schoolsite councils for small schools sharing common services or attendance areas, administration and other characteristics.

Outcome Rationale: The current waiver was reviewed and issued on October 22, 2012 and must be renewed every two years [EC 52863].

Currently NCSOS operates three alternative education schools: Launch, a 7-12 County Community School with eight students, Edge Academy, a 7-12 County Community School Independent Study Program with three students, and Sugarloaf Mountain Juvenile Hall Program with fourteen students.

NCSOS is requesting a waiver renewal to continue the total number of schoolsite council members to eight in one combined schoolsite council to more effectively address needs and goals related to student improvement. In addition, we seek to increase the opportunity to meet the required parity requirements between staff and non-staff members. Seeking parent engagement of our alternative education students is a continuing struggle. The parents of our incarcerated and alternative education students are rarely connected to the school long enough to participate in an ongoing schoolsite council. They are often disconnected in their child's education and difficult to engage in school governance and planning. Reducing the number required to serve on our site council would assist in this endeavor. All three of the schools share one administrator and administrative secretary. In addition, because all of our students are either: incarcerated, expelled, placed through the School Attendance Review Board, or placed by the Probation Department, the student populations have very similar academic, behavioral and social-emotional needs and goals. Under the current waiver the schoolsite council is composed of a total of eight members: the principal, two teachers, one classified employee, three parents or community members, and one student.

We are also requesting to continue to combine our efforts into one SPSA (Single Plan for Student Achievement) for the three programs. We have aligned our goals to address student

needs in all of our programs, keeping mindful of confidentiality issues that can arise when sharing test data and achievement information of extremely small numbers of students. Additionally, we are combining staff professional development opportunities, formative assessment tools, and data driven instructional strategies of our programs in an effort to increase student engagement from our at-risk youth.

Student Population: 25

City Type: Rural

Local Board Approval Date: 10/8/2014

Council Reviewed By: School advisory team, Nevada County Superintendent of Schools leadership team

Council Reviewed Date: 10/6/2014

Council Objection: N

Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Shar Johns

Position: Associate Superintendent

E-mail: sjohns@nevco.k12.ca.us

Telephone: 530-478-6400 x205

Fax:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 4075457

Waiver Number: 13-10-2014

Active Year: 2014

Date In: 10/15/2014 7:57:58 AM

Local Education Agency: Paso Robles Joint Unified School District
Address: 800 Niblick Rd.
Paso Robles, CA 93446

Start: 8/27/2014

End: 8/24/2016

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.

Outcome Rationale: The two alternative education high schools in Paso Robles, one a continuation high school and the other an independent study high school, share the same building and some of the same staff including both administrators. Both schools have very small enrollment numbers and these students tend to move back and forth between alt ed and the comprehensive high school. Historically, finding parents of either high school who are willing to commit to a a minimum of a year's commitment toward serving on a school site council has been very difficult. This lack of parent participation makes having a compliant quorum before any decisions can be made nearly impossible.

Student Population: 256

City Type: Suburban

Local Board Approval Date: 10/14/2014

Council Reviewed By: The parents and staff that attended the school site council as well as the staff of both schools

Council Reviewed Date: 9/23/2014

Council Objection: N

Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Wendy Nielsen
Position: Director of Student Achievement
E-mail: wnielsen@pasoschools.org
Telephone: 805-769-1000 x30401
Fax:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 3467413

Waiver Number: 8-10-2014

Active Year: 2014

Date In: 10/13/2014 1:00:25 PM

Local Education Agency: River Delta Joint Unified School District
Address: 445 Montezuma St.
Rio Vista, CA 94571

Start: 10/1/2014

End: 10/1/2015

Waiver Renewal: Y

Previous Waiver Number: 9-9-2013-W-10

Previous SBE Approval Date: 1/15/2014

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*: A school site council shall be established at each school which participates in school-based program coordination.

52863. Any governing board, on behalf of a school site council, may request the State Board of Education to grant a waiver of any provision of this article. The State Board of Education may grant a request when it finds that the failure to do so would hinder the implementation or maintenance of a successful school-based coordinated program.

Outcome Rationale: Clarksburg Middle School and Delta High School exist on the same campus in the small rural community of Clarksburg. DHS has 204 students in grades 10-12 and CMS has 206 students in grades 7-9. The schools share facilities and many families have students enrolled at both sites. The schools share a staff of 24 teachers, administration (Principal and VP), Boosters Club, and ELAC. Staff meetings are combined and educational priorities are set together. The schools function under a 7-12 model, and this waiver will allow a joint SSC to address priorities in a coordinated effort.

Student Population: 410

City Type: Rural

Local Board Approval Date: 9/9/2014

Council Reviewed By: School Site Council

Council Reviewed Date: 9/8/2014

Council Objection: N

Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Laura Uslan
Position: Principal
E-mail: luslan@riverdelta.k12.ca.us
Telephone: 916-744-1714 x2254
Fax:

Bargaining Unit Date: 09/08/2014
Name: River Delta Unified Teachers Association
Representative: Paul Delgado
Title: President RDUTA
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 5373833

Waiver Number: 12-9-2014

Active Year: 2014

Date In: 9/24/2014 10:12:53 AM

Local Education Agency: Southern Trinity Joint Unified School District
Address: 680 Van Duzen Rd.
Bridgeville, CA 95526

Start: 12/17/2014

End: 12/16/2016

Waiver Renewal: Y

Previous Waiver Number: 20-10-2012-W-06 Previous SBE Approval Date: 1/16/2013

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: 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 personnel selected by other school personnel at the school; parent of pupils attending the school selected by such parents; and in secondary schools, pupils selected by pupils attending the school.

Outcome Rationale: Our school at Hoaglin-Zenia is one hour from our other schools. It has an enrollment of ten (10) students and one teacher. Because of the distance and small number of students it is impossible to meet the current requirements for site council composition. We are asking to be able to have our site composition at Hoaglin-Zenia be: The teacher in charge and one other classified staff and two(2) parents, for a total of four (4) members.

Student Population: 10

City Type: Rural

Local Board Approval Date: 9/17/2014

Council Reviewed By: School Site Council
Council Reviewed Date: 9/15/2014
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

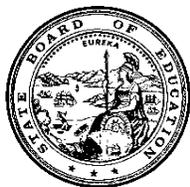
Submitted by: Ms. Peggy Canale
Position: Superintendent/Principal
E-mail: pcanale@tcoek12.org
Telephone: 707-574-6237 x223
Fax: 707-574-6538

Bargaining Unit Date: 09/10/2014
Name: Southern Trinity Teachers' Association
Representative: Marie Block
Title: President
Position: Support
Comments:



California State Board of Education
Meeting Agenda Items for January 14, 2015

WAIVER ITEM W-13



CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2015 AGENDA

Specific Waiver

<p>SUBJECT</p> <p>Request by North Santa Cruz County Special Education Local Plan Area to waive California <i>Education Code</i> Section 51224.5(b), the requirement that all students graduating in the 2014–15 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(s) based on <i>Education Code</i> Section 56101, the special education waiver authority.</p> <p>Waiver Number: 2-9-2014</p>	<p><input checked="" type="checkbox"/> Action</p> <p><input checked="" type="checkbox"/> Consent</p>
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SUMMARY OF THE ISSUE(S)

The local educational agency (LEA) requests to waive the requirement that students be required to complete a course in Algebra I (or equivalent) to be given a diploma of graduation, for one special education student who is not able to meet the Algebra I requirement but meets other graduation requirements.

Authority for Waiver: *Education Code (EC)* Section 56101

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 student successfully complete a course in Algebra I (or its equivalent) for the 2014–15 graduating year. This student has met other course requirements stipulated by the governing board of the school district and California *EC* Section 51225.3 in order to receive a high school diploma. If this student does not graduate in 2014–15, 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 2015–16 as required by *EC* Section 51224.5.

SUMMARY OF KEY ISSUES

For the review of this waiver request, the North Santa Cruz County Special Education Local Plan Area (SELPA) 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 IEP was 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, specifically, 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 more than one special education consultant. The LEAs documentation provided facts indicating that failure to approve these waiver requests would result in the student not meeting graduation requirements.

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.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval.

ATTACHMENT(S)

Attachment 1: Algebra I Summary Table (1 page)

Attachment 2 North Santa Cruz County SELPA Specific Waiver Request 2-9-2014 (1 page) (Original waiver request is signed and on file in the Waiver Office.)

Algebra I Summary Table

Waiver Number	Local Educational Agency	Demographics	Period of Request	Local Board Approval Date
2-9-2014	North Santa Cruz County SELPA	Student Population: 122 City Type: Suburban County: Santa Cruz	Requested: 8/21/2013 to 6/30/2015 (End date extended per request by the LEA) Recommended: 8/21/2013 to 6/30/2015	9/2/2014

Created by California Department of Education
November 20, 2014

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 4440832

Waiver Number: 2-9-2014

Active Year: 2014

Date In: 9/2/2014 10:01:30 AM

Local Education Agency: North Santa Cruz County SELPA
Address: 400 Encinal Street
Santa Cruz, CA 95062

Start: 8/21/2013

End: 12/30/2014

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: A district or a county office of education governing board or a Special Education Local Plan Area (SELPA) has a right to file an *EC* 56101 waiver on a specific waiver form for individual students with SBE.

Outcome Rationale: Delta Charter High School is authorized by Santa Cruz High School District and a member of the North Santa Cruz County SELPA. I am submitting this Algebra 1 Waiver Request on behalf of the CEO/Principal, Mary Gaukel Forster, for a special education student, who met all other high school graduation requirements in order to receive a diploma. I have reviewed the documentation submitted to the SELPA and recommend approval of this specific waiver request.

A hard copy of student's file is with the CDE Waiver Office.

Student Population: 122

City Type: Suburban

Local Board Approval Date: Approved by SELPA 9/2/2014

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Harriet Maglin
Position: Senior SELPA Director
E-mail: hmaglin@santacruz.k12.ca.us
Telephone: 831-466-5700
Fax: 831-466-5607



California State Board of Education
Meeting Agenda Items for January 14, 2015

WAIVER ITEM W-14



CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2015 AGENDA

Specific Waiver

<p>SUBJECT</p> <p>Request by Capistrano Unified School District to waive California <i>Education Code</i> Section 56366.1(a), the requirement for state certification to allow an uncertified out-of-state nonpublic school, Perkins School for the Blind located in Watertown, Massachusetts, to provide services to one special education student.</p> <p>Waiver Number: 3-10-2014</p>	<p><input checked="" type="checkbox"/> Action</p> <p><input checked="" type="checkbox"/> Consent</p>
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SUMMARY OF THE ISSUE(S)

The Capistrano Unified School District contacted in-state nonpublic schools and nonpublic agencies, residential treatment centers, and the California School for the Blind, to offer a free appropriate public education to one high school student who is blind, has autism, and emotional/mental health needs. However, none of these placement options would accept the student, or could not meet the student's comprehensive, unique needs. The uncertified out-of-state nonpublic school, Perkins School for the Blind located in Watertown, Massachusetts, accepted the student, and the parents and district agree this is the most appropriate placement to implement the student's Individualized Education Program (IEP) as a result of a mediated settlement agreement. The District requests to waive California *Education Code* Section 56366.1(a), the requirement for state certification, to allow the use of California's federal special education funds for the placement of this student at the Perkins School for the Blind.

Authority for Waiver: California *Education Code* (EC) Section 56101

RECOMMENDATION

Approval **Approval with conditions** **Denial**

The California Department of Education (CDE) recommends approval of this waiver. However, the CDE recommends approval of the waiver for one year instead of three years as requested. This is the second California local educational agency to request a waiver to place a student at Perkins School for the Blind. Since there is a pattern of California students being placed at this nonpublic school, the CDE recommends that Perkins School for the Blind apply to be a certified nonpublic school for future years. Certification will allow oversight by the CDE, ensuring proper management.

SUMMARY OF KEY ISSUES

The Capistrano Unified School District contacted certified, in-state nonpublic schools and agencies, residential treatment centers, and the California School for the Blind, for possible placement to offer a free appropriate public education to the student. These placement options would not accept the student, or could not meet the student's unique needs as defined in the IEP. The Perkins School for the Blind accepted the student and the parents agree this is the appropriate placement for the student because it provides services for both blind students and students with autism and emotional/mental health needs.

As a result of a lawsuit and mediation, the Capistrano Unified School District and the parent reached a Settlement Agreement to place the student at the Perkins School for the Blind. The end date of the agreement is August 31, 2017, or the date of the student's completion of a regular high school diploma, whichever occurs first.

The CDE staff recommends approval of this waiver. The waiver is beneficial to the content and implementation of the student's IEP and does not abrogate any right provided to individuals with exceptional needs and their parents or guardians under the federal Individuals with Disabilities Education Act, or affect the compliance of the Capistrano Unified School District with federal laws and regulations. In addition, before contracting with the nonpublic, nonsectarian school outside of this state, the Capistrano Unified School District documented its efforts to utilize public schools and to locate an appropriate nonpublic, nonsectarian school or agency program, or both, within the state.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In March 2009, the California State Board of Education approved a waiver similar to this one, allowing Berkeley Unified School District to waive California *Education Code* Section 56366.1(a), the requirement for state certification, in order to place one special education student at Perkins School for the Blind.

Demographic Information:

The Capistrano Unified School District has a student population of 53,833 and is located in an urban area in Orange County.

FISCAL ANALYSIS (AS APPROPRIATE)

If this waiver is approved, the Capistrano Unified School District may use state and federal special education funds for the placement of this student at the Perkins School for the Blind. If this waiver is denied, the Capistrano Unified School District may only use local funds to support the student's placement at Perkins School for the Blind. The estimated yearly cost for placement is \$234,722.

ATTACHMENT(S)

Attachment 1: Information from District Requesting Waiver of Child Specific/ NPA or NPS Certification (1 page)

Attachment 2: Capistrano Unified School District Specific Waiver Request 3-10-2014 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Information from District Requesting Waiver of Child Specific / NPA or NPS Certification
California Education Code Section 56366.1(a)

Waiver Number	Local Educational Agency	Period of Request	Demographics	Local Board Approval Date
3-10-2014	Capistrano Unified School District	Requested: 9/1/2014 to 8/31/2017 Recommended: 9/1/2014 to 8/31/2015	Student population: 53,833 Located in an urban area in Orange County	7/23/2014

Created by California Department of Education
December 1, 2014

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 3066464

Waiver Number: 3-10-2014

Active Year: 2014

Date In: 10/7/2014 3:39:53 PM

Local Education Agency: Capistrano Unified School District
Address: 33122 Valle Rd.
San Juan Capistrano, CA 92675

Start: 9/1/2014

End: 8/31/2017

Waiver Renewal: N

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: Special Education Program
Ed Code Title: Child Specific/ NPA or NPS Certification
Ed Code Section: 56366.1(a)
Ed Code Authority: 56101

Ed Code or CCR to Waive: Cal. Educ. Code 56366(d): A master contract for special education and related services provided by a nonpublic, nonsectarian school or agency may not be authorized under this part, unless the school or agency has been certified as meeting those standards relating to the required special education and specified related services and facilities for individuals with exceptional needs. The certification shall result in the school or agency receiving approval to educate pupils under this part for a period no longer than 18 months from the date of the initial approval.

Waive this entire section and permit contract with a school that is not an NPS for one district student.

Outcome Rationale: Student a high school student. He is blind and has autism. He also has emotional/mental health needs. Student cannot be served within the school district and receive a free appropriate public education. No local NPS would accept student. No Residential Treatment Center would accept student. The California School for the Blind would not accept student given his unique needs. The District exhausted less restrictive options (contracting with NPA agency for vision and mental health services) in a variety of other settings, and located a school that could meet his comprehensive needs. He has been accepted and parents agree this is an appropriate placement. Supportive documentation is attached.

Student Population: [200] Capistrano student population is 53,833. District initially indicated population of Perkins School, which is 200.

City Type: Urban

Local Board Approval Date: 7/23/2014

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Sara Young
Position: Director - Informal Dispute Resolution
E-mail: scyound@capousd.org
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Fax:



California State Board of Education
Meeting Agenda Items for January 14, 2015

WAIVER ITEM W-15



CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2015 AGENDA

General Waiver

<p>SUBJECT</p> <p>Request by South Whittier Elementary School District to waive <i>California Education Code of Regulations</i>, 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.</p> <p>Waiver Number: 19-10-2014</p>	<p><input checked="" type="checkbox"/> Action</p> <p><input checked="" type="checkbox"/> Consent</p>
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SUMMARY OF THE ISSUES

The local educational agency (LEA) requests to be allowed to provide instruction in fewer than the 20 days required by law for extended school year (ESY). The LEA proposes an alternate schedule that will allow them to provide the minimum number of hours required, but in fewer days.

Authority for Waiver: *Education Code (EC)* Section 33050

RECOMMENDATION

Approval **Approval with conditions** **Denial**

The California Department of Education recommends that the State Board of Education (SBE) approve the request from South Whittier Elementary School District to provide 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 KEY ISSUES

South Whittier Elementary School District successfully implemented a one-time waiver to provide ESY services for the 2013–14 school year for eligible students with disabilities who are in preschool through eighth grade based upon the State Board of Education approval of the previous waiver 18-10-2013-W-15. The District is requesting a renewal to the waiver to provide ESY services for eligible students with disabilities who are in preschool through eighth grade. The District is proposing to continue to provide a four-week ESY program over 16 days, equivalent to the number of instructional hours provided in a 20-instructional day calendar, including holidays.

- The South Whittier Elementary School District proposes to provide ESY services utilizing a 16-day model over a four-week period at 5 hours per day (16 days X 5 hours per day = 80 hours), providing the same number of instructional hours as in a traditional 20-day model, including holidays (19 days X 4 hours = 76 hours). The proposed model, which extends daily attendance time, results in identical instructional time totals, but provides for a reduction in total days of attendance to 16 days, Monday through Thursday, over a four-week period. Note: Per the District's request, the number of ESY instructional hours was amended from 76 to 80 hours because there is no holiday during the requested ESY period.
- The South Whittier Elementary School District believes the proposed model will:
 - Continue to increase the likelihood that highly qualified and trained classroom teachers and staff who work with students during the school year will apply to work during ESY.
 - Continue to help facilitate cost effective services within classrooms and reduce related costs for transportation, electricity, custodial services, food services, administration, etc.
 - Continue to improve overall attendance by eliminating the requirement for Friday attendance. The previously approved ESY waiver resulted in increased participation of eligible students by over 18 percent from the previous ESY. The average daily attendance of students increased from 89.9 percent to 91.6 percent.

For the purposes of reimbursement for average daily attendance, an ESY program:

- Must provide instruction of at least as many minutes over the shorter period as would have been provided during a typical 20-day program;
- Must be the same length of time as the school day for pupils of the same age level attending summer school in the district in which the extended year program is provided, but not less than the minimum school day for that age level unless

otherwise specified in the individualized education program to meet a pupil's unique needs; and

- Must offer special education and related services during the extended school year period that are comparable in standards, scope, and quality to the special education program offered during the regular academic 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://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC§ionNum=33051.

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 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.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval.

ATTACHMENT(S)

Attachment 1: Extended School Year Summary Table (1 page)

Attachment 2: South Whittier Elementary School District General Waiver Request 19-10-2014 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Extended School Year Summary Table

Waiver Number	District	Period of Request	Demographics	Local Board and Public Hearing Approval Date	Bargaining Unit and Representative Consulted, Date, and Position	Public Hearing Advertised	Advisory Committee or Site Council Consulted/ Date
19-10-2014	South Whittier Elementary School District	<p>Requested: 6/1/2015 to 6/25/2015</p> <p>Recommended: 6/1/2015 to 6/25/2015</p>	<p>Student population: 3,155</p> <p>Area: Urban</p> <p>County: Los Angeles</p>	10/14/2014	<p>California School Employees Association, Laura Bribiescas, President, 10/02/2014 Support</p> <p>South Whittier Teacher Association, Audrey Radley, President, 10/02/2014 Support</p>	Posted at each school and District Web site	<p>District Advisory Committee, District English Language Advisory Committee, 9/11/2014 No objection</p>

Created by California Department of Education
November 21, 2014

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 1965037

Waiver Number: 19-10-2014

Active Year: 2014

Date In: 10/22/2014 1:36:08 PM

Local Education Agency: South Whittier Elementary School District
Address: 11200 Telechron Ave.
Whittier, CA 90605

Start: 6/1/2015

End: 6/25/2015

Waiver Renewal: Y

Previous Waiver Number: 18-10-2013

Previous SBE Approval Date: 3/12/2014

Waiver Topic: Special Education Program
Ed Code Title: Extended School Year (Summer School)
Ed Code Section: Title 5
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: Section 3043 (d) 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 school 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: South Whittier School District 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 = 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 = 76 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. 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 June 1, 2015, to June 25, 2015.

Proposed changes will provide the following:

- 1) Will continue from last approved ESY waiver to increase the likelihood that highly qualified and trained classroom teachers and staff that work with students during the school year will apply to work during Extended School Year as well.
- 2) Will continue from last approved ESY waiver to facilitate cost effective services within the classroom, and reduce related costs for transportation, electricity, custodial services, food services, administration, etc.
- 3) We have found that there is a drop in attendance on Fridays, after a holiday, as well as a reduction in attendance during the final week of instruction for extended school year. With the approved waiver, ESY 2014 participation of eligible students increased over 18 percent from the previous ESY. Daily Attendance of students also increased from 89.9 percent during ESY to 91.6 percent.

Student Population: 3,155

City Type: Urban

Local Board Approval Date: 10/14/2014

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Marsha Escalante
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Telephone: 562-944-6231 x2019
Fax: 562-903-5868

Bargaining Unit Date: 10/02/2014
Name: California School Employees Association
Representative: Laura Bribiescas
Title: CSEA President
Position: Support
Comments:

Bargaining Unit Date: 10/02/2014
Name: South Whittier Teacher Association
Representative: Audrey Radley
Title: SWTA President
Position: Support
Comments:



California State Board of Education
Meeting Agenda Items for January 14, 2015

ITEM 09



CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2015 AGENDA

SUBJECT	
Revision to California State Board of Education Policy document <i>Guidelines for Piloting Textbooks and Instructional Materials</i> .	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

SUMMARY OF THE ISSUE(S)

The State Board of Education (SBE) first adopted *Guidelines for Piloting Textbooks and Instructional Materials* in 1989, and since that time, the SBE has continued to revise the document. The attached draft proposes new revisions.

RECOMMENDATION

The California Department of Education (CDE) recommends the SBE approve the proposed revisions for *Guidelines for Piloting Textbooks and Instructional Materials*.

BRIEF HISTORY OF KEY ISSUES

The *California Constitution*, Article IX, Section 7.5 states that the SBE shall adopt textbooks for use in grades one through eight. Various California *Education Code (EC)* sections, including 60060-60062, 60200-60206, 60210, 60400-60411, address this process.

The SBE offers *Guidelines for Piloting Textbooks and Instructional Materials* as a general methodology for ensuring Local Educational Agencies (LEAs) conduct a thorough and thoughtful process for determining what instructional materials are best for their own local population. The guidelines stress the importance of including teachers, parents and the community in the selection process. These guidelines are concise yet maintain a global approach, understanding the broad and diverse audience the document is intended to assist.

This document is currently posted on the CDE's Web site at <http://www.cde.ca.gov/ci/cr/cf/documents/imguide.pdf> and staff often refers an LEA to it as a starting point for LEA use in establishing their own local process. As LEAs consider new instructional materials based upon recent changes to law, including the adoption of the California Common Core State Standards, and the authority granted in *EC* Section

60210 whereby an LEA may utilize instructional materials not adopted by the SBE, a revision of these guidelines at this time is appropriate.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE first adopted *Guidelines for Piloting Textbooks and Instructional Materials* in 1989 and revised it in 1995 and 2001. This year, the Instructional Quality Commission (IQC) has reviewed and discussed this document, received public comment, and provided proposed edits. In November 2014, the IQC voted to present this revision to the SBE for consideration of adoption.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no fiscal impact associated with adopting this policy guidance.

ATTACHMENT(S)

Attachment 1: Draft Revision to California State Board of Education Policy document
Guidelines for Piloting Textbooks and Instructional Materials (6 Pages)

California State Board of Education Policy		POLICY #
		01-05
SUBJECT DRAFT REVISION Guidelines for Piloting Textbooks and Instructional Materials		DATE
		January 2015
REFERENCES		
<i>California Constitution</i> , Article IX, Section 7.5. <i>Education Code</i> Sections 60060-60062, 60200-60206, 60210, 60400-60411.		
HISTORICAL NOTES		
Adopted, June 1989. Revised, June 1995 and September 2001		

Forward

These guidelines have been revised to reflect changes in law related to the flexibility of local instructional materials reviews and the local control funding formula. They are designed to touch upon major considerations most likely to be universally applicable to local educational agencies (LEA) and offer suggested strategies. They are offered for grades K–8; however, they may be adapted for grades 9–12.

Introduction

The California State Board of Education (SBE) has constitutional authority to adopt textbooks for grades one through eight (Article IX, Section 7.5 of the California Constitution) and statutory authority to adopt instructional materials for kindergarten. *Education Code (EC)* Sections 60200-60204 describe the process for the adoption of instructional materials for these grades and mandate that submitted materials be evaluated for consistency with adopted content standards and specific evaluation criteria approved by the SBE. (The evaluation criteria are incorporated in the curriculum frameworks.) *EC* Section 60010(h) defines instructional materials as “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 non-printed, and may include textbooks, technology-based materials, other educational materials, and tests.” The SBE traditionally adopts only basic instructional materials programs, i.e., programs that are designed for use by pupils and their teachers as a principal learning resource and meet in organization and content the basic requirements of a full course of study (generally one school year in length).

An LEA may choose to use instructional materials that have not been adopted by the SBE, pursuant to *EC* Section 60210, so long as they are aligned to state standards and a majority of the participants of any review process conducted by the LEA are classroom teachers who are assigned to the subject area or grade level of the materials being reviewed.

The process of selecting and implementing new instructional materials should be thoroughly planned, conducted publicly and well documented. At every step an LEA

should adhere to *EC* Section 60002 which states the following: “Each district board shall provide for substantial teacher involvement in the selection of instructional materials and shall promote the involvement of parents and other members of the community in the selection of instructional materials.”

I. Determining Materials to Pilot

The SBE-adopted curriculum framework for the respective subject will provide extensive information regarding initial selection of instructional materials. A review of the curriculum framework will be the first step in any curriculum development and instructional materials selection process.

In selecting instructional materials to pilot, a district may either choose from programs on the current SBE-adopted list of recommended materials, or the district may conduct its own independent review. In either case, the steps identified below are critical to the process.

The format of instructional materials may include print, technology-based or a combination of both, as identified in *EC* Section 60010(h).

1. Establish a representative committee charged with recommending instructional materials for district adoption. The committee should involve representatives of all populations in the district including, parents, administrators, teachers at all grade levels, English learner programs, and programs to support students with special needs. The committee will:

- Review criteria for evaluation of instructional resources as outlined in the most recent SBE-approved curriculum framework for the subject area under consideration. Whether choosing from the SBE-adopted list or conducting an independent review, a thorough understanding of the SBE’s evaluation criteria will be helpful. These criteria include alignment with the SBE-adopted content standards, program organization, assessment, universal access, and instructional planning with teacher support.
- Review, as appropriate, the *Toolkit for Evaluating Alignment of Instructional and Assessment Materials* developed by Achieve, the Council of Chief State School Officers, and Student Achievement Partners located at [http://www.ccsso.org/Resources/Digital_Resources/Toolkit for Evaluating Alignment of Instructional and Assessment Materials .html](http://www.ccsso.org/Resources/Digital_Resources/Toolkit_for_Evaluating_Alignment_of_Instructional_and_Assessment_Materials_.html).
- Review SBE or District adopted grade level content standards for the specific subject area under consideration.
- Review the SBE Adoption Report of Instructional Materials which outlines the K–8 state adoption process and the state level evaluations of each program.

- Identify student strengths and weaknesses using district or site level data as appropriate. Disaggregate measures of student achievement in mathematics and language arts from statewide tests results. Review results from district assessments in the content area for which materials are being adopted. District assessment data would be especially useful for the content areas that do not have CAASPP results.
- Identify student diversity/universal access issues that instructional materials need to address—above grade level, below grade level, English learner populations, and special needs populations. Ensure that the instructional materials being considered provide equitable access to all areas of the curriculum for all students. The curriculum frameworks contain extensive information regarding this access. The federal Individuals with Disabilities Education Act (IDEA) requires an LEA to provide accessible instructional materials to students who need them for participation and achievement. While SBE-adopted materials are available in accessible formats from the CDE, an LEA utilizing non-adopted materials will need to obtain digital files and have them converted to accessible formats, such as braille and large print books.

2. Define and prioritize evaluation criteria. Develop an evaluation instrument. The evaluation instrument should reflect criteria from the State, but it should also reflect district or site specific concerns, such as, organization of teacher materials, management/availability of supplemental materials, required level of teacher knowledge, preparation time, etc. The evaluation instrument can also be used as a guide for a preliminary screening of suggested instructional materials for piloting so that only the few programs most closely aligned with the identified evaluation criteria will be piloted. It is difficult to adequately monitor and support piloting of more than two to four programs.

3. Ensure that instructional materials comply with the state laws and regulations for social content. Instructional materials must meet *EC* Sections 60040–60045 as well as the SBE guidelines in the *Standards for Evaluating Instructional Materials for Social Content*. These laws and the SBE guidelines require that instructional materials used in California public schools reflect California’s multicultural society, avoid stereotyping, and contribute to a positive learning environment. Instructional materials that are adopted by the SBE meet the social content requirements. The CDE conducts social content reviews of a range of instructional materials and maintains an online, searchable list of the materials that meet the social content requirements. If an LEA is not purchasing state-adopted instructional materials or materials from the list of approved instructional materials maintained by the CDE, the LEA must ensure that the review for social content review is done at the state or local level. An LEA may require a publisher to submit its materials for social content at the state level before the materials are adopted at the local level. Information about the review process and the CDE’s searchable database can be found on the CDE Social Content Review Web page at <http://www.cde.ca.gov/ci/cr/cf/lc.asp>.

II. The Pilot

Piloting instructional materials using a representative sample of classrooms for a specified period of time during a school year is a frequent part of the adoption process in many school districts. A structured and monitored pilot process can be helpful to school districts and school sites as they consider the adoption of instructional materials.

An effective pilot will help determine if the materials will actually provide teachers with the needed resources to implement a standards-based instructional program. The core of the pilot process is determining the relationship of the materials to the standards and the teachers' evaluations of how well the materials provide students access to the standards. The actual use of the materials in classrooms will provide teachers experience with the program's organization, assessment, and range of instructional strategies. The evaluations of the pilot teachers will carry considerable influence at the decision making time.

The piloting process, being mindful of *EC* Section 60002 as quoted above, should also involve representatives of all populations in the district including, parents, administrators, English learner programs, and programs to support students with special needs.

Listed below is a suggested chronology of the local pilot process.

1. Contact selected publishers to ascertain what assistance they will provide, e.g., number of pilots at free or reduced cost, in-service for the pilot teachers, consultation with teachers during the pilot process.
2. Establish the district contact for the selected publishers. Set firm ground rules with the publishers and teachers. Limit the amount of materials that can be distributed and to whom. Maintain a careful list of what materials are being used in each classroom in order to ensure student access to appropriate complete and rigorous content.
3. Ensure that teachers are comparing similar components of competing programs by standardizing the components to be piloted, e.g., intervention materials, English learner support, skills reinforcement.
4. Consider the use of formative assessments and pre and post testing. This might be done with subject areas that are used to determine statewide test score or to determine retention/promotion policies.
5. Establish a system for removing non-consumable materials when the pilot is completed. Keep teachers, publishers, and site administrators informed of timelines and procedures.

6. Determine the duration of the pilot. Determine what information is needed from the pilot and give teachers enough time to develop a complete unit or concept so that they will be able to evaluate the program fairly. It is preferable to have teachers use more than one program. This establishes a basis for comparison and evaluation.
7. Set up the pilot sites to represent the various student populations and teacher populations. Have programs distributed equally among grade levels.
8. Require that teachers attend an in-service training for their materials. They need to know what they have and how to use it in order to fairly evaluate the materials. They also need to understand that they are part of a small group of people who will be giving valuable input to the selection committee.
9. Review the evaluation instrument with the pilot teachers at the in-service training. Distribute it to the publishers prior to the in-service training, so they can address criteria during the in-service training.
10. Gather evaluations promptly when the pilot process is completed. Compile results and distribute them to the selection committee, teachers, and publishers. Look for trends by grade level, criteria and particular school populations. The committee should use the evaluations as one step in the adoption process.

III. Additional Piloting Considerations

1. Keep the offerings of each publisher consistent with the other publishers, so that a bias will not be established toward a publisher who is more “generous”.
2. Caution teachers and publishers about accepting or offering gifts, gratuities, meals, etc. Pilot evaluations need to be based on the merits of the program and its effectiveness with student learning. It is recommended that *EC* sections 60070–60076 be reviewed as these sections specify the prohibitions between publishers and school officials.
3. Establish firm guidelines regarding contact between publishers and district personnel at the outset of the piloting process and monitor during the process. To assist in setting guidelines, it is advisable to review the *EC* sections dealing with instructional materials (grades K–12, sections 60052–60076; grades K–8, sections 60200–60112; grades 9–12, sections 60400–60411).
4. Inform evaluation committees that publishers must comply with numerous statutes and regulations. In particular, evaluation committees should be aware that publishers are prohibited from publicizing in their marketing material excerpts, in whole or part, from state adoption reports.

5. Verify correlations/standards maps supplied by publishers to actual standards and check the references to specific lessons and page numbers. Materials adopted by the SBE must be aligned to the standards.

6. Survey educators outside the district to explore their experiences with the instructional materials that are being piloted or considered for adoption.

IV. Curriculum Mapping Considerations

If using materials from more than one source, i.e. basal program, to provide content aligned to the SBE-adopted standards, an LEA should develop a curriculum map to identify the materials to be utilized to provide complete coverage of the standards. This documentation is important for determining whether or not the LEA is in compliance with *EC* Section 60119, commonly known as *Williams'* instructional materials sufficiency. This law in part requires that each pupil in each school in the school district has sufficient textbooks or instructional materials, or both, that are aligned to the content standards adopted pursuant to *EC* Section 60605 or 60605.8 in each of the following subjects, as appropriate, that are consistent with the content and cycles of the curriculum framework adopted by the SBE: mathematics; science; history-social science; and English language arts, including the English language development component of an adopted program. While in the past an LEA typically utilized one SBE-adopted program for a particular grade level, in this era of local control, LEAs are beginning to incorporate additional materials. An LEA may utilize a textbook, a supplemental component, and online resources. It is important that an LEA demonstrate that students have access to this content both in the classroom and to take home, pursuant to *EC* Section 60119.



California State Board of Education
Meeting Agenda Items for January 14, 2015

ITEM 10



CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2015 AGENDA

SUBJECT	
Presentation on My Digital Chalkboard.	<input type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

SUMMARY OF THE ISSUE(S)

On October 7, 2014, the State Superintendent of Public Instruction (SSPI) announced the re-launch of the Brokers of Expertise (BoE) site, now called My Digital Chalkboard. At the November 2014 State Board of Education (SBE) meeting, the SSPI stated the California Department of Education (CDE) would present information on My Digital Chalkboard at a future SBE meeting. My Digital Chalkboard is a separate resource from the Smarter Balanced Digital Library, which is an online warehouse that includes tools and resources designed to support teachers in the use of classroom-based formative assessment practices.

RECOMMENDATION

This item is for information only. No specific action is recommended.

BRIEF HISTORY OF KEY ISSUES

My Digital Chalkboard (<https://www.mydigitalchalkboard.org/>) is a state-sponsored online community of California educators. Educators collaborate through group participation and discussions, and upload/access educational classroom and administrative resources. Collaboration helps educators understand and use what works best in California schools and districts.

Originally launched in 2010 as BoE, My Digital Chalkboard has expanded to over 20,000 registered users, 4,000 groups, and 70,000 educational resources. The project goals for the re-launched site were to enhance the educator experience at the site, to improve the site look and feel, and to streamline resource allocation. The CDE continues to engage education stakeholders, seeking information into the education community's needs, in order to inform system scope and design.

A significant portion of My Digital Chalkboard is open to the public, including resources available for download without logging onto the site. Local educational agency

educators who register for the site have further access than the public, and are able to participate in select online groups and upload resources.

The resources available at My Digital Chalkboard are designed for educators to primarily use in the classroom. Some of the more frequently used resource search filtering options include: by topic (English-language arts [ELA], History Social Science, mathematics, Foreign Language, etc.), by grade, by audience, or by resource type (videos, documents, Internet site links, etc.).

My Digital Chalkboard includes curated resources from 25 featured content providers, such as Edutopia, the National Science Digital Library, Smithsonian Education, and the Monterey Bay Aquarium. With the launch of the new My Digital Chalkboard site, over 300,000 additional digital resources are available through the national Learning Registry initiative (<http://learningregistry.org/>).

My Digital Chalkboard also provides online state adopted Common Core State Standards (CCSS) professional learning modules, CCSS aligned materials, and links to CCSS and state academic content standards, including, but not limited to, California ELA/English Language Development. CDE programs (the early education program, California's statewide and regional English language learner groups, etc.) use My Digital Chalkboard to communicate statewide with regional program leaders, share program resources, and schedule meeting events. New programs, such as the foster youth coordinators group and specialized secondary program group, are developing group networks in My Digital Chalkboard.

Recent Efforts

With funding from the Californians Dedicated to Education Foundation, and in collaboration with the K–12 High Speed Network and its affiliates, the CDE launched the refreshed BoE portal this fall as My Digital Chalkboard. The vision for Phase 1 was a short-term fall 2014 re-launch of the site. The CDE led a collaborative effort to improve the user experience for local teachers, board members, site administrators, and other educators. Phase 1 improvements used the same infrastructure, resources, and groups as BoE. The project goals were to enhance the educator experience at the site, to improve the site look and feel, and to streamline resource allocation. The rebranded-Internet site benefits from current industry practices, providing California educators a faster and “easier to navigate” experience to find online educational resources, and educator group collaboration.

Phase 2 is a concurrent long-term project to collect information from California educators about the digital resources and professional development that they want and need access to, in order to improve student learning. Phase 2 involves spending time in the field, researching ongoing California educator needs, and identifying a long-term sustainable solution. The CDE is spending time working with educators and stakeholders to understand the user needs. The CDE is also investigating and identifying a model to create system stability and sustainability, ongoing customer support, system maintenance, a partner infrastructure, and continued alignment with common core state standards.

Live Presentation

The following CDE staff members will provide a joint presentation to the SBE of select resources on My Digital Chalkboard and respond to questions.

Karen Holst, Education Technology Fellow

Cindy Kazanis, Director, Educational Data Management Division

Steve Smith, Education Programs Consultant, Educational Data Management Division

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

This item presents the information and overview of My Digital Chalkboard to the SBE. This is the first time the SBE has been provided an overview of My Digital Chalkboard.

FISCAL ANALYSIS (AS APPROPRIATE)

None.

ATTACHMENT(S)

None.



California State Board of Education
Meeting Agenda Items for January 14, 2015

ITEM 11



CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2015 AGENDA

SUBJECT	
Update on the Expansion of Career Pathways in California's High Schools.	<input type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

SUMMARY OF THE ISSUE(S)

The purpose of this agenda item is to provide an update on state efforts to expand the career pathways approach to preparing more of California's high school students for careers and college.

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) accept this update.

BRIEF HISTORY OF KEY ISSUES

For the past several decades, the CDE has administered a variety of state and federally funded Career Technical Education (CTE) programs that are intended to prepare students for employment following high school graduation. These programs include:

- Agriculture Incentive Grant Program (<http://www.cde.ca.gov/ci/ct/ae/>), which provides \$4.1 million in annual state funding to local education agencies (LEAs) to improve the quality of agricultural education programs and ensure a constant source of employable, trained, and skilled individuals;
- Assembly Bill 790 Linked Learning Pilot (<http://www.cde.ca.gov/nr/ne/yr13/yr13rel2.asp>), which provides \$2.25 million in one-time state funding to enable up to 20 LEAs to form regional partnerships that are expected to plan and implement career pathway programs that feature rigorous academics, a technical core, work-based learning, and student support;
- California Career Resource Network (<http://www.cde.ca.gov/ci/ct/cc/>), a state and federally funded program (\$625,000 in the current year) that distributes career information, resources, and training materials to middle school and high school counselors, educators, and administrators to ensure that middle and high schools

have the necessary information available to guide and instruct students on the education and requirements necessary for career development;

- California Partnership Academies (<http://www.cde.ca.gov/ci/gs/hs/cpagen.asp>), which provide \$30.4 million in annual state funding to local school districts to operate small learning communities within larger high schools that incorporate integrated academic and career technical education, business partnerships, mentoring, and internships;
- Carl D. Perkins Career and Technical Education Improvement Act (<http://www.cde.ca.gov/ci/ct/pk/>), which provides \$66.1 million in annual federal funding to improve CTE programs, integrate academic and career-technical instruction, serve special populations, and meet gender equity needs; and
- Senate Bill 1070 Governor's CTE Initiative (<http://www.cde.ca.gov/nr/ne/yr12/yr12rel86.asp>), which provides \$15.3 million in current-year state funding to support various CTE projects.

In 2010, the CDE published *Multiple Pathways to Student Success: Envisioning the New California High School*, which was transmitted to the Legislature and the Governor as required by Chapter 681, Statutes of 2008 (Assembly Bill 2648, Bass). (The report is available at <http://www.cde.ca.gov/ci/gs/hs/mpfgen.asp>.)

The 2010 multiple pathways report explores the feasibility of expanding the career pathways approach for transforming California's high schools by offering students a combination of rigorous academic course work, career technical training, work-based learning opportunities, and effective student supports. The 2010 multiple pathways report contains dozens of wide-ranging recommendations for state policymaker consideration.

One recent legislative initiative that reflects a number of the most significant recommendations in the 2010 multiple pathways report is the California Career Pathways Trust (CCPT). In July 2013, the California Legislature passed and the Governor signed into law Assembly Bill 86, Chapter 48, Statutes of 2013, creating the CCPT. The Trust literally refers to a fund established in each LEA and community college district for the purpose of financing program and administrative costs associated with the operation of career pathway programs in localities and regions throughout California.

Under the CCPT, one-time competitive state grants are to be made available to school districts, county superintendents of schools, charter schools, and community colleges for the purpose of establishing or expanding career pathway programs in grades nine through fourteen (community college). These career pathway programs are intended to prepare students for high-skill, high-wage jobs in emerging and growing industry sectors in the local or regional economy. In exchange for receiving a CCPT grant, recipients are required to identify and set aside funding within their own budgets and obtain funding commitments from education and business partners sufficient to support the ongoing costs of the program for at least two years beyond the receipt of the state funding.

During the 2013–14 fiscal year, the CDE developed a unique partnership with the California Community Colleges Chancellor's Office (CCCCO) and the California Workforce Investment Board (CWIB) in preparing the CCPT Request for Applications (RFA) document and in the reading and scoring of CCPT grant applications. In total, the CDE received 123 eligible grant applications from regional and local partnerships of schools, community colleges, and business organizations seeking approximately \$709 million.

On May 30, 2014, State Superintendent of Public Instruction (SSPI) Tom Torlakson announced the award of \$248.3 million in CCPT grants to 39 fiscal agents (kindergarten through grade twelve LEAs and community college districts) representing a variety of consortia throughout the state (<http://www.cde.ca.gov/fg/fo/r17/ccpt14result.asp>). Of the 39 grant awards, 12 were to applicants who sought between \$6,000,001 and \$15 million in grant funding. The grants are being paid over a three-year period during the 2014–15, 2015–16, and 2016–17 fiscal years.

In the 2014 Budget Act, the Legislature appropriated an additional \$250 million in Proposition 98 General Fund money for a second round of CCPT funding. In addition, pursuant to the enactment of Assembly Bill 858, Chapter 32, Statutes of 2014, the CCPT has been codified in the California *Education Code*.

For the second round of CCPT grants, the CDE is offering opportunities for applicants to pursue either a consortium development and implementation grant (up to \$600,000 per grant award), which is due on January 9, 2015, or an implementation grant (up to \$15 million per grant award), which is due on February 6, 2015. Both grants would be paid over a two-year period during the 2015–16 and 2016–17 fiscal years. The RFA documents are available on the CDE Funding Web page at <http://www.cde.ca.gov/fg/fo/r17/ccpt2rfa.asp> and <http://www.cde.ca.gov/fg/fo/profile.asp?id=3643>.

As in the first round of CCPT grants, the CDE is once again working in a unique partnership with the CCCCCO and the CWIB.

By December 1, 2016, the CDE is required to report to the Department of Finance and to relevant policy and fiscal committees of the Legislature a variety of program outcome measures that are to include, but are not necessarily limited to:

1. Pupil and student academic performance indicators;
2. The number and rate of school or program graduates;
3. Attainment of certificates, transfer readiness, and postsecondary enrollment; and
4. Transitions to appropriate employment, apprenticeships, or job training.

In the 2013 Budget Act, the CDE received a one-time, \$250,000 appropriation in Proposition 98 General Fund money for an independent evaluation of the CCPT. This appropriation was accompanied by the following Budget Act language: "Of the funds appropriated in this item, \$250,000 is provided on a one-time basis for an independent evaluation of the Career Technical Education Pathways Program. The State Department of Education shall allocate the funding to a local educational agency that the State Department of Education has identified to contract for the evaluation." The CDE has not yet allocated the CCPT evaluation funding to an LEA.

In 2016, six years after the initial publication of the 2010 multiple pathways report, the CDE now plans to develop and publish an update to the report. The new report, to be called *Student Success in the 21st Century*, will identify the extent to which the 2010 multiple pathways report's recommendations have been implemented in the past six years, and will address a host of career education policy issues that continue to face policymakers in California.

In addition, the CDE has decided to incorporate the CCPT evaluation into the new report, along with two other legislatively required evaluations pertaining to the Assembly Bill 790 Linked Learning Pilot and the Assembly Bill 1330 CTE High School Course Option. (The three individual evaluations will each be contained within individual chapters of the new report). Finally, the CDE believes that the new report can serve as an interim California State Plan for CTE pending the next reauthorization of the federal Carl D. Perkins Career and Technical Education Improvement Act of 2006. The new report is expected to be published in fall 2016.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At its March 2008 meeting, the SBE adopted the *2008–2012 California State Plan for Career Technical Education* (<http://www.wested.org/resources/california-state-plan-for-career-technical-education-56230/>), which provides guidance for California's CTE programs.

At its January 2013 meeting, the SBE adopted the *California Career Technical Education Model Curriculum Standards* (<http://www.cde.ca.gov/ci/ct/sf/ctemcstandards.asp>). These standards revised and updated the state's original CTE standards that the SBE adopted in May 2005.

FISCAL ANALYSIS (AS APPROPRIATE)

N/A

ATTACHMENT(S)

None.



California State Board of Education
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ITEM 12



CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2015 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 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.	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing
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SUMMARY OF THE ISSUE(S)

1. Take up Officer Elections for President and Vice President.
2. SBE Draft Preliminary Report of Actions/Minutes for the November 13-14, 2014 meeting.
3. SBE Screening Committee recommendations regarding appointments to the Instructional Quality Commission, Child Nutrition Advisory Council, and the Advisory Commission on Charter Schools.
4. Board member liaison reports.

RECOMMENDATION(S)

The SBE staff recommends that the SBE:

1. Take up Officer Elections for President and Vice President.
2. Approve the Preliminary Report of Actions/Minutes for the November 13-14, 2014 meeting. (Attachment 1)
3. Consider the SBE Screening Committee recommendations for appointments to the Instructional Quality Commission, Child Nutrition Advisory Council, and the Advisory Commission on Charter Schools. (Attachment 2)

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 November 13-14, 2014 meeting (21 Pages) may be viewed at the following link: <http://www.cde.ca.gov/be/mt/ms/>.

Attachment 2: State Board of Education Screening Committee Recommendations for Appointment to the Instructional Quality Commission, Child Nutrition Advisory Council, and the Advisory Commission on Charter Schools. This attachment will be an Addendum.



California State Board of Education
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ITEM 13



CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2015 AGENDA

SUBJECT GENERAL 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.	<input type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing
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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 January 14, 2015

ITEM 14



CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2015 AGENDA

SUBJECT	
California Assessment of Student Performance and Progress: Approval of 2015 Local Educational Agency Apportionment Amounts.	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

SUMMARY OF THE ISSUE(S)

California *Education Code (EC)* Section 60640(l)(1) specifies that the State Superintendent of Public Instruction shall apportion funds to local educational agencies (LEAs) to enable LEAs to administer the tests within the California Assessment of Student Performance and Progress (CAASPP) System. *EC* Section 60640(l)(B)(2) states that the State Board of Education (SBE) shall annually establish the amount of funding to be apportioned to LEAs for each CAASPP test and that the SBE take into account changes to LEA test administration activities, including, but not limited to, the number, type of tests administered, and changes in computerized test registration and administration procedures when establishing the amount of funding to be apportioned.

EC Section 60644 specifies that the savings realized from the elimination of the grade two standards-based achievement test shall be used by LEAs to administer, at the option and cost of the LEA, a grade two diagnostic assessment identified by the California Department of Education (CDE) as meeting the requirements of *EC* Section 60644. State CAASPP regulations authorize the CDE to provide this funding to LEAs through the annual apportionment process used for CAASPP apportionments.

RECOMMENDATION

The CDE recommends that the SBE approve the following LEA apportionment amounts for tests administered as part of the CAASPP System during the 2014–15 school year:

- \$3.00 per student administered any portion of the Smarter Balanced computer-based summative assessment
- \$2.52 per student for the completion of demographic information and administration of any portion of the California Standards Test (CSTs) or California Modified Assessment (CMA) in science

- \$5.00 per student for the completion of any portion of the new computer-based alternate assessment field test
- \$5.00 per student for the completion of demographic information and administration of any portion of the California Alternate Performance Assessment (CAPA) in science
- \$0.38 for the completion of demographic information for each student not tested with any portion of the required CAASPP assessments
- \$2.52 per eligible English learner student administered, at the option of the LEA, the Standards-based Tests in Spanish (STS) for reading/language arts

The CDE recommends the SBE approve a \$2.52 per student LEA apportionment reimbursement amount for CDE-certified grade two diagnostic tests administered during the 2014–15 school year at the option and cost of the LEA per *EC* Section 60644.

BRIEF HISTORY OF KEY ISSUES

The recommended apportionment rates for the Smarter Balanced, CSTs, CMA, CAPA, and STS are the same apportionment rates as approved by the SBE for the 2013–14 CAASPP test administration. The recommended apportionment rate for the new alternate assessment that replaces the CAPA for English-language arts (ELA) and mathematics assessment is based on the same apportionment rate approved by the SBE for the CAPA in 2013–14.

The \$1.2 million in savings realized from the elimination of grade two standards-based achievement tests equally distributed for the approximate 475,000 students enrolled in grade two annually statewide equals approximately \$2.52 per pupil. *California Code of Regulations*, Title 5 (5 *CCR*), Division 1, Chapter 2, Subchapter 3.75, Section 861 stipulates that LEAs are to report to the CDE the number of pupils in grade two who were administered a diagnostic assessment identified by the CDE pursuant to *EC* section 60644. Per 5 *CCR* Section 862, LEAs will be able to provide this information to the CDE when returning and certifying the 2014–15 CAASPP apportionment information report. The CDE will provide specific instructions to LEAs in the fall of 2015. The amount an LEA will be reimbursed for administering specified grade two diagnostic assessments will be added to the amount an LEA is to receive for CAASPP assessments administered and the total amount will be paid to the LEA in a single payment.

For the 2014–15 school year, the CAASPP system is comprised of the following assessments that include authorized apportionment funding per state law:

- Smarter Balanced computer-based summative assessment for ELA and mathematics in grades three through eight, inclusive, and grade eleven.
- New computer-based alternate assessment for ELA and mathematics in grades three through eight, inclusive, and grade eleven
- Paper-pencil grade-level science CST, CMA, and CAPA assessments in grades five, eight, and ten
- Optional for LEAs, administer the paper-pencil STS for reading/language arts to Spanish-speaking English learner students in grades two through eleven

State law does not authorize LEA apportionments for the optional Smarter Balanced interim assessments or formative (Digital Library) tools that are provided as a part of the CAASPP System. Furthermore, LEAs are not authorized to receive apportionments for the optional legacy Standardized Testing and Reporting (STAR) Program assessments not included in the CAASPP System. In addition, because the Early Assessment Program (EAP) will utilize the Smarter Balanced summative assessment results beginning in 2014–15, a separate apportionment for the EAP will no longer be provided.

Apportionments are provided at a per pupil rate for each CAASPP test, not for each individual subject tested. For example, if a pupil in grade five takes any portion of the Smarter Balanced computer-based summative assessment in addition to the CST for science, the LEA will receive only \$3.00 for that pupil, not an additional \$2.52 for the CST. However, if that same pupil is an eligible Spanish-speaking English learner, and the LEA chooses to administer the STS as a second test, the LEA will receive an additional \$2.52 for that pupil.

The assessment apportionment funds are unrestricted funds to reimburse LEAs for the following costs:

1. All staffing costs, including the district coordinator and the test site coordinators, staff training, and other staff expenses related to testing
2. All expenses incurred at the school district-level and test site-level related to testing
3. All transportation costs for delivering and retrieving tests and test materials within the school district
4. All costs associated with the collection and submission of student demographic information intended to provide the complete and accurate data required for subgroup reporting per state regulations

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In January 2014, the SBE approved LEA apportionment rates for the 2013–14 CAASPP test administration.

FISCAL ANALYSIS (AS APPROPRIATE)

The CDE has provided the Department of Finance estimated costs for statewide assessment apportionments to be administered in 2014–15, including approximately \$12 million for the CAASPP System, for development of a proposed 2015–16 budget appropriation. Assessment apportionments are not distributed until the following fiscal year when all testing for the previous year has been completed (i.e., LEAs will be reimbursed in 2015–16 for testing that occurs in 2014–15).

In 2014, approximately \$12.4 million was appropriated in the 2014 Budget Act for the 2013-14 CAASPP apportionments. The projected apportionment costs for 2014–15 are based on the estimates in the following table:

Estimated Apportionment Costs for 2014–15 CAASPP Testing

Assessment	Grades	Per Pupil Rate	Estimated Student Population	Estimated Apportionment for 2014–15 Testing
Smarter Balanced summative	3–8 and 11	\$3.00	3,200,000	\$9,600,000
CSTs or CMA in science ¹	5, 8 and 10 ¹	\$2.52	445,000	\$1,121,400
New alternate assessment	3–8 and 11	\$5.00	39,000	\$195,000
CAPA in science	5, 8 and 10	\$5.00	15,000	\$75,000
STS	2–11	\$2.52	40,000	\$100,800
EC 60644 Grade 2 Diagnostic	2	\$2.52	475,000	\$1,197,000
Total:				\$12,289,200

¹The apportionment estimates for CSTs or CMA in science are based on the number of students tested annually in grade ten only. LEAs would receive an apportionment for students in grades five and eight tested with the Smarter Balanced Field Test.

ATTACHMENT(S)

None.



California State Board of Education
Meeting Agenda Items for January 14, 2015

ITEM 15



CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2015 AGENDA

SUBJECT Approval of 2014–15 Consolidated Applications.	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing
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SUMMARY OF THE ISSUE(S)

Each local educational agency (LEA) must submit a complete and accurate Consolidated Application (ConApp) for each fiscal year in order for the California Department of Education (CDE) to send funding to LEAs that are eligible to receive categorical funds as designated in the ConApp. 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 1,700 school districts, county offices of education, and direct-funded charter schools.

RECOMMENDATION

The CDE recommends that the SBE approve the 2014–15 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 an SBE-approved LEA Plan that satisfies SBE and CDE criteria for utilizing federal categorical funds.

Approximately \$2.9 billion of federal funding is distributed annually through the ConApp process. The 2014–15 ConApp consists of six federal-funded programs. The 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 provides the SBE with two levels of approval recommendations. Regular approval is recommended when an LEA has submitted a correct and complete ConApp, Spring Release, and has no outstanding noncompliant issues or is making satisfactory progress toward resolving one or two noncompliant issues that are fewer than 365 days noncompliant. Conditional approval is recommended when an LEA has submitted a correct and complete ConApp, Spring Release, but has one or more noncompliant issues that is/are unresolved for over 365 days. Conditional approval by the SBE provides authority to the LEA to spend its categorical funds under the condition that it will resolve or make significant progress toward resolving noncompliant issues. In extreme cases, conditional approval may include the withholding of funds. There are no LEAs that require conditional approval at this time.

Attachment 1 identifies the LEAs that have no outstanding noncompliant issues or are making satisfactory progress toward resolving one or two noncompliant issues that are fewer than 365 days noncompliant. The CDE recommends regular approval of the 2014–15 ConApp for these seven LEAs. Attachment 1 also includes ConApp entitlement figures from school year 2013–14 because the figures for 2014–15 have not yet been determined. Fiscal data are absent if an LEA is new or is a charter school applying for direct funding for the first time.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

To date, the SBE has approved 2014–15 ConApps for 1,622 LEAs. Attachment 1 represents the second set of 2014–15 ConApps 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 1,700 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. CDE staff communicate with LEA staff on an ongoing basis to determine the evidence needed to resolve issues, review the evidence provided by LEA staff, and maintain a tracking system to document the resolution process.

ATTACHMENT(S)

Attachment 1: Consolidated Applications List (2014–15) – Regular Approvals (1 Page)

Consolidated Applications List (2014–15) – Regular Approvals

The following seven local educational agencies (LEAs) have submitted a correct and complete Consolidated Application (ConApp), Spring Release, and have no outstanding noncompliance issues or are making satisfactory progress toward resolving one or two noncompliant issues that are fewer than 365 days noncompliant. The California Department of Education (CDE) recommends regular approval of these applications.

CDS Code	LEA Name	Total 2013–14 ConApp Entitlement	2013–14 Total Entitlement Per Student	Total 2013–14 Title I Entitlement	2013–14 Entitlement Per Free and Reduced Lunch K-12 Student
01612596113807	American Indian Public Charter	\$0	\$0	\$0	\$0
01612590111856	American Indian Public High	\$0	\$0	\$0	\$0
37768510000000	Bonsall Unified	\$0	\$0	\$0	\$0
19768690131128	Da Vinci Communications High	\$0	\$0	\$0	\$0
19647330117655	Magnolia Science Academy 7	\$81,912	\$269	\$80,483	\$384
10623800000000	Raisin City Elementary	\$283,794	\$875	\$233,863	\$971
43104390131110	Rocketship Fuerza Community Prep	\$0	\$0	\$0	\$0

Note:

Total Number of LEAs in the report: 7

Total ConApp entitlement funds for districts receiving regular approval: \$365,706



California State Board of Education
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ITEM 16



CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2015 AGENDA

SUBJECT	
Elementary and Secondary Education Act: Approval of Local Educational Agency Plans, Title I, Section 1112.	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> 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, eight direct-funded charter schools submitted an LEA Plan 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 eight 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 Plan if the SEA determines that the LEA Plan is designed to enable the LEA's 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 governing board and the SBE must approve the original LEA Plan. Subsequent approval of revisions to LEA Plans is made by the local governing 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 the ESEA.

The purpose of the LEA Plan is to develop an integrated, coordinated set of actions that LEAs will take to 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; and promote efforts regarding graduation rates, dropout prevention, and advanced placement. If an LEA Plan lacks the required information, CDE program staff work 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 LEA Plan and update the LEA Plan as necessary. Any changes to an LEA Plan must be approved by the 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 1,758 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 (2 Pages)

**Direct-Funded Charter Schools Recommended
for State Board of Education Approval**

Local Educational Agency Name	County-District-School Code	Academic Performance Data
Alpha: Jose Hernandez Middle	43 10439 0129213	None available; opened in July 2014
Animo Charter Middle No. 2	19 64733 0124008	None available; opened in September 2013
APEX Academy	19 64733 0117077	See Attachment 2.
Aspire Vanguard College Preparatory Academy	50 71175 0120212	See Attachment 2.
Clemente Charter School	19 64733 0129825	None available; opened in August 2014
KIPP Prize Preparatory Academy	43 69369 0129924	None available; opened in August 2014
Redwood Coast Montessori	12 62679 0127266	None available; opened in August 2013
Westchester Secondary Charter	19 10199 0127274	None available; opened in August 2013

Academic Performance for Direct-Funded Charter Schools Recommended for State Board of Education Approval of Local Educational Agency Plans

LEA Name: APEX Academy CDS CODE: 19 64733 0117077	Made Adequate Yearly Progress (AYP) Criteria	English-Language Arts		Mathematics		Academic Performance Index (API)		
		Percent At or Above Proficient (88.9%)	Met 2013 AYP Criteria	Percent At or Above Proficient (88.7%)	Met 2013 AYP Criteria	2012 Base API	2013 Growth API	Met 2013 API Criteria***
Schoolwide	No, met 1 of 5	20.0	No	35.2	No	597	629	Yes
Black or African American		**	**	**	**			
American Indian or Alaska Native		--	--	--	--			
Asian		--	--	--	--			
Filipino		**	**	**	**			
Hispanic or Latino		19.6	**	36.0	**			
Native Hawaiian or Pacific Islander		--	--	--	--			
White		--	--	--	--			
Two or More Races		--	--	--	--			
Socioeconomically Disadvantaged		19.2	**	35.3	**			
English Learners		17.8	**	35.6	**			
Students with Disabilities		**	**	**	**			

-- Indicates no data are available.

** Indicates AYP criteria are not applied because there are too few students in this student group to be numerically significant.

*** The growth target is 5 percent of the difference between the Base API and the statewide performance target of 800. The federal AYP requirement for the API is: a 2013 Growth API of 770 or a one-point increase from the 2012 Base API to the 2013 Growth API for a school or LEA.

Academic Performance for Direct-Funded Charter Schools Recommended for State Board of Education Approval of Local Educational Agency Plans

LEA Name: Aspire Vanguard College Preparatory Academy CDS CODE: 50 71175 0120212	Made Adequate Yearly Progress (AYP) Criteria	English-Language Arts		Mathematics		Academic Performance Index (API)		
		Percent At or Above Proficient (89.2%)	Met 2013 AYP Criteria	Percent At or Above Proficient (89.5%)	Met 2013 AYP Criteria	2012 Base API	2013 Growth API	Met 2013 API Criteria***
Schoolwide	No, met 16 of 17	79.5	Yes (SH)	70.1	Yes (SH)	836	876	Yes
Black or African American		61.9	**	61.9	**			
American Indian or Alaska Native		**	**	**	**			
Asian		100	**	85.0	**			
Filipino		**	**	**	**			
Hispanic or Latino		69.9	No	66.0	Yes (SH)			
Native Hawaiian or Pacific Islander		**	**	**	**			
White		86.7	Yes (SH)	72.7	Yes (SH)			
Two or More Races		**	**	**	**			
Socioeconomically Disadvantaged		71.8	Yes (SH)	59.7	Yes (SH)			
English Learners		60.7	**	53.6	**			
Students with Disabilities		72.7	**	45.8	**			

-- Indicates no data are available.

** Indicates AYP criteria are not applied because there are too few students in this student group to be numerically significant.

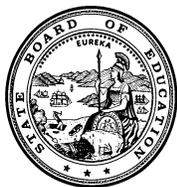
*** The growth target is 5 percent of the difference between the Base API and the statewide performance target of 800. The federal AYP requirement for the API is: a 2013 Growth API of 770 or a one-point increase from the 2012 Base API to the 2013 Growth API for a school or LEA.

SH The school, LEA, or student group met the criteria for safe harbor, which is an alternate method of meeting the percent proficient (AMO) if a school, an LEA, or a student group shows progress in moving students from scoring at the below proficient level to the proficient level.



California State Board of Education
Meeting Agenda Items for January 14, 2015

ITEM 17



CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2015 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 2012 School Improvement Grant Application to Extend the Period of Availability of Those Funds Until September 30, 2016; Approval of the Application and Criteria for Cohort 2 Local Educational Agencies to Extend the Use of Fiscal Year 2012 SIG Funds, Including Conditional Approval of Sub-grants Under Section 1003(g) for Local Educational Agencies and Schools Meeting State Board Approved Criteria.	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

SUMMARY OF THE ISSUE(S)

Amendment to California's Cohort 2, Fiscal Year 2012, School Improvement Grant

This request to extend availability of funds would permit California to identify and allow local educational agencies (LEAs), with Cohort 2 School Improvement Grant (SIG) schools that meet specific conditions, additional time to expend remaining fiscal year (FY) 2012 SIG funds in those schools. This extension would allow a SIG Cohort 2 LEA to continue to fully and effectively implement a SIG reform model for a fourth year of SIG implementation until September 30, 2016.

Application and Criteria for LEAs to Extend the Use of Cohort 2, FY 2012, SIG Funds

The above amendment to California's FY 2012 SIG Application, if approved by the U.S. Department of Education (ED), would apply to an LEA with one or more Tier I or Tier II SIG schools that began fully implementing a SIG intervention model at the start of the 2012-13 school year (SY). An LEA that meets the above criteria and 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 FYs 2010 through 2012 SIG funds to carry out SIG final requirements and improve student achievement, in accordance with Section 9401(d)(2)(A) of the Elementary and Secondary Education Act (ESEA) of 1965. LEAs that wish to apply for this extension must demonstrate all of the following:

- Meet annual student achievement goals in English-language arts (ELA) and mathematics or make progress toward meeting annual student achievement goals in ELA 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 consider all of 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 2 SIG schools until September 30, 2016. This includes reviewing and approving revised LEA budgets and plans for continuing full and effective implementation of the model during the 2015–16 SY.

RECOMMENDATION

Amendment to California's Cohort 2, FY 2012, SIG

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 the submittal of California's request to the ED for an amendment to the State's FY 2012 SIG Application. The letter to the ED requesting this amendment is provided as Attachment 1.

Application and Criteria for LEAs to Extend the Use of Cohort 2, FY 2012, SIG Funds

The CDE recommends that the SBE approve the list of eligible Cohort 2 LEAs and schools (Attachment 2) and the LEA Continuation Application (Attachment 3) containing the criteria for eligible Cohort 2 SIG LEAs to apply. The CDE also recommends that the SBE authorize SBE President Michael W. Kirst, in consultation with SSPI Tom Torlakson, to approve funding for Cohort 2 SIG LEAs that submit an approvable application.

BRIEF HISTORY OF KEY ISSUES

Amendment to California's Cohort 2, FY 2012, SIG

On May 13, 2013, the 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 Cohort 1, FY 2009, SIG funds awarded under Section 1003(g) of the ESEA until September 30, 2014.

On April 21, 2014, the ED released an invitation to states to request a waiver previously granted under Section 421(b) of the General Education Provisions Act, 20 *USC* Section

1225(b), to extend the period of availability of the Cohort 2, FY 2012, SIG funds awarded under Section 1003(g) of the ESEA until September 30, 2016.

Application and Criteria for LEAs to Extend the Use of Cohort 2, FY 2012, SIG Funds

Historically, in deciding whether to renew an LEA's SIG Cohort 2 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 extend the LEA's SIG grant with respect to that school."

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

California's Cohort 1, FY 2009, SIG

On July 11, 2013, as part of SBE Item 28, 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. (<http://www.cde.ca.gov/be/ag/ag/yr13/documents/jul13item28.doc>)

California's Cohort 2, FY 2012, SIG

At its January 2012 meeting, as part of SBE Item 5, the SBE took action to approve approximately \$66 million in funding for FY 2010 SIG sub-grants provided under Section 1003(g) of the ESEA. The FY 2010 SIG Cohort 2 sub-grants currently provide funding to 14 districts and 39 schools. (<http://www.cde.ca.gov/be/ag/ag/yr12/documents/jan12item05.doc>)

California's FY 2010 SIG application was submitted to the ED on January 28, 2011. As part of California's application to the ED for FY 2010 SIG funds, the CDE sought and was granted a waiver of the SIG final requirements to permit the State to use the same Tier I, Tier II, and Tier III lists it used in the SIG FY 2009 competition.

FY 2010 SIG funds were used to fund the first year of the three-year SIG sub-grant with subsequent years being funded using California's FY 2011 and FY 2012 SIG funds. The SBE awarded approximately \$65 million and \$68 million, respectively.

FISCAL ANALYSIS (AS APPROPRIATE)

The SIG funds provide LEAs with grants ranging from \$50,000 to \$2 million per school per year. Previous SIG awards to California have ranged from approximately \$57 million in FY 2013 to \$69 million in FY 2010. This does not include FY 2009, which was

supplemented by approximately \$350 million in American Recovery and Reinvestment Act of 2009 funds.

ATTACHMENT(S)

- Attachment 1: DRAFT January 15, 2015, 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 2012 School Improvement Grant Application to carryover fiscal year 2009 SIG funds until September 30, 2016 (3 Pages)
- Attachment 2: Fiscal Year 2012 School Improvement Grant Local Educational Agencies Estimated Remaining Funds (3 Pages)
- Attachment 3: School Improvement Grant Cohort 2, Year 4, 2015–16 Continuation Application (20 Pages)



CALIFORNIA DEPARTMENT OF EDUCATION

TOM TORLAKSON, State Superintendent of Public Instruction
916-319-0800

1430 N Street Sacramento, CA 95814-5901

CALIFORNIA STATE BOARD OF EDUCATION

MICHAEL W. KIRST, President
916-319-0827

DRAFT January 15, 2015

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) 2012 School Improvement Grant (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 2012 SIG funds awarded under Section 1003(g) of the Elementary and Secondary Education Act (ESEA) of 1965, as amended, until September 30, 2016. 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 eligible local educational agencies (LEAs) with Cohort 2 SIG schools additional time to expend remaining FY 2012 SIG funds in those schools.

This amendment, if approved, would apply to an LEA with one or more Tier I or Tier II SIG schools that began fully implementing a SIG intervention model at the start of the 2012–13 school year (Cohort 2). 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, based on expenditure reporting by SIG Cohort 2 LEAs to date, approximately \$80 million of the approximately \$194 million that was originally granted to LEAs remains unexpended. This means that, on average, SIG Cohort 2 LEAs have completed two and half years of SIG implementation and have only spent approximately 60 percent of the three-year SIG award.

Deborah S. Delisle, Assistant Secretary
DRAFT January 15, 2015
Page 2

The State believes that the additional time is in the public interest and will enable qualifying LEAs to ensure that their Cohort 2 SIG schools are able to use remaining FY 2012 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 that includes LEAs with remaining FY 2012 SIG funds that may wish to apply for an extension waiver, with the name of each school within the LEA that would use such an extension and, for each school, the amount of FY 2012 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 2012 funds that has a school applying for this extension, and for each school within the LEA that would use this extension, the amount of funds remaining.
- Approve an LEA's request to implement the extended waiver only if the LEA has effectively used FY 2012 funds to carry out the SIG final requirements and improve student achievement, in accordance with Section 9401(d)(2)(A) of the ESEA.
- 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 Tier II Cohort 2 schools for an additional year.
- Apply the criteria it develops, prior to approving an LEA's request to implement the extended waiver, 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 2 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 2015–16 school year.
- 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 2 schools that are approved to implement the extended waiver.
- Develop a monitoring plan for the 2015–16 school year specifically for the LEAs that are approved to implement the extended waiver.
- Submit to the U.S. Department of Education (ED) evidence that it has thoroughly reviewed all eligible schools within 12 months of submitting the waiver to ensure that each has implemented the SIG reforms in accordance with the final requirements.

Deborah S. Delisle, Assistant Secretary
DRAFT January 15, 2015
Page 3

- Post on its public Web site and submit to the ED (via e-mail to oes.ost@ed.gov), within 30 days of the State's approval of LEA requests to implement the extended waiver, 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, California 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. California provided such notice by posting a public item on the January 2015 Agenda for the State Board of Education (SBE). This item can be accessed on the SBE Agenda for January 2015 Web page at <http://www.cde.ca.gov/be/ag/ag/yr15/agenda201501.asp>. The State received *[actual figures will be added]* public comments regarding this issue.

If you have any questions regarding this subject, please contact Keric Ashley, Interim Deputy Superintendent, District, School, and Innovation Branch, by phone at 916-323-5007 or by e-mail at KAshley@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
Attachment

**Fiscal Year 2012 School Improvement Grant
Local Educational Agencies Estimated Remaining Funds**

Name	Total 3 Yr Award	Expenditures as of 11/6/14	Funds Remaining as of 11/6/14	% Remaining
LEA Budget	\$450,616.00	\$293,441.87	\$157,174.13	35%
Kawana Elementary	\$4,620,144.00	\$2,691,573.02	\$1,928,570.98	42%
Bellevue Union Elementary	\$5,070,760.00	\$2,985,014.89	\$2,085,745.11	
LEA Budget	\$1,866,206.00	\$650,552.93	\$1,215,653.07	65%
Crozier (George W.) Middle	\$5,637,801.00	\$2,934,033.67	\$2,703,767.33	48%
Lane (Warren) Elementary	\$3,312,214.00	\$2,030,236.43	\$1,281,977.57	39%
Monroe (Albert F.) Middle	\$5,621,779.00	\$2,857,047.41	\$2,764,731.59	49%
Inglewood Unified	\$16,438,000.00	\$8,471,870.44	\$7,966,129.56	
LEA Budget	\$2,350,676.00	\$1,076,906.18	\$1,273,769.82	54%
Animo Charter Middle No. 3	\$2,181,723.00	\$1,442,321.05	\$739,401.95	34%
Animo Charter Middle No. 4	\$2,181,723.00	\$1,532,311.69	\$649,411.31	30%
Belmont Senior High	\$5,824,663.00	\$2,839,693.13	\$2,984,969.87	51%
Charles Drew Middle	\$5,431,271.00	\$2,828,719.46	\$2,602,551.54	48%
Crenshaw Senior High	\$5,399,048.00	\$3,470,872.39	\$1,928,175.61	36%
East Valley Senior High	\$5,329,829.00	\$3,456,060.72	\$1,873,768.28	35%
George Washington Preparatory High	\$5,702,149.00	\$3,572,765.18	\$2,129,383.82	37%
Henry T. Gage Middle	\$5,735,104.00	\$2,968,504.20	\$2,766,599.80	48%
John Muir Middle	\$5,824,715.00	\$3,175,479.93	\$2,649,235.07	45%
Manual Arts Senior High	\$5,824,715.00	\$4,003,299.71	\$1,821,415.29	31%
South East High	\$5,806,793.00	\$3,842,351.72	\$1,964,441.28	34%
William Jefferson Clinton Middle	\$5,803,806.00	\$3,292,061.22	\$2,511,744.78	43%
Los Angeles Unified	\$63,396,215.00	\$37,501,346.58	\$ 25,894,868.42	
LEA Budget	\$682,724.00	\$276,631.17	\$406,092.83	59%
Lynwood High	\$5,320,833.00	\$2,995,166.75	\$2,325,666.25	44%
Lynwood Middle	\$3,257,148.00	\$1,623,543.95	\$1,633,604.05	50%

Name	Total 3 Yr Award	Expenditures as of 11/6/14	Funds Remaining as of 11/6/14	% Remaining
Lynwood Unified	\$9,260,705.00	\$4,895,341.87	\$4,365,363.13	
LEA Budget	\$206,389.00	\$90,510.88	\$115,878.12	56%
Robertson Road Elementary	\$3,685,516.00	\$2,081,868.99	\$1,603,647.01	44%
Modesto City Elementary	\$3,891,905.00	\$2,172,379.87	\$1,719,525.13	
LEA Budget	\$1,708,479.00	\$670,883.19	\$1,037,595.81	61%
Meadow Homes Elementary	\$5,852,618.00	\$3,635,432.30	\$2,217,185.70	38%
Oak Grove Middle	\$4,325,750.00	\$2,211,810.96	\$2,113,939.04	49%
Mt. Diablo Unified	\$11,886,847.00	\$6,518,126.45	\$5,368,720.55	
LEA Budget	\$396,984.00	\$202,067.90	\$194,916.10	49%
Castroville Elementary	\$4,371,072.00	\$2,343,005.67	\$2,028,066.33	46%
North Monterey County Unified	\$4,768,056.00	\$ 2,545,073.57	\$2,222,982.43	
LEA Budget	\$1,101,562.00	\$722,910.36	\$378,651.64	34%
Alliance Academy	\$3,721,357.00	\$2,637,939.14	\$1,083,417.86	29%
ROOTS International Academy	\$3,726,990.00	\$2,531,787.70	\$1,195,202.30	32%
Oakland Unified	\$8,549,909.00	\$ 5,892,637.20	\$2,657,271.80	
LEA Budget	\$1,008,741.00	\$404,945.23	\$603,795.77	60%
E. A. Hall Middle	\$3,035,242.00	\$2,066,605.43	\$968,636.57	32%
Watsonville High	\$5,707,577.00	\$3,022,910.01	\$2,684,666.99	47%
Pajaro Valley Unified	\$9,751,560.00	\$5,494,460.67	\$4,257,099.33	
LEA Budget	\$482,997.00	\$279,363.45	\$203,633.55	42%
John C Martinez Elementary	\$3,870,292.00	\$ 2,093,844.99	\$1,776,447.01	46%
Parlier Junior High	\$4,099,945.00	\$ 2,186,200.10	\$1,913,744.90	47%
Parlier Unified	\$8,453,234.00	\$4,559,408.54	\$3,893,825.46	
LEA Budget	\$ 135,912.00	\$76,007.90	\$59,904.10	44%
Oak Ridge Elementary	\$4,101,130.00	\$2,437,208.56	\$1,663,921.44	41%
Sacramento City Unified	\$4,237,042.00	\$2,513,216.46	\$1,723,825.54	
LEA Budget	\$770,406.00	\$527,607.77	\$242,798.23	32%
Harrison Elementary	\$4,959,372.00	\$3,349,204.80	\$1,610,167.20	32%

Name	Total 3 Yr Award	Expenditures as of 11/6/14	Funds Remaining as of 11/6/14	% Remaining
John C. Fremont Elementary	\$5,155,888.00	\$2,979,405.29	\$2,176,482.71	42%
Nightingale Elementary	\$5,187,149.00	\$3,284,085.28	\$1,903,063.72	37%
Richard A. Pittman Elementary	\$4,663,902.00	\$3,117,117.98	\$1,546,784.02	33%
Roosevelt Elementary	\$4,213,637.00	\$2,701,565.59	\$1,512,071.41	36%
Taylor Leadership Academy	\$4,380,458.00	\$2,705,562.19	\$1,674,895.81	38%
Wilhelmina Henry Elementary	\$5,428,342.00	\$3,398,448.25	\$2,029,893.75	37%
Stockton Unified	\$34,759,154.00	\$22,062,997.15	\$12,696,156.85	
LEA Budget	\$97,367.00	\$61,793.56	\$35,573.44	37%
Highland Elementary	\$2,773,959.00	\$1,760,298.73	\$1,013,660.27	37%
Visalia Unified	\$2,871,326.00	\$1,822,092.29	\$1,049,233.71	
LEA Budget	\$383,069.00	\$82,140.92	\$300,928.08	79%
De Anza Senior High	\$5,357,992.00	\$3,202,160.72	\$2,155,831.28	40%
Helms Middle	\$5,641,476.00	\$3,743,852.53	\$1,897,623.47	34%
West Contra Costa Unified	\$11,382,537.00	\$7,028,154.17	\$4,354,382.83	

\$194,717,250.00	\$114,462,120.15	\$80,255,129.85	41%
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School Improvement Grant Cohort 2, Year 4

2015-16 Continuation Application

**Continuation Applications must be received by the
California Department of Education (CDE)
no later than April 1, 2015**

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
Present the School Improvement Grant (SIG) Continuation Application to State Board of Education (SBE) for approval	Jan 14–15, 2015
SIG Cohort 2, Year 4 Continuation Application posted to SIG Web page	Jan 30, 2015
Cohort 2, Year 4, Continuation Application Webinar for LEAs	Feb 12, 2015
SIG Continuation Application due by mail and e-mail	April 1, 2015
SIG Continuation Applications from LEAs reviewed by the CDE	April 2015
LEAs notified of approved SIG Continuation Applications	May 13, 2015

Reminders:

1. Check the name of the school district superintendent in the local educational agency (LEA) using the 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 Council on Education Statistics (NCES) Identification Number, the LEA can search for a school by using the following link at <http://nces.ed.gov/globallocator/>.

Mail an original copy of this Continuation Application 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 Continuation Application request to: STO@cde.ca.gov

School Improvement Grant Continuation Application 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 SIG 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 SIG must implement one of four school intervention models: turnaround, restart, school closure, and transformation. These models are to be implemented at the beginning of the school year and throughout the term of the grant period.

B. Purpose

Continuation of Cohort 2 funding is contingent on each Cohort 2 SIG LEA meeting annual goals established by the LEA for student achievement in both reading/language arts and mathematics and making progress on the leading indicators described in the final requirements. In addition, the CDE has discretion to examine factors such as the fidelity with which it is implementing the model in deciding whether to renew the LEAs SIG grant with respect to a particular SIG school.

C. Continuation of Funding

The CDE will consider all of the following factors in determining whether to recommend to the SBE that the LEAs SIG sub-grant be extended until September 30, 2016:

- Meet annual student achievement goals in English-language arts and mathematics or make progress toward meeting annual student achievement goals in English-language arts and mathematics
- Growth on the nine federal leading indicators
- Programmatic and fiscal capacity, including stakeholder support, budgets, previous expenditures, planning, reporting status, and status of outstanding SIG findings

D. Continuation Application Submission

The SIG Continuation Application is due on or before April 1, 2015.

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., April 1, 2015. Applicants must submit an electronic copy to STO@cde.ca.gov. Mailed documents must arrive on or before the April 1, 2015, 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

To comply with federal Americans with Disability Act (ADA) regulations, please adhere to the following guidelines:

- Submit text-based documents only (no scanned images)
- If images are included, also include alternative text for that image
- Do not use color to convey information
- Do not include images of handwritten signatures for privacy reasons

E. Grant Awards and Payments

Under the provisions of the SIG authorized under Section 1003(g) of Title I of the ESEA of 1965, as amended (*Federal Register*, volume 75, p. 66363, October 28, 2010), the SIG program is a three-year grant awarded in three one-year increments. Once the CDE approves grant award extensions for 2015–16, the grant period will run from July 1, 2015, through September 30, 2016.

Grant payments will be subject to fulfillment of all reporting requirements.

Additional program and fiscal information related to the SIG program can be found online on the CDE School Improvement Grant Program Web page at <http://www.cde.ca.gov/sp/sw/t1/sig09.asp>.

SIG Form 1—Continuation Application Cover Sheet

School Improvement Grant (SIG) Continuation Application

**CONTINUATION APPLICATION RECEIPT DEADLINE
April 1, 2015**

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	
<p>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.</p> <p>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.</p>			
Printed Name of Superintendent or Designee		Telephone Number	
Superintendent or Designee Signature (Blue Ink)		Date	

SIG Form 3—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 School Improvement Grant Monitoring and Reporting Tool (SIGMART) at <http://www2.cde.ca.gov/sigmart/> and in the California Accountability and Improvement System (CAIS) at <http://www.cais.ca.gov>.

SIG Forms 4b and 5b—Budget Narrative

Provide a printed copy of the LEA budget narrative (Form 4b) and a school budget narrative (Form 5b) for each identified Tier I or Tier II SIG school.

The SIG 2015–16 Budget and Implementation Charts Templates are posted on the CDE Cohort 2 RFA SIG Web page at <http://www.cde.ca.gov/fg/fo/r16/regsig10rfa.asp>

Instructions for Annual Student Achievement Goals

School and Sub-group Student Achievement Goals in English-Language Arts and Mathematics

Each participating LEA must establish clear, measurable, and challenging goals for student achievement in English-language arts (ELA), mathematics, and high school graduation rates (if applicable). This form provides the LEA with an opportunity to identify the local measures used to identify school and sub-group student achievement goals in ELA and mathematics and describe the extent to which each goal was met. In addition, the LEA will identify supporting data used to measure each goal. **Each school must submit one SIG Form 6 for ELA and SIG Form 7 for math.**

LEAs and schools should use multiple local measures to evaluate how SIG goals are being met. These local measures may include, but are not limited to, the following: district ELA, math, and other subject benchmark assessments; curriculum-imbedded assessments; performance measures imbedded in supplemental technology-based instructional programs and applications; local pilot measures for Common Core State Standards being implemented in classrooms; and other valid and reliable assessments of reading acquisition skills, writing skills, and math skills, and meaningful performance assessments of student learning. This may include other state assessments, where available.

Directions:

- Complete one SIG Form 6 and 7 for each school
- Specify for which group the goal is written (schoolwide, grade level, or other sub-group)
- Indicate which local assessment measure is being used
- Provide the 2013–14 school year (SY) baseline proficiency rate for the specified group on the assessment indicated
- Provide the 2014–15 SY target proficiency rate goal for the specified group on the assessment indicated
- Provide the 2014–15 SY actual proficiency rate achieved by the specified group on the assessment indicated
- Provide the 2015–16 SY target proficiency rate achieved by the specified group on the assessment indicated
- Provide a brief (200 words or less) analysis of the school's progress on its annual student achievement goals

SIG Form 6—Annual Student Achievement Goals in English-Language Arts

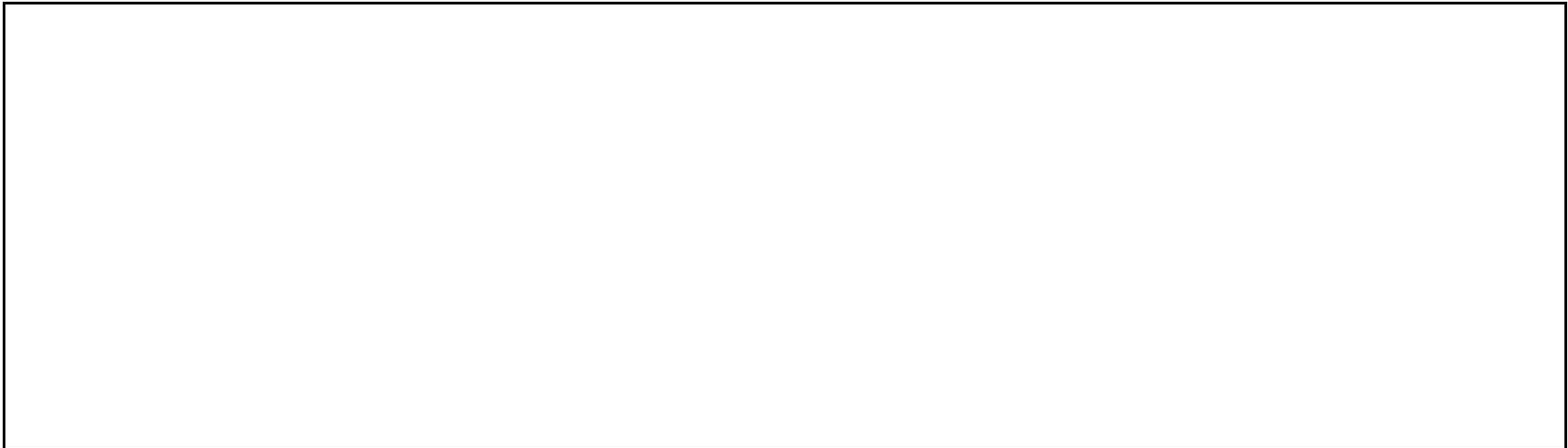
LEA					
School					
CDS					
Schoolwide, Grade Level, or Sub-group	English-Language Arts (ELA) Local Assessment Measure	2013–14 SY Proficiency Rate	2014–15 SY Proficiency Goal	2014–15 SY Proficiency Rate	2015–16 SY Proficiency Goal
Analysis					

SIG Form 7—Annual Student Achievement Goals in Math

LEA					
School					
CDS					
Schoolwide, Grade Level, or Sub-group	Math Local Assessment Measure	2013–14 SY Proficiency Rate	2014–15 SY Proficiency Goal	2014–15 SY Proficiency Rate	2015–16 SY Proficiency Goal
Analysis					

SIG Form 8—Program Evaluation of SIG Required Components

- Briefly describe implementation of the SIG Required Components **in years one through three**. Describe progress made in implementing the selected intervention model and include a statement describing the greatest implementation challenges and strategies used to overcome the challenges.
- Provide evidence of progress in meeting the needs identified in the original application.
- List goals not met in years one through three, including a brief analysis of the reason why these goals were not met.
- Describe proposed revisions to the approved SIG implementation chart for Cohort 2 Year 4 based on evidence and data from years one through three. Include specific steps planned to successfully implement and sustain the selected intervention model for each school served by the SIG.



SIG Form 9—Evaluation Systems (Transformation Schools Only)

In the space provided, briefly describe how the LEA meets the principal and teacher evaluation requirement of **taking into account data on student growth as a significant factor**. Include a description of the measures used, a timeline, and how staff is involved.

Use rigorous, transparent, and equitable evaluation systems for teachers and principals that: (A) take into account data on student growth as a significant factor, as well as other factors such as multiple observation-based assessments of performance and ongoing collections of professional practice reflective of student achievement and increased high school graduation rates, and (B) are designed and developed with teacher and principal involvement.

SIG Form 10—Revised Implementation Chart(s)

The LEA must revise and include one current Form 10 Implementation Chart for each Tier I and Tier II school reflecting all activities completed in Years 1, 2, and 3 and all activities proposed in Year 4.

The implementation chart must include the following:

- Proposed revisions identified in SIG Form 8—Program Evaluation of SIG Required Components
- Specific action steps completed and projected for all required components of the model
- The timeline to complete each action step, including beginning and ending implementation dates, using both month and year designations for actions completed in Years 1, 2, and 3 and actions to be completed in Year 4
- Persons responsible for ensuring that each action step is completed according to the timeline
- Documentation of evidence submitted to the CDE, upon request, to verify implementation of action steps

Provide a printed copy of the Implementation Chart (Form 10) for each identified Tier I or Tier II SIG school.

The SIG 2015–16 Budget and Implementation Charts Templates are posted on the CDE Cohort 2 RFA SIG Web page at <http://www.cde.ca.gov/fg/fo/r16/regsig10rfa.asp>.

SIG Continuation Application Checklist

Required Forms

The following forms must be included as part of the Continuation 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

- _____ SIG Form 1—Continuation Application Cover Sheet
(Must be signed in blue ink by the LEA Superintendent or Designee)
- _____ SIG Form 2—Signatures and Approvals
- _____ SIG Form 3—Grant Contact Information
- _____ SIG Forms 4b—LEA Budget Narrative
- _____ SIG Forms 5b—School Budget Narrative(s)
- _____ SIG Form 6—Annual Student Achievement Goals in English-Language Arts
- _____ SIG Form 7—Annual Student Achievement Goals in Math
- _____ SIG Form 8—Program Evaluation of SIG Required Components
- _____ SIG Form 9—Evaluation Systems (Transformation Schools Only)
- _____ SIG Form 10—Revised Implementation Chart(s)
(LEA must revise approved implementation chart)
 - Form 10.1 Turnaround Implementation Chart
 - Form 10.2 Transformation Implementation Chart
 - Form 10.3 Restart Implementation Chart

Appendix A—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 Appendix A to the CDE; retain at the LEA.

Certifications Regarding Drug-Free Workplace, Lobbying, and Debarment and Suspension (Do not submit as part of the application).

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 an agreement with all assurances.

1. Drug-Free Workplace
2. Lobbying
3. Debarment and Suspension

Appendix B—Sub-grant Conditions and Assurances

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 ED requires LEAs to adhere to the following assurances:

1. Use its SIG to implement fully and effectively an intervention in each Tier I and Tier II school that the LEA commits to serve consistent with the final requirements of SIG.
2. Establish challenging annual goals for student achievement in both ELA 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 SIG 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.
4. Report to the CDE the school-level data as described in this application.

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.

Appendix B—Sub-grant Conditions and Assurances (Page 2 of 3)

11. Use fiscal control and fund accountability procedures to ensure proper disbursement of, and accounting for, federal funds paid under the sub-grant, including the use of the federal funds to supplement, and not supplant, state and local funds, and maintenance of effort (*20 United States Code 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 LEAs AO-400 sub-grant award letter.
14. All audits of financial statements will be conducted 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 the Office of Management and Budget Circular A-133.
15. Ensure that expenditures are consistent with the federal EDGAR under Title 34, *Code of Federal Regulations*, which can be found on the ED 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 re-pay any funding received, but not obligated, as well as any interest earned over \$100 on the funds.

Appendix B—Sub-grant Conditions and Assurances (Page 3 of 3)

21. Maintain fiscal procedures to minimize the time elapsing between the transfer of the funds from the CDE and disbursement.
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 and agreement to all assurances.



California State Board of Education
Meeting Agenda Items for January 14, 2015

ITEM 18



CALIFORNIA STATE BOARD OF EDUCATION JANUARY 2015 AGENDA

SUBJECT	
2015 English Language Arts/English Language Development Adoption of Instructional Materials: Appointment of Reviewers, Approval of Reviewer Training Materials, and Approval of Revised Program 5 Criteria Map and Content Standards Map.	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

SUMMARY OF THE ISSUES

Education Code (EC) Section 60211 authorizes the State Board of Education (SBE) to adopt instructional materials for kindergarten and grades one through eight (K–8), inclusive, that are aligned to *California Common Core State Standards for English Language Arts and Literacy in History/Social Studies, Science, and Technical Subjects (CA CCSS for ELA/Literacy)* and the *California English Language Development Standards (CA ELD Standards)* in November 2015.

EC Section 60207 authorized the SBE to adopt the *2014 ELA/ELD Framework* that contains the Criteria for Evaluating Instructional Materials for Kindergarten Through Grade Eight (Evaluation Criteria). The Evaluation Criteria and content standards for the 2015 ELA/ELD Adoption have been organized into tables called maps for convenient use by publishers, IMRs, and CREs during the adoption process.

California Code of Regulations, Title 5 (5 CCR), Section 9512(a) requires that the SBE appoint Instructional Materials Reviewers (IMRs) and Content Review Experts (CREs) to serve as advisors to the Instructional Quality Commission (IQC) and the SBE in the review of instructional materials submitted for adoption for the 2015 ELA/ELD Adoption. The California Department of Education (CDE) estimated the Adoption would need 225+ reviewers in order for the project to be conducted successfully. On November 14, 2014, the SBE appointed cohort 1 applicants (126 applications received during the initial April 1 through August 1, 2014 recruiting period). Given the shortfall to the estimate, the IQC extended the application submission deadline to October 1, 2014. 83 applications were submitted during this period which constituted cohort 2 (Attachment 1). The IQC reviewed and recommended cohort 2 to the SBE on November 20, 2014. The cumulative number of 209 reviewer candidates received by that date was still short of the estimated number, so the IQC extended the submission deadline again to December 1, 2014. An additional 67 applications were submitted which constituted cohort 3 (Attachment 2). With this last cohort, the estimated need has been met. The IQC/ELA/ELD Subject Matter Committee (SMC) reviewed and recommended cohort 3 applications to the SBE on December 15, 2014.

5 CCR, Section 9512(h) requires that the SBE approve the providers of training and information for IMRs and CREs. The information and training materials to be used, as recommended by the IQC, are submitted for SBE approval. (Attachment 3).

The Evaluation Criteria Map (Attachment 4), and the Content Standards Map and Instruction Sheet for Program 5 Specialized ELD (Attachment 5) have been revised to make clear the evaluation of the program should emphasize and focus on the CA ELD Standards (with the CA CCSS for ELA appearing on the standards map only as reference and not as a gatekeeper element). Instruction with this emphasis and focus is designed to provide an intensive, accelerated pathway that supports the needs of English learners, including those at risk of becoming or who are long-term English learners, whose academic performance is below grade level, are making minimal progress towards English proficiency, and whose lack of language proficiency precludes them from performing at grade level. As recommended by the IQC, these revised documents are submitted for SBE approval.

RECOMMENDATION

The California Department of Education (CDE) recommends that the SBE approve appointment of IMRs and CREs in cohorts 2 and 3, as recommended by the IQC.

The CDE recommends that the SBE approve the reviewer training materials, as recommended by the IQC.

The CDE recommends that the SBE approve the revised evaluation criteria map, the revised content standards map, and the revised standards map instruction sheet for Program 5 Specialized ELD, as recommended by the IQC.

BRIEF HISTORY OF KEY ISSUES

By the initial deadline of August 1, 2014, the 126 applications in cohort 1 had been submitted for SBE approval. That number of applicants fell short of the anticipated need for 220+ reviewers and necessitated extending the recruitment period first to October 1, 2014, and then again to December 1, 2014. Consequently, the extension required the Schedule of Significant Events (Timeline) to be revised and approved by the SBE at its November 13–14, 2014 meeting.

The applications for cohort 2 were collected between August 1, and October 1, 2014. Cohort 3 applications were collected between October 1, and December 1, 2014. Cohort 2 was recommended by the full IQC at its November 20–21, 2014 meeting. The full IQC delegated authority to the ELA/ELD Subject Matter Committee (ELA/ELD SMC) to review and recommend the applications in cohort 3 at a teleconference meeting held on December 15, 2014. Both cohorts 2 and 3 were recommended by the IQC and are submitted to the SBE for appointment.

The maps and instructions for Program 5 Specialized ELD were pulled from the agenda item attachment, which the SBE approved for the 2015 ELA/ELD Adoption at their

November 14, 2014 meeting. Technical edits were made to the maps and instructions and are resubmitted to the SBE for approval.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

December 15, 2014: The IQC recommended cohort 3 of IMR and CRE applicants to the SBE for appointment

November 20–21, 2014: The IQC recommended cohort 2 of IMR and CRE applicants to the SBE for appointment, approved the reviewer training materials, and approved the revised Program Type 5 criteria map and content standards map.

November 13–14, 2014: The SBE approved the Revised Timeline, appointed the first cohort of IMR and CRE applicants, and approved the criteria maps and content standards maps.

September 2014: The IQC approved the Revised Timeline, recommended the first cohort of IMR and CRE applicants, and approved the criteria maps and content standards maps.

July 2014: The SBE approved the 2014 ELA/ELD Framework, which includes the Evaluation Criteria.

March 2014: The SBE approved the draft Timeline and the draft IMR and CRE Online Application for the ELA/ELD Adoption.

November 2013: The IQC approved the draft Timeline and the draft IMR and CRE Online Application for the ELA/ELD Adoption.

October 2013: *EC Section 60211* authorized the SBE to adopt basic instructional materials for kindergarten and grades one through eight (K–8) that are aligned to the SBE-adopted content standards for ELA/ELD no later than November 30, 2015.

November 2012: The SBE approved the revised *CA ELD Standards* that are aligned with the *CA CCSS for ELA/Literacy*.

August 2010: The SBE adopted the *CA CCSS for ELA/Literacy*, developed by the Common Core State Standards Initiative, as proposed by the California Academic Content Standards Commission (modified on March 13, 2013, per *EC Section 60605.10*).

FISCAL ANALYSIS

EC Section 60211 requires the CDE to provide public notice to all publishers and manufacturers that they will be assessed a fee to offset the cost of conducting the adoption process. The CDE estimates that the cost of the upcoming ELA/ELD Adoption will be \$350,000, exclusive of staff costs.

During the spring of 2015, the CDE will collect letters of intent to participate from publishers and manufacturers of ELA/ELD instructional materials. Thereafter, the CDE will assess fees that will be payable by these entities based upon the number of programs and grade levels that they indicate will be submitted. Following receipt of the assessed fees, the CDE will begin the process of associating costs via the Department's approved accounting systems process.

ATTACHMENTS

- Attachment 1: Cohort 2 Instructional Materials Reviewer and Content Review Experts applications Summary List (8 Pages: 83 applications. Full applications and resumes are available for viewing at the State Board of Education Office)
- Attachment 2: Cohort 3 Instructional Materials Reviewer and Content Review Expert applications Summary List (4 Pages: 67 applications. Full applications and resumes are available for viewing at the State Board of Education Office)
- Attachment 3: Reviewer Training Materials (Binders of Session I and Session II materials are available for viewing at the State Board of Education Office)
- Attachment 4: Revised Program Type 5 Criteria Map (Located at <http://www.cde.ca.gov/ci/rl/im/elaeldevalcriteriamaps15.asp>)
- Attachment 5: Revised Program Type 5 Content Standards Map, and Instruction Sheet (Located at <http://www.cde.ca.gov/ci/rl/im/elaeldstdsmasprog5.asp>)

**2015 ELA/ELD Adoption
Cohort 2 Reviewer Applicants**

ID	Submit Date	First	Last	Position Title	Position	CA Region
Instructional Materials Reviewer						
1113	2014-08-02 17:31:01	Patricia	Ruiz	Resource Teacher	IMR	South
1114	2014-08-04 16:21:46	Adrienne	Ortega	Assistant Principal	IMR	South
1115	2014-08-05 12:16:41	Julie	Ross	Secondary Instructional Strategist for ELA	IMR	South
1117	2014-08-06 12:29:23	Veronica	Gonzalez	Title III Access to Core Instructional Coach	IMR	South
1118	2014-08-12 14:19:43	KOREN	CABAN	ENGLISH LANGUAGE LEARNER COACH	IMR	South
1119	2014-08-15 10:24:11	Karen	Kendall	Director, English Learner Programs	IMR	South
1120	2014-08-15 11:29:43	Pam	Michelson-Pond	TOSA Teacher on Special Assignment	IMR	South
1121	2014-08-15 18:01:19	Rita	Dias	ESL teacher	IMR	Central
1122	2014-08-16 18:24:32	Laura	Learned	3rd grade teacher	IMR	Central
1124	2014-08-18 19:38:02	Andrew	Fisher	Consultant	IMR	South

ID	Submit Date	First	Last	Position Title	Position	CA Region
1125	2014-08-19 07:49:10	Gretchen	Janson	Director of Teaching and Learning	IMR	South
1128	2014-08-27 12:46:10	Jodi	McEachron	Common Core Coach	IMR	South
1129	2014-08-27 13:24:39	Leisa	Sievers	Common Core Coach	IMR	South
1130	2014-08-28 12:51:51	Malena	Morrison	Academic Coach	IMR	Central
1131	2014-08-31 20:43:04	Catherine	Mitchell	Teacher	IMR	North
1134	2014-09-05 12:19:13	Lois	Gardner	Curriculum Specialist	IMR	North
1135	2014-09-07 15:23:13	Kim	Burris	Literacy Coach - Grades TK-8	IMR	North
1136	2014-09-08 14:04:23	Anne	Weisenberg	Associate Professor	IMR	Central
1138	2014-09-09 16:51:42	Joel	Francisco	ELA/ELD Teacher	IMR	North
1139	2014-09-09 19:48:24	Craig	Flores	6th grade teacher	IMR	South
1140	2014-09-14 08:49:31	Norma	Carvajal Camacho	Teacher on Special Assignment-ELA/ELD	IMR	South
1141	2014-09-17 19:54:25	Sheri	House	special education teacher	IMR	North

ID	Submit Date	First	Last	Position Title	Position	CA Region
1143	2014-09-18 17:10:21	Mariel	Martinez	English Learner Instructional Resource Teacher	IMR	South
1145	2014-09-19 14:40:58	Sandra	Brunet	Assistant Principal	IMR	South
1149	2014-09-23 12:05:32	Shanna	Parker	Curriculum Coach	IMR	North
1151	2014-09-23 22:10:21	Nicole	Kukral	Program Specialist, ELA	IMR	North
1152	2014-09-23 22:39:59	Kimberly	Medeiros	Teacher on Assignment/Intervention	IMR	Central
1153	2014-09-24 15:56:49	Mary "Susan"	Iratene	English Learner Instructional Specialist (ELIS)	IMR	North
1156	2014-09-25 18:17:00	Laura	Dean	Teacher	IMR	South
1157	2014-09-26 14:16:04	Michele	Andersen	Curriculum Coordinator	IMR	North
1158	2014-09-26 22:04:16	Sarah	Zepeda	First Grade Teacher	IMR	Central
1159	2014-09-28 09:23:53	Elise	Wootton	2nd Grade Teacher	IMR	North
1160	2014-09-28 19:01:15	Nicole	Schlie	Instructional Support TOSA	IMR	North
1161	2014-09-28 19:27:54	Elisa	Lopez	EL Specialist	IMR	South

ID	Submit Date	First	Last	Position Title	Position	CA Region
1162	2014-09-28 22:16:39	Grace	Nall	Teacher, National Board Certified	IMR	South
1163	2014-09-28 23:03:38	Leah	Leonard	Teacher	IMR	South
1164	2014-09-29 06:41:04	Jaynie	Smith	Speech/Language Specialist/ ELD Teacher	IMR	North
1165	2014-09-29 14:37:12	Michele	Jones	Academic Coach	IMR	Central
1168	2014-09-29 23:51:46	Tim	Leonard	Owner	IMR	South
1171	2014-09-30 13:10:57	Leslie	Zoroya	Reading/Language Arts Consultant	IMR	South
1172	2014-09-30 15:07:03	Alejandro	Picazo	Teacher Librarian	IMR	South
1173	2014-09-30 16:18:54	Patricia	Olds	Teacher on Special Assignment-ELD	IMR	Central
1174	2014-09-30 19:22:39	Mary	Martin	Instructional Specialist (TOSA)	IMR	South
1175	2014-09-30 19:25:45	Duyen	Tong	Teacher	IMR	South
1176	2014-09-30 19:35:24	Gertrude (Trudy)	Cowan	Kindergarten Teacher	IMR	South
1177	2014-09-30 20:02:04	Vince	DeFabiis	3rd grade teacher	IMR	South

ID	Submit Date	First	Last	Position Title	Position	CA Region
1178	2014-09-30 20:23:40	Patricia	Carlos	4th grade teacher	IMR	South
1180	2014-09-30 21:27:52	Heather	Bosworth	Principal	IMR	South
1181	2014-09-30 22:08:25	Teresa	Arvizu De La Mater	District ELD/Special Projects Resource Teacher	IMR	Central
1182	2014-09-30 22:33:21	Debbie	Maki	ELD/ELA Resource Teacher	IMR	South
1183	2014-09-30 22:35:05	DeAnn	Karl	Teacher on Special Assignment - Instructional Support	IMR	North
1184	2014-09-30 22:36:15	Melanie	Morales-Van Hecke	TOSA, EL	IMR	South
1185	2014-09-30 22:41:49	Wendy	York	Instructional Coach	IMR	South
1186	2014-09-30 22:43:42	Lindsey	Johnson	Teacher	IMR	South
1187	2014-10-01 07:51:31	Laurie	Manville	ELD Curriculum Specialist	IMR	South
1188	2014-10-01 09:01:30	Amanda	White	Teacher	IMR	South
1189	2014-10-01 11:58:08	Teresa	Rogers	Special Education teacher	IMR	South
1190	2014-10-01 12:28:38	Patricia	Birk	Teacher	IMR	South

ID	Submit Date	First	Last	Position Title	Position	CA Region
1192	2014-10-01 13:16:53	Ernestina	Hernandez	Title III Instructional Coach	IMR	South
1193	2014-10-01 13:35:47	Maria	Vlahiotis	Literacy Specialist	IMR	North
1194	2014-10-01 13:42:18	Shirleen	Oplustic	Teacher on Special Assignment	IMR	South
1195	2014-10-01 14:12:34	Rindy	DeVoll	ELA/ELD Coordinator	IMR	North
ID	Submit Date	First	Last	Position Title	Position	CA Region
Content Review Expert						
1116	2014-08-05 14:04:52	Cindy	Marquez	Common Core ELA Expert/Facilitator	CRE	South
1123	2014-08-18 10:24:40	Patricia	Unruhe	Migrant Education Teacher	CRE	Central
1126	2014-08-19 13:26:11	Sunday	Cummins	Literacy Consultant and Author	CRE	North
1127	2014-08-25 12:28:56	Gennay	Crawford	Director of History/Social Studies Instruction	CRE	South
1132	2014-09-02 16:58:38	Teresa	Twisselman	Coordinator, English/Language Arts	CRE	Central
1133	2014-09-04 15:35:59 Withdrawn	Nancy	Veatch	ELA Coordinator	CRE	North
1137	2014-09-08 15:38:12	Kou	Vang	Curriculum Specialist K-12 Reading Language Arts	CRE	North

ID	Submit Date	First	Last	Position Title	Position	CA Region
1142	2014-09-18 15:29:58	Sara	Vargas	English Language Instructional Resource Teacher	CRE	South
1144	2014-09-18 19:25:39	Frances	Weissenberger	Principal	CRE	South
1146	2014-09-22 12:13:30	Beverly	Winchester	Instructional Coach	CRE	North
1147	2014-09-22 13:25:19	Jennifer	Johnson	Director of Curriculum, Instruction, and Assessment	CRE	Central
1148	2014-09-22 16:41:56	Gail	KoskePhillips	Reading Specialist	CRE	South
1150	2014-09-23 14:47:05	Stephanie	Gregson	Director, Curriculum, Assessment & Learning	CRE	North
1154	2014-09-25 10:12:45	Alec	Hobbs	Program Specialist	CRE	South
1155	2014-09-25 11:34:04	Deirdre	Marsh-Girardi	Director, Development & Training	CRE	Central
1166	2014-09-29 17:04:40	Joanne	Devine	President California Reading Association	CRE	North
1167	2014-09-29 23:19:29	Patricia	Tong	Instructional Coach	CRE	North
1169	2014-09-30 07:40:16	Carmen	Valles	Expert, Elementary English Learners Instruction	CRE	South
1170	2014-09-30 09:55:14	Della	Larimore	Consultant III Reading/Language Arts	CRE	South

ID	Submit Date	First	Last	Position Title	Position	CA Region
1179	2014-09-30 20:44:12	Susan	Kunze	Teacher	CRE	South
1191	2014-10-01 13:02:48	Steven	King	English Learner Coordinator (PSA Advisor)	CRE	South
1196	2014-10-01 14:58:49	Isabel	Santos	Newcomers Program-Teacher On Assignment	CRE	South

Prepared by the California Department of Education, November 2014

**2015 ELA/ELD Adoption
Cohort 3 Reviewer Applicants**

ID	Submit Date	First	Last	Position Title	Position	CA Region
1197	10/2/2014 15:41	Kathryn	Thomas	Bilingual English Learner Resource TOSA	Reviewer	North
1198	10/8/2014 13:29	deserie	Bradvica	Literacy Instructional Specialist	Reviewer	South
1199	10/8/2014 15:40	Adeline	Blasingame	N/A	Reviewer	South
1200	10/10/2014 15:42	Mona	Bernal	Director of Curriculum and Instructional Technology	Reviewer	North
1201	10/11/2014 23:00	Cristina	Stephany	Language Arts Teacher	CRE	South
1202	10/12/2014 22:45	Maria	Ayala	First Grade Educator	Reviewer	Central
1203	10/15/2014 20:47	Christina	Fink-Manfre	Teacher on Special Assignment: Educational Services	CRE	South
1204	10/17/2014 9:08	Sarah	Legaspi	Level II Teacher	Reviewer	Central
1205	10/17/2014 16:46	Kristin	Visser	6th Grade GATE Teacher	Reviewer	South
1206	10/17/2014 16:50	Micaela	Reyes	English Learner Program Coordinator	Reviewer	North
1207	10/18/2014 14:13	David	Sosa	English Teacher	CRE	South
1208	10/19/2014 0:58	Leah	Leonard	Teacher	Reviewer	South
1209	10/20/2014 20:24	Deanna	Martin	Teacher	Reviewer	Central
1210	10/20/2014 22:29	Nancy	Runberg	ELD Teacher and Coordinator	Reviewer	North
1211	10/22/2014 14:40	Danielle	Zavala	Teacher	CRE	South
1212	10/25/2014 11:56	Antonio	Samaniego	English & Spanish Teacher and CELDT Coordinator	CRE	South
1213	10/28/2014 11:15	Carmen	Yoro	4th Grade Teacher	Reviewer	South

ID	Submit Date	First	Last	Position Title	Position	CA Region
1214	10/29/2014 14:42	Viviani	Piekutowski	Adult ESL teacher	Reviewer	Central
1215	10/29/2014 15:54	CHERI	CAZARES	INTERVENTION TEACHER	Reviewer	North
1216	10/29/2014 16:06	Lasisi	Ajayi	Associate Professor	CRE	South
1217	10/30/2014 0:38	Susan	Carle	Small Community Lead Teacher/ Teacher	Reviewer	South
1218	10/30/2014 9:49	Therese	Strutner	English Teacher	Reviewer	Central
1219	10/30/2014 16:01	Bama	Medley	Teacher on Special Assignment	Reviewer	Central
1220	10/30/2014 16:17	Alex	Ruud	Teacher/TOSA	CRE	South
1221	10/31/2014 7:47	David	Cain	Secondary ELA Curriculum Coach	Reviewer	South
1222	10/31/2014 14:21	Lydia	Ranger	Reading Specialist	Reviewer	North
1223	10/31/2014 15:01	Colette	Moyse	Director of Curriculum and Instruction	Reviewer	Central
1224	11/1/2014 16:23	Leilani	Lafaurie	ELA/ELD Coach	Reviewer	South
1225	11/2/2014 9:46	Stephanie	Niechayev	English Teacher; Instructional Coach	CRE	South
1226	11/2/2014 18:26	Catherine	Hatcher	ELA Instructor	CRE	Central
1227	11/4/2014 9:31	Chris	Blehm	Teacher - HS English Department Head	CRE	South
1228	11/4/2014 17:52	Daniel	Gutierrez	ELD Newcomer teacher 4-6	CRE	South
1229	11/4/2014 19:39	MaryKay	Scheid	National Board Certified Teacher	Reviewer	South
1230	11/5/2014 10:42	Julianne	Gray	Secondary Coach	Reviewer	South
1231	11/5/2014 13:47	Kathleen	McKinnon	Owner/Consultant	CRE	Central
1232	11/6/2014 14:30	Sara	Parenzin	ELA Lead Teacher	Reviewer	North

ID	Submit Date	First	Last	Position Title	Position	CA Region
1233	11/9/2014 8:50	Amanda	Wade	ELD/ELA Teacher	CRE	South
1234	11/9/2014 10:49	Elise	Nicoletti	English Teacher/Department Chair/BTSA Provider	CRE	Central
1235	11/10/2014 20:18	Dawn	Addis	TOSA: Intervention/Acceleration/EL	Reviewer	Central
1236	11/12/2014 11:38	Sarah	Seymore	Teacher on Special Assignment, Curriculum	CRE	Central
1237	11/12/2014 12:31	Dana	Encheff	Instructional Specialist, Educational Technology	CRE	South
1238	11/12/2014 13:41	Justin	Conn	Teacher on Special Assignment - ELA Leadership	Reviewer	South
1239	11/12/2014 13:47	Alexandria	Hofer	Teacher on Special Assignment	CRE	Central
1240	11/12/2014 20:27	Thomas	Corcoran	MTSS/RTI Coordinator	CRE	South
1241	11/13/2014 12:27	Aimee	Downer	English Teacher/ Department Chair	Reviewer	South
1242	11/13/2014 17:29	Soomin	Chao	Curriculum Specialist (TOSA) for Grades K-8	CRE	South
1243	11/14/2014 8:58	Jenean	Bray	ELA Teacher 8th grade and ELD Teacher	Reviewer	Central
1244	11/14/2014 10:55	CaSandra	Everitt-Sabado	5/6 Combo Teacher	Reviewer	Central
1245	11/14/2014 11:55	Jamie	Melton	Teacher	Reviewer	South
1246	11/14/2014 19:52	Angela	Keierleber	elementary teacher	Reviewer	South
1247	11/16/2014 21:40	Jessica	Conn	Teacher	Reviewer	South
1248	11/18/2014 13:32	MELISSA	BETZER	TEACHER	Reviewer	South
1249	11/18/2014 15:53	Jennifer	Bonner	1st Grade Teacher	Reviewer	South
1250	11/18/2014 19:26	Lauren	Willard	ELA Common Core Facilitator	CRE	South
1251	11/18/2014 22:40	Adela	Flores-Bertrand	K-6 English Language Arts Instructional Specialist	CRE	South

ID	Submit Date	First	Last	Position Title	Position	CA Region
1252	11/19/2014 13:02	Janice	Gilmore-See	Librarian	Reviewer	South
1253	11/20/2014 10:00	Melissa	Ruiz	EL Curriculum Support Provider	Reviewer	Central
1254	11/20/2014 11:26	Tiffany	Walker	Secondary Teacher on Assignment	Reviewer	South
1255	11/20/2014 15:55	Amanda	Gonzales	English Learner Teacher on Special Assignment K-12	Reviewer	South
1256	11/21/2014 11:00	Daphne	Richard	Teacher	Reviewer	South
1257	11/22/2014 13:28	Nicshelle	Farrow	Teacher	CRE	South
1258	11/23/2014 17:05	Araceli	Roldan	teacher	Reviewer	South
1259	11/24/2014 1:47	Nancy	Rogers-Zegarra	Education Specialist/Title III/ BTSA Co Coordinator	CRE	North
1260	11/24/2014 11:19	Kimberly	Alford	Title 1 Reading Teacher	Reviewer	South
1261	11/24/2014 13:38	Laurie	Virtusio	Grade 3 Teacher	Reviewer	South
1262	11/24/2014 19:23	Candace	Kelly-Hodge	Lecturer, Part-time	CRE	South
1263	11/28/2014 13:22	Alana	Fauré	Assistant Principal-Elementary	CRE	South



California State Board of Education
Meeting Agenda Items for January 14, 2015

ITEM 19



CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2015 AGENDA

SUBJECT	
Approval of the Charter School Numbers Assigned to Newly Established Charter Schools.	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

SUMMARY OF THE ISSUE(S)

The State Board of Education (SBE) is responsible for assigning a number to each approved charter petition. California Department of Education (CDE) staff present 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 in Attachment 1.

BRIEF HISTORY OF KEY ISSUES

Since the charter school law was enacted in 1992, the SBE has assigned numbers to 1,701 charter schools, including some approved by the SBE after denial by local educational agencies. Separate from that numbering system, eight 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 for fiscal year 2014–15 is 1,850. The statutory cap is not subject to waiver.

The charter schools listed in Attachment 1 were recently authorized 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. The CDE 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 (2 Pages)

Assignment of Numbers for Charter School Petitions

Number	Term	Charter Name	County	Authorizing Entity	Classroom Based/ Nonclassroom-Based	Effective Date
1702	7/1/2015– 6/30/2020	Ednovate High School #2	Los Angeles	Los Angeles Unified School District	Classroom Based	7/1/2015
1703	7/1/2015– 6/30/2020	Public Policy Charter School	Los Angeles	Los Angeles Unified School District	Classroom Based	7/1/2015
1704	7/1/2015– 6/30/2020	Renaissance Arts Academy K–12	Los Angeles	Los Angeles Unified School District	Classroom Based	7/1/2015
1705	5/22/2014– 5/21/2019	Renaissance Collegiate High School	Los Angeles	Acton Agua Dulce Unified School District	Nonclassroom-Based	5/22/2014
1706	5/22/2014– 5/21/2019	Renaissance Collegiate Academy	Los Angeles	Acton Agua Dulce Unified School District	Nonclassroom-Based	5/22/2014
1707	7/1/2014– 6/30/2019	Oakland Unity Middle School	Alameda	Alameda County Office of Education	Classroom Based	7/1/2014
1708	6/30/2015– 6/29/2020	Francophone Charter School of Oakland	Alameda	Oakland Unified School District	Classroom Based	6/30/2015
1709	12/1/2014– 6/30/2019	High Tech Elementary (HTE)	San Diego	San Diego Unified School District	Classroom Based	12/1/2014

Number	Term	Charter Name	County	Authorizing Entity	Classroom Based/ Nonclassroom-Based	Effective Date
1710	7/1/2015– 6/30/2020	City Charter High	Los Angeles	Los Angeles Unified School District	Classroom Based	7/1/2015
1711	7/1/2015– 6/30/2020	Libertas College Preparatory Charter School	Los Angeles	Los Angeles Unified School District	Classroom Based	7/1/2015
1712	6/30/2015– 6/29/2020	Castlemont Primary Academy	Alameda	Oakland Unified School District	Classroom Based	6/30/2015



California State Board of Education

Meeting Agenda Items for January 14, 2015

ITEM 20



CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2015 AGENDA

SUBJECT	
Consideration of a Retroactive Request for Determination of Funding as Required for A Nonclassroom-based Charter School Pursuant to California <i>Education Code</i> Sections 47612.5 and 47634.2, and Associated <i>California Code of Regulations</i> , Title 5.	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

SUMMARY OF THE ISSUE

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*, Title 5 (5 *CCR*).

Pursuant to 5 *CCR*, Section 11963.6(c), any determination of funding request approved by the SBE for an existing nonclassroom-based charter school must be prospective (not for the current year). FAME Public Charter School (FAME) did not submit its completed request by the regulatory filing deadline and was required to request a waiver for SBE approval to allow the charter school to request a non-prospective funding determination.

A waiver for FAME was submitted to the SBE requesting approval for a non-prospective funding determination for fiscal year (FY) 2014–15. The waiver was approved by the SBE at its September 2014 meeting. The waiver request is provided in the SBE September 4, 2014, Meeting Notice for the SBE Web page located at <http://www.cde.ca.gov/be/ag/ag/yr14/documents/sep14w06.doc>.

RECOMMENDATION

The CDE recommends that the SBE approve the determination of funding for FAME as provided in Attachment 1.

Advisory Commission on Charter Schools Recommendation

The ACCS met on December 10, 2014, and voted unanimously to approve the CDE recommendation that the SBE approve the determination of funding for FAME as provided in Attachment 1.

BRIEF ANALYSIS OF THE ISSUE

FAME submitted a request to obtain a determination of funding by the SBE to establish eligibility to receive apportionment funding.

Pursuant to 5 CCR Section 11963.4(a), a nonclassroom-based charter school may qualify for either 70 percent, 85 percent, 100 percent full 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; and
- At least 80 percent of all revenues are to be spent on instruction and instruction related services; and
- 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 or the pupil-teacher ratio of the largest unified school district in the county or counties in which the charter school operates.

5 CCR, Section 11963.6(c) specifies that any determination of funding approved by the SBE shall be prospective (not for the current year) and in increments of a minimum of two years and a maximum of five years in length.

FAME is requesting a 100 percent determination of funding for a five-year period for FYs 2014–15 through 2018–19. FAME reported expenditures of 47.32 percent on certificated staff costs, 80.22 percent on instruction and instruction related services, and a pupil-teacher ratio of 20.67:1, which qualifies the charter school for a 100 percent determination of funding. *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. However, *EC* Section 52056(a) requiring API ranking of schools was repealed. Alternatives were authorized by Assembly Bill (AB) 484 (Chapter 489, Statutes of 2013) to meet legislative and/or programmatic requirements. For purposes of meeting the API requirement pursuant to *EC* Section 47612.5(d)(2), the CDE considers the following alternatives as proposed by AB 484: (a) the most recent API calculation; or (b) an average of the three most recent annual API calculations; whichever is higher. 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 for the determination of funding by the charter school.

The funding determination request is provided in Attachment 2 of Agenda Item 1 on the ACCS December 10, 2014, Meeting Notice for the ACCS Web page located at <http://www.cde.ca.gov/be/cc/cs/accsnotice121014.asp>.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At its September 2014 meeting, the SBE approved the CDE's recommendation to approve Alameda County Office of Education's request to waive specific portions of 5 CCR, Section 11963.6(c), which allows FAME to submit a determination of funding request for the non-prospective fiscal period of July 1, 2014 to June 30, 2015.

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 Local Control Funding Formula model.

ATTACHMENT

Attachment 1: California Department of Education Proposed Determination of Funding Recommendation (1 Page)

California Department of Education
Proposed Determination of Funding Recommendation

CDS Code	Charter Authorizer	County	Charter School / Charter Number	First Year of Operation	Percent Spent on Certificated Staff Compensation^	Percent Spent on Instruction and Instruction Related Services^	Pupil-Teacher Ratio^	Funding Determination and Years Requested by Charter School	CDE Recommendation Funding Determination and Years*
01-10017-0109835	Alameda County Office of Education	Alameda	FAME Public Charter School / 728	2005–06	47.32%	80.22%	20.67:1	100% for 5 Years (2014–15 through 2018–19)	100% for 4 Years (2014–15 through 2017–18)*

^Spending percentages and pupil-teacher ratio correspond to the charter school's funding determination request as originally submitted to the California Department of Education (CDE).

*For the funding determination effective period, the CDE considers the number of years a charter school has been in operation and the number of years requested for the determination of funding by the charter school.



California State Board of Education
Meeting Agenda Items for January 14, 2015

ITEM 21



CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2015 AGENDA

SUBJECT	
Appoint Richard Zeiger as the Chief Deputy Superintendent of Public Instruction in accordance with Article IX, Section 2.1, of the Constitution of the State of California.	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

SUMMARY OF THE ISSUE(S)

State Superintendent Torlakson has nominated Richard Zeiger to serve as Chief Deputy Superintendent for a second term and request that the SBE approve this nomination to be effective immediately. A brief biography of Richard Zeiger is located on the CDE website at <http://www.cde.ca.gov/eo/bo/os/biorz.asp>.

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) appoint Richard Zeiger as Chief Deputy Superintendent of Public Instruction in accordance with Article IX, Section 2.1, of the Constitution of the State of California and the provisions of the SBE Policy Number 2: Policy for the Appointment of Constitutional Officers, effective immediately.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In December 2010, the SBE approved the appointment of Richard Zeiger to the role of Chief Deputy Superintendent of Public Instruction.

FISCAL ANALYSIS (AS APPROPRIATE)

The funding for this position is annually allocated in the CDE budget.

ATTACHMENT(S)

None