



California State Board of Education

Meeting Agenda Items for November 4-5, 2015

Bylaws

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.

NOTICE OF MEETINGS

Section 4.

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

SPECIAL MEETINGS (ADDITIONAL PROVISIONS)

Section 5.

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

EC 33008

GC 11125

EMERGENCY MEETINGS

Section 5.

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

GC 11125.5

EC 33008

EC 33010

CLOSED MEETINGS

Section 6.

Closed sessions shall be held only in accordance with law.

GC 11126

QUORUM

Section 7.

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

ORDER OF BUSINESS

Section 8.

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

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

CONSENT CALENDAR

Section 9.

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

ARTICLE VI

Committees and Representatives

SCREENING COMMITTEE

Section 1.

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

AD HOC COMMITTEES

Section 2.

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

REPRESENTATIVES

Section 3.

From time to time, the president may assign Board members the responsibility of representing the State Board in discussions with staff (as well as with other individuals and agencies) in relation to such topics as assessment and accountability, legislation, and implementation of federal and state programs. The president may also assign Board members the responsibility of representing the Board in ceremonial activities.

ARTICLE VII

Public Hearings: General

SUBJECT OF A PUBLIC HEARING

Section 1.

- a. The Board may hold a public hearing regarding any matter pending before it after giving notice as required by law.
- b. The Board may direct that a public hearing be held before staff of the Department of Education, an advisory commission to the Board, or a standing or ad hoc committee of the Board regarding any matter which is or is likely to be pending before the Board. If the Board directs that a public hearing be held before staff, then a recording of the public hearing and a staff-prepared summary of comments received at the public hearing shall be made available in advance of the meeting at which action on the pending matter is scheduled in accordance with law.

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 November 2015

Agenda for the California State Board of Education (SBE) meeting on November 4-5, 2015.

State Board Members

- Michael W. Kirst, President
- Ilene W. Straus, Vice President
- Sue Burr
- Bruce Holaday
- Aida Molina
- Feliza I. Ortiz-Licon
- Patricia A. Rucker
- Niki Sandoval
- Ting L. Sun
- Trish Williams
- Michael S. McFarland, Student Member

Secretary & Executive Officer

- Hon. Tom Torlakson

Executive Director

- Karen Stapf Walters

Schedule of Meeting	Location
Wednesday, November 4, 2015 8:30 a.m. Pacific Time ± STATE BOARD OF EDUCATION Public Session. Public Session, adjourn to Closed Session – IF NECESSARY.	California Department of Education 1430 N Street, Room 1101 Sacramento, California 95814 916-319-0827

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

Schedule of Meeting	Location
Thursday, November 5, 2015 8:30 a.m. Pacific Time ± STATE BOARD OF EDUCATION The Closed Session will take place at approximately 8:30a.m. (The Public may not attend.)	California Department of Education 1430 N Street, Room 1101 Sacramento, California 95814 916-319-0827

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

CLOSED SESSION AGENDA

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

- *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, CA Ct. of Appeal, 2nd Dist., Case No. B260075
- *Emma C., et al. v. Delaine Eastin, et al.*, USDC (No. Dist. CA), Case No. C-96-4179
- *Options for Youth, Burbank, Inc., San Gabriel, Inc. Upland, Inc. and Victor Valley*, Notice of Appeal Before the Education Audit Appeals Panel, EAAP Case Nos. 06-18, 06-19- 07-07, 07-08 OAH Nos. L2006100966, L2006110025, L20070706022, L2007060728, Los Angeles County Superior Court, Case No. BC 347454
- *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, CA Ct. of Appeal 2nd Dist., Case No. B253282, B253310

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 Day 1

Wednesday, November 4, 2015

Wednesday, November 4, 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 DAY 1

[Item 01](#) 

Subject: 2016-2017 State Board of Education Student Member: Recommendation of Three Finalists for Submission to the Governor for Consideration and Appointment.

Type of Action: Action, Information

[Item 02](#) 

Subject: Reports from the 2015 Student Advisory Board on Education.

Type of Action: Information

[Item 03](#) 

Subject: California Assessment of Student Performance and Progress: Update on Program Activities, including, but not limited to, Smarter Balanced Assessments (Summative, Interim, and Digital Library Resources), Technology, Summative Assessment in Primary Languages Other than English, California Alternate Assessment, California Next Generation Science Standards Assessments, and Outreach Activities.

Type of Action: Action, Information

- [Early Assessment Program \(EAP\) Transition to New Assessments presentation slides](#) 
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[Item 04](#) 

Subject: California Assessment of Student Performance and Progress: Determination of the Release of Up to 10 Percent Withheld for the 2014–15 Educational Testing Service Contract.

Type of Action: Action, Information

[Item 05](#) 

Subject: California Assessment of Student Performance and Progress: Approve Commencement of Rulemaking for Amendments to the *California Code of Regulations*, Title 5, Sections 850 through 864.

Type of Action: Action, Information

[Item 06](#) 

Subject: California Assessment of Student Performance and Progress: Approve the Finding of Emergency and Proposed Emergency Regulations for Amendments to the *California Code of Regulations*, Title 5, Sections 850 through 864.

Type of Action: Action, Information

[Item 07](#) 

Subject: School Improvement Grant: Approval of California's State-determined Intervention Model for the School Improvement Grant Under Section 1003(g) of the Elementary and Secondary Education Act.

Type of Action: Action, Information

PUBLIC HEARING

A Public Hearing will commence no earlier than 1:30 p.m. on Wednesday, November 4, 2015. The Public Hearing will be held as close to 1:30 p.m. as the business of the State Board permits.

[Item 08](#)

Subject: 2015 English Language Arts/English Language Development Adoption of K–8 Instructional Materials: Instructional Quality Commission Recommendations.

Type of Action: Action, Information, Hearing

END OF PUBLIC HEARING

[Item 09](#)

Subject: Update of the *Science Framework for California Public Schools*: Progress of Development and Revised Timeline.

Type of Action: Action, Information

[Item 10](#)

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.

Type of Action: Action, Information

ADJOURNMENT OF DAY'S SESSION

CALIFORNIA STATE BOARD OF EDUCATION

FULL BOARD AGENDA Public Session Day 2

Thursday, November 5, 2015

Thursday, November 5, 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 DAY 2

[Item 11](#)

Subject: Developing a New Accountability System: Draft Framework and Implementation Plan for the New Accountability System; Coordination and Alignment of Existing State Reports and Plans with the Local Control Funding Formula; Review of County Offices of Education Local Control and Accountability Plans; Local Control and Accountability Plan Electronic Template (eTemplate) Demonstration; Update on the Local Control Funding Formula Evaluation Rubrics as Specified in *California Education Code* Section 52064.5

Type of Action: Action, Information

[Item 12](#)

Subject: English Language Proficiency Assessments for California: Approve the Test Blueprints for the English Language Proficiency Assessments for California.

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 Vocational and Technical Education Improvement Act)

[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:

- Julian Union High School District Fed-20-2015
- San Lorenzo Valley Unified School District Fed-19-2015

(Recommended for APPROVAL)

SPECIAL EDUCATION PROGRAM (Educational Interpreter for Deaf and Hard of Hearing)

[Item W-02](#) 

Subject: Request by two local educational agencies for a renewal to waive *California Code of Regulations*, Title 5, Section 3051.16(b)(3), the requirement that educational interpreters for Deaf and Hard of Hearing students meet minimum qualifications as of July 1, 2009, to allow two interpreters to continue to provide services to students until June 30, 2016, under a remediation plan to complete those minimum requirements.

Waiver Numbers:

- Hemet Unified School District 13-7-2015
- Sutter County Office of Education 8-7-2015

(Recommended for APPROVAL WITH CONDITIONS)

SPECIAL EDUCATION PROGRAM (Resource Teacher Caseload)

[Item W-03](#) 

Subject: Request by San Ramon Valley Unified School District under the authority of *California Education Code (EC)* Section 56101 and *California Code of Regulations*, Title 5, Section 3100, to waive *EC* Section 56362(c). Approval of this waiver will allow the resource specialists to exceed the maximum caseload of 28 students by no more than four students (32 maximum).

Waiver Number: 5-7-2015

(Recommended for APPROVAL WITH CONDITIONS)

CHARTER SCHOOL PROGRAM (Nonclassroom-Based Funding)

[Item W-04](#) 

Subject: Request by three 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:

- Helendale Elementary School District 7-8-2015
- Julian Union Elementary School District 6-8-2015
- San Diego Unified School District 6-7-2015

(Recommended for APPROVAL)

COMMUNITY DAY SCHOOLS (CDS) (Collocate Facilities)

[Item W-05](#) 

Subject: Request by four school districts to waive *California Education Code* Section 48916.1(d) and portions of *California Education Code* Section 48660, relating to the allowable grade spans for community day schools. Two requests are from districts to waive portions of *California Education Code* Section 48661(a), relating to the collocation of a community day school with other types of schools. The fourth request is from a district to waive portions of *California Education Code* Section 48663(a), relating to community day school minimum instructional minutes.

Waiver Numbers:

- Chawanakee Unified School District 2-8-2015
- Enterprise Elementary School District 13-8-2015
- Mendota Unified School District 4-8-2015
- Vallejo City Unified School District 10-8-2015

(Recommended for APPROVAL WITH CONDITIONS)

EQUITY LENGTH OF TIME (Equity Length of Time)

[Item W-06](#) 

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

Waiver Numbers:

- Dixie Elementary School District 7-7-2015
- Lakeport Unified School District 10-7-2015

(Recommended for APPROVAL WITH CONDITIONS)

OTHER WAIVERS (Dental Screening)

[Item W-07](#) 

Subject: Request by San Francisco Unified School District for a renewal to waive *California Education Code* Section 51520(b), which prohibits free dental screening providers from self-referring for additional dental services.

Waiver Number: 3-8-2015

(Recommended for APPROVAL WITH CONDITIONS)

SCHOOL CONSTRUCTION BONDS (Bond Indebtedness)

[Item W-08](#) 

Subject: Request by San Carlos Elementary School District to waive *California Education Code* Section 15268, to allow the district to exceed its bonded limit of 1.25 percent of the taxable assessed value of property. (Requesting 1.65 percent)

Waiver Number: 8-8-2015

(Recommended for APPROVAL WITH CONDITIONS)

SCHOOL DISTRICT REORGANIZATION (60-day Requirement to Fill Board Vacancy)

[Item W-09](#) 

Subject: Request by Igo, Ono, Platina Union Elementary School District to waive portions of *California Education Code* Section 5091, which will allow the board of trustees to make a provisional appointment to a vacant board position past the 60-day statutory deadline.

Waiver Number: 9-8-2015

(Recommended for APPROVAL)

SCHOOL DISTRICT REORGANIZATION (Elimination of Election Requirement)

[Item W-10](#) 

Subject: Request by two local educational agencies to waive portions of *California Education Code* Section 35710 and all of Section 35710.51, regarding the elimination of the election requirement for reorganization.

Waiver Numbers:

- Upper Lake Union Elementary School District 16-8-2015
- Upper Lake Union High School District 15-8-2015

(Recommended for APPROVAL)

SCHOOL DISTRICT REORGANIZATION (Election of Governing Board)

[Item W-11](#) 

Subject: Request by two local educational agencies to waive portions of *California Education Code* Section 35100 and all of sections 35101 and 35103, to allow for the appointment of an interim board to serve the newly unified district prior to election of a new governing board.

Waiver Numbers:

- Upper Lake Union Elementary School District 17-8-2015
- Upper Lake Union High School District 18-8-2015

(Recommended for APPROVAL)

SCHOOLSITE COUNCIL STATUTE (Number and Composition of Members)

[Item W-12](#) 

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

Waiver Numbers:

- Del Norte County Office of Education 20-6-2015
- Del Norte County Unified School District 21-6-2015
- Del Norte County Unified School District 22-6-2015
- Fontana Unified School District 11-8-2015
- Fontana Unified School District 12-8-2015
- Surprise Valley Joint Unified School District 5-8-2015
- Trona Joint Unified School District 9-7-2015

(Recommended for APPROVAL WITH CONDITIONS)

STATE TESTING APPORTIONMENT REPORT (CELDT)

[Item W-13](#) 

Subject: Request by Anaheim City School District to waive the State Testing Apportionment Information Report deadline as stipulated in the *California Code of Regulations*, Title 5, Section 11517.5(b)(1)(A), regarding the California English Language Development Test; or Title 5, Section 1225(b)(3)(A), regarding the California High School Exit Examination; or Title 5, Section 862(b)(2)(A) prior to February 2014, regarding the Standardized Testing and Reporting Program; or Title 5, Section 862(b)(2)(A), regarding the California Assessment of Student Performance and Progress System.

Waiver Number: 23-6-2015

(Recommended for APPROVAL)

CLASS SIZE PENALTIES (Over Limit on Grades 4-8)

[Item W-14](#) 

Subject: Request by Sulphur Springs Union School District to waive portions of *California Education Code* Section 41376(b) and (e), relating to class size penalties for grades four through eight. A district's current class size maximum is the greater of the 1964 statewide average of 29.9 to one or the district's 1964 average. The Sulphur Springs Union School District's class size maximum is 31.1.

Waiver Number: 14-8-2015

(Recommended for APPROVAL WITH CONDITIONS)

END OF WAIVERS

[Item 13](#) 

Subject: Request by San Diego Unified School District regarding *California Education Code* sections 17515 through 17526, Joint Public/Private Occupancy Proposal, allowing the San Diego Unified School District and Monarch Development Group to enter into leases and agreements relating to real property and buildings to be used jointly by the district and community for public housing and community center.

Type of Action: Action, Information

[Item 14](#) 

Subject: Approval of 2015–16 Consolidated Applications.

Type of Action: Action, Information

[Item 15](#) 

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

Type of Action: Action, Information

[Item 16](#) 

Subject: Elementary and Secondary Education Act: Approve Amendments to California's Consolidated State Application Accountability Workbook related to the Title III Accountability System.

Type of Action: Action, Information

[Item 17](#) 

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

Type of Action: Action, Information

[Item 18](#) 

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

PUBLIC HEARING

A Public Hearing will commence no earlier than 2:00 p.m. on Thursday, November 5, 2015. The Public Hearing will be held as close to 2:00 p.m. as the business of the State Board permits.

Item 19

Subject: Synergy Charter School: Consider Issuing a Notice of Violation Pursuant to *Education Code* Section 47607(d).

Type of Action: Action, Information, Hearing

END OF PUBLIC HEARING

ADJOURNMENT OF MEETING

This agenda is posted on the State Board of Education's Web site (<http://www.cde.ca.gov/be/ag/> ). For more information concerning this agenda, please contact the State Board of Education at 1430 N Street, Room 5111, Sacramento, CA, 95814; telephone 916-319-0827; facsimile 916-319-0175. Members of the public wishing to send written comments about an agenda item to the board are encouraged to send an electronic copy to SBE@cde.ca.gov , with the item number clearly marked in the subject line. In order to ensure that comments are received by board members in advance of the meeting, please submit these and any related materials to our office by 12:00 Noon on October 30, 2015, the Friday prior to the meeting.



California State Board of Education
Meeting Agenda Items for November 4-5, 2015

ITEM 01



CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2015 AGENDA

SUBJECT	
2016-2017 State Board of Education Student Member: Recommendation of Three Finalists for Submission to the Governor for Consideration and Appointment.	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

SUMMARY OF THE ISSUE(S)

On Tuesday, November 3, 2015, the State Board of Education (SBE) Screening Committee will interview six candidates selected by student representatives attending the Student Advisory Board on Education (SABE) Conference from an initial set of 12 semi-finalists. The list of three finalists recommended by the Screening Committee will be provided as an Item Addendum.

RECOMMENDATION

The State Board of Education's (SBE) Screening Committee recommends that the SBE approve the three finalists for the position of 2016-2017 SBE Student Member, as identified in the Item Addendum. The approved finalists will be forwarded to the Governor for his consideration and appointment as the 2016-17 SBE Student Member.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Pursuant to California *Education Code* Section 33000.5(e)(5), the SBE annually selects three finalists from six candidates to be considered by the Governor as the Student Member for the forthcoming year.

FISCAL ANALYSIS (AS APPROPRIATE)

None.

ATTACHMENT(S)

An Item Addendum will contain information about the 12 semi-finalists, the six candidates interviewed by the SBE Screening Committee, and the three finalists recommended by the SBE Screening Committee.



California State Board of Education

Meeting Agenda Items for November 4-5, 2015

ITEM 02



CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2015 AGENDA

SUBJECT Reports from the 2015 Student Advisory Board on Education.	<input type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing
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SUMMARY OF THE ISSUE(S)

The 2015 Student Advisory Board on Education (SABE) Conference will be held in Sacramento from November 1-4, 2015, and will culminate in oral presentations to the State Board of Education (SBE) on Wednesday, November 4, 2015. Each presentation will focus on an issue chosen by student delegates of the 2015 SABE Conference, and will reflect their research and discussion.

RECOMMENDATION

Listen to student proposals from the 2015 SABE Conference.

BRIEF HISTORY OF KEY ISSUES

The SBE receives annual SABE reports. The California Department of Education (CDE) and SBE staff, working with the SBE's Student Member, may review and develop responses to the SABE proposals, and may be considered at a future SBE meeting if they are within the jurisdiction of the SBE.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Student proposals to the SBE in November 2014 covered a range of topics, including Standardized Assessments, Next Generation Science Standards, Student Involvement in Local Control Funding Formula, Role of Technology, and Evaluation of Schools, and Student Voice on the Instructional Quality Commission.

FISCAL ANALYSIS (AS APPROPRIATE)

None.

ATTACHMENT

Student representatives will provide a handout of their report to SBE members at the time of their oral presentation.



California State Board of Education
Meeting Agenda Items for November 4-5, 2015

ITEM 03



CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2015 AGENDA

SUBJECT	
California Assessment of Student Performance and Progress: Update on Program Activities, including, but not limited to, Smarter Balanced Assessments (Summative, Interim, and Digital Library Resources), Technology, Summative Assessment in Primary Languages Other than English, California Alternate Assessment, California Next Generation Science Standards Assessments, and Outreach Activities.	<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), the Special Education Division (SED), and the Analysis, Measurement, and Accountability Reporting Division (AMARD) of the California Department of Education (CDE) with regard to the California Assessment of Student Performance and Progress (CAASPP) System.

Update on Smarter Balanced Summative Assessments

Using feedback from surveys and focus groups to guide changes in the assessment platform system, the CDE has rolled out new user roles and test delivery system enhancements. Several enhancements to the test administrator interface were implemented in October. For example, the updated test administrator interface was redesigned to assist test administrators with selecting the appropriate test. Additionally, the assessment names are more clearly identified to assist the test administrator in selecting the correct assessment for his/her testing session. The updated test administrator interface has been restructured to allow test administrators to use tablets that will closely mirror the test administrator interface on a desktop computer. This feature will give the test administrator greater mobility within the classroom or computer lab.

2015 Smarter Balanced Results

California's new assessment system provides local educational agencies (LEAs) with models for high-quality instruction and a powerful signal about our state's educational goals. In addition, Carolina Cardenas, Director of Academic Outreach and Early Assessment, California State University will be presenting an update on the Early Assessment Program (see Attachment 1).

As educators become more familiar with the specific skills students must master to perform well on assessments that require problem-solving, critical thinking and analytical writing, they will increasingly tailor classroom instruction to address these skills. In the process, they will naturally work in greater alignment with California's goals of career and college readiness for all students.

LEAs are analyzing their results from the 2015 Smarter Balanced assessments to begin the inherently local process of analyzing student performance and designing strategies for improvement. Summative assessments, in and of themselves, cannot pinpoint what specific instructional changes are needed. However, they do provide a critical starting point for this ongoing process of local inquiry, analysis, and improvement.

Other components of the assessment system, particularly interim assessments and formative resources, have an important role to play in assisting LEAs as they focus on improving instruction. Along with providing resources for classroom use, these tools also foster educator participation in the scoring process, thus making them more familiar with constructed response items and scoring rubrics, and contributing to a better understanding of California's goals for student learning.

In addition, the results have provided new information to digest about the tests themselves. Analyses of the data by the CDE, Educational Testing Service (ETS), University of California at Los Angeles – Center for Research on Evaluation, Standards, and Student Testing (UCLA CRESST), and the Independent Evaluator, Human Resources Research Organization (HumRRO) are ongoing and include analyses of the assessment performance. Ongoing research will confirm the validity, reliability, fairness and accuracy of the assessments as well as begin to gauge the impact of the assessments on teaching and learning.

Enhanced Assessment Instruments Grant Update

The CDE, in partnership with the UCLA CRESST, has been awarded an Enhanced Assessment Instruments Grant by the U.S. Department of Education. The grant will support the development of innovative indices of the Smarter Balanced high school assessments that can support improved career readiness inferences.

The goal of the study is to enhance the value of the current CDE high school assessments without adding testing time. Combining qualitative and quantitative approaches, the project will develop a means of reusing the current item pool, as well as undertake the development of new items of richer and technology-enhanced types. The CDE will have a framework for understanding the Smarter Balanced assessments in a new way that will inform reporting and interpretation statewide, as well as a new set of digital support resources and innovative item formats.

Central to the study design is a feature-based approach to test design, item analysis, scoring, and validation. Detailed qualitative feature analysis paired with rigorous psychometric analysis of existing state test item response data will allow the computation of scores that carry the intended career readiness interpretations. The project will also gather preliminary validity evidence in support of new and improved

inferences by comparing assessment results across groups with a range of career experience, including grade eleven students, community college students, and individuals in the world of work.

Update on Smarter Balanced Interim Assessments

On August 10, 2015, the Smarter Balanced Interim Assessments were made available to LEAs for the 2015–16 school year. As of September 29, a total of 44,610 interim assessments had been started across 214 California LEAs.

In October 2015, eight regional trainings referred to as “Digital Library and Interim Assessment Clinics” were provided to LEA CAASPP coordinators by ETS as part of the CAASPP administration contract. The clinics focused on administration practices for the Smarter Balanced Interim Assessments, reviewed various resources that are available in the Digital Library, and provided coordinators with guidance on promoting the use of both components within their LEA.

Also in October 2015, ETS provided eight regional “Interim Assessment Hand Scoring Workshops” for teachers and other LEA staff members. The hand scoring workshops provided tools and hands-on experience scoring constructed response interim assessment items that require hand scoring. An update on the number of attendees will be provided during the State Board of Education (SBE) meeting.

Enhancements to the interim and summative assessment test delivery system were made as part of the October test delivery system update. Enhancements included interface changes to more prominently distinguish between interim and summative assessments.

Update on Smarter Balanced Digital Library of Formative Resources

As of October 8, 2015, over 248,000 California educators were registered users of the Smarter Balanced Digital Library. To support LEAs in encouraging teachers to use the Digital Library, the CDE developed a brief PowerPoint presentation for LEAs to introduce the Digital Library to teachers. This resource was made available on the CDE Digital Library Web page at <http://www.cde.ca.gov/ta/tg/sa/diglib.asp> in October.

Technology Update

The CDE continues to assist the K-12 High Speed Network (K12HSN) with the implementation of the Broadband Infrastructure Improvement Grant (BIIG) programs, which are designed to assist schools improve their connection to the Internet to administer computer-based assessments. In the first round of funding (BIIG 1.0) from the 2014–15 school year, there are 11 sites completed with data passing through the circuits as of October 8, 2015. Also in the final stages of connection through upgraded microwave systems are three (3) sites in the Death Valley Unified School District and three (3) sites in the Baker Valley Unified School District.

For additional information about the status of the remaining sites receiving upgraded connections from BIIG 1.0, please visit the K12HSN BIIG Circuit Installation Web page at <https://sites.google.com/a/icoeapps.org/biig/>. (Note: If the preceding link does not display properly, copy and paste the Web address to a Web browser directly.)

The application deadline for BIIG 2.0 concluded on September 30, 2015, and as of October 21, 2015, 182 applications were submitted. Of these applications, 95 were from district/consortia and 87 were from single site schools. The 182 applications represent a total of 1,079 school sites, which includes 80 charters, of which 598 sites qualified based on one of the three priorities. Of the 598 sites, 121 are Priority 1, which are sites with a current connection below 20 Kilobits per second (Kbps) per student that are unable to improve their Internet connection. An additional 251 sites are Priority 2, which represent schools with less than 100 Kbps per student that have limited options to improve their connections for computer-based assessments. The remaining 226 sites are Priority 3, which represent underconnected schools. Funding to Priority 3 schools will be considered if funds are available. These applications will be ranked by the lowest connection capacity.

In October 2015, the K12HSN hosted three Bidder's Conferences across the state for service providers to learn about BIIG 2.0. The submission window for service providers to submit bids is from October 19 to December 1, 2015. Evaluations of the bids, which include a Technical Peer Review and Stakeholder Review, will occur in December 2015 and January 2016. The 2015–16 Budget Act (Assembly Bill 93) requires that high-cost bids (over \$1,000 per-pupil costs per test-taking pupil) receive prior approval from the Department of Finance and that notification be provided no sooner than 30 days after notification is received in writing to the Joint Legislative Budget Committee. It is anticipated that awarded sites for BIIG 2.0 will begin implementation of services between April 2016 and June 2017.

California Alternate Assessment

The CDE continues to monitor the progress of the Arizona State Department of Education Request for Proposals issued on behalf of the Multi-State Alternate Assessment (MSAA) collaborative (the collaborative developed out of nine previous National Center and State Collaborative [NCSC] states). The CDE remains hopeful that we will be able to negotiate involvement with the MSAA and/or obtain NCSC test items for potential use in operational California Alternate Assessments (CAAs).

Additionally, the CDE continues to work with LEA stakeholders and ETS in the development of items that will be available for use in the 2016 operational assessment. In late September, content reviewers (LEA representatives) participated in a virtual data review meeting, whereby they viewed item statistics and discussed the performance of the 2015 field test item types and provided input for future item development.

ETS continues to develop items for the 2016 operational CAAs based on the SBE-adopted blueprints. These items are being designed on the basis of research and development activities completed by the NCSC as well as information ETS has

gathered from the 2015 CAA field tests and meetings with California content reviewers (teachers).

California Next Generation Science Standards Assessments

In October, work continued on a “cross-walk” between the 1998 California science content standards and the California Next Generation Science Standards (CA NGSS) in kindergarten through grade twelve (K-12). Information from this crosswalk will be used to estimate the alignment of the currently administered science tests to the NGSS as well as determine if there are currently owned items in the California bank that may align with NGSS.

Additionally, work began on the development of “connectors” from the CA NGSS to “enduring understandings.” Connectors determine how the performance expectations are unpacked and scaffolded to the enduring understandings. Enduring understandings capture the essence of each CA NGSS performance expectation, and create a bridge to more discrete science learning goals. These “connectors” will assist teachers in providing the scaffolding necessary to provide differentiated instruction to students with disabilities and for ETS in the development of future assessments.

Both the work on the “cross-walk” and the “connectors” was done by California teachers and LEA content experts.

To provide guidance and expertise on CA NGSS related issues, ETS has retained national experts including James Pellegrino and Kathleen Scalise, who serve on the National Research Council (NRC), Committee on Developing Assessments of Science Proficiency in K-12. James Pellegrino served as co-chair and lead author of the *Developing Assessments for the Next Generation Science Standards* (2014) (<http://www.nap.edu/catalog/18409/developing-assessments-for-the-next-generation-science-standards>).

Development of the State Superintendent of Public Instruction (SSPI) Recommendations for the Expansion of the CAASPP System

The CDE and partners are scheduling meetings for the development of guiding principles that shall be presented at the January 2016 SBE meeting. These meetings and potential additional meetings, along with the guiding principles, will lead to the presentation of the SSPI recommendations for the expansion of the CAASPP System at the March 2016 SBE meeting.

Further information will be provided at the November SBE meeting around the development of a guiding principles document and the development of the SSPI recommendations on expanding the CAASPP System to include additional assessments.

Outreach and Professional Development Activities

In October and November 2015, the CDE, through a contract with the Sacramento County Office of Education (SCOE), is delivering the first of a two-part CAASPP Institute for LEA teams throughout the state. Institute trainers provided guidance and planning time for LEA teams to effectively implement all components of the CAASPP System to improve teaching and learning. The Institute used as a model the three components of the Smarter Balanced assessment system (i.e., summative, interim, and Digital Library). LEA teams included members with expertise in a variety of areas including school and district leadership, English language development, mathematics, English language arts, assessment, accountability, and special education.

The Institute was delivered in 14 locations throughout the state for school districts and schools, and two additional Institutes were delivered to county office of education (COE) staff in a “train the trainer” format. Interest in the Institute far exceeded capacity. Applications were received from over 600 LEA teams representing over 2,700 staff members. Applications were able to be accepted from approximately 350 LEA teams representing approximately 1,600 staff members. The second half of the Institute will be delivered in February and March 2016. After the Institute in-person trainings are completed, each part of the Institute will be video recorded in a studio environment and made available in modules on the CDE Web site.

RECOMMENDATION

This item is for information only. No specific action is recommended.

BRIEF HISTORY OF KEY ISSUES

California Assessment of Student Performance and Progress

Per California *Education Code (EC)* Section 60640, the CAASPP System succeeded the Standardized Testing and Reporting (STAR) Program on January 1, 2014.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In October 2015, the CDE provided the SBE with two Information Memoranda on the CAASPP post-test survey and focus group results and the CAASPP 2014–15 Summative Assessment reports. The two October 2015 SBE Memoranda can be found on the SBE October Information Memoranda Web page at <http://www.cde.ca.gov/be/pn/im/infomemoct2015.asp>.

In September 2015, the CDE provided a pre-release CAASPP briefing to the SBE including a preview of the new public reporting Web site to report the results for the English language arts/literacy and mathematics assessments. The CDE also announced the posting of the *Parent Guide to the Smarter Balanced Summative Assessments* for three grade spans (three–five, six–eight, and eleven). These guides

are posted on the CDE CAASPP Web page under the Students and Parents tab at <http://www.cde.ca.gov/ta/tg/ca/index.asp?tabsection=3>.

In August 2015, the CDE provided the SBE with an Information Memorandum on the California Assessment of Student Performance and Progress: Summary Results from Teacher and Student Feedback Sessions. The August 2015 SBE Memorandum can be found on the SBE August Information Memoranda Web page at <http://www.cde.ca.gov/be/pn/im/infomemoaug2015.asp>.

In June 2015, the CDE provided the SBE with an Information Memorandum on the CAASPP pre-test survey results and an update on the stakeholder meeting for CA NGSS Assessments required by the Elementary and Secondary Education Act (<http://www.cde.ca.gov/be/pn/im/infomemojun2015.asp>).

In May 2015, the SBE approved ETS as the new CAASPP contractor (<http://www.cde.ca.gov/be/ag/ag/yr15/documents/may15item01.doc>).

In April 2015, the CDE provided the SBE with an Information Memorandum on the process used to recruit, train, and monitor raters for the hand scoring of the Smarter Balanced Summative Assessment items (<http://www.cde.ca.gov/be/pn/im/infomemoapr2015.asp>).

In March 2015, the SBE approved the CAASPP Individual Student Report (ISR) with technical edits (<http://www.cde.ca.gov/be/ag/ag/yr15/agenda201503.asp>).

In January 2015, the CDE provided the SBE with an update on the Broadband Infrastructure Improvement Grant (BIIG), the progress of the Smarter Balanced Interim Assessments, the Digital Library, the California Alternate Assessments, and the plan for reporting the 2014–15 CAASPP results (<http://www.cde.ca.gov/be/ag/ag/yr15/agenda201501.asp>).

In November 2014, the CDE provided the SBE with an update on CAASPP activities, including Smarter Balanced, achievement level setting, and technology (<http://www.cde.ca.gov/be/ag/ag/yr14/documents/nov14item02a2.pdf>).

In November 2014, the SBE approved the SSPI'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>).

FISCAL ANALYSIS (AS APPROPRIATE)

The 2015 Budget Act provides \$50 million for the K–12 High Speed Network (K12HSN) for the BIIG program grants for LEAs and \$10 million for the K12HSN professional development and technical assistance activities.

The 2015 Budget Act provides \$94 million in funding for CAASPP contract activities in 2015–16. This funding is being utilized for the following CAASPP contracts:

- Contract activities provided by ETS (\$83.6 million: \$7.6 million in Contract 5417; \$76 million in Contract CN150012) were approved by the SBE for test administration and development activities, including the development of CA NGSS and primary language assessments per SBE input
- A contract with the University of California, Los Angeles (\$8 million) was approved by the SBE for Smarter Balanced consortium-managed services, including access to the Smarter Balanced Summative Assessments, Interim Assessments, and Digital Library tools
- A contract with the HumRRO (\$774,117) for a multi-year independent evaluation of the CAASPP System per requirements in California *EC* Section 60649
- A contract with SCOE (\$1.5 million in one-time funding) for CAASPP support activities, including regional CAASPP Institutes and Senior Assessment Fellows services per authority in the 2015 Budget Act (6100-113-0001, Provision 13)

Funding for 2016–17 and beyond will be contingent upon an annual appropriation being made available from the Legislature in future fiscal years.

ATTACHMENT(S)

Attachment 1: *Early Assessment Program: Transition to New Assessments* PowerPoint presentation (PDF, 22 Pages).

Attachment 2: California Assessment of Student Performance and Progress Outreach and Professional Development Activities (10 Pages)

California Assessment of Student Performance and Progress Outreach and Professional Development Activities

The California Department of Education (CDE), in coordination with its assessment contractor and CDE Senior Assessment Fellows, have provided a variety of outreach activities to prepare local educational agencies (LEAs) for the administration of California Assessment of Student Performance and Progress (CAASPP) System of assessments. Outreach efforts have included Webcasts, in-person test administration workshops, focus group meetings, and presentations for numerous LEAs throughout the state. The following table lists presentations during September and October 2015. In addition, the CDE continues to release information regarding the CAASPP System of assessments, including weekly updates, on its Web site and through e-mail Listservs.

Webcasts				
Date	Event Location	Assessment	Number of Attendees	Description
9/10/15	Webcast -- Smarter Balanced Digital Library	Digital Library	526	Webcast to communicate the following information about the Digital Library to educators: <ul style="list-style-type: none"> • How to access the Digital Library • Resources that are available in the Digital Library • How Digital Library resources are designed to support teaching and learning How to train fellow educators to fully utilize the formative assessment tools
09/18/15	Webcast -- Assessment and Accountability Information Meeting	Sacramento	398	Update of California assessment and accountability systems

In-Person Regional Trainings				
Date	Event Name	Event Location	Number of Attendees	Description
10/19/15	Digital Library and Interim Assessment Clinics	Various	TBD	Eight Digital Library and Interim Assessment Clinics occurred in eight regions beginning on October 19 through October 29
10/19/15	Interim Assessment Hand Scoring Workshops	Various	TBD	Eight Interim Assessment Hand Scoring Workshops occurred in eight regions beginning on October 19 through October 29, 2015
10/21/15	CAASPP Institutes	Various	TBD	Fourteen CAASPP Institutes provided professional development for teams from LEAs and schools on how to best implement all components of the CAASPP System, beginning in October and ending in March 2016

Presentations by CDE Staff				
Date	Event Name	Event Location	Number of Attendees	Description
09/10/15	Special Education Local Plan Directors	Conference Call	6	Update on Assessment Development and Administration Division assessment activities
09/17/15	Special Education Administrators of County Offices	Sacramento	40	Update on California Alternate Assessment activities and the CAASPP System
09/18/15	Assessment and	Sacramento	466	Update on California assessment and accountability systems

Presentations by CDE Staff

Date	Event Name	Event Location	Number of Attendees	Description
	Accountability Information Meeting			
09/21/15	Power of Democracy Steering	Sacramento	25	Update on California Alternate Assessment activities and the CAASPP System
09/24/15	Instructional Quality Commission	Sacramento	30	Update on California Alternate Assessment activities and the CAASPP System
09/25/15	Central Region Assessment Network	Sacramento	40	Update on new student score reports for 2016 and changes to public Web pages for 2016 to show student progress
09/28/15	Assessment and Accountability Information Meeting	Ontario	640	Update on California assessment and accountability systems
09/21/15	Power of Democracy Steering	Sacramento	25	Update on California assessment and accountability systems
10/01/15	California Collaborative on Educational Excellence	Sacramento	20	Update on Smarter Balanced assessment results
10/15/15	Community College	Sacramento	TBD	Update on the reporting of CAASPP scores and the resources provided to stakeholders

Presentations by CDE Staff

Date	Event Name	Event Location	Number of Attendees	Description
	Common Assessment Steering Committee			
10/23/15	Capitol Region Assessment Network	Sacramento	TBD	Update on California assessment and accountability systems
10/28/15	Advisory Committee on Special Education	Sacramento	TBD	Update on California assessment and accountability systems

CAASPP Presentations by Senior Assessment Fellows

Dates	Event Location	Number of Attendees	Target Audience	Topic
9/1/15	Celerity Charter Schools	25	Charter school administrators and teachers	Using interim assessments strategically with a focus on scoring
9/1/15	Siskiyou COE	25	Principals and superintendents	Introduction to interims; and hands-on training to access tests and scoring materials
9/3/15	Inglewood Unified School District (USD)	25	Site administrators, site coordinators	Using interim assessments strategically

CAASPP Presentations by Senior Assessment Fellows				
Dates	Event Location	Number of Attendees	Target Audience	Topic
9/3/15	Chico Unified	50	Superintendents, Assistant Superintendents, Principals, and Assistant Principals	Reporting results from summative assessment
9/4/15	Butte COE	40	Superintendents, assistant superintendents, principals, assistant principals.	The purpose of the training was to help the school district superintendents and principals consider the use of the summative results as an entry point to consider instruction, communication with parents, and implementation of the interims
9/8/15	Torrance USD	50	LEA administrators, coaches, and principals	Using interim assessments strategically
9/8/15	Lassen COE	18	District superintendents and principals	Interpreting student results from summative assessments and accessing, implementing, and using results from interim assessments
9/9/15	Madera COE	10	Collaborative members. These are the county office staff charged with supporting district implementation of the Smarter Balanced and other assessments.	The purpose of the training was to help the Regional Capacity Building Collaborative (RCBC) members consider the use of the summative assessment results as an entry point for teachers to consider instruction and communication with parents
9/9/15	Oceanside USD	45	LEA administrators and coaches/leads	Smarter Balanced update
9/9/15	RSDSS at Alameda COE	42	Teachers, administrators, coaches	Summative Assessment
9/10/15	Marin COE	25	District superintendents	Smarter Balanced assessment system; using results to improve instruction; implementation and use of interim assessments and Digital Library

CAASPP Presentations by Senior Assessment Fellows				
Dates	Event Location	Number of Attendees	Target Audience	Topic
9/10/15	Orange COE	45	District Standards and Assessment Administrators	CAASPP update as well as interim assessment and Digital Library information, to inform district assessment planning
9/10/15	San Diego COE	50	District and charter school assessment leaders	General CAASPP updates with a focus on reporting and using summative results
9/11/15	Mountain View (LA County)	35	San Gabriel Valley instructional leaders	Smarter Balanced update
9/11/15	San Mateo COE	30	COE curriculum and instruction leaders	Summative assessments and interim assessments
9/11/15	Santa Barbara COE	40	COE curriculum council consisting of LEAs in Santa Barbara COE	Update on assessment and accountability, accessibility supports for interim assessments, and using the summative score reports
9/11/15	Making Waves Charter School	40	Teachers	Reviewed summative scores and implications
9/16/15	Red Bluff HS	25	Principals, teachers, instructional coaches	Smarter Balanced Assessment System components, use of the summative assessment results; and support for teacher professional learning
9/16/15	Downey USD	80	Teachers-on-Special-Assignment (TOSAs), principals, and assistant principals	Formative assessments, Digital Library, and interim assessments
9/16/15	LA USD Ed Center West	125	Principals	Reporting results from summative assessments and interim assessments
9/16/15	Los Angeles COE	80	District assessment and accountability network leads	Smarter Balanced update
9/22/15	Huntington Beach City Schools	34	LEA administrators and principals	CAASPP update, best practices, interim assessments, and Digital Library

CAASPP Presentations by Senior Assessment Fellows				
Dates	Event Location	Number of Attendees	Target Audience	Topic
9/23/15	Riverside COE	70	LEA administrators and coaches/leads	Using interim assessments strategically, with a focus on scoring
9/23/15	Sonoma COE	30	District administrators	Interim assessments
9/24/15	Mendocino COE	30	District administrators and teachers	Interim assessments
9/24/15	Lakeside Union School District	20	Principals and District Administrators	Interim assessments
9/25/15	Sacramento COE	30	District CAASPP coordinators, curriculum and assessment directors	How to use Smarter Balanced summative assessment results as an entry point to reflection on California standards implementation
9/25/15	Orange County Department of Education	85	LEA testing coordinators and other LEA administrators	Using interim assessments strategically with a focus on scoring requirements/time
9/28/15	Stanislaus COE	50	District administrators	Interim assessments, formative assessments, and Digital Library
9/29/15	Colusa COE	10	District superintendents	Help superintendents understand the components of the Smarter Balanced system and what supports are available to help them implement those components
9/30/15	Los Angeles COE	30	LEA administrators	Reporting results from summative assessments
9/30/15	San Joaquin COE	75	TBD	Reporting results from summative assessments and interim assessments
10/2/15	Trinity COE	25	TBD	Reporting results from summative assessments and interim assessments
10/5/15	Imperial COE	80	District curriculum, instruction and assessment leaders	Reporting results from summative assessments and interim assessments

CAASPP Presentations by Senior Assessment Fellows				
Dates	Event Location	Number of Attendees	Target Audience	Topic
10/6/15	Butte COE	TBD	District principals, curriculum directors	Implementation of Digital Library
10/6/15	Plumas COE/ Plumas USD	TBD	COE/District admin, site admins, instructional coaches	Overview of all components of the Smarter Balanced system; focus on using summative results and interim assessments; awareness of the Digital Library
10/6/15	Riverside COE	30	Charter school representatives	Smarter Balanced update
10/7/15	John Burroughs Middle School, LAUSD	15	Site administrators, leads, and teachers	Interim Assessments
10/7/15	Monterey COE	TBD	Teachers, Principals, Coordinators	Hand-scoring in math in the morning and again in the afternoon for English language arts
10/8/15	Tehama COE	TBD	Superintendents, Assistant Superintendents	Discussion with Superintendents to identify needs with respect to Smarter Balanced implementation
10/9/15	San Gabriel USD	50	TOSAs, staff who piloted the interim assessments, teacher leads, and administrators	Interim assessments
10/12/15	Fresno USD	TBD	District CAASPP coordinators and assessment coordinators	Implementation of interim assessments
10/13/15	Porterville USD	TBD	All site principals and instructional coaches	Interim assessment implementation
10/16/15	Shasta COE	TBD	Shasta County Curriculum Coordinators	Smarter Balanced update, CAASPP update and planning
10/16/15	Orange County Department of Education	TBD	District parent/community liaisons	Understanding the individual student score report

CAASPP Presentations by Senior Assessment Fellows				
Dates	Event Location	Number of Attendees	Target Audience	Topic
10/20/15	Dry Creek Elementary School District (ESD)	TBD	TBD	Use of summative assessment results and implementation of the interim assessments
10/28/15	Bayshore ESD	TBD	Teachers	Administration of the interim assessments
10/30/15	San Luis Obispo COE	TBD	Curriculum, instruction, and administration directors from districts across San Luis Obispo county	Formative assessments, Digital Library, and interim assessments
11/5/15	San Diego	TBD	LEA teams including administrator, assessment specialist, curriculum specialists, teachers, EL specialist, special education specialist	Summative Assessment
11/5/15	San Diego COE	TBD	Region 9 Curriculum & Assessment Leaders	Interim Assessment
11/6/15	Plumas COE	TBD	Teachers	Interim Assessment
11/6/15	San Diego	TBD	LEA teams including administrator, assessment specialist, curriculum specialists, teachers, EL specialist, special education specialist	Summative Assessment
11/12/15	San Gabriel USD Office	TBD	TOSAs, staff that piloted the interim assessments, teacher leads, and administrators	Interim Assessment

CAASPP Presentations by Senior Assessment Fellows				
Dates	Event Location	Number of Attendees	Target Audience	Topic
11/12/15	Humboldt COE	TBD	District Superintendents/Principals, Curriculum Coordinators, COE coordinators	Interim assessment implementation

* Estimated number



California State University EAP: Transition to New Assessments State Board of Education November 2015

Carolina C Cardenas
Director, Academic Outreach and Early Assessment
CSU Office of the Chancellor



- **Unprecedented Collaboration: 2002**
 - California State Board of Education
 - California Department of Education
 - California State University



EAP Development Principles

- Align collegiate readiness expectations with K-12 standards and assessments
- Identify and develop common expectations of college readiness standards
- Assess college readiness standards
- Minimize additional tests or testing time
- Identify assessments appropriate to student academic preparation
 - 11th grade California Standards Test
- Provide feedback to students, families, and schools in time to focus additional academic preparation in 12th grade
- Cost-effectiveness
 - Reduce students' need for remediation
 - Improve path to the baccalaureate degree



• Purposes of Early Assessment Program (EAP)

- Early readiness signal
 - Identify students before their senior year who need to do additional work in English and/or mathematics before entering the CSU
- Inform students of readiness
 - Inform students, families, and high schools of students' readiness for college-level work in English and mathematics
- 12th grade interventions
 - Motivate students to take needed steps in 12th grade to assure readiness



- Smarter Balanced incorporates college readiness signal in English Language Arts/Literacy and Mathematics
- CAASPP system incorporates SBAC assessments
- ***CSU will use CAASPP English Language Arts/Literacy and mathematics results as EAP statuses.***





Achievement Standards

- The four Achievement Standards:
 - Standard Exceeded
 - Standard Met
 - Standard Nearly Met
 - Standard Not Met



- EAP statuses continue to be:
 - Ready
 - Conditionally Ready
 - Not Yet Demonstrating Readiness

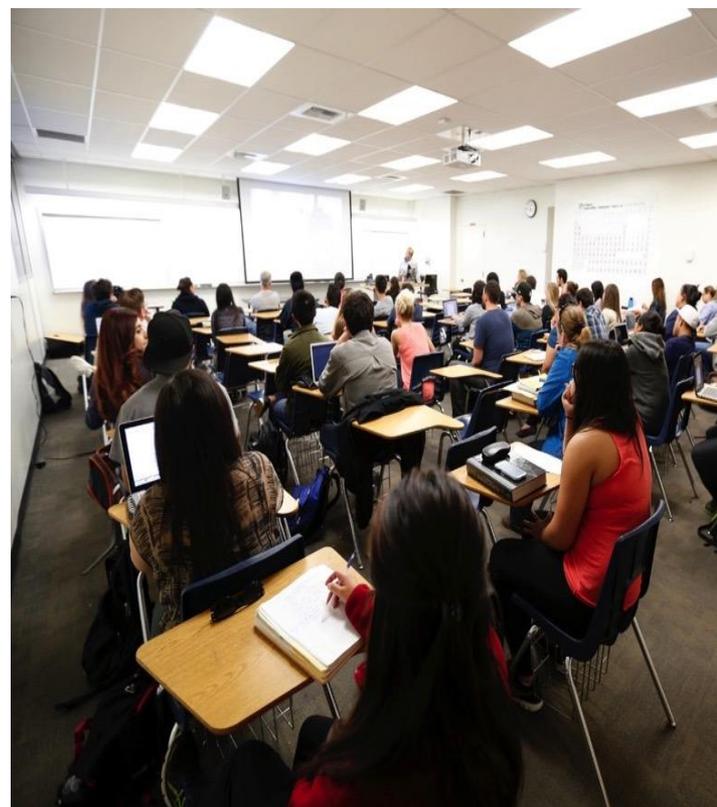
Achievement Standards

- **Achievement Standards interpreted to EAP:**
 - Standard Exceeded - Ready
 - Standard Met – Conditionally Ready
 - Standard Nearly Met - Not Yet Ready
 - Standard Not Met – Not Ready
- CSU will **NOT** be using the Claim Levels

- **Standard Exceeded – Ready for English/math college-level coursework**
 - Student
 - does not need to take the CSU's English and/or math placement exams (exempt).
 - may enroll directly in college credit bearing courses.
 - is not required to participate in the CSU's Early Start Program.

Understanding the Standards

- **Standard Nearly Met**
 - Not yet ready
- **Standard Not Met – Not ready**
 - Must take CSU's English and/or math placement tests.
 - Likely required to participate in CSU's Early Start.



Understanding the Standards

- **Standard Met – Conditionally Ready for English/math college-level coursework**
 - Student does not need to take the CSU's English and/or math placement exams. However,
 - Student must participate in CSU's Early Start Program, **UNLESS**
 - **Student participated in an approved senior year-long course and earned a grade of C or higher, or met the condition through another pathway.**
 - **If so, then,**
 - Student may enroll directly in college credit bearing courses as determined by the campus where the student will enroll.

Approved Courses for Conditionally Ready Students

- CSU will use approved English and math courses to meet the EAP conditional status
 - English: ERWC, AP, Honors, IB
 - Math: courses with Alg. II or IM III as a pre-requisite
 - Will use Integrated Math sequences
- Courses must have been adopted through the UC Course Management Portal process (formerly UC Doorways).



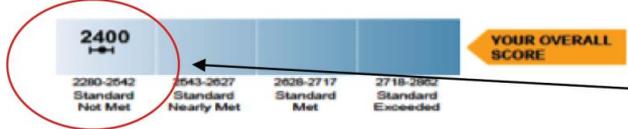
Tom Torlakson
 State Superintendent of Education

Martin's Results on California's Assessments

ENGLISH LANGUAGE ARTS/LITERACY
 Martin's overall score is: **2600**



MATHEMATICS
 Martin's overall score is: **2400**



Martin's ELA CAASPP score of 2600 (Standard Met) equates to a Conditionally Ready EAP English status.

Martin's Math CAASPP score of 2400 (Standard Not Met) equates to Not Ready on EAP Math status.

The CAASPP overall score for English language arts/literacy and mathematics on the front of this report may be used to provide an early indicator of Martin's readiness for college-level coursework, as described below.

Standard Exceeded: Ready for English and/or mathematics college-level coursework.	Standard Met: Conditionally Ready for English and/or mathematics college-level coursework.
Standard Nearly Met: Not yet demonstrating readiness for English and/or mathematics college-level coursework.	Standard Not Met: Not demonstrating readiness for English and/or mathematics college-level coursework.

Review the information at <http://CSUSuccess.org/> to see how this information can help avoid the need for additional testing upon entering a CSU or CCC.



Individual Student Score Report

- EAP status explanations on back of report
- Students must determine what they earned based on their CAASPP math and English results

Grade 11 – Early Assessment Program Status

The California State University (CSU) and participating California Community Colleges (CCCs) will use the English language arts/literacy and mathematics assessments of the CAASPP System to determine Martin's 2015 EAP status, which will provide an indicator of Martin's predicted readiness to take college-level English and mathematics courses when Martin begins college.

The CAASPP overall score for English language arts/literacy and mathematics on the front of this report may be used to provide an early indicator of Martin's readiness for college-level coursework, as described below.

Standard Exceeded: Ready for English and/or mathematics college-level coursework.	Standard Met: Conditionally Ready for English and/or mathematics college-level coursework.
Standard Nearly Met: Not yet demonstrating readiness for English and/or mathematics college-level coursework.	Standard Not Met: Not demonstrating readiness for English and/or mathematics college-level coursework.

Review the information at <http://CSUSuccess.org/> to see how this information can help avoid the need for additional testing upon entering a CSU or CCC.

Reporting

- Students must release results to the CSU and participating community college.
 - Release question is asked at the end of the Computer Adaptive Test (CAT).
 - Student has ability to look-up results on-line if results were released.
 - Duplicate report may be requested via ETS
- If student does not release results, he or she must provide to the campus upon request.
- High schools may use preliminary results to place students in senior year classes.

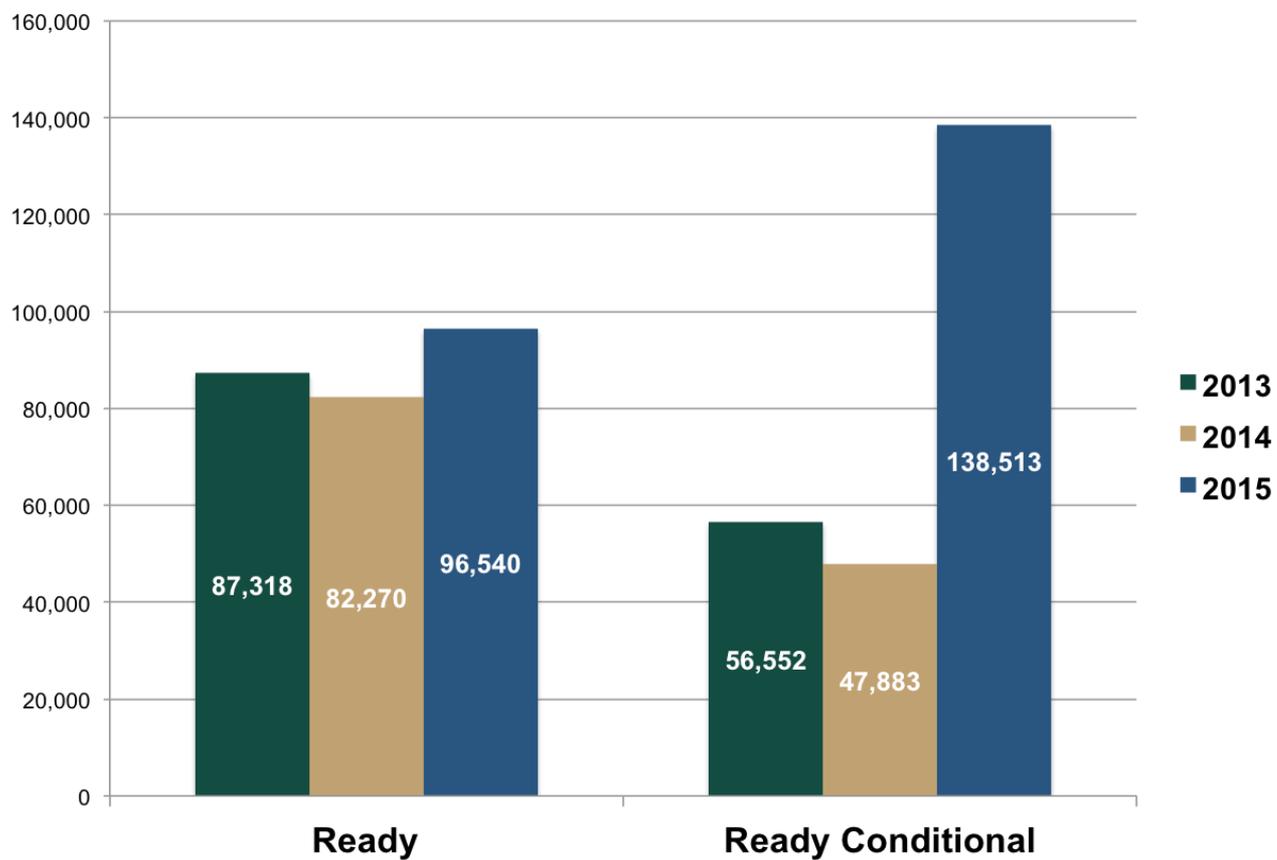
Reporting

- CSU will continue to receive results from ETS
- Districts will no longer receive separate EAP statuses on their electronic student data file.
 - CAASPP/Smarter Balanced results are used to determine EAP status
- CSU will use the new CDE aggregate website
 - Will continue to be able to look-up and compare to other county/district/schools



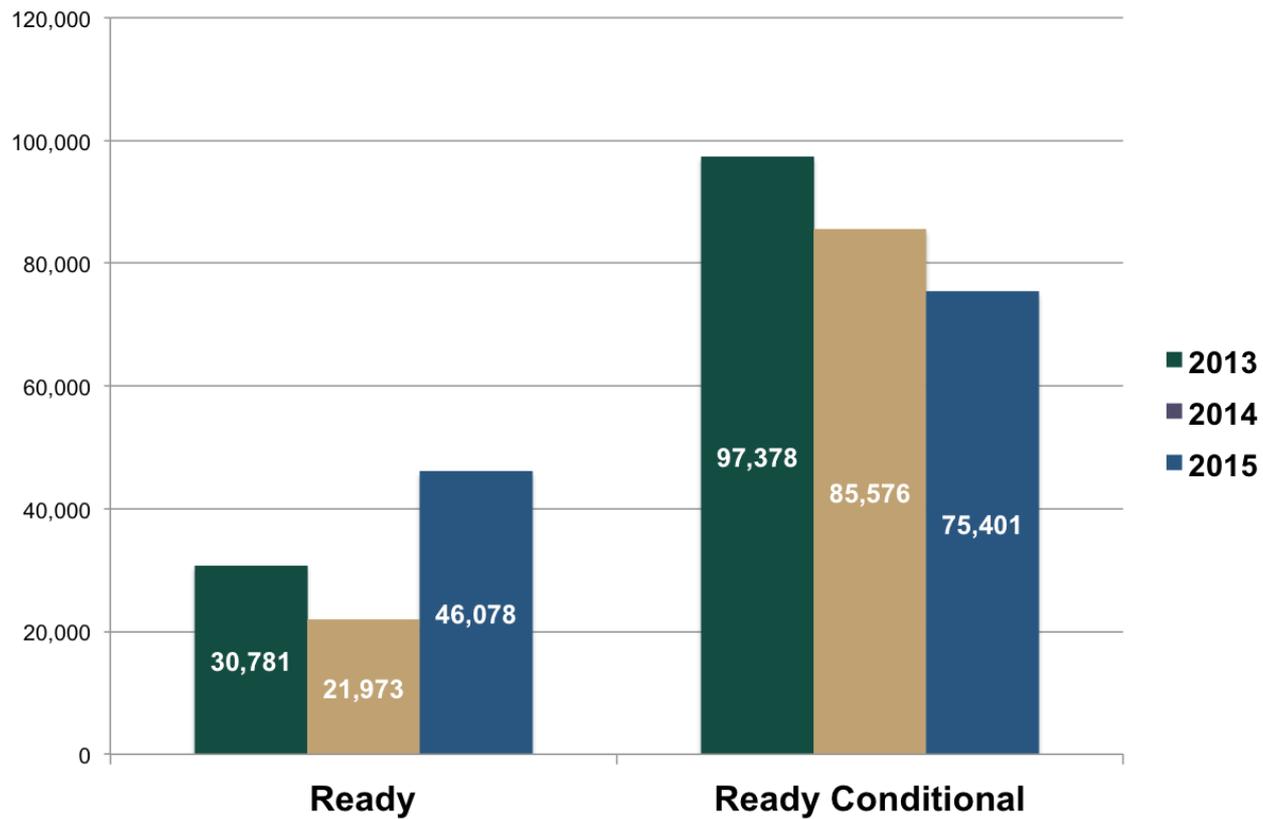


EAP English Results





EAP Math Results





Communication

- CSU has updated
 - English/math Success sites
 - Early Start page
- Trained CSU EAP Coordinators, Outreach Staff, Enrollment Management Teams
- Minimal training at the community college level regarding the transition
- Began conversation with high schools in 2012
- 2015 Annual CSU High School Counselor Conferences: presented to about 5000 participants on the transition

WELCOME TO CSU SUCCESS



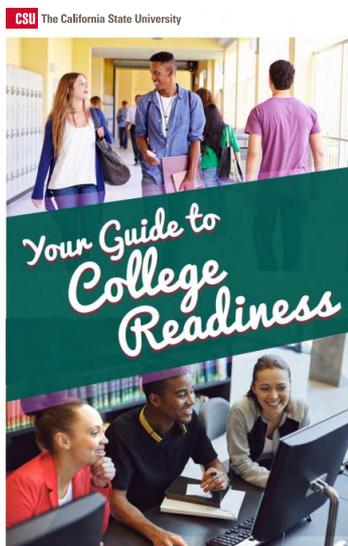
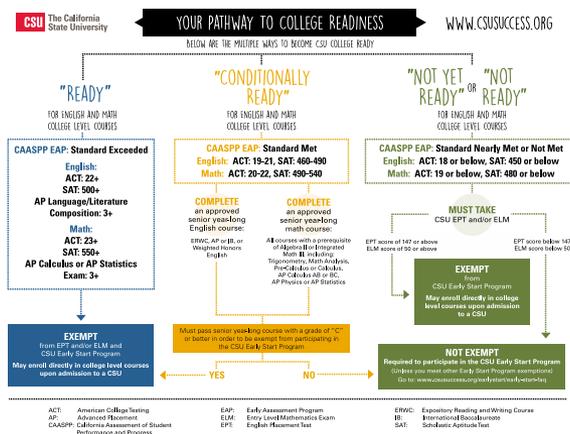
Communication

New EAP communication pieces have been developed:

EAP Poster

Grade 12
Guide to College
Readiness

Grade 11 Flyer



CSU The California State University

Are you ready?
For College Level English and Math?

The Early Assessment Program (EAP) Will Help You Be Prepared!

The EAP helps students determine their readiness to take college level English and math courses before enrolling in a California State University (CSU) or one of the participating California Community Colleges (CCC).

What Makes a Course "College Level"?
Students who demonstrate readiness for college level courses have the English and math skills necessary to succeed without the need for developmental coursework. The credits you earn in these courses count to wards college degree requirements.

How Do Students Participate in EAP?
All 11th graders will participate in the California Assessment of Student Performance and Progress (CAASPP) in English Language Arts/Literacy and mathematics. Your EAP results are included on the CAASPP Individual Student Score Report provided by your high school. Your score report will provide an indicator of your readiness to take college level courses. EAP results are not used for admission.

How Will Colleges Know if You Are "College Ready"?
Let your EAP results count by releasing them to the California State University or California Community Colleges. Simply mark the release button at the end of the test. It's that easy! If you do not mark the release button, you will be required to submit your results at a later date.

What Else Can You Do to Determine if You Are "College Ready"?
Take the SAT or ACT in the 11th grade as an additional way to determine if you are ready for college level courses in English Language Arts and mathematics. We encourage you to register to take the tests in the spring of your junior year.

Learn About the EAP Program at the California Community Colleges
For information on the use of CAASPP EAP results for exemptions and placement into appropriate courses at the community college you plan to attend, go to www.ccccd.edu/eap.

More Help is Available Online - Check It Out!
Learn about English and math interactive tools: www.ccsd.ccsd.edu
Take the Smarter, Balanced Practice Test: www.smarterbalanced.org/practice-test
Sign up for SAT: www.sat.collegeboard.org, ACT: www.actstudent.org
Learn more about the Early Start Program: www.ccsd.ccsd.edu/earlystart
For more information about CAASPP go to: www.sdsu.edu/go/14719/cf/

What do the results mean?
EAP results provide an early indicator of your readiness to take college level courses. Knowing and understanding your EAP status and overall CAASPP scores will give you the opportunity to improve your skills during your senior year.

EAP Statuses

"Ready" (Standard Exceeded)
You may enroll directly in CSU college level English and/or math courses. Exempt from taking required CSU English and/or math placement tests (EPT/ELM) and from participating in the CSU Early Start Program.

"Conditionally Ready" (Standard Met)
You must take an approved senior year-long English and/or math course and pass with a grade of "C" or better in both semesters. Exempt from taking required CSU EPT/ELM and may be exempt from participating in the CSU Early Start Program.

"Not Yet Ready" (Standard Nearly Met) or "Not Ready" (Standard Not Met)
You must take the required CSU EPT/ELM. May be required to participate in the CSU Early Start Program unless you meet other Early Start Program exemptions.



Contact

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Thank you!



California State Board of Education

Meeting Agenda Items for November 4-5, 2015

ITEM 04



CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2015 AGENDA

SUBJECT California Assessment of Student Performance and Progress: Determination of the Release of Up to 10 Percent Withheld for the 2014–15 Educational Testing Service Contract.	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing
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SUMMARY OF THE ISSUE(S)

The California Assessment of Student Performance and Progress (CAASPP) contract with Educational Testing Service (ETS), approved by the State Board of Education (SBE), specifies that on or before the annual November SBE meeting, the California Department of Education (CDE) shall present to the SBE a recommendation regarding the performance of ETS in complying with the terms and conditions of the contract for the prior school year test administration.

Per California *Education Code (EC)* Section 60643, the CDE must withhold 10 percent from progress payments invoiced for each component task. The CAASPP contract establishes the process and criteria by which the CDE recommends, and the SBE approves, the annual release of the 10 percent withheld from progress payments.

The CAASPP contract component task completion criteria are provided in Attachment 1, and the approved contract provisions regarding the annual determination of successful completion of component tasks are outlined in Attachment 2.

RECOMMENDATION

The CDE recommends releasing a total of \$5,247,157.90 from funds withheld during the 2014–15 test administration. The CDE further recommends not releasing \$3,096,959.50 to the contractor specific to component tasks 7–9. The amounts per task are listed in Attachment 3.

BRIEF HISTORY OF KEY ISSUES

The CDE has reviewed and determined that ETS has satisfactorily performed contract component tasks 1–6 and 11–14 for both the CAASPP computer-based assessments and the paper-pencil tests during the 2014–15 test administration to date, pending completion of all contract requirements through December 2015, and, therefore, is

recommending approval of the 10 percent release for those tasks. The contract task descriptions are listed in Attachment 3.

The CDE has reviewed and determined that ETS did not satisfactorily perform a portion of the contract component tasks 7, 8, and 9 and that ETS did not satisfactorily perform all portions of contract Component Task 10 as outlined below. The CDE and ETS have met to resolve errors in the 2015 administration and ETS has put into action corrections that are intended to ensure success in the future.

Task 7: Administer Paper-Pencil CAASPP Assessments

The CDE recommends release of \$285,832 of the ten percent withhold for Task 7 related to the California Alternate Performance Assessment (CAPA) and Standards-based Tests in Spanish (STS) paper-pencil assessments.

The CDE recommends the non-release of \$496,898.70 of the ten percent withhold for Task 7 related to the California Standards Tests (CSTs) and California Modified Assessment (CMA) for science due to ETS not satisfactorily producing and delivering to local educational agencies (LEAs) the correct quantities of test materials and pre-identification labels ordered for the CST and CMA science assessments within the time period required in the contract.

Task 8: Test Processing, Scoring, and Analysis

The CDE recommends release of \$533,142.10 of the ten percent withhold for Task 8 related to CST, CMA, CAPA, and STS results.

The CDE recommends the non-release of the \$2,415,467.30 withhold for Task 8 due to ETS not satisfactorily providing accurate Smarter Balanced test processing, scoring, and analysis as stipulated in the contract. A portion of tests that were administered early in the summative test window were not scored in a timely manner which resulted in LEAs receiving incomplete test results. The data files delivered to the CDE did not adhere to all the reporting specifications (e.g., date of administration for paper and pencil tests) and application of condition codes and flags (e.g., supports and accommodations).

Task 9: Report Test Results to Local Educational Agencies

The CDE recommends release of \$254,184.20 of the ten percent withhold for Task 9 related to CST, CMA, CAPA, and STS results.

The CDE recommends the non-release of \$128,961.40 of the ten percent withhold for Task 9 related to the Smarter Balanced summative assessments due to ETS not satisfactorily delivering the CAASPP Individual Student Reports (ISRs) within the time period specified in the contract.

Task 10: Report Test Results to the CDE

The CDE recommends the non-release of \$55,632.10 of the ten percent withhold for Task 10 due to ETS not satisfactorily producing and providing CAASPP data files to the CDE within the time period specified in the contract.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In November 2014, the SBE approved the release of the 10 percent of funds withheld from the progress payments to ETS for all contract component tasks for the 2013–14 CAASPP System test administration. The November 2014 SBE agenda can be found at <http://www.cde.ca.gov/be/ag/ag/yr14/agenda201411.asp>.

In July 2014, the SBE approved an amendment to the ETS contract to administer the 2014–15 CAASPP System test administration. The July 2014 SBE agenda can be found at <http://www.cde.ca.gov/be/ag/ag/main201407.asp>.

In November 2013, per *EC* Section 60640(f)(2), the SBE approved an amendment to the ETS contract to administer the 2013–14 CAASPP System test administration. The November 2013 SBE agenda can be found at <http://www.cde.ca.gov/be/ag/ag/yr13/agenda201311.asp>.

FISCAL ANALYSIS (AS APPROPRIATE)

The funds to be released were withheld during 2014–15 from invoices paid with existing CAASPP System contract funding, shown in Attachment 3. The CDE recommends the release of \$5,247,157.90. The CDE recommends not releasing \$3,096,959.50. Any portion of the funds withheld during 2014–15, will revert back to the state General Fund and cannot be used for any other purpose. The reversion date for fiscal year 2014–15 funding is June 30, 2017. The amounts per task are listed in Attachment 3.

ATTACHMENT(S)

Attachment 1: Completion Criteria (1 Page)

Attachment 2: California Assessment of Student Performance and Progress Process for Determination of Successful Completion of Component Tasks (1 Page)

Attachment 3: California Assessment of Student Performance and Progress Contract 2014–15 Test Administration Component Task Budget (1 Page)

Completion Criteria

Attachment 3 to Exhibit C of the contract, Completion Criteria, specifies that if it is determined by the California Department of Education (CDE) that a certified deliverable for a component task submitted to the CDE by Educational Testing Service (ETS) does not meet all of the criteria in XIX. CDE Approval of Deliverables, Section 2, in Attachment C to the contract, the CDE reserves the right to use this information as part of the criteria by which the CDE will recommend and the State Board of Education (SBE) will determine successful completion of each component task for payment of the final ten percent.

XIX. CDE Approval of Deliverables, Section 2.f., in Attachment C to the contract requires that a deliverable be “submitted in a timely manner consistent with the CDE-approved deliverables schedule and/or due dates as specified in the scope of work, state law, and/or state regulations.”

Note: The completion criteria for the 2015–16 through 2017–19 California Assessment of Student Performance and Progress test administrations are detailed in ETS Contract CN150012, Exhibit E.

California Assessment of Student Performance and Progress Process for Determination of Successful Completion of Component Tasks

California *Education Code* Section 60643 requires:

- The California Department of Education (CDE) to withhold no less than 10 percent of the amount budgeted for each separate and distinct component task provided for in the California Assessment of Student Performance and Progress (CAASPP) contract pending final completion of all component tasks.
- The CAASPP contract to establish the process and criteria by which the successful completion of each component task will be recommended by the CDE and approved by the State Board of Education (SBE).

The approved CAASPP contract is the result of a collaborative process involving SBE staff, the SBE testing liaisons, the CDE, and Educational Testing Service (ETS). It includes the following contract provisions regarding the annual determination of successful completion of component tasks:

- On or before the annual November SBE meeting, the CDE shall present to the SBE for its consideration a recommendation regarding the performance of ETS for the SBE's initial determination as to whether ETS has substantially complied with the terms and conditions of the agreement with the CDE.
- The criteria by which the CDE will recommend SBE adoption to determine successful completion of each component task for payment of the 10 percent are set forth in Attachment 1.
- Once the SBE has determined that ETS has successfully completed a component task, the 10 percent withheld from invoices for the component task for the prior fiscal year may be released by the CDE.
- In the event that the SBE determines that ETS has not substantially complied with the terms and conditions of the agreement with the CDE, the SBE shall, within ten days of its determination, notify ETS and the CDE, in writing, of which component task(s) the SBE has determined that ETS allegedly has failed to substantially perform; and a description of the failure shall be included. ETS shall submit an invoice for all tasks that are not set forth in the notice, and the invoice shall be paid within 30 days of receipt. ETS shall have ten days from receipt of the notice to respond in writing, and the response shall be promptly circulated to the CDE and each member of the SBE.
- At its next scheduled meeting, the SBE shall offer the CDE and ETS an opportunity to make any final oral presentation to the SBE regarding the alleged failures. At the same meeting, the SBE shall decide which component tasks, if any, ETS has failed to complete. ETS shall invoice the CDE for the remaining amount due to ETS, and the invoice shall be paid within 30 days of receipt.

California Assessment of Student Performance and Progress Contract 2014–15 Test Administration Component Task Budget

The California Department of Education (CDE) recommends releasing a total of \$5,247,157.90 to Educational Testing Service from funds withheld during the 2014–15 test administration.

Component Task Scope of Work D, Exhibit A.12	Total 2014–15 Administration Budget	Amount Paid/ To Be Paid from Progress Payments*	10 Percent Withheld (Pending Release)	Recommended (Release)	Recommended Withhold (Non-Release)
Task 1: Overall California Assessment of Student Performance and Progress (CAASPP) Program Administration	1,734,822	1,561,339.80	173,482.20	173,482.20	
Task 2: Test Security Measures for Computer-based and Paper-pencil Tests	279,935	251,941.50	27,993.50	27,993.50	
Task 3: Test Support to the CDE and Local Educational Agencies (LEAs)	6,946,303	6,251,672.70	694,630.30	694,630.30	
Task 4: Test Administration Set-up	446,248	401,623.20	44,624.80	44,624.80	
Task 5: Item Bank	600,409	540,368.10	60,040.90	60,040.90	
Task 6: Administer Computer-based CAASPP Assessments	25,829,314	23,246,382.60	2,582,931.40	2,582,931.40	
Task 7: Administer Paper-Pencil CAASPP Assessments	7,827,307	7,044,576.30	782,730.70	285,832.00	496,898.70
Task 8: Test Processing, Scoring, Analysis	29,486,094	26,537,484.60	2,948,609.40	533,142.10	2,415,467.30
Task 9: Report Test Results to LEAs	3,831,456	3,448,310.40	383,145.60	254,184.20	128,961.40
Task 10: Report Test Results to the CDE	556,321	500,688.90	55,632.10	0	55,632.10
Task 11: Technical Reports and Other Analyses	208,102	187,291.80	20,810.20	20,810.20	
Task 12: New Test Development	5,649,888	5,084,899.20	564,988.80	564,988.80	
Task 13: Smarter Balanced Interim Assessments	0	0	0	0	
Task 14: Coordinate with Independent Evaluator	44,975	40,477.50	4,497.50	4,497.50	
Totals	83,441,174	75,097,056.60	8,344,117.40	\$5,247,157.90	\$3,096,959.50

*Pending completion of all contract component tasks for the 2014–15 test administration through December 2015.



California State Board of Education

Meeting Agenda Items for November 4-5, 2015

ITEM 05



CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2015 AGENDA

SUBJECT	
California Assessment of Student Performance and Progress: Approve Commencement of Rulemaking for Amendments to the <i>California Code of Regulations</i> , Title 5, Sections 850 through 864.	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

SUMMARY OF THE ISSUE(S)

The California Department of Education (CDE) is responsible for the oversight of the California Assessment of Student Performance and Progress assessment system (CAASPP), which is governed by *Education Code (EC)* Sections 60640 through 60649. CAASPP is to be used for the assessment of certain elementary and secondary pupils, replacing the former Standardized Testing and Reporting (STAR) Program.

As required by *EC* Section 60640(q), Title 5 of the *California Code of Regulations* Sections 850 through 864 were amended to conform the state's testing regulations to the CAASPP. Permanent CASSPP regulations were approved by the Office of Administrative Law (OAL) on August 27, 2014.

Under the newly-adopted regulations, the first operational administration of the CAASPP took place in spring 2015. Since the completion of testing on July 31, 2015, the CDE has worked to identify areas for improvement in the test administration process. Additionally, the assessment consortium of which California is a member, Smarter Balanced Assessment Consortium (Smarter Balanced), recently made changes in several of its policies; changes with which the CAASPP regulations must conform. Finally, the introduction of a successor alternate assessment to the CAPA, the new California Alternate Assessment (CAA), requires the addition of testing procedures and policies consistent with that assessment.

The amendments are also submitted for approval on an emergency basis under a separate item.

RECOMMENDATION

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

- Approve the Notice of Proposed Rulemaking
- Approve the Initial Statement of Reasons
- Approve the proposed amendments to the regulations
- Direct the CDE to commence the rulemaking process; and
- Authorize the CDE to take any necessary ministerial action to respond to any direction or concern expressed by the OAL during its review of the Notice, ISOR and proposed regulations

BRIEF HISTORY OF KEY ISSUES

For a number of years, California implemented a statewide testing program as required by federal law through the STAR program. On October 2, 2013, Governor Brown signed Assembly Bill 484 (AB 484) deleting the provisions of the *EC* referencing the STAR Program and established the CAASPP assessment system.

Pursuant to *EC* Section 60640(q), Title 5 Regulations, Sections 850 to 868 were revised by the SBE to conform to the statutory changes made in AB 484. These amendments revised definitions, requirements, responsibilities and guidelines for the administration, test security, reporting and apportionment related to the CAASPP system. The amendments were adopted initially as emergency regulations and later adopted by the OAL as permanent regulations on August 27, 2014.

Under these newly-adopted regulations, the first operational assessments took place beginning in March of 2015 through July 31, 2015, and included the new computer-based assessments provided by the Smarter Balanced assessment consortium.

The CDE, at the direction of the SBE, and with the assistance of ETS, the state's CAASPP contractor, conducted evaluations of the first operational CAASPP test administration. The results of these evaluations, which included a post-test survey administered to more 15,500 LEA and school staff and several focus groups consisting of students, teachers, and parents, were not available until late August 2015. The results of these evaluations showed that the new assessments were successful, but did identify a few areas in need of additional clarity and/or improvement in the testing process, particularly in the area of testing periods. In addition, Smarter Balanced, which adopts policies and procedures required to be followed by all member states who have agreed to administer Smarter Balanced testing, recently made several changes in its consortium policies, most of these changes addressing the accessibility supports that may be used in conjunction with testing. The regulations must be amended to conform to the consortium's policies as well as address the issue of accessibility supports and testing procedures available on the CAA. The regulations must also reflect other

Smarter Balanced policies such as having an appeal procedure available for LEAs when certain actions are taken during the testing process.

Specifically, the proposed amendments to the CAASPP regulations include, but are not limited to:

- Recognizing the CAA as the successor alternate assessment to the CAPA for English Language Arts and Mathematics.
- Clarifying the language used with respect to accessibility supports that can and cannot be used in CAASPP assessments by redefining “resources,” adding new definitions for “instructional supports” and “unlisted resources” and clarifying the process by which “unlisted resources” may be approved as “resources” for use on CAASPP tests.
- Clarifying the testing process by revising the language in Section 851 regarding when pupils should be tested and the particular grade level a student should be tested for, as well as adding a separate section, Section 851.5, to clarify when a pupil is considered to be an “eligible pupil” for purposes of taking a specific assessment.
- Adding a new section, Section 853.6, to address what accessibility supports may be utilized by a pupil taking the CAA.
- Modifying Section 855 to clarify the periods of time in which testing can be conducted, to give LEAs local control regarding when a school or track will conduct its testing within the available testing window by adding the option for LEAs to select up to six testing period to accommodate different tracks or school calendars and to establish an available testing window for the CAA.
- Establishing guidelines for LEAs to file appeals for taking certain actions that may be taken during testing to conform to Smarter Balanced policies and our contractor’s requirements.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At its January 2014 meeting, the SBE approved emergency regulations for CAASPP. The emergency regulations were approved by the OAL and became effective on February 3, 2014. In addition to adopting the Emergency Regulations at its January 2014 meeting, the SBE approved commencement of the regular rulemaking process for the permanent regulations.

At its July 2014 meeting, the SBE approved re-adoption of the emergency regulations for CAASPP. The emergency re-adoption rulemaking file was submitted to OAL on July 16, 2014. The emergency regulations were approved by the OAL on July 23, 2014. In addition to readopting the emergency regulations, the SBE adopted the permanent rulemaking file. The rulemaking file was submitted to OAL on July 16, 2014 and were approved and became effective on August 27, 2014.

At the March 2015 SBE meeting, the CDE recommended the SBE adopt the SSPI's recommendation to designate Educational Testing Service as the new testing contractor for the CAASPP assessment system. The SBE accepted this recommendation on condition that ETS meet specific conditions set by the SBE by the May 2015 meeting.

At its May 2015 meeting, the SBE approved the proposed CAASPP contract.

FISCAL ANALYSIS (AS APPROPRIATE)

An Economic and Fiscal Impact Statement is provided as Attachment 4.

ATTACHMENT(S)

Attachment 1: Notice of Proposed Rulemaking (5 pages)

Attachment 2: Initial Statement of Reasons (13 pages)

Attachment 3: Text of Proposed Regulations (30 pages)

Attachment 4: Economic and Fiscal Impact Statement will be provided as an Item Addendum



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

NOTICE OF PROPOSED RULEMAKING

AMENDMENT TO CALIFORNIA CODE OF REGULATIONS, TITLE 5, REGARDING THE CALIFORNIA ASSESSMENT OF STUDENT PERFORMANCE AND PROGRESS

[Notice published November 20, 2015]

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

PUBLIC HEARING

California Department of Education (CDE) staff, on behalf of the SBE, will hold a public hearing at 9:00 a.m. on January 5, 2016, at 1430 N Street, Room 1801, Sacramento, California. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SBE requests, but does not require, that persons who make oral comments at the public hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to:

Debra Thacker, Regulations Coordinator
Administrative Support and Regulations Adoption Unit
California Department of Education
1430 N Street, Room 5319
Sacramento, CA 95814

Comments may also be submitted by facsimile (FAX) at 916-319-0155 or by e-mail to regcomments@cde.ca.gov.

Comments must be received by the Regulations Coordinator prior to 5:00 p.m. on January 5, 2016. All written comments received by CDE staff during the public comment period are subject to disclosure under the Public Records Act.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

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

AUTHORITY AND REFERENCE

Authority: Sections 33031, 60605, 60613 and 60640, Education Code.

Reference: Sections 306, 37670, 47079.5, 47605, 47605.8, 47651, 48645.1, 49062, 49068, 49079.5, 52052, 56034, 60602.5, 60603, 60604, 60605, 60607, 60610, 60611, 60615, 60630, 60640, 60641, 60642.5, 60642.6 and 60643, Education Code; 20 U.S.C. Sections 1232g and 1412(a)(16); 7 C.F.R. Sections 245.2(a)(1)-(4), 245.3 and 245.6; 34 C.F.R. Sections 99.3, 200.1(d), (e) and (f), 200.2, and 300.160(b); and 5 CCR 11967.6.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Assembly Bill 484 (Chapter 489, Statutes of 2013) authorized a new statewide testing program, the CAASPP system. Pursuant to Education Code section 60640(q), California Code of Regulations, title 5, sections 850 to 868 were revised by the SBE to conform the regulations to the statutory changes made in the legislation. These amendments to the regulations, which revised definitions, requirements, responsibilities and guidelines for the administration, test security, reporting and apportionment related to the new CAASPP, were adopted by the Office of Administrative Law on August 27, 2014.

Under these newly adopted regulations, the first operational administration of the new online CAASPP assessments in English language arts (ELA) and mathematics took place March 10 through July 31, 2015. These new online assessments are provided by the Smarter Balanced Assessment Consortium (Consortium), a national consortium of which California is a governing member State. Post-test evaluation and feedback reviewed by the CDE revealed a need to further align the CAASPP regulations with changes in Consortium policies as well as the need to add clarity and consistency in terminology and requirements related to the new online assessments in ELA and mathematics. The purpose of the proposed revisions to California Code of Regulations, sections 850 to 864 is make the alignment of CAASPP regulations to Consortium policies comprehensive in order to ensure the security of valid and reliable measures which are used to inform instruction, and for federal and state accountability purposes.

The benefit of enacting the proposed regulations will be the standard and effective implementation of a new statewide assessment. Administering assessments that align with Consortium policies for accessibility are critical to ensuring valid and reliable

measures. Clear and consistent procedures are also critical to ensuring that the statewide assessments are administered using standardized procedures that also support accurate, valid, and reliable measures. Thus, making the proposed changes will provide better information about student performance to teachers, parents, and administrators, and will ultimately improve teaching and student learning.

Anticipated Benefits of the Proposed Regulation

The specific benefits anticipated by the proposed regulations including, to the extent applicable, nonmonetary benefits such as the protection of public health and safety, worker safety, or environment, the prevention of discrimination, the promotion of fairness or social equity, and the increase in openness and transparency in business and government, among other things.

Determination of Inconsistency/Incompatibility with Existing State Regulations

The CDE reviewed all state regulations relating to the CAASPP and found that none exist that are inconsistent or incompatible with these regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION/ FISCAL IMPACT

The SBE has made the following initial determinations:

There are no other matters as are prescribed by statute applicable to the specific state agency or to any specific regulations or class of regulations.

The proposed regulations do not require a report to be made.

Mandate on local agencies and school districts: None

Cost or savings to any state agency: None

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code: None

Other non-discretionary costs or savings imposed on local educational agencies: None

Costs or savings in federal funding to the state: None

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None

Cost impacts on a representative private person or businesses: The SBE is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on housing costs: None

Effect on small businesses: The proposed regulations would not have an effect on any small business because the proposed amendments only affect local educational agencies and would have no impact on the private sector.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Benefits of the proposed action: The benefit of enacting the proposed regulations will be the implementation of a statewide assessment system that aligns with state content standards adopted by the SBE in 2010. Administering assessments that align with curriculum and instruction being provided in classrooms will establish continuity, will provide better information about student performance to teachers, parents, and administrators, and will ultimately improve teaching and student learning.

Adoption of these regulations will not 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within California; or 3) affect the expansion of businesses currently doing business within California.

CONSIDERATION OF ALTERNATIVES

The SBE must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SBE, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The SBE invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the content of this regulation should be directed to:

Shobhana Rishi, Consultant
Assessment Development and Administration Division
California Department of Education
1430 N Street, Room 4200
Sacramento, CA 95814
Telephone: 916- 319-0802
Email: srishi@cde.ca.gov

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

INITIAL STATEMENT OF REASONS AND INFORMATION

The SBE has prepared an Initial Statement of Reasons for the proposed regulation and has available all the information upon which the proposal is based.

TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS

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

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

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

You may obtain a copy of the Final Statement of Reasons, once it has been finalized, by making a written request to the Regulations Coordinator.

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Shobhana Rishi, Assessment Development and Administration Division, 1430 N Street, Sacramento, CA, 95814; telephone, 916-319-0802. It is recommended that assistance be requested at least two weeks prior to the hearing.

INITIAL STATEMENT OF REASONS
CALIFORNIA ASSESSMENT OF STUDENT PERFORMANCE AND PROGRESS
(CAASPP)

INTRODUCTION

Assembly Bill 484 (Chapter 489, Statutes of 2013) authorized a new statewide testing program, the CAASPP system. Pursuant to Education Code section 60640(q), California Code of Regulations, title 5, sections 850 to 868 were revised by the SBE to conform the regulations to the statutory changes made in the legislation. These amendments to the regulations, which revised definitions, requirements, responsibilities and guidelines for the administration, test security, reporting and apportionment related to the new CAASPP, were adopted by the Office of Administrative Law on August 27, 2014. Under these newly-adopted regulations, the first operational administration of the new online CAASPP assessments in English language arts (ELA) and mathematics took place March 10 through July 31, 2015. These new online assessments are provided by the Smarter Balanced Assessment Consortium (Consortium), a national Consortium of which California is a governing member State.

The tests within the CAASPP assessment system have consequences for individual students, schools, and school districts. The California Department of Education (CDE) uses the test results for school and district Academic Performance Index (API) and Adequate Yearly Progress (AYP) calculations. The results of these accountability calculations are used to identify schools and schools districts that may or may not be meeting required growth targets and may result in schools and school districts being identified as “program improvement” schools or school districts. The program improvement designation may result in state intervention and eventually, take-over of the school or school district. The proposed amendments are designed to assure that the tests within the CAASPP are administered fairly and consistently throughout the state so that valid and reliable results are available for API and AYP calculations and, in so doing, prevent harm to the public peace, health, safety, and general welfare of students.

PROBLEM AGENCY INTENDS TO ADDRESS

The existing regulations are not fully aligned to changes in Consortium policy on accessibility resources; do not include requirements for the new alternate assessments; and contain inconsistencies that may be an obstacle to efficient and standardized statewide administration of the CAASPP tests. The purpose of the proposed amendments is to ensure the correct, efficient, and standardized administration of the CAASPP online assessments according to required Consortium guidelines to maintain accuracy, reliability and validity of measures. In addition, the proposed amendments, which are based on a review of the first operational administration of the new computer-based Consortium assessments, will add clarity and consistency to the procedures and requirements for CAASPP tests, thereby strengthening the reliability and validity of the measures.

BENEFITS ANTICIPATED FROM REGULATORY ACTION

The benefit of enacting the proposed amendments are the promotion of an optimal and fair test administration for eligible students. Streamlining and clarifying procedures and terminology will aid educators in selecting and activating accessibility resources to students who can benefit from them, including language supports for English learners. Clear direction for filing of appeals will support greater reporting accuracy and timeliness. Adding testing window options that include selection of testing periods in alignment with the requirements of the Consortium and testing contractor will give greater local control to LEAs to accommodate their diverse school calendars. And finally, all of the above changes support increased local control, and strengthen validity, reliability and accuracy of statewide achievement scores used for the purposes for guiding instruction, gauging students' readiness for career and college, and for federal and state accountability calculations.

SPECIFIC PURPOSE OF EACH SECTION – GOVERNMENT CODE SECTION 11346.2(b)(1)

The specific purpose of each adoption, amendment, or repeal and the rationale for the determination that each adoption, amendment, or repeal is reasonably necessary to carry out the purpose of which it is proposed, together with a description of the public problem, administrative requirement, or other condition or circumstance that each adoption or amendment is intended to address, is as follows:

General changes were made to the regulations to include grammatical edits, and renumbering and/or re-lettering to reflect deletions or additions. Additional non-substantive amendments made for consistency are as follows:

- “English language arts” is changed to “ELA;”
- “English language learner” is changed to “EL;”
- The word “corresponding” was added before the words “testing materials;”
- The word “group” was deleted and replaced with the word “team;”
- The words “assessment technology platform” was deleted and replaced with “test delivery system;”
- The word “engine” was replaced with the word “system;”
- The word “accident” was replaced with the word “injury;”
- The word “CAASPP” was added before the words “Test Security Affidavit;”
- The word “achievement” is added between the word “CAASPP” and “tests” to read “CAASPP achievement tests.”

SECTION 850

Proposed section 850 is amended to define the relevant terms needed to interpret, clarify and make specific the terms used in the CAASPP, as well as to delete terms that are no longer in the Education Code or that are now defined in the Education Code and there is no need to repeat the definition in the regulations. These changes are

necessary to clarify the scope and applicability of the changes in the statutes and the regulations.

Proposed section 850 is amended to delete the reference to the Measurement of Academic Performance and Progress (MAPP) assessment system as that term was deleted from the Education Code and replaced with the California Assessment of Student Performance and Progress. Thus it is no longer necessary to reference MAPP in the regulations.

Proposed section 850(c) is amended to change “adjusts” to “selects.” This is necessary as “selects” is a more appropriate term to use.

Proposed section 850(d) is amended to add the words “significant cognitive” before disabilities. This is necessary to align with Education Code section 60640(b)(1).

Proposed section 850(e) is added to include a definition for “assessment management system.” This is necessary as the term is now used in the regulations and the term aligns with the terminology/definitions used by the CDE’s CAASPP contractor and is consistent with information provided in the respective Test Administration Manuals (TAMS).

Proposed section 850(f) [formerly (e)] is amended to change “assessment” to “test” and redefine the term. This is necessary to align with the terminology/definitions used by the CDE’s CAASPP contractor and to be consistent with information provided in the respective TAMS.

Proposed section 850(g) [formerly (f)] is amended to redefine “assessment technology platform.” This is necessary to align with the terminology/definitions used by the CDE’s CAASPP contractor and to be consistent with information provided in the respective TAMS.

Proposed section 850(h) is added to the definitions as the California Alternate Assessment is a new CAASPP test to be used as the successor alternate assessment. This is necessary to ensure all LEAs are clear as to the appropriate alternate test to administer.

Proposed sections 850(i), (j) and (k) [formerly (g)(h) and (i)] are amended for clarification; they specify that the California Alternate Performance Assessment (CAPA), the California Modified Assessment (CMA) and the California Standards Tests (CST) only exist with respect to science. This is necessary to ensure that the public understands that CAPA, CMA and CST tests only cover science.

Proposed section 850(l) is added to introduce a definition to “change of construct”. This is necessary as the term is used in the CAASPP regulations; the definition can provide consistency in how the term is interpreted.

Proposed section 850(m) [formerly (j)] is amended to delete “all Smarter Balanced.” This is necessary to more accurately specify what is stored in the Data Warehouse.

Proposed Section 850(n) [formerly (k)] is amended to include the phrase “with parent/guardian and pupil input as appropriate.” This is necessary to align with Consortium policies on designated supports.

Former section 850(l) is deleted. This is necessary as the term “eligible pupil” is now further defined and addressed in a new stand-alone section, section 851.5.

Former section 850(n) is deleted. This is necessary as a pupil’s “grade” for purposes of CAASPP administration is now defined in section 851(b).

Former section 850(o) is deleted. This is necessary as the term “individualized aide” has been replaced with “unlisted resource,” which is defined in section 850(ak).

Proposed section 850(p) is added to define “instructional supports.” This is necessary as the term is now used in the amended regulations.

Proposed section 850(t) [formerly (s)] is amended to add “and pupils enrolled in a dual immersion program” and to substitute Education Code section 60640(j) for former Education Code section 60640 (c). This is necessary for consistency with the Education Code.

Proposed section 850(x) [formerly (w)] is amended to further define the term “resource” to include an unlisted resource that has been approved by the CDE and to clarify that resources do not change the construct of an assessment. This is necessary to conform to the rest of the changes in the amended regulations.

Proposed section 850(y) [formerly (x)] is amended to add “sibling” to the list of persons that cannot serve as a pupil’s scribe. This is necessary to ensure security to CAASPP tests.

Former section 850(z) is deleted in its entirety. This is necessary as there is no longer a reference in the regulations to the Smarter Balanced Assessment Consortium.

Proposed section 850(ac) is added to the regulations to define “Test Administration Manuals.” This is necessary because of the references to that term in the amended regulations.

Proposed section 850(ad) [formerly (ac)] is amended to replace the term “examiner” with “administrator” to differentiate between the roles of a test administrator and a test examiner, for which a definition has been added in section 850(ae). This amendment is necessary to clarify the two roles.

Proposed section 850(ae) is added to define “test examiner” as the administrator of the alternate assessments. This is necessary for consistency and clarity regarding the new alternate assessment procedures.

Proposed section 850(ah) is added to define “track” because the term is used in the amended regulations. This is necessary to ensure that the meaning is correctly interpreted.

Proposed section 850(ak) is added to define “unlisted resource” which is the new term that replaced the previous “individualized aide.” This is necessary to clarify what an unlisted resource is and is not as it is used in the amended regulations.

SECTION 851

Proposed section 851(a) is amended to clarify which students are to be tested using the CAASPP achievement and primary language tests. Specifically section 851(a) recognizes that pupils with parent exemptions from testing pursuant to section 852 will not be administered the CAASPP tests. It further recognizes that “eligible pupil” is now defined in a stand-alone section, section 851.5, and that, under these revised regulations, a student’s enrollment status depends upon the school’s or track’s selected testing period, excluding any extension that LEAs may have obtained pursuant to the newly-added section 855(b)(4). All of these changes are necessary to ensure clarity as to which pupils are to be tested with the CAASPP achievement tests and to conform with other changes in the amended regulations.

Proposed section 851(b) is added to the section on Pupil Testing to note that the grade level at which a pupil is tested must be the pupil’s grade of enrollment as noted in CALPADS on the first day of the school’s or track’s available testing window. This is necessary to provide consistency among LEAs, who must determine what grade-level achievement tests to administer to each pupil.

Proposed section 851(e) [formerly (d)] is amended to recognize that a test administrator may also have a role in administering CAASPP tests and to exclude a sibling from administering a CAASPP test. . The amendment to include a test administrator is necessary to recognize the official role a test administrator plays in addition to a test examiner and the amendment to prohibit sibling administration of tests is necessary to support a more secure administration of CAASPP tests.

SECTION 851.5

Proposed section 851.5 was moved from section 850(l) into a stand-alone section to more clearly redefine who is an “eligible pupil” for purposes of taking a particular CAASPP assessment. This is necessary as the review of feedback from the first operational test indicated a need for a more explicit statement of which pupils are eligible for each of the CAASPP achievement tests.

SECTION 853

Proposed section 853 was amended to recognize that LEAs must follow instructions on how to administer CAASPP tests using unlisted resources and instructional supports as set forth in the amended regulations. This is necessary to ensure consistency with

the regulations that now provide definitions and process for the use of additional accessibility supports.

SECTION 853.5

The overall purpose and necessity of the amendments to this section are to refine the alignment of the current CAASPP regulations related to assessment accessibility with the most recent accessibility policies set by the Consortium, as set forth in the Smarter Balanced Assessment Consortium *Usability, Accessibility and Accommodations Guidelines*. This is necessary as the correct and standard use of accessibility supports for the CAASPP assessments is critical for ensuring reliable and valid measures of the CAASPP assessments. The changes to the availability of the use of designated supports will similarly be implemented in Section 853.7 as the EL community is entitled to the same designated supports. Specific changes to Section 853.5 are shown below:

Proposed Section 853.5(a)(11) is amended to add “embedded ruler and embedded protractor.” The amendment is necessary to add the particular math tools that are permitted as specified in the Consortium’s policy.

Former sections 853.5(b)(6) – (8) are deleted because they are no longer necessary or are not consistent with Consortium policy. First is the deletion of “math tools” which is no longer an available resource; “simplify test directions” is being deleted because it is no longer needed and will be added to the TAM; and “pupil marks in paper pencil test” is deleted because it is no longer applicable for a computer based test and will be added to the TAMs for the administration of the few paper-pencil tests being given the next two years.

Proposed sections 853.5(c) and (d) are amended to add “with parent/guardian and pupil input as appropriate.” The amendment is necessary to align regulations with Consortium’s approach to accessibility which references inclusion of parent and student input, as appropriate, for the determination of designated supports for a pupil.

Former section 853.5(c)(4) is deleted because it was confusing and inaccurate as a separately listed item. It has instead been included with proposed section 853(c)(5) which reflects how it is delivered to the student on the test delivery system. This is necessary because Spanish stacked translation and translated test directions in Spanish are delivered together automatically and cannot be assigned separately.

Proposed section 853.5(d)(9) is amended to include: “most beneficial time of day, special lighting or acoustics, and/or special or adaptive furniture.” The amendment is necessary to specify these particular aspects that are included in the “separate setting” non-embedded designated support. These were previously offered under former sections 853.5(d)(12) and (14). This change is necessary to align with Consortium policy and will eliminate confusion about how to assign this available designated supports for pupils who can benefit from their use.

Former sections 853.5(d)(12) and (14) are deleted because they have now been included as part of section 853.5(d)(9). See above.

Proposed section 853.5(d)(13) is added to include read aloud for Spanish and stacked translations in mathematics as a non-embedded designated support. This is necessary to align with Consortium policy.

Proposed section 853.5(e)(4) is amended to delete the restriction of text-to-speech embedded accommodation for use by pupils in “grades 6 through 8, inclusive, and 11.” The amendment is necessary because the Consortium’s policy on the use of this accommodation is no longer restricted by grade level; text-to-speech is now available to all eligible students with a documented need in an IEP or Section 504 Plan.

Proposed section 853.5(f) (2) is amended to delete the availability of non-embedded accommodation, American Sign Language for ELA listening and mathematics items. This amendment is necessary in order to align the regulations with Consortium policy. Non-embedded American Sign Language accommodation can be requested as an unlisted resource pursuant to Section 853.8.

Proposed section 853.5(f)(6) is amended to add the descriptive phrases that specify the allowed use of this accommodation in accordance with Consortium policy which specifies it to used only for “Calculator-allowed” and “only in grades 6 through 8, and 11.” The amendments are necessary because feedback and review of the operational test administration indicated confusion on the part of educators about the allowed use of this non-embedded accommodation.

Proposed section 853.5(f)(9) is amended to delete the words “in grades 6 through 8, inclusive, and grade 11; blind pupils in grades 3 through 8, inclusive, and grade 11 who do not yet have adequate braille skills.” The amendment is necessary in order to make regulations consistent and aligned with the Consortium’s policy change on the use of the non-embedded accommodation, read aloud, which is now available to all pupils with a documented need in an IEP or Section 504 Plan, regardless of grade level. Read aloud is the non-embedded version of Text-to-Speech accommodation.

Former section 853.5(g) is deleted and replaced by a newly added section, section 853.8, on the use of “unlisted resources.” The change includes the changing of the name of an “individualized aid” as to an “unlisted resource.” These changes are necessary for additional clarity and consistency for LEAs when administering CAASPP assessments.

Former section 853.5(h) is deleted and has been replaced by newly added section 853.8 on the use of unlisted resources. The deletion is necessary because this section has been replaced.

Proposed section 853.5(g) [formerly (i)] is amended to add the words “amends or” and to add the word “approve.” The amendments are necessary for the sake of clarity and accuracy of intended meaning. While it is anticipated that the Consortium policies on accessibility may likely add a resource to the list of available resources, it is also possible that research conducted on use of certain resources may require the use of a particular resource to be amended in some manner.

SECTION 853.6

Proposed section 853.6 is added to inform LEAs about the instructional supports and resources that are available for use by pupils taking the California Alternate Assessments. The new section is necessary to provide clarity on the unique supports that or may not be used for the alternate assessment.

SECTION 853.7

Proposed section 853.7(a) is amended to add “with parent/guardian and pupil input as appropriate.” The amendment is necessary to align regulations with Consortium’s approach to accessibility which references inclusion of parent and student input as appropriate for the determination of designated supports for a pupil.

Former section 853.7(a)(4) is deleted because it was confusing and inaccurate as a separately listed item. It has instead been included with proposed section 853(c)(5) which reflects how it is delivered to the student on the test delivery system. This is necessary because Spanish stacked translation and translated test directions in Spanish are delivered together automatically and cannot be assigned separately.

Proposed section 853.7(b) is amended to add “with parent/guardian and pupil input as appropriate.” The amendment is necessary to align regulations with Consortium’s approach to accessibility which references inclusion of parent and student input as appropriate for the determination of designated supports for a pupil.

Proposed section 853.7(b)(9) is amended to include: “most beneficial time of day, special lighting or acoustics, and/or special or adaptive furniture.” The amendment is necessary to specify these particular aspects that are included in the “separate setting” non-embedded designated support. These were previously offered under section 853.5(d)(12 and (14). This change is in alignment with Consortium policy and will eliminate confusion about how to assign this available designated supports for pupils who can benefit from their use.

Former sections 853.7(d)(12) and (14) are deleted because they have now been included as part of section 853.7(d)(9). See above.

Proposed section 853.7(d)(13) is added to include read aloud for Spanish and stacked translations in mathematics. This is necessary to align with Consortium policy.

Proposed section 853.7(c) is added to mirror the newly-numbered section 853.5(g), formerly section 853.5((i). This section is added for consistency in provisions for Consortium changes to policies on the use of universal tools, designated supports and accommodations, which are referred to as ‘resources’ in regulations.

SECTION 853.8

Proposed sections 853.8(a), (a)(1) – (a)(9) are added to replace and update portions of deleted former section 853.5(g). This section provides the procedure for requesting an “unlisted resource,” previously called “individualized aid,” for a student with a documented need through an IEP or section 504 plan. This is necessary to provide additional direction and consistency to LEAs when seeking to use additional supports that are not listed as resources in the regulations.

Proposed sections 853.8(b) and (c) are added to replace and update portions of deleted section 853.5(g) and to further clarify the requirements and criteria used to allow the use of an unlisted resource; the request for the use of an unlisted resource on a CAASPP achievement test will be denied only if its use poses a threat to test security. This is necessary to ensure that test results are accurate and valid.

Proposed sections 853.8(d), (d)(1) and (d)(2) are added to further clarify the criteria for the approval of an unlisted resource and the consequences of using an unlisted resource that changes the construct. If the CDE determines that the unlisted resource does not change the construct being measured, the unlisted resource shall be approved and the pupil shall receive a valid score. If, however, the CDE determines that the use of the unlisted resource changes the construct, then the student will receive a score, although, the score will not be considered valid for the use of accountability calculations. These amendments are necessary to align with Consortium policies and to ensure proper accountability for testing and valid results.

Proposed sections 853.8(e), (e)(1) - (e)(9) are added to provide a list of the unlisted resources that have already been determined to change the construct of a CAASPP test. This addition is necessary to assist LEAs with useful information that can assist IEP teams in determining the most appropriate use of resources on the CAASPP tests.

SECTION 855

Former sections 855(a)(1) – (2) are deleted because they applied to the 2013-14 administrations, and are no longer applicable. These deletions are necessary to avoid confusion in the field.

Proposed section 855(a) [formerly (b)] is amended to reflect the current test administration for which these procedures are valid, 2015-16. Also added are clarifying words to indicate what is meant by “available testing window” and that the test may be administered “at some time” during the available testing window. This clarification was necessary based on the CDE’s review of the first operation administration which revealed a need for further clarification.

Proposed section 855(a)(1) [formerly (b)(1)] is amended to replace “until at least” with “on the day in which.” This is necessary to provide clarity as to the date on which testing begins. It is also amended to add “available” before testing window to differentiate the period of time a window may be available from a selected testing period within that window. This differentiation was determined to be necessary after a review of the first operational year of testing. This section is also amended to include language

regarding a school's track schedule. This is necessary to be inclusive of all schools in an LEA, including those that may have different tracks or calendars. Finally, it is amended to delete the last sentence regarding when a school has reached 66 percent of a school year. This is necessary as it was determined to be superfluous.

Proposed section 855(a)(2) [formerly (b)(2)] is amended to clarify language that will help LEAs to identify their testing dates to meet their own calendar needs and to comply with Consortium requirements for the respective CAASPP achievement tests. This is necessary to provide LEAs greater local control in determining testing dates. It is also amended to delete language as to when a school may have reached 80 percent of a school year. This is necessary as it was determined to be superfluous.

Proposed Section 855(a)(3) (formerly (b)(3)) is amended to delete reference to a successor alternate assessment. This is necessary as the successor assessment is addressed in the new California Alternate Assessments (CAA) in the newly-added section 850(a)(4). It is also amended to delete reference to the SBE making a determination about testing windows prior to September 2014. This is necessary because that language is moot at this time.

Proposed section 855(a)(4) is added to provide the information related to the CAA available testing window, which has a separate window for 2015-2016 than it does for administrations thereafter. The inclusion of this information in a separate subdivision is necessary to make it easier for LEAs to locate the information related to the CAA, which will have its first operational administration in 2016.

Proposed sections 855(b), (b)(1) – (4) are added to provide LEAs with the new option to select up to six testing periods within the available testing window and to add an option for an LEA to request an extension of up to ten days to complete testing. These changes are proposed based on a review of the first operational administration by the CDE and the testing contractor and the need for increased local control to determine when the CAASPP tests can be administered to meet the needs of specific tracks or calendars within an LEA and the need to allow LEAs to extend testing time for a discreet period when circumstances deem such extension necessary.

Proposed section 855(c) is added to further clarify that failure of an LEA to select testing periods for a school or track within the available testing window results in the entire available testing window being the selected testing period. This is necessary to provide consistency and clarity across LEAs so they know the consequences of not selecting testing periods.

SECTION 857

Proposed section 857(a) is amended to delete "September 30" and replace with "July 1." This amendment is necessary to meet the timeline for preparations for the subsequent test administration in a satisfactory manner.

Proposed section 857(b) is amended to add "August 1" and delete "September 30" and replace with "July 1." The amendment is necessary to prevent a gap in coverage of

LEA CAASPP Coordinator, whose responsibilities, pursuant to sections 858 and 859, include pre and post-test tasks and communications.

Proposed section 857(c) is added to provide that the CAASPP coordinator for the LEA is to be responsible for following the duties set forth in Section 859, This is necessary to provide clarity to the LEAs and in particular LEA CAASPP coordinators.

SECTION 858

Proposed section 858(c) is added to provide that the CAASPP test site coordinator is to be responsible for following the duties set forth in section 850. This is necessary to provide clarity to the CAASPP test site coordinators.

Proposed section 858(e) [formerly (d)] is amended to delete “individualized aids” and replace with “unlisted resources.” The amendment is necessary to conform to the new term being used.

SECTION 859

Proposed sections 859(b)(6) and (d)(10) are amended to add “CAA” and “Science” after CAPA and to delete “or its successor alternate assessment. The amendments are necessary to recognize that CAA is the successor alternate assessment in ELA and mathematics and to update the terminology regarding CAPA for science, so that it is not confused with the former CAPA for ELA and mathematics. .

Proposed section 859(c) is amended to add the words “test administrators” and to delete the words “registration system, adaptive engine.” The amendments are necessary to update the terminology to be consistent with the language in the TAMs and the updated definitions related to the computer-based tests.

Proposed section 859(d)(11) is amended to delete “individualized aids” and replace with “unlisted resources.” It also adds “instructional supports for the CAA.” The amendment is necessary to conform the change to the new term, ‘unlisted resource,’ which replaced the old ‘individualized aid,’ and to add the instructional supports for CAA to the list of other resources provided in these regulations.

SECTION 860

Proposed section 860 is added to address the appeal process, which is a requirement of the new Consortium assessments. It provides for the possible actions the CDE may take in response to an appeal, the types of appeals that LEA CAASPP coordinators may request, when appeals must be submitted to the CDE, and how appeals will be reviewed by the CDE. This addition to the regulations is necessary to conform with new Consortium requirements and the provisions of the new CAASPP contract and because failure to handle appeals in a fair, consistent and effective manner in conformance with Consortium requirements may impact test security and validity.

SECTION 861

Proposed section 861(b)(3) is amended to delete the words “individualized aid” and replace with “unlisted resource.” The amendment is necessary to conform the regulations to the change in terminology.

SECTION 862

Proposed section 862(a)(1) is amended to delete the word “first” and replace with “last.” The amendment is necessary to calculate the total enrollment for a grade pursuant to the enrollment requirements stated in proposed section 851(b).

Proposed section 862(b)(2)(A) is amended to delete the words “by December 31” and replace with “within 90 calendar days from the date the apportionment information report is electronically sent to the LEA.” The amendment is necessary to accommodate different track and school calendars; the requirement instead of being stated as a specific date, is now designated in terms of a time period which may accommodate different dates.

Propose section 862(b)(2)(B) is amended to delete the words “December 31” and replace with “the 90 days.” The amendment is necessary to accommodate different track and school calendars; the requirement instead of being stated as a specific date, is now designated in terms of a time period which may accommodate different dates.

SECTION 862.5

Proposed section 862.5(a) is amended to delete the word “first” and replace with the word “last.” The amendment is necessary to clarify the new requirement for apportionment funding which is based on the total number of pupils enrolled for a testing period; the change conforms to change in proposed section 862(a)(1).

SECTION 864

Proposed section 864(b)(3) is added to provide that LEAs must ensure they are following all instructions in the corresponding TAMs. This is necessary to ensure clear, complete and consistent direction is followed by LEAs when implementing the CAASPP achievement tests.

ECONOMIC IMPACT ANALYSIS PER GOV. CODE SECTION 11346.3(b)

The CDE has determined that only LEAs, as defined by Education Code section 60603(o), are impacted by these amended regulations in order to comply with the provisions of 20 U.S.C. 6311 of the Elementary and Secondary Education Act requiring the annual assessment of “all students and children in the State.”

Therefore, amendment and adoption of these regulations will not 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within

California; or 3) affect the expansion of businesses currently doing business within California.

OTHER REQUIRED SHOWINGS – GOV. CODE 11346.2(b)(2)-(4)

Studies, Reports or Documents Relied Upon – Gov. Code. Section 11346.2(b)(3):

The SBE relied upon the document titled “Smarter Balanced Assessment Consortium: Usability, Accessibility, and Accommodations Guidelines, September 11, 2013” in the drafting of these regulations. A copy of this document can be obtained at http://www.smarterbalanced.org/wordpress/wp-content/uploads/2013/09/SmarterBalanced_Guidelines_091113.pdf.

Summary of Post-Test Survey and Focus Group Results from the 2015 California Assessment of Student Performance and Progress (CAASPP) Administration of the Smarter Balanced Online Assessments (Link to be provided later in October)

Reasonable Alternatives Considered Or Agency’s Reasons For Rejecting Those Alternatives – Gov. Code Section 11346.2(b)(5)(A):

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

Reasonable Alternatives That Would Lessen The Impact On Small Businesses – Gov. Code Section 11346.2(b)(5)(B):

The SBE has not identified any alternatives that would lessen any adverse impact on small business.

Evidence Relied Upon To Support the Initial Determination That the Regulations Will Not Have A Significant Adverse Economic Impact on Business – Gov. Code Section 11346.2(b)(6):

The proposed regulations would not have a significant adverse economic impact on any business. The activities specified in the regulations affect only state and local governments.

Analysis of Whether The Regulations Are An Efficient And Effective Means Of Implementing The Law In The Least Burdensome Manner – Gov. Code Section 11346.3(e)

The regulations have been determined to be the most efficient and effective means of implementing the law in the least burdensome manner.

- 1 • The State Board of Education has illustrated changes to the original text in the
2 following manner: text originally proposed to be added is underlined; text proposed to
3 be deleted is displayed in ~~strikeout~~.

4
5 **Title 5. EDUCATION**

6 **Division 1. California Department of Education**

7 **Chapter 2. Pupils**

8 **Subchapter 3.75. California Assessment of Student Performance and Progress**
9 **(CAASPP)**

10 **Article 1. General**

11 **§ 850. Definitions.**

12 For the purposes of these regulations, ~~the Measurement of Academic Performance~~
13 ~~and Progress assessment system (as established in Education Code section 60640 and~~
14 ~~known as “MAPP”)~~ shall be designated the California Assessment of Student
15 Performance and Progress (CAASPP), and the following terms shall have the following
16 meanings:

17 (a) “Accommodations” means resources documented in a pupil’s individualized
18 education program (IEP) or Section 504 Plan which the pupil regularly uses in the
19 classroom for instruction and/or assessments(s) and that are either utilized in the
20 assessment environment or consist of changes in procedures or materials that increase
21 equitable access during the assessment. Accommodations cannot fundamentally alter
22 the comparability of achievement test scores.

23 (b) “Achievement tests” means any summative standardized test that measures the
24 level of performance that a pupil has achieved on state-adopted content standards.

25 (c) “Adaptive engine” refers to the mechanism utilized in a computer-adaptive
26 assessment that ~~adjusts~~ selects the difficulty of grade-level test questions throughout an
27 assessment based on student responses.

28 (d) “Alternate assessments” means ~~an assessments~~ as provided in Education Code
29 section 60640(k) and it’s the test materials developed to measure the level of
30 performance for a pupil with significant cognitive disabilities who is unable to take the
31 consortium summative assessments in English language arts (ELA) and mathematics
32 pursuant to Education Code section 60640(b)(1) or ~~are~~ is unable to take an assessment
33 of science pursuant to Education Code section 60640(b)(2), even with resources.

1 (e) “Assessment management system” means the test operations management
2 system which is a set of web applications that manage the registration of pupils for
3 tests, machine or hand scoring of test items, integration of item scores into an overall
4 test score, and delivery of scores to the data warehouse.

5 (f)(e) “Assessment Test delivery system” consists of the electronic systems used to
6 display test items through an adaptive engine; accept and store item responses; score
7 items; and restrict access to outside sources. The test delivery system includes
8 technology required to administer computer based tests means a set of web
9 applications that manage the registration of pupils for tests, the delivery of those tests to
10 the pupils, scoring of test items, integration of item scores into an overall test score, and
11 delivery of scores to the Data Warehouse.

12 (g)(f) “Assessment technology platform” means the underlying computer systems on
13 which CAASPP applications run. It is comprised of two components, the assessment
14 management system and the test delivery system ~~electronic systems used to display~~
15 ~~items, accept item responses, store, deliver, score the tests and restrict access to~~
16 ~~outside sources, as well as report and manage assessment results. Assessment~~
17 ~~technology includes, but is not limited to, computing devices, testing software~~
18 ~~applications, network hardware, and other technology required to administer the tests.~~

19 (h) “California Alternate Assessments (CAA)” are the alternate assessments and
20 corresponding test materials in ELA and mathematics as provided for in Education
21 Code section 60640(k) for pupils with significant cognitive disabilities. The CAA is the
22 successor alternate assessment for ELA and mathematics as identified in Education
23 Code section 60640(b)(3).

24 (i)(g) “California Alternate Performance Assessment for Science (CAPA Science)” is
25 the alternate assessment and its corresponding test materials for science as provided
26 for in Education Code section 60640(k) for pupils with significant cognitive disabilities.

27 (j)(h) “California Modified Assessment for Science (CMA Science)” is the alternate
28 assessment and its corresponding test materials for science based on modified
29 achievement standards.

30 (k)(i) “California Standards Tests for Science (CSTs Science)” is the assessment
31 and its corresponding test materials for science that measure the degree to which pupils
32 are achieving the state content standards in science pursuant to Education Code

1 section 60605.

2 (l) “Change of construct” means a modification of the concept or skills being tested
3 that fundamentally alters the meaning and comparability of achievement test scores.

4 (m)(j) “Data Warehouse” means a comprehensive storehouse of all Smarter
5 Balanced test registrations and results and a system to generate reports on, or extracts
6 of, that data.

7 (n)(k) “Designated supports” are resources which the pupil regularly uses in the
8 classroom for instruction and/or assessment(s) and that are available for use by any
9 pupil for whom the need has been indicated, prior to the assessment administration, by
10 an educator or group a team of educators (with parent/guardian and pupil input as
11 appropriate) or specified in a the pupil’s IEP or Section 504 Plan.

12 ~~(l) “Eligible pupil,” with the exception of subdivisions (1) through (3) below, is any~~
13 ~~pupil taking an assessment, pursuant to Education Code section 60640, who is not~~
14 ~~exempt from participation in assessments pursuant to Education Code section 60615 or~~
15 ~~who is not a recently arrived English learner pupil exempt from participating in the~~
16 ~~English Language Arts assessment pursuant to Education Code section 60640(f)(1).~~

17 ~~(1) For the primary language test, an eligible pupil is an English learner with a~~
18 ~~primary language for which a test is optional pursuant to Education Code section 60640.~~

19 ~~(2) For CAPA, an eligible pupil is any pupil in grades 2 through 11, inclusive, who~~
20 ~~has an IEP that designates the use of the alternate assessment.~~

21 ~~(3) For the CMA, an eligible pupil is any pupil in grades 5, 8, or 10, who has an IEP~~
22 ~~that designates the use of the modified assessment in science.~~

23 (o)(m) “Embedded” means a resource, whether a universal tool, designated support,
24 or accommodation, that is part of the assessment technology platform test delivery
25 system for the computer-based CAASPP tests.

26 ~~(n) “Grade” means the grade in which the pupil is enrolled at the time of testing, as~~
27 ~~determined by the local educational agency.~~

28 ~~(o) “Individualized aid” means a type of resource that a pupil regularly uses in a~~
29 ~~classroom for instruction and/or assessment that has not been previously identified as a~~
30 ~~universal tool, designated support or accommodation. Because an individualized aid~~
31 ~~has not been previously identified as a universal tool, designated support or~~
32 ~~accommodation, it may or may not invalidate the measurement of the test(s).~~

1 (p) “Instructional supports” are all supports, including those supports documented in
2 a pupil’s IEP or Section 504 Plan, that may be used in daily instruction and for
3 assessment(s), including language and physical supports.

4 ~~(g)(f)~~ “Local educational agency (LEA)” means a county office of education, school
5 district, state special school, or direct-funded charter school as described in Education
6 Code section 47651. LEA superintendent, for purposes of these regulations, includes an
7 administrator of a direct-funded charter school.

8 ~~(r)(e)~~ “Non-embedded” means a resource, whether a universal tool, designated
9 support, or accommodation, that may be provided by the LEA and is not part of the
10 ~~assessment technology platform~~ test delivery system for the computer-based CAASPP
11 tests.

12 ~~(s)(f)~~ “Nonpublic schools (NPS)” are nonpublic, nonsectarian schools as set forth in
13 Education Code section 56034.

14 ~~(t)(e)~~ “Primary language test” means a test as provided in Education Code sections
15 60640(b) and ~~(e)~~ (j) and its corresponding test materials in each primary language for
16 which a test is available for English Learners (ELs) and pupils enrolled in dual
17 immersion program. The primary language test is the Standards-based Tests in
18 Spanish (STS).

19 ~~(u)(f)~~ “Pupil” refers to a student enrolled in a California public school.

20 ~~(v)(u)~~ “Recently arrived English learner” means a pupil designated as an EL English
21 ~~learner~~ who is in his or her first 12 months of attending a school in the United States as
22 specified in Education Code section 60603(v).

23 ~~(w)(v)~~ “Registration system” means the mechanism that provides administrators with
24 the tools to manage users and pupils participating in CAASPP computer-based
25 assessments. The ~~engine~~ system uses a role-specific design to restrict access to
26 certain tasks based on the user’s designated role as well as manage pupils’ default test
27 settings, designated supports, and accommodations.

28 ~~(x)(w)~~ “Resource(s)” refers to a universal tool, designated support, accommodation
29 ~~and/or individualized aid~~ or an unlisted resource approved pursuant to section 853.8.
30 Resources (including approved unlisted resources) do not change the construct of the
31 assessment.

32 ~~(y)(x)~~ “Scribe” is an employee of the LEA or a person assigned by an NPS to

1 implement a pupil's IEP who has signed a CAASPP Test Security Affidavit and has
2 received training to transcribe a pupil's responses to the format required by the test. A
3 pupil's parent, ~~or~~ guardian, or sibling is not eligible to be the pupil's scribe.

4 ~~(z)(y)~~ A "Ssignificant medical emergency" is a significant ~~accident~~ injury, trauma, or
5 illness (mental or physical) that precludes a pupil from taking the achievement tests. An
6 ~~accident~~ injury, trauma, or illness is significant if the pupil has been determined by a
7 licensed physician to be unable to participate in the tests.

8 ~~(z)~~ "~~Smarter Balanced Assessment Consortium (Smarter Balanced)~~" is the multi-
9 state consortium responsible for the development of the English language arts and
10 mathematics summative assessments administered pursuant to Education Code
11 section 60640(b)(1) and the interim assessments and formative assessment tools
12 administered pursuant to Education Code section 60642.6.

13 (aa) "Standards-based Tests in Spanish (STS)" are the achievement tests and ~~the~~
14 its corresponding test materials that are administered at the option of the LEA as the
15 primary language test as provided in Education Code sections 60640(b) and ~~(e)~~ (j) for
16 pupils whose primary language is Spanish or to pupils enrolled in a dual immersion
17 program that includes Spanish.

18 (ab) "Streamlining" means an accommodation on a computer-based assessment
19 that provides an alternate display of an item, stacked into instructions, stimuli, and
20 response choices.

21 (ac) "Test Administration Manuals (TAM)" means the instructions provided by the
22 CAASPP contractor or consortium for the purpose of training and administration of the
23 respective CAASPP tests and which must be adhered to in order to ensure the security
24 of valid and reliable tests and the reporting of accurate results.

25 ~~(ad)(ae)~~ "Test administrator examiner" is an employee or contractor of an LEA or an
26 NPS who has signed a CAASPP Test Security Affidavit and has received training to
27 administer the CAASPP achievement tests. ~~For an alternate assessment, the test~~
28 ~~examiner must be a certificated or licensed school, district, or county staff member.~~

29 (ae) "Test examiner" is an employee or contractor of an LEA or an NPS who has
30 signed a CAASPP Test Security Affidavit and has received training to administer the
31 CAA tests. A test examiner must be a certificated or licensed LEA staff member.

32 ~~(af)(ad)~~ "Test materials" include, but are not limited to, administration manuals,

1 administrative materials, ~~test booklets~~, assessment ~~technology platform~~ management
2 system, practice tests, scratch paper, and test answer documents.

3 ~~(ag)(ae)~~ “Test proctor” is an employee of an LEA, or a person assigned by an NPS,
4 to implement a pupil’s IEP or Section 504 Plan, who has signed a CAASPP Test
5 Security Affidavit and has received training designed to prepare him or her to assist the
6 test examiner in the administration of tests.

7 (ah) “Track” is a type of attendance or instructional schedule for schools with year-
8 round education programs pursuant to Education Code section 37670.

9 ~~(ai)(af)~~ “Translator” is a person who has been assigned to translate the test
10 directions into the pupil’s primary language pursuant to sections ~~853.5 and 853.7~~ 853.6,
11 who has signed a CAASPP Test Security Affidavit as identified in section 859(d), and
12 who has received training specifically designed to prepare him or her to assist the test
13 administrator or test examiner in the administration of the assessments pursuant to
14 Education Code section 60640. A pupil’s parent, ~~or~~ guardian, or sibling is not eligible to
15 be the pupil’s translator. A translator must be:

- 16 (1) an employee of an LEA;
17 (2) an employee of the NPS; or
18 (3) a person supervised by an employee of an LEA or an employee of the NPS.

19 ~~(aj)(ag)~~ “Universal tools” are resources of the CAASPP tests that are available to all
20 pupils.

21 (ak) “Unlisted resource(s)” means an instructional support that a pupil regularly uses
22 in daily instruction and/or assessment that has not been previously identified as a
23 universal tool, designated support or accommodation. Because an unlisted resource
24 has not been previously identified as a universal tool, designated support or
25 accommodation, it may or may not change the construct of the assessment.

26 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:
27 Sections 306, 37670, 47605, 47605.8, 47651, 56034, 60603, 60604, 60605, 60615,
28 60640, 60642.5 and 60642.6, Education Code; 34 C.F.R. Sections 200.1(d), and (f) and
29 300.160; 5 CCR 11967.6.

30
31
32

1 **Article 2. Achievement Tests and Any Primary Language Test**

2 **§ 851. Pupil Testing.**

3 (a) With the exception of pupils exempt pursuant to section 852, LEAs shall
4 administer the achievement tests, and may administer the primary language test,
5 pursuant to ~~Education Code section 60640~~ to each eligible pupil as defined in section
6 851.5 who is enrolled in an LEA on the date testing begins in the pupil's school or LEA
7 during the school's or track's selected testing period (excluding any extension period
8 pursuant to section 855(b)(4)).

9 (b) The testing conducted shall be consistent with the pupil's grade of enrollment as
10 noted in CALPADS on the first day of the school's or track's available testing window
11 pursuant to section 855.

12 ~~(c)~~ (b) No later than start of the 2014-2015 school year, for the purposes of the
13 CAASPP assessment system, a charter school which is not an LEA as defined in
14 Education Code section 60603(o) shall test with, dependent on, the LEA that granted
15 the charter or was designated the oversight agency by the State Board of Education
16 (SBE).

17 ~~(d)~~ (e) LEAs shall make arrangements for the testing of all eligible pupils in
18 alternative education programs or programs conducted off campus, including, but not
19 limited to, non-classroom based programs, continuation schools, independent study,
20 community day schools, county community schools, juvenile court schools, or NPSs.

21 ~~(e)~~ (f) No test may be administered in a home or hospital except by a test
22 administrator or test examiner. No test shall be administered to a pupil by the parent, or
23 guardian, or sibling of that pupil. This subdivision does not prevent classroom aides
24 from assisting in the administration of the test under the supervision of a test
25 administrator or test examiner, provided that the classroom aide does not assist his or
26 her own child, and that the classroom aide signs a CAASPP Test Ssecurity Aaffidavit.

27 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:
28 Sections 47651, 48645.1, 60603, 60605 and 60640, Education Code.

29
30 **§ 851.5. Eligible Pupil.**

31 For purposes of these regulations, an "eligible pupil" is as follows:

1 (a) For CAASPP achievement tests in ELA, a pupil in grades 3 - 8 and grade 11 that
2 is not taking the CAA or is not a recently arrived EL pursuant to section 850(v).
3 However, a recently arrived EL may be an eligible pupil upon request by the
4 parent/guardian.

5 (b) For CAASPP achievement tests in mathematics, a pupil in grades 3 through 8
6 and 11 that is not taking the CAA.

7 (c) For the primary language test, an EL and pupil enrolled in dual immersion
8 program, in grades 3 through 8 and 11, for whom a primary language test is made
9 available pursuant to Education Code section 60640(b)(5)(E).

10 (d) For the CAA, a pupil in grades 3 through 8 and 11 who has an IEP that
11 designates the use of alternate assessments.

12 (e) For CAPA Science, a pupil in grades, 5, 8 and 10 who has an IEP that
13 designates the use of an alternate assessments.

14 (f) For the CMA Science, a pupil in grades 5, 8 and 10 who has an IEP that
15 designates the use of the modified assessment in science.

16 (g) For the CST Science, a pupil in grades 5, 8 and 10 who does not have an IEP
17 that designates the use of an alternate or modified assessment in science.

18 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:
19 Sections 60640 and 60641, Education Code.

20
21 **§ 853. Administration.**

22 (a) The CAASPP tests pursuant to Education Code section 60640 shall be
23 administered, scored, transmitted, and/or returned by LEAs in accordance with the
24 corresponding TAMs manuals or other instructions provided by the contractor or the
25 California Department of Education (CDE) for administering, scoring, transmitting,
26 and/or returning the tests, unless specifically provided otherwise in this subchapter,
27 including instructions for administering the test with universal tools, designated
28 supports, ~~and~~ accommodations, unlisted resources or instructional supports, where
29 appropriate, as specified in sections 853.5 through and 853.87. The procedures shall
30 include, but are not limited to, those designed to ensure the uniform and standardized
31 administration, and scoring of the tests to pupils, the security and integrity of the test
32 content and test items, and the timely provision of all required pupil and school level

1 information.

2 (b) The primary mode of administration of a CAASPP achievement test shall be via a
3 computing device, the use of an assessment technology platform, and the adaptive
4 engine.

5 (c) If available, an LEA may utilize a paper-pencil version of any computer-based
6 assessment (CBA) of the CAASPP assessment system, in accordance with Education
7 Code section 60640(e), and if the LEA identifies the pupils that are unable to access the
8 CBA version of the test.

9 (d) Interim assessments and formative assessment tools shall be made available to
10 LEA(s) for use. Use of interim assessments and formative assessment tools shall not be
11 considered advance preparation for a CAASPP achievement test as defined in
12 Education Code section 60611. LEAs that use interim assessments and/or formative
13 assessment tools shall abide by the consortium/contractor(s) administration and use
14 requirements. Any scoring of any performance tasks for the interim assessment is the
15 responsibility of the LEA.

16 NOTE: Authority cited: Sections 33031 and 60640, Education Code. Reference:
17 Sections 60602.5, 60603, 60605, 60611, 60640 and 60642.6, Education Code.

18

19 **§ 853.5. Use of Universal Tools, Designated Supports, and Accommodations.**

20 (a) All pupils shall be permitted the following embedded universal tools on the
21 CAASPP achievement tests for ~~ELA English language arts~~ (including the components of
22 reading, writing, and listening) and mathematics as specified below:

23 (1) breaks for reading, writing, listening, and mathematics;

24 (2) calculator for specific mathematics items only in grades 6 through 8 and 11;

25 (3) digital notepad for reading, writing, listening, and mathematics;

26 (4) English dictionary for writing (ELA-performance task – ~~pupil long essay(s)~~ full
27 write not short paragraph responses);

28 (5) English glossary for reading, writing, listening, and mathematics;

29 (6) expandable passages for reading, writing, listening, and mathematics;

30 (7) global notes for writing (ELA-performance task – ~~pupils long essay(s)~~ full write
31 not short paragraph responses);

32 (8) highlighter for reading, writing, listening, and mathematics;

- 1 (9) keyboard navigation for reading, writing, listening, and mathematics;
- 2 (10) mark for review for reading, writing, listening, and mathematics;
- 3 (11) math tools (i.e., embedded ruler and embedded protractor) for specific
- 4 mathematics items;
- 5 (12) spell check for specific writing items;
- 6 (13) strikethrough for reading, writing, listening, and mathematics;
- 7 (14) writing tools for specific pupil generated responses; or
- 8 (15) zoom for reading, writing, listening, and mathematics.

9 (b) All pupils shall be permitted the following non-embedded universal tools on the
10 CAASPP tests for ELA English language arts (including the components of reading,
11 writing, and listening), mathematics, science, and primary language as specified below:

- 12 (1) breaks;
- 13 (2) English dictionary for ELA performance task – ~~pupil long essay(s)~~ full write not
- 14 short paragraph responses;
- 15 (3) scratch paper;
- 16 (4) thesaurus for ELA performance task – ~~pupil long essay(s)~~ full write not short
- 17 paragraph responses;
- 18 (5) color overlay for science and primary language test;
- 19 ~~(6) math tools (i.e., ruler, protractor) for specific mathematics items;~~
- 20 ~~(7) simplify or clarify test administration directions (does not apply to test questions);~~
- 21 or
- 22 ~~(8) pupil marks in paper-pencil test booklet (other than responses including~~
- 23 ~~highlighting).~~

24 (c) All pupils shall be permitted the following embedded designated supports when
25 determined for use by an educator or a team group of educators (with parent/guardian
26 and pupil input as appropriate) or specified in the pupil's IEP or Section 504 Plan on the
27 CAASPP achievement tests for ELA English language arts (including the components of
28 reading, writing, and listening) and mathematics as specified below:

- 29 (1) color contrast for reading, writing, listening, and mathematics;
- 30 (2) masking for reading, writing, listening, and mathematics;
- 31 (3) text-to-speech for writing, listening, mathematics, and reading items but not
- 32 reading passages;

1 ~~(4) translated test directions for mathematics;~~

2 ~~(4)(5) translations (glossary) for mathematics;~~

3 ~~(5)(6) Spanish translations (stacked) and translated test directions for mathematics;~~

4 or

5 ~~(6)(7) turn off any universal tool for reading, writing, listening, and mathematics.~~

6 (d) All pupils shall be permitted the following non-embedded designated supports
7 when determined for use by an educator or a team group of educators (with
8 parent/guardian and pupil input as appropriate) or specified in a the pupil's IEP or
9 Section 504 Plan on the CAASPP achievement tests for ELA English language arts
10 (including the components of reading, writing, and listening), mathematics, science, and
11 primary language as specified below:

12 (1) translated test directions for ELA, mathematics, science and primary language
13 test;

14 (2) bilingual dictionary for writing;

15 (3) access to translation glossaries/word lists for science and primary language test;

16 (4) color contrast for reading, writing, listening, and mathematics;

17 (5) color overlay for reading, writing, listening, and mathematics;

18 (6) magnification;

19 (7) read aloud for writing, listening, mathematics, and reading items but not reading
20 passages;

21 (8) scribe for reading, listening, and mathematics;

22 (9) separate setting including most beneficial time of day, special lighting or
23 acoustics, and/or special or adaptive furniture;

24 (10) translations (glossary) for mathematics; (only for consortium-provided
25 glossaries that correspond to the embedded designated supports in subdivision (c));

26 (11) noise buffers (e.g., individual carrel or study enclosure, or noise-cancelling
27 headphones);

28 ~~(12) special lighting or acoustics, assistive devices (specific devices may require~~
29 ~~CAASPP contractor certification), and/or special or adaptive furniture;~~

30 ~~(12)(13) translations (glossary) for science and primary language test; or~~

31 ~~(14) administration of the test at the most beneficial time of day for the pupil.~~

32 (13) read aloud for Spanish stacked translation in mathematics.

1 (e) The following embedded accommodations shall be provided on the CAASPP
2 achievement tests for ELA English language arts (including the components of reading,
3 writing, and listening) and mathematics when specified in a pupil's IEP or Section 504
4 Plan:

- 5 (1) American Sign Language for listening and mathematics;
- 6 (2) braille for reading, writing, listening, and mathematics;
- 7 (3) closed captioning for listening;
- 8 (4) text-to-speech for reading passages ~~for grades 6 through 8, inclusive, and 11;~~ or
- 9 (5) streamlining for reading, writing, listening, and mathematics.

10 (f) The following non-embedded accommodations shall be provided on the CAASPP
11 achievement tests for ELA English language arts (including the components of reading,
12 writing, and listening), mathematics, science, and primary language when specified in a
13 pupil's IEP or Section 504 Plan:

- 14 (1) read aloud for primary language test;
- 15 (2) American Sign Language for ~~listening, mathematics, and science;~~
- 16 (3) braille for paper-pencil tests;
- 17 (4) abacus for mathematics and science;
- 18 (5) alternate response options for reading, writing, listening, and mathematics;
- 19 (6) calculator for ~~specific~~ calculator-allowed mathematics items only in grades 6
20 through 8, and 11;
- 21 (7) multiplication table for mathematics beginning in grade 4;
- 22 (8) print on demand for reading, writing, listening, and mathematics;
- 23 (9) read aloud for reading passages ~~in grades 6 through 8, inclusive, and grade 11;~~
24 ~~blind pupils in grades 3 through 8, inclusive, and grade 11 who do not yet have~~
25 ~~adequate braille skills;~~
- 26 (10) scribe for writing, science, and primary language test;
- 27 (11) speech-to-text; or
- 28 (12) large-print version of a paper-pencil test.

29 (g) ~~An LEA may submit a request in writing to the CDE, prior to the administration of~~
30 ~~a CAASPP test for approval for the use of an individualized aid. The LEA CAASPP~~
31 ~~coordinator or the CAASPP test site coordinator shall make the request on behalf of the~~
32 ~~LEA ten business days prior to the pupil's first day of CAASPP testing. The CDE shall~~

- 1 respond to the request within four business days from the date of receipt of the written
2 request. Written requests must include:
- 3 (1) LEA name and CDS code;
 - 4 (2) school/test site and school code;
 - 5 (3) school/test site address, city, and zip code;
 - 6 (4) LEA CAASPP coordinator name, phone number, and email address;
 - 7 (5) CAASPP test site coordinator name, phone number, and email address;
 - 8 (6) school/test site testing window dates;
 - 9 (7) SSID(s) for the pupil(s) for which the individualized aid is being requested;
 - 10 (8) CAASPP test and grade; and
 - 11 (9) the individualized aid being requested.
- 12 (h) Individualized aids that change the construct being measured by a CAASPP test
13 invalidate the test score and results in a score that cannot be compared with other
14 CAASPP results. Scores for pupils' tests with individualized aids by a CAASPP test will
15 not be counted as participating in statewide testing (and impacts the accountability
16 participation rate indicator) but pupils will still receive individual score reports with their
17 actual score. The following non-embedded individualized aids have been determined to
18 change the construct being measured on the CAASPP tests for English language arts
19 (including the components for reading, writing, and listening), mathematics, science,
20 and primary language and are specified below, but not limited to:
- 21 (1) English dictionary for reading, listening, mathematics, science, and primary
22 language;
 - 23 (2) thesaurus for reading, listening, mathematics, science and primary language;
 - 24 (3) translated test directions for reading, writing, or listening;
 - 25 (4) bilingual dictionary for reading, listening, mathematics, science and primary
26 language;
 - 27 (5) translations (glossary) for reading, writing, and listening;
 - 28 (6) read aloud for reading passages in grades 3, 4, and 5;
 - 29 (7) American Sign Language for reading passages in grades 3, 4, and 5 and reading
30 passages for primary language;
 - 31 (8) calculator for non-specified mathematics items or science;
 - 32 (9) math tools (i.e., ruler, protractor) for non-specified mathematics items; and

1 ~~(10) multiplication table for mathematics in grade 3.~~

2 ~~(g)(4)~~ If a consortium (in which California is a participant) amends or approves of a
3 universal tool(s), designated support(s), and/or accommodation(s) not listed in
4 subdivisions (a) through (f), the CDE shall ~~allow~~ approve its use.

5 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:
6 Sections 60605 and 60640, Education Code; and 34 C.F.R. Sections 200.1 and
7 300.160(b).

8
9 **§ 853.6. Instructional Supports and Resources on California Alternate**
10 **Assessments (CAA).**

11 (a) Administration of the CAA to eligible pupils shall be one-on-one (test examiner to
12 pupil).

13 (b) Depending upon the pupil's disability or needs, the CAA may or may not include
14 the student's independent use of the testing interface.

15 (c) With the exception of inappropriate test practices listed in the TAMs, eligible
16 pupils may have instructional supports, including the language of instruction and
17 physical supports, in addition to resources documented in the pupil's IEP or Section 504
18 Plan.

19 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:
20 Sections 60605 and 60640, Education Code; and 34 C.F.R. Sections 200.1 and
21 300.160(b).

22
23 **§ 853.7. Use of Designated Supports for English Learners.**

24 (a) An ~~English learner (EL)~~ shall be permitted the following embedded designated
25 supports, when determined for use by an educator or a team group of educators, ~~who~~
26 may seek input from a parent(s) or guardian(s), (with parent/guardian and pupil input as
27 appropriate) or specified in the pupil's IEP or Section 504 Plan on the CAASPP
28 achievement tests for ~~ELA English language arts~~ (including the components of reading,
29 writing, and listening) and mathematics as specified below:

30 (1) color contrast for reading, writing, listening, and mathematics;

31 (2) masking for reading, writing, listening, and mathematics;

32 (3) text-to-speech for writing, listening, mathematics and reading items, but not

1 passages;

2 ~~(4) translated test directions for mathematics;~~

3 ~~(4)(5) translations (glossary) for mathematics;~~

4 ~~(5)(6) Spanish translations (stacked) and translated test directions for mathematics;~~

5 or

6 ~~(6)(7) turn off any universal tool for reading, writing, listening, and mathematics.~~

7 (b) An EL shall be permitted the following non-embedded designated supports when
8 determined for use by an educator or a team group of educators, ~~who may seek input~~
9 ~~from a parent(s) or guardian(s),~~ (with parent/guardian and pupil input as appropriate) or
10 specified in the pupil's IEP or Section 504 Plan on the CAASPP achievement tests for
11 ELA English language arts (including the components of reading, writing, and listening),
12 mathematics, science, and primary language as specified below:

13 (1) translated test directions for mathematics, science and primary language test;

14 (2) bilingual dictionary for writing;

15 (3) access to translation glossaries/word lists for science and primary language test;

16 (4) color contrast for reading, writing, listening, and mathematics;

17 (5) color overlay for reading, writing, listening, and mathematics;

18 (6) magnification;

19 (7) read aloud for writing, listening, mathematics, and reading items but not reading
20 passages;

21 (8) scribe for reading, listening, and mathematics;

22 (9) separate setting including most beneficial time of day, special lighting or
23 acoustics, and/or special or adaptive furniture;

24 (10) translations (glossary) for mathematics (only for consortium-provided glossaries
25 that correspond to the embedded designated supports in subdivision (a));

26 (11) noise buffers (e.g., individual carrel or study enclosure, or noise-cancelling
27 headphones);

28 ~~(12) special lighting or acoustics, assistive devices (specific devices may require~~
29 ~~CAASPP contractor certification), and/or special or adaptive furniture;~~

30 ~~(12)(13) translations (glossary) for science and primary language test; or~~

31 ~~(13) read aloud for Spanish stacked translation in mathematics.~~

32 ~~(14) administration of the test at the most beneficial time of day for the pupil.~~

1 (c) If a consortium (in which California is a participant) amends or approves of a
2 designated support(s) not listed in subdivisions (a) and/or (b), the CDE shall approve its
3 use.

4 NOTE: Sections 33031, 60605 and 60640, Education Code. Reference: Sections 306,
5 60605 and 60640, Education Code; and 34 C.F.R. Section 200.2.

6
7 **§ 853.8. Unlisted Resources.**

8 (a) An LEA may submit, on behalf of a pupil who has an IEP or Section 504 Plan, a
9 request through the assessment management system to the CDE, prior to the
10 administration of a CAASPP achievement test, to allow the use and approval of an
11 unlisted resource. The LEA CAASPP coordinator or the CAASPP test site coordinator
12 shall make the request on behalf of the LEA ten business days prior to the pupil's first
13 day of CAASPP testing. The CDE shall respond to the request within four business
14 days from the date of the electronic transmission. Transmissions must include:

- 15 (1) LEA name and county/district/school (CDS) code;
16 (2) school/test site and school code;
17 (3) LEA CAASPP coordinator name, phone number, and email address;
18 (4) CAASPP test site coordinator name, phone number, and email address;
19 (5) school/test site selected testing period;
20 (6) SSID(s) for the pupil(s) for which the unlisted resource is being requested;
21 (7) CAASPP test and grade;
22 (8) if the student has an IEP, include the primary disability code and/or designated
23 Section 504 Plan; and
24 (9) description of the unlisted resource being requested.

25 (b) The use and approval of an unlisted resource must be requested annually by an
26 LEA.

27 (c) The use of an unlisted resource by a pupil will not be allowed if the CDE
28 determines its use threatens the security of the test.

29 (d) In addition to determining whether the unlisted resource may be used, the CDE
30 will determine whether the unlisted resource changes the construct being measured by
31 the CAASPP achievement test.

1 (1) If the CDE determines the unlisted resource changes the construct being
2 measured, the unlisted resource will not be approved but may still be used by the pupil
3 and the pupil will receive an individual score report. The pupil will not be counted as
4 participating in statewide testing, which will impact the accountability participation rate
5 indicator for the LEA.

6 (2) If CDE determines the unlisted resource does not change the construct being
7 measured, the unlisted resource will be approved. The pupil will receive an individual
8 score report and the pupil will be counted as participating in statewide testing.

9 (e) The following non-embedded unlisted resources have already been determined
10 to change the construct being measured on the CAASPP achievement tests for English
11 language arts (including the components for reading, writing, and listening),
12 mathematics, science, and primary language and will not be approved:

13 (1) English dictionary for reading, listening, mathematics, science, and primary
14 language;

15 (2) translated word list for ELA;

16 (3) calculator on mathematics items in grades 3 through 5;

17 (4) thesaurus for reading, listening, mathematics, science and primary language;

18 (5) bilingual dictionary for ELA, mathematics, science and primary language;

19 (6) translations (glossary) for reading, writing, listening, and mathematics when not
20 provided by the consortium;

21 (7) calculator for non-specified mathematics items or science;

22 (8) math tools (i.e., ruler, protractor) for mathematics items; and

23 (9) multiplication table for mathematics in grade 3.

24 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:
25 Section 60640, Education Code; 20 U.S.C. Section 1412(a)(16); and 34 C.F.R. Sections
26 200.1 and 300.160.

27
28 **§ 855. Available Testing Window and Selected Testing Period(s).**

29 ~~(a)(1) For the 2013-14 school year, each LEA shall administer the Smarter Balanced~~
30 ~~field tests for ELA and mathematics in the manner prescribed by the CDE pursuant to~~
31 ~~the authority granted by Education Code section 60640(f)(2).~~

32 ~~(2) For the 2013-14 school year, the CST and CMA for science in grades 5, 8, and~~

1 ~~10, and CAPA for ELA and mathematics in grades 2 through 11 and science in grades~~
2 ~~5, 8, and 10, shall be administered to each pupil during a testing window of 25~~
3 ~~instructional days that includes 12 instructional days before and after completion of 85~~
4 ~~percent of the school's, track's, or program's instructional days. Testing for all pupils,~~
5 ~~including makeup testing, is to be completed within this 25 instructional day window. If~~
6 ~~an LEA elects to administer the primary language test, it shall do so during this same~~
7 ~~testing window.~~

8 ~~(a)(b)~~ Beginning in the ~~2014-15~~ 2015-16 school year, the CAASPP achievement
9 tests pursuant to Education Code sections 60640(b) shall be administered to each pupil
10 at some time during the following available testing windows:

11 (1) Unless otherwise stated in these regulations, the available testing window shall
12 ~~not begin until at least~~ on the day in which 66 percent of a the school's or track's annual
13 instructional days have been completed, and testing may continue up to and including
14 the last day of instruction for the regular school's or track's annual calendar. ~~For a 180-~~
15 ~~day school year, 66 percent of a school year occurs after the 120th instructional day.~~
16 ~~This allows for a 12-week window for testing.~~

17 (2) ~~For the grade 11 Smarter Balanced assessments and CAASPP tests~~
18 ~~administered after January 2015, the~~ available testing window shall ~~not begin until at~~
19 ~~least~~ on the day in which 80 percent of a the school's or track's annual instructional
20 days have been completed, and testing may continue up to and including the last day of
21 instruction for the regular school's or track's annual calendar. ~~For a 180-day school~~
22 ~~year, 80 percent of a school year occurs after the 144th instructional day. This allows for~~
23 ~~a 7-week window for testing.~~

24 (3) The CST Science and, CMA Science, and CAPA Science ~~for science~~ in grades
25 5, 8, and 10, ~~and CAPA, or its successor alternate assessment, for ELA and~~
26 ~~mathematics in grades 2 through 11 and science in grades 5, 8, and 10 shall be~~
27 administered to each pupil during an available testing window of 25 instructional days
28 that includes 12 instructional days before and after completion of 85 percent of the
29 school's, or track's, or program's annual instructional days ~~unless the SBE makes a~~
30 ~~determination by the close of its September 2014 regular meeting that these tests shall~~
31 ~~be administered during the window defined in subdivision (b)(1) above. If an LEA elects~~
32 to administer the primary language test, it shall do so during the same available window.

1 (4) The CAA for 2015-16 school year shall be administered during the available
2 testing window of April 11 through June 17, 2016. Beginning in the 2016-17 school year,
3 the CAA shall be administered to each eligible pupil during the available testing
4 windows set forth in subdivisions (a)(1) and (2) above.

5 (b) An LEA may designate one selected testing period for each school or track within
6 the available testing window set forth in subdivision (a) above, subject to the following
7 conditions:

8 (1) If a school has multiple tracks, a selected testing period may be designated for
9 each track. (i.e., a year-round school with three tracks may select three different
10 selected testing periods);

11 (2) An LEA shall not exceed 6 selected testing periods within the available testing
12 window;

13 (3) A selected testing period shall be no fewer than 25 consecutive instructional
14 days; and

15 (4) An LEA may extend a selected testing period up to an additional 10 consecutive
16 instructional days if still within the available testing window set forth in subdivision (a)
17 above.

18 (c) If an LEA does not designate a selected testing period for a school or track, then
19 the available testing window, pursuant to subdivisions (a)(1) and (2) above, shall be the
20 selected testing period for that school or track.

21 (d)(e) The CDE, with the approval of the SBE President or designee, may require
22 LEAs to more fully utilize the testing window and may also limit the usage of the interim
23 assessments in instances where the CDE determines that it is necessary to do so to
24 ensure that the capacity of the California K-12 High Speed Network (K12HSN) is not
25 exceeded.

26 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:
27 Sections 60605, 60640, 60641 and 60642.5, Education Code.

28
29 **§ 857. LEA CAASPP Coordinator.**

30 (a) On or before ~~September 30~~ July 1 of each school year, the superintendent of
31 each LEA shall:

32 (1) designate from among the employees of the LEA an LEA CAASPP

1 coordinator(s);

2 (2) identify school(s) with pupils unable to access the CBA version of a CAASPP
3 test(s) in accordance with Education Code section 60640(e); and

4 (3) report to the CAASPP contractor(s) the number of pupils enrolled in the school
5 identified in subdivision (2) that are unable to access the CBA version of a CAASPP
6 test.

7 (b) The LEA CAASPP coordinator(s), or the LEA superintendent, shall be available
8 August 1 through ~~September 30~~ July 31 of the following school year to complete the
9 LEA testing activities. The LEA shall notify the contractor(s) of the identity and contact
10 information for the LEA CAASPP coordinator(s) and the superintendent. The LEA
11 CAASPP coordinator(s) shall serve as the LEA representative and the liaison between
12 the LEA and the contractor(s) and the LEA and the CDE for all matters related to the
13 CAASPP assessment system.

14 (c) The LEA CAASPP coordinator shall be responsible for following the duties set
15 forth in section 859.

16 (d)(e) The LEA CAASPP coordinator's responsibilities shall also be those defined in
17 the contractor's(s') or consortium's administrative manuals and documentation, and
18 shall include, but are not limited to, overseeing the LEA's preparation, registration,
19 coordination, training, assessment technology, administration, security, and reporting of
20 the CAASPP achievement tests.

21 (e)(d) The LEA CAASPP coordinator shall ensure current and ongoing compliance
22 with the minimum technology specifications as identified by the CAASPP contractor(s)
23 or consortium.

24 (f)(e) The LEA CAASPP coordinator shall ensure the training of all CAASPP test site
25 coordinators who will oversee the test administration at each school or test site.

26 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:
27 Sections 47079.5, 52052, 60604, 60605, 60610, 60630, 60640 and 60643, Education
28 Code.

29

30 **§ 858. CAASPP Test Site Coordinator.**

31 (a) At each test site, including, but not limited to, each elementary, middle, and high
32 school or other grade-span designated school, each charter school, each court-school,

1 each school or program operated by an LEA, and all other public programs serving
2 pupils, inclusive, the superintendent of the LEA or the LEA CAASPP coordinator shall
3 designate a CAASPP test site coordinator from among the employees of the LEA. The
4 CAASPP test site coordinator, or the site principal or his or her designee, shall be
5 available to the LEA CAASPP coordinator by telephone through September 30 of the
6 following school year for purposes of resolving discrepancies or inconsistencies in
7 materials or errors in reports.

8 (b) The CAASPP test site coordinator's responsibilities shall be those defined in the
9 contractor's(s') and CDE's administrative manuals and documentation, and shall
10 include, but are not limited to, overseeing the test site's preparation, coordination,
11 training, registration, administration, security, and reporting of the CAASPP tests.

12 (c) The CAASPP test site coordinator shall be responsible for following the duties set
13 forth in Section 859.

14 ~~(e)~~ (d) The CAASPP test site coordinator shall be responsible for the training of test
15 examiners, translators, proctors, and scribes.

16 ~~(d)~~ (e) The CAASPP test site coordinator shall be responsible for ensuring that all
17 designated supports, accommodations and ~~individualized aids~~ unlisted resources are
18 correctly entered into the registration system and provided to the pupil(s) identified to
19 receive the designated supports, ~~and/or accommodations~~ and/or unlisted resources.

20 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:
21 Sections 60602.5, 60604, 60605, 60610, 60630 and 60640, Education Code.

22

23 **§ 859. CAASPP Test Security Agreement and Test Security Affidavit.**

24 (a) All LEA CAASPP coordinators and CAASPP test site coordinators shall sign the
25 CAASPP Test Security Agreement, set forth in subdivision (b), before receiving any of
26 ~~the test materials or~~ CAASPP achievement tests administered pursuant to Education
27 Code section 60640 and corresponding test materials.

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

29 CAASPP TEST SECURITY AGREEMENT

30 I acknowledge by my signature on this form that the California Assessment of
31 Student Performance and Progress (CAASPP) achievement tests pursuant to
32 Education Code section 60640 are secure tests and agree to each of the following

1 conditions to ensure test security:

2 (1) I will take all necessary precautions to safeguard all achievement tests and
3 corresponding test materials, whether paper-based or computer-based assessments, by
4 limiting access to only persons within the LEA who are responsible for, and have
5 professional interest in, the tests' security.

6 (2) I will keep on file the names of all persons who have been trained in the
7 administration of CAASPP achievement tests and all persons with access to
8 achievement tests and corresponding test materials, whether paper-based or computer-
9 based assessments. I have and shall have all other persons having access to the
10 achievement tests and corresponding test materials read and sign the CAASPP Test
11 Security Affidavit that will be kept on file in the LEA office.

12 (3) Except during the administration of the tests, I will keep the paper-pencil tests,
13 and corresponding test materials in a securely locked room that can be entered only
14 with a key or keycard and, when possible, in a locked storage cabinet within that room.

15 (4) I will securely destroy all print-on-demand papers, scratch paper, and other
16 documents as prescribed within the contractor's(s') or consortium's administrative
17 manuals and documentation.

18 (5) With the exception of subdivision (6) below, I will deliver achievement tests and
19 corresponding test materials or allow electronic access thereto, only on actual testing
20 dates and only to those persons who have executed CAASPP Test Security Affidavits.

21 (6) For an alternate assessment (CAA and CAPA Science ~~or its successor alternate~~
22 ~~assessment~~), I will keep all tests and testing materials in the manner set forth above in
23 subdivisions (b)(3) and (5) except during actual testing administration or when being
24 used by test examiners to prepare for and to administer the assessment. I will adhere to
25 the contractor's directions for the distribution of the ~~assessment~~ corresponding test
26 materials to test examiners.

27 By signing my name to this document, I am assuring that I have completely read and
28 will abide by the above conditions.

29 Signed: _____

30 Print Name: _____

31 Title: _____

32 LEA: _____

1 Date: _____

2 (c) All test administrators, test examiners, proctors, translators, scribes, LEA
3 CAASPP coordinators, ~~and~~ CAASPP test site coordinators, and any other persons
4 having access to any of the CAASPP achievement tests and corresponding test
5 materials, assessment technology platform, ~~registration system, adaptive engine,~~ or
6 tests administered pursuant to Education Code section 60640, shall acknowledge the
7 limited purpose of their access to the achievement tests by signing the CAASPP Test
8 Security Affidavit set forth in subdivision (d).

9 (d) The CAASPP Test Security Affidavit shall be as follows:

10 CAASPP TEST SECURITY AFFIDAVIT

11 I acknowledge that I will have access to one or more of the California Assessment of
12 Student Performance and Progress (CAASPP) achievement tests pursuant to
13 Education Code section 60640, for the purpose of administering the test(s). I
14 understand that these materials are highly secure and may be under copyright
15 restrictions and it is my professional responsibility to protect their security as follows:

16 (1) I will not divulge the contents of the CAASPP achievement tests and
17 corresponding test materials to any other person through verbal, written, or any other
18 means of communication. This includes, but is not limited to, sharing or posting test
19 content via the Internet or by email without the prior express written permission of the
20 CDE.

21 (2) I will not copy or take a photo of any part of the achievement test(s) or
22 corresponding test materials. This includes, but is not limited to, photocopying (including
23 enlarging) and recording without the prior expressed written permission of the CDE.

24 (3) Except during the actual testing administrations or as otherwise provided for by
25 law, I will keep the achievement test(s) and corresponding test materials secure until the
26 test(s) are actually distributed to pupils when tests and testing materials are checked in
27 and out by the CAASPP test site coordinator. Keeping materials secure means that
28 testing materials are required to be kept in a securely locked room that can be entered
29 only with a key or keycard and, when possible, in a locked storage cabinet within that
30 room.

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

1 understand that only pupils who are testing and LEA staff participating in the test
2 administration who have signed a CAASPP Test Security Affidavit may be in the
3 room when and where an achievement test is being administered.

4 (A) I will keep all assigned, generated, or created usernames, passwords, and logins
5 secure and not divulge pupil personal information to anyone other than the pupil to
6 whom the information pertains for the purpose of logging on to the assessment test
7 delivery system.

8 (B) I will not allow anyone other than the assigned pupils to log into their assigned
9 test. I may assist a pupil with using their information to log into their assigned test.

10 (C) I will not use a pupil's information to log in as a pupil or allow a pupil to log in
11 using another pupil's information.

12 (5) I will not allow pupils to access electronic devices that allow them to access
13 outside information, communicate with other pupils, or photograph or copy test content.
14 This includes, but is not limited to, cell phones, personal digital assistants (PDAs),
15 tablets, laptops, cameras, and electronic translation devices.

16 (6) I will collect and account for all achievement test materials following each testing
17 session and will not permit pupils to remove any test materials by any means from the
18 room(s) where testing takes place. After each testing session, I will count all test
19 booklets and answer documents before allowing any pupil to leave the testing room
20 and/or ensure that all pupils have properly logged off the assessment test delivery
21 system.

22 (7) I will not review any achievement test questions, passages, performance tasks,
23 or other test items independently or with pupils or any other person at any time,
24 including before, during, or following testing. I understand that this includes any
25 discussion between LEA staff for training or professional development whether one-on-
26 one or in a staff meeting.

27 (8) I will not, for any achievement test, develop scoring keys, review any pupil
28 responses, or prepare answer documents. I understand that this includes coaching
29 pupils or providing any other type of assistance to pupils that may affect their
30 responses. This includes, but is not limited to, both verbal cues (e.g., interpreting,
31 explaining, or paraphrasing the test items or prompts) and nonverbal cues (e.g., voice
32 inflection, pointing, or nodding head) to the correct answer (anything that may indicate

1 correct or incorrect answers), or completing or changing pupils' answers.

2 (9) I will return all achievement tests and correspondent test materials to the
3 designated CAASPP test site coordinator each day upon completion of testing. I
4 understand that all test booklets, answer documents, and scratch paper shall be
5 returned to the CAASPP test site coordinator each day immediately after testing has
6 been completed for storage or confidential destruction.

7 (10) If I will administer and/or observe the administration of an alternate assessment
8 (CAA and CAPA or its successor alternate assessment Science), which means that I
9 am a certificated or a licensed LEA employee and a trained examiner, I will keep all the
10 alternate assessment (~~CAPA or its successor alternate assessment~~) materials in a
11 securely locked room, and, when possible, in a locked storage cabinet within that room
12 except when I am preparing for the administration, administering, or observing the
13 administration of the assessment to pupils.

14 (11) I will actively supervise pupils throughout the paper-pencil testing session to
15 ensure that they are working on the correct test section or part, marking their answers in
16 the correct section of their answer documents, following instructions, and are accessing
17 only authorized materials (non-embedded universal tools, designated supports,
18 accommodations, instructional supports for alternate assessments or ~~individualized aids~~
19 unlisted resources) needed for the test being administered.

20 (12) I will actively supervise pupils throughout the testing session and verify that
21 pupils have selected the appropriate assessment for the testing session and have
22 completed any necessary preceding test sections and/or classroom activities.

23 (13) I will administer the achievement test(s) in accordance with the directions for
24 test administration and test administration manuals prepared by the CAASPP testing
25 contractor(s), or any additional guidance provided by the CAASPP test contractor(s). I
26 understand that the unauthorized copying, sharing, or reusing of any test booklet, test
27 question, performance task, or answer document by any means is prohibited. This
28 includes, but is not limited to, photocopying, recording, emailing, messaging (instant,
29 text, or multimedia messaging service, or digital application), using a camera/camera
30 phone, and sharing or posting test content via the Internet without the express prior
31 written permission of the CDE.

32 (14) I have been trained to administer the achievement tests. By signing my name to

1 this document, I am assuring that I have completely read this affidavit and will abide by
2 the above conditions.

3 Signed: _____

4 Print Name: _____

5 Position: _____

6 School: _____

7 LEA: _____

8 Date: _____

9 (e) To maintain the security of the CAASPP assessment system, all LEA CAASPP
10 coordinators and CAASPP test site coordinators shall immediately, within 24 hours,
11 notify the CDE of any security breaches or testing irregularities occurring either before,
12 during, or after the test administration(s).

13 NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference:
14 Sections 60602.5, 60605 and 60640, Education Code.

15

16 **§ 860. ~~Standard Agreement Between School Districts and Publisher~~ Appeals.**

17 (a) An appeal is a process where an LEA CAASPP coordinator and/or CAASPP test
18 site coordinator requests that the CDE take one of the actions specified in subdivisions

19 (b) (1)-(5) due to an event that occurred during the administration of the test to a pupil.

20 (b) The following appeals may be requested by the LEA CAASPP coordinator and/or
21 CAASPP site coordinator:

22 (1) test invalidation;

23 (2) test reopened;

24 (3) test reset;

25 (4) test restore; or

26 (5) grace period extension.

27 (c) The LEA CAASPP coordinator and/or CAASPP test site coordinator must submit
28 an appeal to address a test security breach or testing irregularity as defined in the
29 TAMs.

30 (d) All appeals will be reviewed by the CDE and the CDE has authority to approve or
31 deny the appeal. The CDE will evaluate whether an appeal has an effect on the
32 integrity, validity, test security, and/or interpretation of the test results.

1 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:
2 Sections 60640, 60641, 60642 and 60643, Education Code.

3

4 **§ 861. Data Elements for Test Registration and State and Federal Reporting.**

5 (a) In order to assess pupils pursuant to Education Code section 60640 and meet
6 state and federal accountability and reporting obligations, each LEA shall provide any
7 and all program and demographic pupil data requested by the CDE for inclusion in
8 ~~California Longitudinal Pupil Achievement Data System (CALPADS).~~

9 (b) In addition to the demographic and program data required to be reported in
10 section 861(a), LEAs shall report to the CDE the following information:

11 (1) if an eligible pupil is not tested due to a significant medical emergency;

12 (2) if a pupil used a designated support;

13 (3) if a pupil used an ~~individualized aid~~ unlisted resource;

14 (4) if a pupil used an accommodation(s);

15 (5) if a pupil had special testing conditions and/or reasons for not being tested (e.g.,
16 parent or guardian exemption);

17 (6) if a pupil is enrolled in an NPS based on an IEP and, if so, the NPS school code;
18 and

19 (7) if a pupil in grade 2 was administered a diagnostic assessment pursuant to
20 Education Code section 60644.

21 (c) The LEA shall ensure that CALPADS data elements are up-to-date and accurate
22 prior to LEA registration and throughout the testing window. The CDE shall provide
23 LEAs reasonable notification prior to pupil demographic and program data being
24 extracted from CALPADS for purposes of test registration, individual pupil reports and
25 reports aggregated to the LEA, and state and federal accountability reporting.

26 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:
27 Sections 49079.5, 52052, 60605, 60630, 60640, 60641 and 60643, Education Code;
28 and 7 C.F.R. Sections 245.2(a)(1)-(4), 245.3 and 245.6.

29

30 **§ 862. Apportionment Information Report.**

31 (a) Annually, the CDE shall make available electronically to each LEA an
32 apportionment information report with the following information provided to the

1 contractor by the LEA pursuant to sections 853 and 861 by grade level:

2 (1) The number of pupils enrolled in each school and in the LEA on the ~~first~~ last day
3 of testing:-

4 (2) The number of pupils in each school and in the LEA tested with the alternate
5 assessment:-

6 (3) The number of pupils in each school and in the LEA exempted from testing at the
7 request of their parents or guardians pursuant to Education Code section 60615:-

8 (4) The number of pupils who were administered any portion of the CAASPP
9 assessments pursuant to Education Code sections 60640(b)(1), 60640(b)(2),
10 60640(b)(4), or 60640(c)(3) through the use of ~~CBT~~ computer-based testing:-

11 (5) The number of pupils who were administered any portion of the CAASPP
12 assessments pursuant to Education Code sections 60640(b)(1), 60640(b)(2),
13 60640(b)(4), or 60640(c)(3) through the use of paper-pencil assessments:-

14 (6) The number of pupils with demographic information only who were not tested for
15 any reason other than a parent or guardian exemption:-

16 (7) The number of EL ~~English language learners~~ who were administered a primary
17 language test aligned to the ELA ~~English language arts~~ standards pursuant to
18 Education Code section 60640(b)(5)(B):-and

19 (8) Beginning in 2014-15, the number of pupils in grade 2 administered a diagnostic
20 assessment pursuant to Education Code section 60644.

21 (b) To be eligible for apportionment payment for the CAASPP assessments, LEAs
22 must meet the following conditions:

23 (1) The LEA has returned all secure test materials, and

24 (2) The LEA CAASPP coordinator has certified the accuracy of the apportionment
25 information report for assessments administered during the school year, which is either;

26 (A) transmitted electronically in a manner prescribed by the contractor(s) and/or the
27 CDE ~~by December 31~~ within 90 calendar days from the date the apportionment
28 information report is electronically sent to the LEA, or

29 (B) if transmitted after ~~December 31~~ the 90 days, the apportionment information
30 report must be accompanied by a waiver request as provided by Education Code
31 section 33050. For those apportionment information reports transmitted after ~~December~~
32 ~~31~~ the 90 days, apportionment payment is contingent upon the availability of an

1 appropriation for this purpose ~~in~~ for the fiscal year in which the testing window began.

2 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:
3 Sections 60610, 60615, 60640 and 60641, Education Code.

4

5 **§ 862.5. Apportionment to LEAs.**

6 (a) The amount of funding to be apportioned to the LEA shall be the amount
7 established by the SBE per the number of tests administered to eligible pupils, and the
8 number of pupils enrolled on the ~~first~~ last day of testing who were not tested in the LEA.
9 The number of tests administered and the number of pupils not tested shall be
10 determined by the certification of the LEA CAASPP coordinator pursuant to section 862.
11 For purposes of this portion of the apportionment, administration of the tests includes
12 the following items:

13 (1) All staffing costs, including the LEA CAASPP coordinator and the CAASPP test
14 site coordinators, staff training and other staff expenses related to testing.

15 (2) All expenses incurred at the LEA and school/test site(s) related to testing.

16 (3) All transportation costs of delivering and retrieving tests and test materials within
17 the LEA and to NPSs.

18 (4) All costs associated with transmitting the pupil report(s) to parents/guardians.

19 (5) All costs associated with activities intended to provide the complete and accurate
20 data required in section 861.

21 (b) This amount does not include any funding for the purposes of reimbursing any
22 LEA for primary language tests for non-eligible pupils.

23 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:
24 Sections 60640 and 60643, Education Code.

25

26 **§ 863. CAASPP Pupil Reports and Cumulative Record Labels.**

27 (a) The LEA shall forward or transmit pupil results for the achievement tests
28 conducted pursuant to Education Code section 60640 to each pupil's parent or guardian
29 within 20 working days from receipt of the results from the contractor.

30 (b) If the LEA receives the reports for the achievement tests conducted pursuant to
31 Education Code section 60640 from the contractor after the last day of instruction for
32 the school year, the LEA shall make the report available to the parent or guardian no

1 later than the first 20 working days of the next school year.

2 (c) Schools are responsible for maintaining pupil's scores with the pupil's permanent
3 school records or for entering the scores into electronic pupil records, and for forwarding
4 or transmitting the results to schools to which pupils matriculate or transfer. Schools
5 may annotate the scores when the scores may not accurately reflect pupils'
6 achievement due to illness or testing irregularities.

7 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:
8 Sections 49062, 49068, 60607, 60640 and 60641, Education Code.

9

10 **§ 864. LEA Compliance with Contractor Requirements.**

11 (a) An LEA is an agent of the CDE for the purpose of administering a CAASPP test.

12 (b) In order for the state to meet its obligations in the development, administration,
13 and security of valid and reliable tests, and the reporting of accurate tests, LEAs shall:

14 (1) comply with any and all requests from CAASPP contractor(s) in accordance with
15 Education Code section 60641; ~~and~~

16 (2) abide by any and all instructions provided by the CAASPP contractor or
17 consortium, whether written or oral, that are presented for training or provided for in the
18 administration of a CAASPP test; ~~and~~.

19 (3) follow all instructions in the corresponding TAM for each CAASPP achievement
20 test.

21 NOTE: Authority cited: Sections 33031, 60605, 60613 and 60640, Education Code.

22 Reference: Sections 60605, 60610, 60640, 60641 and 60643, Education Code; 20

23 U.S.C. Section 1232g; and 34 C.F.R. Section 99.3.

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32 10-08-15 [California Department of Education]



California State Board of Education
Meeting Agenda Items for November 4-5, 2015

ITEM 06



CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2015 AGENDA

SUBJECT	
California Assessment of Student Performance and Progress: Approve the Finding of Emergency and Proposed Emergency Regulations for Amendments to the <i>California Code of Regulations</i> , Title 5, Sections 850 through 864.	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

SUMMARY OF THE ISSUE(S)

The California Department of Education (CDE) is responsible for the oversight of the California Assessment of Student Performance and Progress assessment system (CAASPP), which is governed by *Education Code (EC)* Sections 60640 through 60649. CAASPP is to be used for the assessment of certain elementary and secondary pupils, replacing the former Standardized Testing and Reporting (STAR) Program.

As required by *EC* Section 60640(q), Title 5 of the *California Code of Regulations* Sections 850 through 864 were amended to conform the state's testing regulations to the CAASPP. Permanent CAASPP regulations were approved by the Office of Administrative Law (OAL) on August 27, 2014.

Under the newly-adopted regulations, the first operational administration of the CAASPP took place in spring 2015. Since the completion of testing on July 31, 2015, the CDE has worked to identify areas for improvement in the test administration process. Additionally, the assessment consortium of which California is a member, Smarter Balanced Assessment Consortium (Smarter Balanced), recently made changes in several of its policies; changes with which the CAASPP regulations must conform. Finally, the introduction of a successor alternate assessment to the CAPA, the new California Alternate Assessment (CAA), requires the addition of testing procedures and policies consistent with that assessment.

While the CDE has simultaneously submitted amendments to the CAASPP regulations through the regular rulemaking process, it is imperative that the CAASPP regulations be amended on an emergency basis. The changes to the CAASPP regulations were only able to be recently identified and approval of these regulations solely through the regular rule making process would not give local educational agencies (LEAS) the guidance they immediately require to start preparation for 2015-2016 CAASPP testing, preparation which is already underway.

RECOMMENDATION

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

- Approve the Finding of Emergency (FOE);
- Adopt the proposed emergency regulations;
- Direct the CDE to circulate the required notice of proposed emergency action, and then submit the emergency regulations for adoption to the OAL for approval; and
- Authorize the CDE to take any necessary ministerial action to respond to any direction or concern expressed by the OAL during its review of the FOE and proposed emergency regulations

BRIEF HISTORY OF KEY ISSUES

For a number of years, California implemented a statewide testing program as required by federal law through the STAR program. On October 2, 2013, Governor Brown signed Assembly Bill 484 (AB 484) deleting the provisions of the *EC* referencing the STAR Program and established the CAASPP assessment system.

Pursuant to *EC* Section 60640(q), Title 5 Regulations, Sections 850 to 868 were revised by the SBE to conform to the statutory changes made in AB 484. These amendments revised definitions, requirements, responsibilities and guidelines for the administration, test security, reporting and apportionment related to the CAASPP system. The amendments were adopted initially as emergency regulations and later adopted by the OAL as permanent regulations on August 27, 2014.

Under these newly-adopted regulations, the first operational assessments took place beginning in March of 2015 through July 31, 2015, and included the new computer-based assessments provided by the Smarter Balanced assessment consortium.

The CDE, at the direction of the SBE, and with the assistance of ETS, the state's CAASPP contractor, conducted evaluations of the first operational CAASPP test administration. The results of these evaluations, which included a post-test survey administered to more 15,500 LEA and school staff and several focus groups consisting of students, teachers, and parents, were not available until late August 2015. The results of these evaluations showed that the new assessments were successful, but did identify a few areas in need of additional clarity and/or improvement in the testing process, particularly in the area of testing periods. In addition, Smarter Balanced, which adopts policies and procedures required to be followed by all member states who have agreed to administer Smarter Balanced testing, recently made several changes in its consortium policies, most of these changes addressing the accessibility supports that may be used in conjunction with testing. The regulations must be amended to conform to the consortium's policies as well as address the issue of accessibility supports and testing procedures available on the CAA. The regulations must also reflect other

Smarter Balanced policies such as having an appeal procedure available for LEAs when certain actions are taken during the testing process.

Specifically, the proposed amendments to the CAASPP regulations include, but are not limited to:

- Recognizing the CAA as the successor alternate assessment to the CAPA for English Language Arts and Mathematics.
- Clarifying the language used with respect to accessibility supports that can and cannot be used in CAASPP assessments by redefining “resources,” adding new definitions for “instructional supports” and “unlisted resources” and clarifying the process by which “unlisted resources” may be approved as “resources” for use on CAASPP tests.
- Clarifying the testing process by revising the language in Section 851 regarding when pupils should be tested and the particular grade level a student should be tested for, as well as adding a separate section, Section 851.5, to clarify when a pupil is considered to be an “eligible pupil” for purposes of taking a specific assessment.
- Adding a new section, Section 853.6, to address what accessibility supports may be utilized by a pupil taking the CAA.
- Modifying Section 855 to clarify the periods of time in which testing can be conducted, to give LEAs local control regarding when a school or track will conduct its testing within the available testing window by adding the option for LEAs to select up to six testing period to accommodate different tracks or school calendars and to establish an available testing window for the CAA.
- Establishing guidelines for LEAs to file appeals for taking certain actions that may be taken during testing to conform to Smarter Balanced policies and our contractor’s requirements.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At its January 2014 meeting, the SBE adopted proposed emergency regulations for the CAASPP. The emergency regulations were approved by the OAL and became effective on February 3, 2014. In addition to adopting the emergency regulations at its January 2014 meeting, the SBE approved commencement of the regular rulemaking process for the permanent regulations.

At its July 2014 meeting, the SBE re-adopted the emergency regulations for CAASPP. The emergency re-adoption rulemaking file was submitted to the OAL on July 16, 2014. The re-adoption of the emergency regulations were approved by the OAL on July 23, 2014. In addition to re-adopting the emergency regulations, the SBE adopted the permanent rulemaking file at its July 2014 meeting. The rulemaking file was submitted to OAL on July 16, 2014 and were approved and became effective on August 27, 2014.

At the March 2015 SBE meeting, the CDE recommended the SBE adopt the SSPI's recommendation to designate Educational Testing Service as the new testing contractor for the CAASPP assessment system. The SBE accepted this recommendation on condition that ETS meet specific conditions set by the SBE by the May 2015 meeting.

At its May 2015 meeting, the SBE approved the proposed CAASPP contract.

FISCAL ANALYSIS (AS APPROPRIATE)

An Economic and Fiscal Impact Statement is provided as Attachment 4.

ATTACHMENT(S)

Attachment 1: Finding of Emergency (6 pages)

Attachment 2: Text of Proposed Emergency Regulations (30 pages)

Attachment 3: Notice of Proposed Emergency Action (1 page)

Attachment 4: Economic and Fiscal Impact Statement will be provided as an Item Addendum

FINDING OF EMERGENCY

California Assessment of Student Performance and Progress (CAASPP)

The State Board of Education (SBE) finds that an emergency exists and that the emergency regulations adopted are necessary to avoid serious harm to the public peace, health, safety, or general welfare, especially the welfare of pupils attending California's public schools.

SPECIFIC FACTS DEMONSTRATING THE EXISTENCE OF AN EMERGENCY AND THE NEED FOR IMMEDIATE ACTION

Overview

The proposed amendments to California Code of Regulations, title 5, sections 850 to 864 must be adopted on an emergency basis in order to timely and effectively proceed with the 2015–16 administration of the CAASPP tests pursuant to the requirements of Education Code section 60640. The purpose of the proposed amendments is to ensure the correct, efficient, and standardized administration of the CAASPP online assessments according to required consortium guidelines to maintain accuracy, reliability and validity of measures and, in so doing, prevent harm to the public peace, health, safety, and general welfare of students.

Background

For many years, the State of California implemented a statewide testing program as required by federal law through the Standardized Testing and Reporting program or STAR. Assembly Bill 484 (Chapter 489, Statutes of 2013) authorized a new statewide testing program, the CAASPP system. Pursuant to Education Code section 60640(q), California Code of Regulations, title 5, sections 850 to 868 were revised by the SBE to conform the regulations to the statutory changes made in the legislation. These amendments to the regulations, which revised definitions, requirements, responsibilities and guidelines for the administration, test security, reporting and apportionment related to the new CAASPP, were adopted by the Office of Administrative Law on August 27, 2014. Under these newly-adopted regulations, the first operational administration of the new online CAASPP assessments in English language arts (ELA) and mathematics took place March 10 through July 31, 2015. These new online assessments are provided by the Smarter Balanced Assessment Consortium (Consortium), a national consortium of which California is a governing member State.

The task of transitioning the state from a paper and pencil test to a computer-based test aligned to the new Common Core state standards has been approached in a deliberate and careful manner, as reflected in the statutory and contractual requirements for regular evaluations and data gathering, to assure that test administration and reporting follow procedures that will ensure a fair and optimal testing experience for every eligible student. Standardization of testing procedures is also an important factor in ensuring test results are accurate, reliable, and valid measures. Clarity and consistency in all aspects of test administration, so that all local educational agencies (LEAs) follow the same procedures that enforce efficiency and consistency, are critical to supporting

standardization. This is of utmost important for the welfare of pupils attending California's public schools because these test results are used to inform instructional decisions, gauge readiness for career and college and make accountability calculations for federal reporting purposes.

The California Department of Education (CDE), at the direction of the SBE and with the help of its testing contractor, Educational Testing Service, pursuant to a new contract, which started July 1, 2015, conducted evaluations of the first operational CAASPP test administration, which concluded on July 31, 2015. The results of these evaluations, which included a post-test survey administered to more 15,500 LEA and school staff and several focus groups consisting of students, teachers, and parents, were not available until mid-August 2015. While statewide administration of the new online consortium assessments in mathematics and ELA to 3.2 million students was found to be successful overall, several areas for improvement and additional clarity were identified. The proposed amendments will provide additional clarity and consistency in these areas. In addition, changes in the Consortium's policies and procedures were made during and after the 2014-15 test administration and those changes must be incorporated into State regulations or California will be out of alignment with Consortium requirements. The proposed amendments incorporate the feedback received from the recent evaluation as well as align current CAASPP regulations with the changes made to the Consortium policies and procedures since the last adoption of CAASPP regulations in 2014.

Because the SBE must approve any changes to the CAASPP regulations and the SBE meets only every other month, these regulations must be amended on an emergency basis in order to give school districts the immediate guidance they need to start preparing for the 2015-16 CAASPP test administration.

Specific Basis for the Finding of Emergency

The purpose of the proposed amendments is to complete the alignment of state regulations with Consortium policies and procedures and to ensure that the regulations which govern statewide testing are as clear, efficient and effective as possible to ensure the federally-required goal of producing valid and reliable statewide testing results. Transitioning California LEAs from paper and pencil to online tests for 3.2 million pupils is a daunting task that requires fine-tuning of procedures over time. With the completion of testing on July 31, 2015, feedback from LEA and school staff about their testing experience was not available for CDE until late August. The timing of these events necessitates making the proposed amendments on an emergency basis.

Specifically, the proposed amendments provide further clarity and efficiency in three main areas of test administration. These changes must be enacted on an emergency basis because preparation for the 2015-16 administration has already commenced. The first area concerns the timing of testing, specifically the introduction of selected testing periods within an available testing window. It was determined from feedback received that it is necessary to allow LEAs to select specific testing periods within the available testing windows in order to accommodate their schools with differing calendar needs, as scheduling of testing was an area of difficulty that was identified in the post-

test survey. The proposed amendments also address, for the first time, the fact that some schools operate on several different “tracks” within a school and therefore may require separate testing periods. In addition, a new testing window for the California Alternate Assessment was necessary to accommodate the requirements under the new testing contract.

A second area the proposed amendments address is the list of acceptable accessibility resources that may be utilized during testing including universal tools, designated supports and accommodations. Current regulations are not completely aligned to the Consortium policies on accessibility; the proposed amendments address changes made to policies as well provide more comprehensive language to ensure English learners and students with disabilities receive the supports that will provide fair opportunities to demonstrate their knowledge. These amendments strive to continue and update alignment to consortium policy. Clarity and consistency in this area will reduce the opportunity for error in the area of assigning appropriate accessibility resources to address pupils’ needs. Furthermore, individualized education program (IEP) teams in charge of assigning accessibility supports need this information now as they complete students’ IEPs. The validity and reliability of test measures will be strengthened as a result of the proposed amendments to meet federal reporting requirements.

The third area that the proposed amendments address are appeals. Appeals are actions that address events that happen during testing which include testing irregularities and security breaches. Appeals are a facet of administrative actions necessitated by the new online testing system. The appeal procedures are also part of the Consortium’s policies and the new testing contract. The proposed amendments add a new section outlining appeal procedures that all LEAs will need to follow. These amendments prevent the risk of delays and errors in reporting of pupil test scores.

In addition to these three areas, the proposed amendments modify a number of definitions for additional clarity and consistency to help LEAs prepare and train their staff for a smooth and standard test administration and add two new sections. Based on feedback received, the proposed amendments add one section aimed at clarifying what accessibility resources can be used for the California Alternate Assessment and a new section aimed at clarifying the process for requesting the use of an accessibility resource not already designated as an accommodation, designated support or universal tool for pupils, so as to be consistent with Consortium requirements. Finally, the CDE has taken advantage of the opportunity to make additional more minor, conforming and clarifying amendments, where necessary, to make administration of the CAASPP assessments a smoother and more transparent process.

As previously stated, it is critical that the proposed amendments are made on an emergency basis so they can be in place in time to be used for the 2015–16 test administration. While actual CAASPP testing does not begin until after January 2016, preparations for the 2015–16 administration are already underway by the testing contractors, the LEAs and their staff. All training materials must be printed and made available to LEAs ahead of time in order for them to properly train their testing staff (feedback from the 2014 field test reported that the late availability of training manuals hampered proper training at the LEA and school levels). Although this problem was

corrected in the 2015 administration, the CDE is very aware of the need to give the LEAs plenty of time to review testing materials and prepare for the administration of the tests. Moreover, there is a great need for specialized training in the area of test accessibility, specifically the accessibility resources that can be used in conjunction with certain tests, particularly for special education students with IEPs. Clear and consistent information is critical as early as possible to assist school staff with IEP meetings which began in September. In addition, LEAs are establishing their academic calendars and need information as soon as possible as to the applicable testing windows and potential for selection of testing periods.

Because these proposed regulations could not be amended until at least August 2015, following reflection and evaluation on the first year of operational assessments which ended July 31, 2015 and following changes to Consortium guidelines that were issued in July 2015, it was not possible for the proposed amendments to be ready in time for the September meeting of the SBE. Because the SBE meets only every other month, the first SBE meeting at which these amendments could be proposed was November 2015. Testing will begin as early as January for some LEAs on year-round calendars, and the timeline for regular rulemaking will not allow for adequate preparation under current regulations, which are not aligned with changes in consortium policies and lack consistency and clarity. If the regulations are not adopted on an emergency basis, the LEAs will have no way to adequately start preparing for the 2015–16 CAASPP assessments, endangering the ability of the State of California to ensure effective, valid and reliable academic testing as required by federal law.

The following timeline illustrates the necessity of emergency regulations in order for the CDE to meet the requirements of the Education Code.

Action*	Estimated Completion Date
SBE approve agenda items for the commencement of the emergency regulations and the permanent rulemaking process	November 4–5, 2015
Emergency regulations become effective	November 23, 2015
SBE public comment period for permanent regulations	November 21 – January 4, 2016
SBE adopts permanent regulations or approves a 15 day comment period.	March 9–10, 2016
Submit rulemaking to Office of Administrative Law (OAL) if SBE adopts regulations (OAL has 30 working days to review file)	May 2, 2016
OAL Approval – Regulations effective immediately	May 2, 2016

*These actions represent a small, but relevant, fraction of the detail of the adoption process.

These Issues Could Not Be Addressed Through Nonemergency Regulations

Following the regular rulemaking schedule to make the proposed amendments to regulations will make it necessary to administer the online consortium assessments based on state policies that are not aligned to the Consortium's policies and procedures and that are inadequate to efficiently and effectively administer the CAASPP assessments in 2015-16. For example, during the 2015 test administration over 46,000 appeals were filed; the processing of these appeals in a timely manner posed a challenge for CDE staff and created frustration for the LEA and school staffs, also causing them much duplication of effort. The clarification of procedures for filing an appeal will align state regulations with Consortium policies and the expectations of CDE's testing contract.

If the CAASPP online assessments are administered under the current regulations, testing dates will not align with the work to be performed by the CDE testing contractor, which will risk delay in scoring and reporting of results. Finally, unless the list of approved testing resources is updated, achievement measures may not be accurate, reliable, and valid. Consequently, calculations based on inaccurate measures will harm students and LEAs by not providing the information needed for appropriate instruction and accountability (both federal and state).

NON-DUPLICATION

Government Code section 11349 prohibits unnecessary duplication of state or federal statutes in regulation. In this case, duplication of certain state statutes in the proposed emergency regulations is necessary for purposes of clarify and ease of reading.

AUTHORITY AND REFERENCE

Authority: Sections 33031, 60605, 60613 and 60640, Education Code.

Reference: Sections 306, 37670, 47079.5, 47605, 47605.8, 47651, 48645.1, 49062, 49068, 49079.5, 52052, 56034, 60602.5, 60603, 60604, 60605, 60607, 60610, 60611, 60615, 60630, 60640, 60641, 60642.5, 60642.6 and 60643, Education Code; 20 U.S.C. Section 1232g and 1412(a)(16); 7 C.F.R. Sections 245.2(a)(1)-(4), 245.3 and 245.6; 34 C.F.R. Sections 99.3, 200.1(d), (e), (f), 200.2, and 300.160(b); and 5 CCR 11967.6.

INFORMATIVE DIGEST

The CDE reviewed all state regulations relating to the statewide pupil assessment system and found that none exist that are inconsistent or incompatible with these regulations regarding the CAASPP System.

SPECIFIC BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

The benefit of enacting the proposed amendments are their promotion of an optimal and fair test administration for eligible pupils; a streamlined set of procedures for the selection and assignment of accessibility resources to students who can benefit from

them, including language supports for English learners; clear and efficient procedures for filing appeals which will affect reporting accuracy and timeliness; and addition of option for LEAs to select testing periods within testing windows, in alignment with the requirements of the Consortium and testing contractor. These amendments because they clarify requirements and procedures in alignment with Consortium policies support increased validity, reliability and accuracy of statewide achievement scores for the purpose for guiding instruction, gauging students' readiness for career and college, and for federal and state accountability calculations.

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

The SBE relied upon the following documents in the drafting of these regulations:

Smarter Balanced Assessment Consortium: *Usability, Accessibility, and Accommodations Guidelines*, August 25, 2015, in the drafting these amended regulations. A copy of this document can be obtained at http://www.smarterbalanced.org/wordpress/wp-content/uploads/2014/08/SmarterBalanced_Guidelines.pdf.

Summary of Post-Test Survey and Focus Group Results and Analyses from the 2015 CAASPP Smarter Balanced Online Assessments Administration, August 31, 2015. A copy of this document can be obtained from the Regulations Coordinator.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The proposed regulations do not impose a reimbursable mandate on the LEA. Any mandate imposed on the LEAs is a result of the requirements under Elementary and Secondary Education Act (ESEA), 20 U.S.C. Section 6311, to annually test all students in specific grades in ELA, mathematics and in science.

COST ESTIMATE

These emergency regulations will not result in any additional costs or savings to LEAs, state agencies, or federal funding to the State.

10-02-15 [California Department of Education]

- 1 • The State Board of Education has illustrated changes to the original text in the
2 following manner: text originally proposed to be added is underlined; text proposed to
3 be deleted is displayed in ~~strikeout~~.

4
5 **Title 5. EDUCATION**

6 **Division 1. California Department of Education**

7 **Chapter 2. Pupils**

8 **Subchapter 3.75. California Assessment of Student Performance and Progress**

9 **(CAASPP)**

10 **Article 1. General**

11 **§ 850. Definitions.**

12 For the purposes of these regulations, ~~the Measurement of Academic Performance~~
13 ~~and Progress assessment system (as established in Education Code section 60640 and~~
14 ~~known as “MAPP”)~~ shall be designated the California Assessment of Student
15 Performance and Progress (CAASPP), and the following terms shall have the following
16 meanings:

17 (a) “Accommodations” means resources documented in a pupil’s individualized
18 education program (IEP) or Section 504 Plan which the pupil regularly uses in the
19 classroom for instruction and/or assessments(s) and that are either utilized in the
20 assessment environment or consist of changes in procedures or materials that increase
21 equitable access during the assessment. Accommodations cannot fundamentally alter
22 the comparability of achievement test scores.

23 (b) “Achievement tests” means any summative standardized test that measures the
24 level of performance that a pupil has achieved on state-adopted content standards.

25 (c) “Adaptive engine” refers to the mechanism utilized in a computer-adaptive
26 assessment that ~~adjusts~~ selects the difficulty of grade-level test questions throughout an
27 assessment based on student responses.

28 (d) “Alternate assessments” means ~~an~~ assessments as provided in Education Code
29 section 60640(k) and ~~it’s~~ the test materials developed to measure the level of
30 performance for a pupil with significant cognitive disabilities who is unable to take the
31 consortium summative assessments in English language arts (ELA) and mathematics
32 pursuant to Education Code section 60640(b)(1) or ~~are~~ is unable to take an assessment
33 of science pursuant to Education Code section 60640(b)(2), even with resources.

34 (e) “Assessment management system” means the test operations management

1 system which is a set of web applications that manage the registration of pupils for
2 tests, machine or hand scoring of test items, integration of item scores into an overall
3 test score, and delivery of scores to the data warehouse.

4 ~~(f)(e)~~ “Assessment Test delivery system” consists of the electronic systems used to
5 display test items through an adaptive engine; accept and store item responses; score
6 items; and restrict access to outside sources. The test delivery system includes
7 technology required to administer computer based tests ~~means a set of web~~
8 ~~applications that manage the registration of pupils for tests, the delivery of those tests to~~
9 ~~the pupils, scoring of test items, integration of item scores into an overall test score, and~~
10 ~~delivery of scores to the Data Warehouse.~~

11 ~~(g)(f)~~ “Assessment technology platform” means the underlying computer systems on
12 which CAASPP applications run. It is comprised of two components, the assessment
13 management system and the test delivery system ~~electronic systems used to display~~
14 ~~items, accept item responses, store, deliver, score the tests and restrict access to~~
15 ~~outside sources, as well as report and manage assessment results. Assessment~~
16 ~~technology includes, but is not limited to, computing devices, testing software~~
17 ~~applications, network hardware, and other technology required to administer the tests.~~

18 ~~(h)~~ “California Alternate Assessments (CAA)” are the alternate assessments and
19 corresponding test materials in ELA and mathematics as provided for in Education
20 Code section 60640(k) for pupils with significant cognitive disabilities. The CAA is the
21 successor alternate assessment for ELA and mathematics as identified in Education
22 Code section 60640(b)(3).

23 ~~(i)(g)~~ “California Alternate Performance Assessment for Science (CAPA Science)” is
24 the alternate assessment and its corresponding test materials for science as provided
25 for in Education Code section 60640(k) for pupils with significant cognitive disabilities.

26 ~~(j)(h)~~ “California Modified Assessment for Science (CMA Science)” is the alternate
27 assessment and its corresponding test materials for science based on modified
28 achievement standards.

29 ~~(k)(i)~~ “California Standards Tests for Science (CSTs Science)” is the assessment
30 and its corresponding test materials for science that measure the degree to which pupils
31 are achieving the state content standards in science pursuant to Education Code
32 section 60605.

1 (l) “Change of construct” means a modification of the concept or skills being tested
2 that fundamentally alters the meaning and comparability of achievement test scores.

3 ~~(m)(j)~~ “Data Warehouse” means a comprehensive storehouse of all Smarter
4 Balanced test registrations and results and a system to generate reports on, or extracts
5 of, that data.

6 ~~(n)(k)~~ “Designated supports” are resources which the pupil regularly uses in the
7 classroom for instruction and/or assessment(s) and that are available for use by any
8 pupil for whom the need has been indicated, prior to the assessment administration, by
9 an educator or ~~group~~ a team of educators (with parent/guardian and pupil input as
10 appropriate) or specified in a the pupil’s IEP or Section 504 Plan.

11 ~~(l) “Eligible pupil,” with the exception of subdivisions (1) through (3) below, is any~~
12 ~~pupil taking an assessment, pursuant to Education Code section 60640, who is not~~
13 ~~exempt from participation in assessments pursuant to Education Code section 60615 or~~
14 ~~who is not a recently arrived English learner pupil exempt from participating in the~~
15 ~~English Language Arts assessment pursuant to Education Code section 60640(f)(1).~~

16 ~~(1) For the primary language test, an eligible pupil is an English learner with a~~
17 ~~primary language for which a test is optional pursuant to Education Code section 60640.~~

18 ~~(2) For CAPA, an eligible pupil is any pupil in grades 2 through 11, inclusive, who~~
19 ~~has an IEP that designates the use of the alternate assessment.~~

20 ~~(3) For the CMA, an eligible pupil is any pupil in grades 5, 8, or 10, who has an IEP~~
21 ~~that designates the use of the modified assessment in science.~~

22 ~~(o)(m)~~ “Embedded” means a resource, whether a universal tool, designated support,
23 or accommodation, that is part of the ~~assessment technology platform~~ test delivery
24 system for the computer-based CAASPP tests.

25 ~~(n) “Grade” means the grade in which the pupil is enrolled at the time of testing, as~~
26 ~~determined by the local educational agency.~~

27 ~~(o) “Individualized aid” means a type of resource that a pupil regularly uses in a~~
28 ~~classroom for instruction and/or assessment that has not been previously identified as a~~
29 ~~universal tool, designated support or accommodation. Because an individualized aid~~
30 ~~has not been previously identified as a universal tool, designated support or~~
31 ~~accommodation, it may or may not invalidate the measurement of the test(s).~~

32 (p) “Instructional supports” are all supports, including those supports documented in

1 a pupil's IEP or Section 504 Plan, that may be used in daily instruction and for
2 assessment(s), including language and physical supports.

3 ~~(g)(p)~~ "Local educational agency (LEA)" means a county office of education, school
4 district, state special school, or direct-funded charter school as described in Education
5 Code section 47651. LEA superintendent, for purposes of these regulations, includes an
6 administrator of a direct-funded charter school.

7 ~~(r)(q)~~ "Non-embedded" means a resource, whether a universal tool, designated
8 support, or accommodation, that may be provided by the LEA and is not part of the
9 ~~assessment technology platform~~ test delivery system for the computer-based CAASPP
10 tests.

11 ~~(s)(r)~~ "Nonpublic schools (NPS)" are nonpublic, nonsectarian schools as set forth in
12 Education Code section 56034.

13 ~~(t)(s)~~ "Primary language test" means a test as provided in Education Code sections
14 60640(b) and ~~(e)~~ (j) and its corresponding test materials in each primary language for
15 which a test is available for English Learners (ELs) and pupils enrolled in dual
16 immersion program. The primary language test is the Standards-based Tests in
17 Spanish (STS).

18 ~~(u)(t)~~ "Pupil" refers to a student enrolled in a California public school.

19 ~~(v)(u)~~ "Recently arrived English learner" means a pupil designated as an EL English
20 ~~learner~~ who is in his or her first 12 months of attending a school in the United States as
21 specified in Education Code section 60603(v).

22 ~~(w)(v)~~ "Registration system" means the mechanism that provides administrators with
23 the tools to manage users and pupils participating in CAASPP computer-based
24 assessments. The ~~engine~~ system uses a role-specific design to restrict access to
25 certain tasks based on the user's designated role as well as manage pupils' default test
26 settings, designated supports, and accommodations.

27 ~~(x)(w)~~ "Resource(s)" refers to a universal tool, designated support, accommodation
28 ~~and/or individualized aid~~ or an unlisted resource approved pursuant to section 853.8.
29 Resources (including approved unlisted resources) do not change the construct of the
30 assessment.

31 ~~(y)(x)~~ "Scribe" is an employee of the LEA or a person assigned by an NPS to
32 implement a pupil's IEP who has signed a CAASPP Test Security Affidavit and has

1 received training to transcribe a pupil's responses to the format required by the test. A
2 pupil's parent, ~~or guardian,~~ or sibling is not eligible to be the pupil's scribe.

3 ~~(z)(y)~~ A "~~S~~significant medical emergency" is a significant ~~accident~~ injury, trauma, or
4 illness (mental or physical) that precludes a pupil from taking the achievement tests. An
5 ~~accident~~ injury, trauma, or illness is significant if the pupil has been determined by a
6 licensed physician to be unable to participate in the tests.

7 ~~(z)~~ "~~Smarter Balanced Assessment Consortium (Smarter Balanced)~~" is the multi-
8 ~~state consortium responsible for the development of the English language arts and~~
9 ~~mathematics summative assessments administered pursuant to Education Code~~
10 ~~section 60640(b)(1) and the interim assessments and formative assessment tools~~
11 ~~administered pursuant to Education Code section 60642.6.~~

12 (aa) "Standards-based Tests in Spanish (STS)" are the achievement tests and ~~the~~
13 its corresponding test materials that are administered at the option of the LEA as the
14 primary language test as provided in Education Code sections 60640(b) and ~~(e)~~ (j) for
15 pupils whose primary language is Spanish or to pupils enrolled in a dual immersion
16 program that includes Spanish.

17 (ab) "Streamlining" means an accommodation on a computer-based assessment
18 that provides an alternate display of an item, stacked into instructions, stimuli, and
19 response choices.

20 (ac) "Test Administration Manuals (TAM)" means the instructions provided by the
21 CAASPP contractor or consortium for the purpose of training and administration of the
22 respective CAASPP tests and which must be adhered to in order to ensure the security
23 of valid and reliable tests and the reporting of accurate results.

24 ~~(ad)(ae)~~ "Test administrator ~~examiner~~" is an employee or contractor of an LEA or an
25 NPS who has signed a CAASPP Test Security Affidavit and has received training to
26 administer the CAASPP achievement tests. ~~For an alternate assessment, the test~~
27 ~~examiner must be a certificated or licensed school, district, or county staff member.~~

28 (ae) "Test examiner" is an employee or contractor of an LEA or an NPS who has
29 signed a CAASPP Test Security Affidavit and has received training to administer the
30 CAA tests. A test examiner must be a certificated or licensed LEA staff member.

31 ~~(af)(ad)~~ "Test materials" include, but are not limited to, administration manuals,
32 administrative materials, ~~test booklets,~~ assessment ~~technology platform~~ management

1 system, practice tests, scratch paper, and test answer documents.

2 ~~(ag)(ae)~~ “Test proctor” is an employee of an LEA, or a person assigned by an NPS,
3 to implement a pupil’s IEP or Section 504 Plan, who has signed a CAASPP Test
4 Security Affidavit and has received training designed to prepare him or her to assist the
5 test examiner in the administration of tests.

6 (ah) “Track” is a type of attendance or instructional schedule for schools with year-
7 round education programs pursuant to Education Code section 37670.

8 ~~(ai)(af)~~ “Translator” is a person who has been assigned to translate the test
9 directions into the pupil’s primary language pursuant to sections ~~853.5 and 853.7~~ 853.6,
10 who has signed a CAASPP Test Security Affidavit as identified in section 859(d), and
11 who has received training specifically designed to prepare him or her to assist the test
12 administrator or test examiner in the administration of the assessments pursuant to
13 Education Code section 60640. A pupil’s parent, ~~or~~ guardian, or sibling is not eligible to
14 be the pupil’s translator. A translator must be:

- 15 (1) an employee of an LEA;
16 (2) an employee of the NPS; or
17 (3) a person supervised by an employee of an LEA or an employee of the NPS.

18 ~~(aj)(ag)~~ “Universal tools” are resources of the CAASPP tests that are available to all
19 pupils.

20 (ak) “Unlisted resource(s)” means an instructional support that a pupil regularly uses
21 in daily instruction and/or assessment that has not been previously identified as a
22 universal tool, designated support or accommodation. Because an unlisted resource
23 has not been previously identified as a universal tool, designated support or
24 accommodation, it may or may not change the construct of the assessment.

25 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:
26 Sections 306, 37670, 47605, 47605.8, 47651, 56034, 60603, 60604, 60605, 60615,
27 60640, 60642.5 and 60642.6, Education Code; 34 C.F.R. Sections 200.1(d), and (f) and
28 300.160; 5 CCR 11967.6.

29

30 **Article 2. Achievement Tests and Any Primary Language Test**

31 **§ 851. Pupil Testing.**

32 (a) With the exception of pupils exempt pursuant to section 852, LEAs shall

1 administer the achievement tests, and may administer the primary language test,
2 pursuant to ~~Education Code section 60640~~ to each eligible pupil as defined in section
3 851.5 who is enrolled in an LEA on the date testing begins in the pupil's school or LEA
4 during the school's or track's selected testing period (excluding any extension period
5 pursuant to section 855(b)(4)).

6 (b) The testing conducted shall be consistent with the pupil's grade of enrollment as
7 noted in CALPADS on the first day of the school's or track's available testing window
8 pursuant to section 855.

9 ~~(c)(b)~~ No later than start of the 2014-2015 school year, for the purposes of the
10 CAASPP assessment system, a charter school which is not an LEA as defined in
11 Education Code section 60603(o) shall test with, dependent on, the LEA that granted
12 the charter or was designated the oversight agency by the State Board of Education
13 (SBE).

14 ~~(d)(e)~~ LEAs shall make arrangements for the testing of all eligible pupils in
15 alternative education programs or programs conducted off campus, including, but not
16 limited to, non-classroom based programs, continuation schools, independent study,
17 community day schools, county community schools, juvenile court schools, or NPSs.

18 ~~(e)(d)~~ No test may be administered in a home or hospital except by a test
19 administrator or test examiner. No test shall be administered to a pupil by the parent, or
20 guardian, or sibling of that pupil. This subdivision does not prevent classroom aides
21 from assisting in the administration of the test under the supervision of a test
22 administrator or test examiner, provided that the classroom aide does not assist his or
23 her own child, and that the classroom aide signs a CAASPP Test Security Affidavit.

24 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:
25 Sections 47651, 48645.1, 60603, 60605 and 60640, Education Code.

26

27 **§ 851.5. Eligible Pupil.**

28 For purposes of these regulations, an "eligible pupil" is as follows:

29 (a) For CAASPP achievement tests in ELA, a pupil in grades 3 - 8 and grade 11 that
30 is not taking the CAA or is not a recently arrived EL pursuant to section 850(v).
31 However, a recently arrived EL may be an eligible pupil upon request by the
32 parent/guardian.

1 (b) For CAASPP achievement tests in mathematics, a pupil in grades 3 through 8
2 and 11 that is not taking the CAA.

3 (c) For the primary language test, an EL and pupil enrolled in dual immersion
4 program, in grades 3 through 8 and 11, for whom a primary language test is made
5 available pursuant to Education Code section 60640(b)(5)(E).

6 (d) For the CAA, a pupil in grades 3 through 8 and 11 who has an IEP that
7 designates the use of alternate assessments.

8 (e) For CAPA Science, a pupil in grades, 5, 8 and 10 who has an IEP that
9 designates the use of an alternate assessments.

10 (f) For the CMA Science, a pupil in grades 5, 8 and 10 who has an IEP that
11 designates the use of the modified assessment in science.

12 (g) For the CST Science, a pupil in grades 5, 8 and 10 who does not have an IEP
13 that designates the use of an alternate or modified assessment in science.

14 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:
15 Sections 60640 and 60641, Education Code.

16
17 **§ 853. Administration.**

18 (a) The CAASPP tests pursuant to Education Code section 60640 shall be
19 administered, scored, transmitted, and/or returned by LEAs in accordance with the
20 corresponding TAMs manuals or other instructions provided by the contractor or the
21 California Department of Education (CDE) for administering, scoring, transmitting,
22 and/or returning the tests, unless specifically provided otherwise in this subchapter,
23 including instructions for administering the test with universal tools, designated
24 supports, ~~and~~ accommodations, unlisted resources or instructional supports, where
25 appropriate, as specified in sections 853.5 through and 853.87. The procedures shall
26 include, but are not limited to, those designed to ensure the uniform and standardized
27 administration, and scoring of the tests to pupils, the security and integrity of the test
28 content and test items, and the timely provision of all required pupil and school level
29 information.

30 (b) The primary mode of administration of a CAASPP achievement test shall be via a
31 computing device, the use of an assessment technology platform, and the adaptive
32 engine.

1 (c) If available, an LEA may utilize a paper-pencil version of any computer-based
2 assessment (CBA) of the CAASPP assessment system, in accordance with Education
3 Code section 60640(e), and if the LEA identifies the pupils that are unable to access the
4 CBA version of the test.

5 (d) Interim assessments and formative assessment tools shall be made available to
6 LEA(s) for use. Use of interim assessments and formative assessment tools shall not be
7 considered advance preparation for a CAASPP achievement test as defined in
8 Education Code section 60611. LEAs that use interim assessments and/or formative
9 assessment tools shall abide by the consortium/contractor(s) administration and use
10 requirements. Any scoring of any performance tasks for the interim assessment is the
11 responsibility of the LEA.

12 NOTE: Authority cited: Sections 33031 and 60640, Education Code. Reference:
13 Sections 60602.5, 60603, 60605, 60611, 60640 and 60642.6, Education Code.

14

15 **§ 853.5. Use of Universal Tools, Designated Supports, and Accommodations.**

16 (a) All pupils shall be permitted the following embedded universal tools on the
17 CAASPP achievement tests for ELA English language arts (including the components of
18 reading, writing, and listening) and mathematics as specified below:

19 (1) breaks for reading, writing, listening, and mathematics;

20 (2) calculator for specific mathematics items only in grades 6 through 8 and 11;

21 (3) digital notepad for reading, writing, listening, and mathematics;

22 (4) English dictionary for writing (ELA-performance task – ~~pupil long essay(s)~~ full
23 write not short paragraph responses);

24 (5) English glossary for reading, writing, listening, and mathematics;

25 (6) expandable passages for reading, writing, listening, and mathematics;

26 (7) global notes for writing (ELA-performance task – ~~pupils long essay(s)~~ full write
27 not short paragraph responses);

28 (8) highlighter for reading, writing, listening, and mathematics;

29 (9) keyboard navigation for reading, writing, listening, and mathematics;

30 (10) mark for review for reading, writing, listening, and mathematics;

31 (11) math tools (i.e., embedded ruler and embedded protractor) for specific
32 mathematics items;

- 1 (12) spell check for specific writing items;
- 2 (13) strikethrough for reading, writing, listening, and mathematics;
- 3 (14) writing tools for specific pupil generated responses; or
- 4 (15) zoom for reading, writing, listening, and mathematics.

5 (b) All pupils shall be permitted the following non-embedded universal tools on the
6 CAASPP tests for ELA English language arts (including the components of reading,
7 writing, and listening), mathematics, science, and primary language as specified below:

8 (1) breaks;

9 (2) English dictionary for ELA performance task – ~~pupil long essay(s)~~ full write not
10 short paragraph responses;

11 (3) scratch paper;

12 (4) thesaurus for ELA performance task – ~~pupil long essay(s)~~ full write not short
13 paragraph responses;

14 (5) color overlay for science and primary language test;

15 ~~(6) math tools (i.e., ruler, protractor) for specific mathematics items;~~

16 ~~(7) simplify or clarify test administration directions (does not apply to test questions);~~

17 or

18 ~~(8) pupil marks in paper-pencil test booklet (other than responses including~~
19 ~~highlighting).~~

20 (c) All pupils shall be permitted the following embedded designated supports when
21 determined for use by an educator or a team group of educators (with parent/guardian
22 and pupil input as appropriate) or specified in the pupil's IEP or Section 504 Plan on the
23 CAASPP achievement tests for ELA English language arts (including the components of
24 reading, writing, and listening) and mathematics as specified below:

25 (1) color contrast for reading, writing, listening, and mathematics;

26 (2) masking for reading, writing, listening, and mathematics;

27 (3) text-to-speech for writing, listening, mathematics, and reading items but not
28 reading passages;

29 ~~(4) translated test directions for mathematics;~~

30 ~~(4)(5)~~ translations (glossary) for mathematics;

31 ~~(5)(6)~~ Spanish translations (stacked) and translated test directions for mathematics;

32 or

1 ~~(6)(7)~~ turn off any universal tool for reading, writing, listening, and mathematics.

2 (d) All pupils shall be permitted the following non-embedded designated supports
3 when determined for use by an educator or a team group of educators (with
4 parent/guardian and pupil input as appropriate) or specified in a the pupil's IEP or
5 Section 504 Plan on the CAASPP achievement tests for ELA English language arts
6 (including the components of reading, writing, and listening), mathematics, science, and
7 primary language as specified below:

8 (1) translated test directions for ELA, mathematics, science and primary language
9 test;

10 (2) bilingual dictionary for writing;

11 (3) access to translation glossaries/word lists for science and primary language test;

12 (4) color contrast for reading, writing, listening, and mathematics;

13 (5) color overlay for reading, writing, listening, and mathematics;

14 (6) magnification;

15 (7) read aloud for writing, listening, mathematics, and reading items but not reading
16 passages;

17 (8) scribe for reading, listening, and mathematics;

18 (9) separate setting including most beneficial time of day, special lighting or
19 acoustics, and/or special or adaptive furniture;

20 (10) translations (glossary) for mathematics; (only for consortium-provided
21 glossaries that correspond to the embedded designated supports in subdivision (c));

22 (11) noise buffers (e.g., individual carrel or study enclosure, or noise-cancelling
23 headphones);

24 ~~(12) special lighting or acoustics, assistive devices (specific devices may require~~
25 ~~CAASPP contractor certification), and/or special or adaptive furniture;~~

26 ~~(12)(13)~~ translations (glossary) for science and primary language test; or

27 ~~(14) administration of the test at the most beneficial time of day for the pupil.~~

28 (13) read aloud for Spanish stacked translation in mathematics.

29 (e) The following embedded accommodations shall be provided on the CAASPP
30 achievement tests for ELA English language arts (including the components of reading,
31 writing, and listening) and mathematics when specified in a pupil's IEP or Section 504
32 Plan:

- 1 (1) American Sign Language for listening and mathematics;
- 2 (2) braille for reading, writing, listening, and mathematics;
- 3 (3) closed captioning for listening;
- 4 (4) text-to-speech for reading passages ~~for grades 6 through 8, inclusive, and 11;~~ or
- 5 (5) streamlining for reading, writing, listening, and mathematics.

6 (f) The following non-embedded accommodations shall be provided on the CAASPP
7 achievement tests for ELA ~~English language arts~~ (including the components of reading,
8 writing, and listening), mathematics, science, and primary language when specified in a
9 pupil's IEP or Section 504 Plan:

- 10 (1) read aloud for primary language test;
- 11 (2) American Sign Language for ~~listening, mathematics, and science;~~
- 12 (3) braille for paper-pencil tests;
- 13 (4) abacus for mathematics and science;
- 14 (5) alternate response options for reading, writing, listening, and mathematics;
- 15 (6) calculator for ~~specific~~ calculator-allowed mathematics items only in grades 6
16 through 8, and 11;
- 17 (7) multiplication table for mathematics beginning in grade 4;
- 18 (8) print on demand for reading, writing, listening, and mathematics;
- 19 (9) read aloud for reading passages ~~in grades 6 through 8, inclusive, and grade 11;~~
20 ~~blind pupils in grades 3 through 8, inclusive, and grade 11 who do not yet have~~
21 ~~adequate braille skills;~~
- 22 (10) scribe for writing, science, and primary language test;
- 23 (11) speech-to-text; or
- 24 (12) large-print version of a paper-pencil test.

25 ~~(g) An LEA may submit a request in writing to the CDE, prior to the administration of~~
26 ~~a CAASPP test for approval for the use of an individualized aid. The LEA CAASPP~~
27 ~~coordinator or the CAASPP test site coordinator shall make the request on behalf of the~~
28 ~~LEA ten business days prior to the pupil's first day of CAASPP testing. The CDE shall~~
29 ~~respond to the request within four business days from the date of receipt of the written~~
30 ~~request. Written requests must include:~~

- 31 ~~(1) LEA name and GDS code;~~
- 32 ~~(2) school/test site and school code;~~

- 1 ~~(3) school/test site address, city, and zip code;~~
- 2 ~~(4) LEA CAASPP coordinator name, phone number, and email address;~~
- 3 ~~(5) CAASPP test site coordinator name, phone number, and email address;~~
- 4 ~~(6) school/test site testing window dates;~~
- 5 ~~(7) SSID(s) for the pupil(s) for which the individualized aid is being requested;~~
- 6 ~~(8) CAASPP test and grade; and~~
- 7 ~~(9) the individualized aid being requested.~~

8 (h) Individualized aids that change the construct being measured by a CAASPP test
9 invalidate the test score and results in a score that cannot be compared with other
10 CAASPP results. Scores for pupils' tests with individualized aids by a CAASPP test will
11 not be counted as participating in statewide testing (and impacts the accountability
12 participation rate indicator) but pupils will still receive individual score reports with their
13 actual score. The following non-embedded individualized aids have been determined to
14 change the construct being measured on the CAASPP tests for English language arts
15 (including the components for reading, writing, and listening), mathematics, science,
16 and primary language and are specified below, but not limited to:

- 17 ~~(1) English dictionary for reading, listening, mathematics, science, and primary~~
18 ~~language;~~
- 19 ~~(2) thesaurus for reading, listening, mathematics, science and primary language;~~
- 20 ~~(3) translated test directions for reading, writing, or listening;~~
- 21 ~~(4) bilingual dictionary for reading, listening, mathematics, science and primary~~
22 ~~language;~~
- 23 ~~(5) translations (glossary) for reading, writing, and listening;~~
- 24 ~~(6) read aloud for reading passages in grades 3, 4, and 5;~~
- 25 ~~(7) American Sign Language for reading passages in grades 3, 4, and 5 and reading~~
26 ~~passages for primary language;~~
- 27 ~~(8) calculator for non-specified mathematics items or science;~~
- 28 ~~(9) math tools (i.e., ruler, protractor) for non-specified mathematics items; and~~
- 29 ~~(10) multiplication table for mathematics in grade 3.~~

30 (g)(i) If a consortium (in which California is a participant) amends or approves of a
31 universal tool(s), designated support(s), and/or accommodation(s) not listed in
32 subdivisions (a) through (f), the CDE shall allow approve its use.

1 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:
2 Sections 60605 and 60640, Education Code; and 34 C.F.R. Sections 200.1 and
3 300.160(b).

4
5 **§ 853.6. Instructional Supports and Resources on California Alternate**
6 **Assessments (CAA).**

7 (a) Administration of the CAA to eligible pupils shall be one-on-one (test examiner to
8 pupil).

9 (b) Depending upon the pupil's disability or needs, the CAA may or may not include
10 the student's independent use of the testing interface.

11 (c) With the exception of inappropriate test practices listed in the TAMs, eligible
12 pupils may have instructional supports, including the language of instruction and
13 physical supports, in addition to resources documented in the pupil's IEP or Section 504
14 Plan.

15 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:
16 Sections 60605 and 60640, Education Code; and 34 C.F.R. Sections 200.1 and
17 300.160(b).

18
19 **§ 853.7. Use of Designated Supports for English Learners.**

20 (a) An English learner (EL) shall be permitted the following embedded designated
21 supports, when determined for use by an educator or a team group of educators, ~~who~~
22 ~~may seek input from a parent(s) or guardian(s),~~ (with parent/guardian and pupil input as
23 appropriate) or specified in the pupil's IEP or Section 504 Plan on the CAASPP
24 achievement tests for ELA English language arts (including the components of reading,
25 writing, and listening) and mathematics as specified below:

26 (1) color contrast for reading, writing, listening, and mathematics;

27 (2) masking for reading, writing, listening, and mathematics;

28 (3) text-to-speech for writing, listening, mathematics and reading items, but not
29 passages;

30 ~~(4) translated test directions for mathematics;~~

31 ~~(4)(5) translations (glossary) for mathematics;~~

32 ~~(5)(6) Spanish translations (stacked) and translated test directions~~ for mathematics;

1 or

2 ~~(6)(7)~~ turn off any universal tool for reading, writing, listening, and mathematics.

3 (b) An EL shall be permitted the following non-embedded designated supports when
4 determined for use by an educator or a team group of educators, ~~who may seek input~~
5 ~~from a parent(s) or guardian(s),~~ (with parent/guardian and pupil input as appropriate) or
6 specified in the pupil's IEP or Section 504 Plan on the CAASPP achievement tests for
7 ELA English language arts (including the components of reading, writing, and listening),
8 mathematics, science, and primary language as specified below:

9 (1) translated test directions for mathematics, science and primary language test;

10 (2) bilingual dictionary for writing;

11 (3) access to translation glossaries/word lists for science and primary language test;

12 (4) color contrast for reading, writing, listening, and mathematics;

13 (5) color overlay for reading, writing, listening, and mathematics;

14 (6) magnification;

15 (7) read aloud for writing, listening, mathematics, and reading items but not reading
16 passages;

17 (8) scribe for reading, listening, and mathematics;

18 (9) separate setting including most beneficial time of day, special lighting or
19 acoustics, and/or special or adaptive furniture;

20 (10) translations (glossary) for mathematics (only for consortium-provided glossaries
21 that correspond to the embedded designated supports in subdivision (a));

22 (11) noise buffers (e.g., individual carrel or study enclosure, or noise-cancelling
23 headphones);

24 ~~(12) special lighting or acoustics, assistive devices (specific devices may require~~
25 ~~CAASPP contractor certification), and/or special or adaptive furniture;~~

26 ~~(12)(13)~~ translations (glossary) for science and primary language test; or

27 (13) read aloud for Spanish stacked translation in mathematics.

28 ~~(14) administration of the test at the most beneficial time of day for the pupil.~~

29 (c) If a consortium (in which California is a participant) amends or approves of a
30 designated support(s) not listed in subdivisions (a) and/or (b), the CDE shall approve its
31 use.

1 NOTE: Sections 33031, 60605 and 60640, Education Code. Reference: Sections 306,
2 60605 and 60640, Education Code; and 34 C.F.R. Section 200.2.

3

4 **§ 853.8. Unlisted Resources.**

5 (a) An LEA may submit, on behalf of a pupil who has an IEP or Section 504 Plan, a
6 request through the assessment management system to the CDE, prior to the
7 administration of a CAASPP achievement test, to allow the use and approval of an
8 unlisted resource. The LEA CAASPP coordinator or the CAASPP test site coordinator
9 shall make the request on behalf of the LEA ten business days prior to the pupil's first
10 day of CAASPP testing. The CDE shall respond to the request within four business
11 days from the date of the electronic transmission. Transmissions must include:

12 (1) LEA name and county/district/school (CDS) code;

13 (2) school/test site and school code;

14 (3) LEA CAASPP coordinator name, phone number, and email address;

15 (4) CAASPP test site coordinator name, phone number, and email address;

16 (5) school/test site selected testing period;

17 (6) SSID(s) for the pupil(s) for which the unlisted resource is being requested;

18 (7) CAASPP test and grade;

19 (8) if the student has an IEP, include the primary disability code and/or designated
20 Section 504 Plan; and

21 (9) description of the unlisted resource being requested.

22 (b) The use and approval of an unlisted resource must be requested annually by an
23 LEA.

24 (c) The use of an unlisted resource by a pupil will not be allowed if the CDE
25 determines its use threatens the security of the test.

26 (d) In addition to determining whether the unlisted resource may be used, the CDE
27 will determine whether the unlisted resource changes the construct being measured by
28 the CAASPP achievement test.

29 (1) If the CDE determines the unlisted resource changes the construct being
30 measured, the unlisted resource will not be approved but may still be used by the pupil
31 and the pupil will receive an individual score report. The pupil will not be counted as

1 participating in statewide testing, which will impact the accountability participation rate
2 indicator for the LEA.

3 (2) If CDE determines the unlisted resource does not change the construct being
4 measured, the unlisted resource will be approved. The pupil will receive an individual
5 score report and the pupil will be counted as participating in statewide testing.

6 (e) The following non-embedded unlisted resources have already been determined
7 to change the construct being measured on the CAASPP achievement tests for English
8 language arts (including the components for reading, writing, and listening),
9 mathematics, science, and primary language and will not be approved:

10 (1) English dictionary for reading, listening, mathematics, science, and primary
11 language;

12 (2) translated word list for ELA;

13 (3) calculator on mathematics items in grades 3 through 5;

14 (4) thesaurus for reading, listening, mathematics, science and primary language;

15 (5) bilingual dictionary for ELA, mathematics, science and primary language;

16 (6) translations (glossary) for reading, writing, listening, and mathematics when not
17 provided by the consortium;

18 (7) calculator for non-specified mathematics items or science;

19 (8) math tools (i.e., ruler, protractor) for mathematics items; and

20 (9) multiplication table for mathematics in grade 3.

21 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:
22 Section 60640, Education Code; 20 U.S.C. Section 1412(a)(16); and 34 C.F.R. Sections
23 200.1 and 300.160.

24

25 **§ 855. Available Testing Window and Selected Testing Period(s).**

26 ~~(a)(1) For the 2013-14 school year, each LEA shall administer the Smarter Balanced~~
27 ~~field tests for ELA and mathematics in the manner prescribed by the CDE pursuant to~~
28 ~~the authority granted by Education Code section 60640(f)(2).~~

29 ~~(2) For the 2013-14 school year, the CST and CMA for science in grades 5, 8, and~~
30 ~~10, and CAPA for ELA and mathematics in grades 2 through 11 and science in grades~~
31 ~~5, 8, and 10, shall be administered to each pupil during a testing window of 25~~
32 ~~instructional days that includes 12 instructional days before and after completion of 85~~

1 ~~percent of the school's, track's, or program's instructional days. Testing for all pupils,~~
2 ~~including makeup testing, is to be completed within this 25 instructional day window. If~~
3 ~~an LEA elects to administer the primary language test, it shall do so during this same~~
4 ~~testing window.~~

5 ~~(a)(b)~~ Beginning in the ~~2014-15~~ 2015-16 school year, the CAASPP achievement
6 tests pursuant to Education Code sections 60640(b) shall be administered to each pupil
7 at some time during the following available testing windows:

8 (1) Unless otherwise stated in these regulations, the available testing window shall
9 ~~not begin until at least~~ on the day in which 66 percent of a the school's or track's annual
10 instructional days have been completed, and testing may continue up to and including
11 the last day of instruction for the regular school's or track's annual calendar. ~~For a 180-~~
12 ~~day school year, 66 percent of a school year occurs after the 120th instructional day.~~
13 ~~This allows for a 12-week window for testing.~~

14 (2) For the grade 11 ~~Smarter Balanced assessments and CAASPP tests~~
15 ~~administered after January 2015,~~ the available testing window shall ~~not begin until at~~
16 ~~least~~ on the day in which 80 percent of a the school's or track's annual instructional
17 days have been completed, and testing may continue up to and including the last day of
18 instruction for the regular school's or track's annual calendar. ~~For a 180-day school~~
19 ~~year, 80 percent of a school year occurs after the 144th instructional day. This allows for~~
20 ~~a 7-week window for testing.~~

21 (3) The CST Science and, CMA Science, and CAPA Science ~~for science~~ in grades
22 5, 8, and 10, ~~and CAPA, or its successor alternate assessment, for ELA and~~
23 ~~mathematics in grades 2 through 11 and science in grades 5, 8, and 10~~ shall be
24 administered to each pupil during an available testing window of 25 instructional days
25 that includes 12 instructional days before and after completion of 85 percent of the
26 school's, or track's, or program's annual instructional days ~~unless the SBE makes a~~
27 ~~determination by the close of its September 2014 regular meeting that these tests shall~~
28 ~~be administered during the window defined in subdivision (b)(1) above. If an LEA elects~~
29 ~~to administer the primary language test, it shall do so during the same~~ available window.

30 (4) The CAA for 2015-16 school year shall be administered during the available
31 testing window of April 11 through June 17, 2016. Beginning in the 2016-17 school year,
32 the CAA shall be administered to each eligible pupil during the available testing

1 windows set forth in subdivisions (a)(1) and (2) above.

2 (b) An LEA may designate one selected testing period for each school or track within
3 the available testing window set forth in subdivision (a) above, subject to the following
4 conditions:

5 (1) If a school has multiple tracks, a selected testing period may be designated for
6 each track. (i.e., a year-round school with three tracks may select three different
7 selected testing periods):

8 (2) An LEA shall not exceed 6 selected testing periods within the available testing
9 window;

10 (3) A selected testing period shall be no fewer than 25 consecutive instructional
11 days; and

12 (4) An LEA may extend a selected testing period up to an additional 10 consecutive
13 instructional days if still within the available testing window set forth in subdivision (a)
14 above.

15 (c) If an LEA does not designate a selected testing period for a school or track, then
16 the available testing window, pursuant to subdivisions (a)(1) and (2) above, shall be the
17 selected testing period for that school or track.

18 (d)(e) The CDE, with the approval of the SBE President or designee, may require
19 LEAs to more fully utilize the testing window and may also limit the usage of the interim
20 assessments in instances where the CDE determines that it is necessary to do so to
21 ensure that the capacity of the California K-12 High Speed Network (K12HSN) is not
22 exceeded.

23 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:
24 Sections 60605, 60640, 60641 and 60642.5, Education Code.

25

26 **§ 857. LEA CAASPP Coordinator.**

27 (a) On or before ~~September 30~~ July 1 of each school year, the superintendent of
28 each LEA shall:

29 (1) designate from among the employees of the LEA an LEA CAASPP
30 coordinator(s);

31 (2) identify school(s) with pupils unable to access the CBA version of a CAASPP
32 test(s) in accordance with Education Code section 60640(e); and

1 (3) report to the CAASPP contractor(s) the number of pupils enrolled in the school
2 identified in subdivision (2) that are unable to access the CBA version of a CAASPP
3 test.

4 (b) The LEA CAASPP coordinator(s), or the LEA superintendent, shall be available
5 August 1 through ~~September 30~~ July 31 of the following school year to complete the
6 LEA testing activities. The LEA shall notify the contractor(s) of the identity and contact
7 information for the LEA CAASPP coordinator(s) and the superintendent. The LEA
8 CAASPP coordinator(s) shall serve as the LEA representative and the liaison between
9 the LEA and the contractor(s) and the LEA and the CDE for all matters related to the
10 CAASPP assessment system.

11 (c) The LEA CAASPP coordinator shall be responsible for following the duties set
12 forth in section 859.

13 ~~(d)(e)~~ The LEA CAASPP coordinator's responsibilities shall also be those defined in
14 the contractor's(s') or consortium's administrative manuals and documentation, and
15 shall include, but are not limited to, overseeing the LEA's preparation, registration,
16 coordination, training, assessment technology, administration, security, and reporting of
17 the CAASPP achievement tests.

18 ~~(e)(d)~~ The LEA CAASPP coordinator shall ensure current and ongoing compliance
19 with the minimum technology specifications as identified by the CAASPP contractor(s)
20 or consortium.

21 ~~(f)(e)~~ The LEA CAASPP coordinator shall ensure the training of all CAASPP test site
22 coordinators who will oversee the test administration at each school or test site.

23 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:
24 Sections 47079.5, 52052, 60604, 60605, 60610, 60630, 60640 and 60643, Education
25 Code.

26
27 **§ 858. CAASPP Test Site Coordinator.**

28 (a) At each test site, including, but not limited to, each elementary, middle, and high
29 school or other grade-span designated school, each charter school, each court-school,
30 each school or program operated by an LEA, and all other public programs serving
31 pupils, inclusive, the superintendent of the LEA or the LEA CAASPP coordinator shall
32 designate a CAASPP test site coordinator from among the employees of the LEA. The

1 CAASPP test site coordinator, or the site principal or his or her designee, shall be
2 available to the LEA CAASPP coordinator by telephone through September 30 of the
3 following school year for purposes of resolving discrepancies or inconsistencies in
4 materials or errors in reports.

5 (b) The CAASPP test site coordinator's responsibilities shall be those defined in the
6 contractor's(s') and CDE's administrative manuals and documentation, and shall
7 include, but are not limited to, overseeing the test site's preparation, coordination,
8 training, registration, administration, security, and reporting of the CAASPP tests.

9 (c) The CAASPP test site coordinator shall be responsible for following the duties set
10 forth in Section 859.

11 ~~(e)~~ (d) The CAASPP test site coordinator shall be responsible for the training of test
12 examiners, translators, proctors, and scribes.

13 ~~(d)~~ (e) The CAASPP test site coordinator shall be responsible for ensuring that all
14 designated supports, accommodations and ~~individualized aids~~ unlisted resources are
15 correctly entered into the registration system and provided to the pupil(s) identified to
16 receive the designated supports, ~~and/or~~ accommodations and/or unlisted resources.

17 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:
18 Sections 60602.5, 60604, 60605, 60610, 60630 and 60640, Education Code.

19

20 **§ 859. CAASPP Test Security Agreement and Test Security Affidavit.**

21 (a) All LEA CAASPP coordinators and CAASPP test site coordinators shall sign the
22 CAASPP Test Security Agreement, set forth in subdivision (b), before receiving any of
23 ~~the test materials or~~ CAASPP achievement tests administered pursuant to Education
24 Code section 60640 and corresponding test materials.

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

26 CAASPP TEST SECURITY AGREEMENT

27 I acknowledge by my signature on this form that the California Assessment of
28 Student Performance and Progress (CAASPP) achievement tests pursuant to
29 Education Code section 60640 are secure tests and agree to each of the following
30 conditions to ensure test security:

31 (1) I will take all necessary precautions to safeguard all achievement tests and
32 corresponding test materials, whether paper-based or computer-based assessments, by

1 limiting access to only persons within the LEA who are responsible for, and have
2 professional interest in, the tests' security.

3 (2) I will keep on file the names of all persons who have been trained in the
4 administration of CAASPP achievement tests and all persons with access to
5 achievement tests and corresponding test materials, whether paper-based or computer-
6 based assessments. I have and shall have all other persons having access to the
7 achievement tests and corresponding test materials read and sign the CAASPP Test
8 Security Affidavit that will be kept on file in the LEA office.

9 (3) Except during the administration of the tests, I will keep the paper-pencil tests,
10 and corresponding test materials in a securely locked room that can be entered only
11 with a key or keycard and, when possible, in a locked storage cabinet within that room.

12 (4) I will securely destroy all print-on-demand papers, scratch paper, and other
13 documents as prescribed within the contractor's(s') or consortium's administrative
14 manuals and documentation.

15 (5) With the exception of subdivision (6) below, I will deliver achievement tests and
16 corresponding test materials or allow electronic access thereto, only on actual testing
17 dates and only to those persons who have executed CAASPP Test Security Affidavits.

18 (6) For an alternate assessment (CAA and CAPA Science ~~or its successor alternate~~
19 ~~assessment~~), I will keep all tests and testing materials in the manner set forth above in
20 subdivisions (b)(3) and (5) except during actual testing administration or when being
21 used by test examiners to prepare for and to administer the assessment. I will adhere to
22 the contractor's directions for the distribution of the ~~assessment~~ corresponding test
23 materials to test examiners.

24 By signing my name to this document, I am assuring that I have completely read and
25 will abide by the above conditions.

26 Signed: _____

27 Print Name: _____

28 Title: _____

29 LEA: _____

30 Date: _____

31 (c) All test administrators, test examiners, proctors, translators, scribes, LEA
32 CAASPP coordinators, ~~and~~ CAASPP test site coordinators, and any other persons

1 having access to any of the CAASPP achievement tests and corresponding test
2 materials, assessment technology platform, ~~registration system, adaptive engine,~~ or
3 tests administered pursuant to Education Code section 60640, shall acknowledge the
4 limited purpose of their access to the achievement tests by signing the CAASPP Test
5 Security Affidavit set forth in subdivision (d).

6 (d) The CAASPP Test Security Affidavit shall be as follows:

7 CAASPP TEST SECURITY AFFIDAVIT

8 I acknowledge that I will have access to one or more of the California Assessment of
9 Student Performance and Progress (CAASPP) achievement tests pursuant to
10 Education Code section 60640, for the purpose of administering the test(s). I
11 understand that these materials are highly secure and may be under copyright
12 restrictions and it is my professional responsibility to protect their security as follows:

13 (1) I will not divulge the contents of the CAASPP achievement tests and
14 corresponding test materials to any other person through verbal, written, or any other
15 means of communication. This includes, but is not limited to, sharing or posting test
16 content via the Internet or by email without the prior express written permission of the
17 CDE.

18 (2) I will not copy or take a photo of any part of the achievement test(s) or
19 corresponding test materials. This includes, but is not limited to, photocopying (including
20 enlarging) and recording without the prior expressed written permission of the CDE.

21 (3) Except during the actual testing administrations or as otherwise provided for by
22 law, I will keep the achievement test(s) and corresponding test materials secure until the
23 test(s) are actually distributed to pupils when tests and testing materials are checked in
24 and out by the CAASPP test site coordinator. Keeping materials secure means that
25 testing materials are required to be kept in a securely locked room that can be entered
26 only with a key or keycard and, when possible, in a locked storage cabinet within that
27 room.

28 (4) I will limit access to the achievement test(s) and corresponding test materials by
29 test examinees to the actual testing periods when they are taking the test(s). I
30 understand that only pupils who are testing and LEA staff participating in the test
31 administration who have signed a CAASPP Test Security Affidavit may be in the
32 room when and where an achievement test is being administered.

1 (A) I will keep all assigned, generated, or created usernames, passwords, and logins
2 secure and not divulge pupil personal information to anyone other than the pupil to
3 whom the information pertains for the purpose of logging on to the assessment test
4 delivery system.

5 (B) I will not allow anyone other than the assigned pupils to log into their assigned
6 test. I may assist a pupil with using their information to log into their assigned test.

7 (C) I will not use a pupil's information to log in as a pupil or allow a pupil to log in
8 using another pupil's information.

9 (5) I will not allow pupils to access electronic devices that allow them to access
10 outside information, communicate with other pupils, or photograph or copy test content.
11 This includes, but is not limited to, cell phones, personal digital assistants (PDAs),
12 tablets, laptops, cameras, and electronic translation devices.

13 (6) I will collect and account for all achievement test materials following each testing
14 session and will not permit pupils to remove any test materials by any means from the
15 room(s) where testing takes place. After each testing session, I will count all test
16 booklets and answer documents before allowing any pupil to leave the testing room
17 and/or ensure that all pupils have properly logged off the assessment test delivery
18 system.

19 (7) I will not review any achievement test questions, passages, performance tasks,
20 or other test items independently or with pupils or any other person at any time,
21 including before, during, or following testing. I understand that this includes any
22 discussion between LEA staff for training or professional development whether one-on-
23 one or in a staff meeting.

24 (8) I will not, for any achievement test, develop scoring keys, review any pupil
25 responses, or prepare answer documents. I understand that this includes coaching
26 pupils or providing any other type of assistance to pupils that may affect their
27 responses. This includes, but is not limited to, both verbal cues (e.g., interpreting,
28 explaining, or paraphrasing the test items or prompts) and nonverbal cues (e.g., voice
29 inflection, pointing, or nodding head) to the correct answer (anything that may indicate
30 correct or incorrect answers), or completing or changing pupils' answers.

31 (9) I will return all achievement tests and correspondent test materials to the
32 designated CAASPP test site coordinator each day upon completion of testing. I

1 understand that all test booklets, answer documents, and scratch paper shall be
2 returned to the CAASPP test site coordinator each day immediately after testing has
3 been completed for storage or confidential destruction.

4 (10) If I will administer and/or observe the administration of an alternate assessment
5 (CAA and CAPA or its successor alternate assessment Science), which means that I
6 am a certificated or a licensed LEA employee and a trained examiner, I will keep all the
7 alternate assessment (~~CAPA or its successor alternate assessment~~) materials in a
8 securely locked room, and, when possible, in a locked storage cabinet within that room
9 except when I am preparing for the administration, administering, or observing the
10 administration of the assessment to pupils.

11 (11) I will actively supervise pupils throughout the paper-pencil testing session to
12 ensure that they are working on the correct test section or part, marking their answers in
13 the correct section of their answer documents, following instructions, and are accessing
14 only authorized materials (non-embedded universal tools, designated supports,
15 accommodations, instructional supports for alternate assessments or ~~individualized aids~~
16 unlisted resources) needed for the test being administered.

17 (12) I will actively supervise pupils throughout the testing session and verify that
18 pupils have selected the appropriate assessment for the testing session and have
19 completed any necessary preceding test sections and/or classroom activities.

20 (13) I will administer the achievement test(s) in accordance with the directions for
21 test administration and test administration manuals prepared by the CAASPP testing
22 contractor(s), or any additional guidance provided by the CAASPP test contractor(s). I
23 understand that the unauthorized copying, sharing, or reusing of any test booklet, test
24 question, performance task, or answer document by any means is prohibited. This
25 includes, but is not limited to, photocopying, recording, emailing, messaging (instant,
26 text, or multimedia messaging service, or digital application), using a camera/camera
27 phone, and sharing or posting test content via the Internet without the express prior
28 written permission of the CDE.

29 (14) I have been trained to administer the achievement tests. By signing my name to
30 this document, I am assuring that I have completely read this affidavit and will abide by
31 the above conditions.

32 Signed: _____

1 Print Name: _____
2 Position: _____
3 School: _____
4 LEA: _____
5 Date: _____

6 (e) To maintain the security of the CAASPP assessment system, all LEA CAASPP
7 coordinators and CAASPP test site coordinators shall immediately, within 24 hours,
8 notify the CDE of any security breaches or testing irregularities occurring either before,
9 during, or after the test administration(s).

10 NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference:
11 Sections 60602.5, 60605 and 60640, Education Code.

12

13 **§ 860. Standard Agreement Between School Districts and Publisher Appeals.**

14 (a) An appeal is a process where an LEA CAASPP coordinator and/or CAASPP test
15 site coordinator requests that the CDE take one of the actions specified in subdivisions

16 (b) (1)-(5) due to an event that occurred during the administration of the test to a pupil.

17 (b) The following appeals may be requested by the LEA CAASPP coordinator and/or
18 CAASPP site coordinator:

19 (1) test invalidation;

20 (2) test reopened;

21 (3) test reset;

22 (4) test restore; or

23 (5) grace period extension.

24 (c) The LEA CAASPP coordinator and/or CAASPP test site coordinator must submit
25 an appeal to address a test security breach or testing irregularity as defined in the
26 TAMs.

27 (d) All appeals will be reviewed by the CDE and the CDE has authority to approve or
28 deny the appeal. The CDE will evaluate whether an appeal has an effect on the
29 integrity, validity, test security, and/or interpretation of the test results.

30 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:
31 Sections 60640, 60641, 60642 and 60643, Education Code.

32

1 **§ 861. Data Elements for Test Registration and State and Federal Reporting.**

2 (a) In order to assess pupils pursuant to Education Code section 60640 and meet
3 state and federal accountability and reporting obligations, each LEA shall provide any
4 and all program and demographic pupil data requested by the CDE for inclusion in
5 ~~California Longitudinal Pupil Achievement Data System (CALPADS).~~

6 (b) In addition to the demographic and program data required to be reported in
7 section 861(a), LEAs shall report to the CDE the following information:

8 (1) if an eligible pupil is not tested due to a significant medical emergency;

9 (2) if a pupil used a designated support;

10 (3) if a pupil used an ~~individualized aid~~ unlisted resource;

11 (4) if a pupil used an accommodation(s);

12 (5) if a pupil had special testing conditions and/or reasons for not being tested (e.g.,
13 parent or guardian exemption);

14 (6) if a pupil is enrolled in an NPS based on an IEP and, if so, the NPS school code;
15 and

16 (7) if a pupil in grade 2 was administered a diagnostic assessment pursuant to
17 Education Code section 60644.

18 (c) The LEA shall ensure that CALPADS data elements are up-to-date and accurate
19 prior to LEA registration and throughout the testing window. The CDE shall provide
20 LEAs reasonable notification prior to pupil demographic and program data being
21 extracted from CALPADS for purposes of test registration, individual pupil reports and
22 reports aggregated to the LEA, and state and federal accountability reporting.

23 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:
24 Sections 49079.5, 52052, 60605, 60630, 60640, 60641 and 60643, Education Code;
25 and 7 C.F.R. Sections 245.2(a)(1)-(4), 245.3 and 245.6.

26

27 **§ 862. Apportionment Information Report.**

28 (a) Annually, the CDE shall make available electronically to each LEA an
29 apportionment information report with the following information provided to the
30 contractor by the LEA pursuant to sections 853 and 861 by grade level:

31 (1) The number of pupils enrolled in each school and in the LEA on the ~~first~~ last day
32 of testing;

1 (2) The number of pupils in each school and in the LEA tested with the alternate
2 assessment;:-

3 (3) The number of pupils in each school and in the LEA exempted from testing at the
4 request of their parents or guardians pursuant to Education Code section 60615;:-

5 (4) The number of pupils who were administered any portion of the CAASPP
6 assessments pursuant to Education Code sections 60640(b)(1), 60640(b)(2),
7 60640(b)(4), or 60640(c)(3) through the use of ~~CBT~~ computer-based testing;:-

8 (5) The number of pupils who were administered any portion of the CAASPP
9 assessments pursuant to Education Code sections 60640(b)(1), 60640(b)(2),
10 60640(b)(4), or 60640(c)(3) through the use of paper-pencil assessments;:-

11 (6) The number of pupils with demographic information only who were not tested for
12 any reason other than a parent or guardian exemption;:-

13 (7) The number of EL ~~English language learners~~ who were administered a primary
14 language test aligned to the ELA ~~English language arts~~ standards pursuant to
15 Education Code section 60640(b)(5)(B);:-and

16 (8) Beginning in 2014-15, the number of pupils in grade 2 administered a diagnostic
17 assessment pursuant to Education Code section 60644.

18 (b) To be eligible for apportionment payment for the CAASPP assessments, LEAs
19 must meet the following conditions:

20 (1) The LEA has returned all secure test materials, and

21 (2) The LEA CAASPP coordinator has certified the accuracy of the apportionment
22 information report for assessments administered during the school year, which is either;

23 (A) transmitted electronically in a manner prescribed by the contractor(s) and/or the
24 CDE ~~by December 31~~ within 90 calendar days from the date the apportionment
25 information report is electronically sent to the LEA, or

26 (B) if transmitted after ~~December 31~~ the 90 days, the apportionment information
27 report must be accompanied by a waiver request as provided by Education Code
28 section 33050. For those apportionment information reports transmitted after ~~December~~
29 ~~31~~ the 90 days, apportionment payment is contingent upon the availability of an
30 appropriation for this purpose ~~in~~ for the fiscal year in which the testing window began.

31 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:
32 Sections 60610, 60615, 60640 and 60641, Education Code.

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§ 862.5. Apportionment to LEAs.

(a) The amount of funding to be apportioned to the LEA shall be the amount established by the SBE per the number of tests administered to eligible pupils, and the number of pupils enrolled on the ~~first~~ last day of testing who were not tested in the LEA. The number of tests administered and the number of pupils not tested shall be determined by the certification of the LEA CAASPP coordinator pursuant to section 862. For purposes of this portion of the apportionment, administration of the tests includes the following items:

- (1) All staffing costs, including the LEA CAASPP coordinator and the CAASPP test site coordinators, staff training and other staff expenses related to testing.
- (2) All expenses incurred at the LEA and school/test site(s) related to testing.
- (3) All transportation costs of delivering and retrieving tests and test materials within the LEA and to NPSs.
- (4) All costs associated with transmitting the pupil report(s) to parents/guardians.
- (5) All costs associated with activities intended to provide the complete and accurate data required in section 861.

(b) This amount does not include any funding for the purposes of reimbursing any LEA for primary language tests for non-eligible pupils.
NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference: Sections 60640 and 60643, Education Code.

§ 863. CAASPP Pupil Reports and Cumulative Record Labels.

- (a) The LEA shall forward or transmit pupil results for the achievement tests conducted pursuant to Education Code section 60640 to each pupil's parent or guardian within 20 working days from receipt of the results from the contractor.
- (b) If the LEA receives the reports for the achievement tests conducted pursuant to Education Code section 60640 from the contractor after the last day of instruction for the school year, the LEA shall make the report available to the parent or guardian no later than the first 20 working days of the next school year.
- (c) Schools are responsible for maintaining pupil's scores with the pupil's permanent school records or for entering the scores into electronic pupil records, and for forwarding

1 or transmitting the results to schools to which pupils matriculate or transfer. Schools
2 may annotate the scores when the scores may not accurately reflect pupils'
3 achievement due to illness or testing irregularities.

4 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:
5 Sections 49062, 49068, 60607, 60640 and 60641, Education Code.

6
7 **§ 864. LEA Compliance with Contractor Requirements.**

8 (a) An LEA is an agent of the CDE for the purpose of administering a CAASPP test.

9 (b) In order for the state to meet its obligations in the development, administration,
10 and security of valid and reliable tests, and the reporting of accurate tests, LEAs shall:

11 (1) comply with any and all requests from CAASPP contractor(s) in accordance with
12 Education Code section 60641; ~~and~~

13 (2) abide by any and all instructions provided by the CAASPP contractor or
14 consortium, whether written or oral, that are presented for training or provided for in the
15 administration of a CAASPP test; ~~and-~~

16 (3) follow all instructions in the corresponding TAM for each CAASPP achievement
17 test.

18 NOTE: Authority cited: Sections 33031, 60605, 60613 and 60640, Education Code.
19 Reference: Sections 60605, 60610, 60640, 60641 and 60643, Education Code; 20
20 U.S.C. Section 1232g; and 34 C.F.R. Section 99.3.

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32 10-08-15 [California Department of Education]



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

November 5, 2015

NOTICE OF PROPOSED EMERGENCY ACTION
California Assessment of Student Performance and Progress

Pursuant to the requirements of Government Code section 11346.1(a)(1), the State Board of Education (SBE) is providing notice of proposed emergency action with regards to the above-entitled emergency regulation.

SUBMISSION OF COMMENTS

Government Code section 11346.1(a)(2) requires that, at least five working days prior to submission of the proposed emergency action to the Office of Administrative Law (OAL), the adopting agency provide a Notice of the Proposed Emergency Action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed emergency to the OAL, the OAL shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in Government Code section 11349.6.

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed emergency regulatory action. Written comments submitted via U.S. mail, e-mail or fax must be received at the OAL within five days after the SBE submits the emergency regulations to the OAL for review.

Please reference submitted comments as regarding "California Assessment of Student Performance and Progress" addressed to:

Mailing Address: Reference Attorney
Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, CA 95814

Debra Thacker, Reg Coordinator
California Department of Education
Administrative Support &
Regulations Adoption
1430 N Street, Suite 5319
Sacramento, CA 95814

E-mail Address: staff@oal.ca.gov

regcomments@cde.ca.gov

Fax No.: 916-323-6826

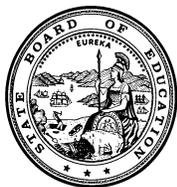
916-319-0155

For the status of the SBE submittal to the OAL for review, and the end of the five-day written submittal period, please consult the Web site of the OAL at <http://www.oal.ca.gov> under the heading "Emergency Regulations."



California State Board of Education
Meeting Agenda Items for November 4-5, 2015

ITEM 07



CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2015 AGENDA

SUBJECT	
School Improvement Grant: Approval of California's State-determined Intervention Model for the School Improvement Grant Under Section 1003(g) of the Elementary and Secondary Education Act.	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

SUMMARY OF THE ISSUE(S)

On February 9, 2015, the U.S. Department of Education (ED) released the fiscal year (FY) 2014 School Improvement Grant (SIG) final requirements under Section 1003(g) of the Elementary and Secondary Education Act. The FY 2014 SIG final requirements introduce several program changes that affect future SIG cohorts, including three additional intervention models, namely the State-determined Intervention Model (SDIM) (optional); Early Learning Model (required); and Evidence-based, Whole-school Reform Model (required). In completing the FY 2015 SIG state educational agency (SEA) Application, an SEA may submit one SDIM that meets the FY 2014 SIG final requirements. The California SIG SDIM is provided in Attachment 1. The requirements for the SIG SDIM are provided in Attachment 2.

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) take action to approve the California SIG SDIM.

BRIEF HISTORY OF KEY ISSUES

The FY 2014 SIG final requirements implement language in the Consolidated Appropriations Act, 2014, to allow local educational agencies (LEAs) to select from three additional intervention models, provide flexibility for rural LEAs, and extend the grant period from three to five years. Additionally, the FY 2014 SIG final requirements introduce revisions to current requirements that reflect lessons learned from four years of SIG implementation and stakeholder input to strengthen program implementation.

For approval to implement an optional SDIM, an SEA must include a description of the SDIM in its FY 2015 SIG SEA Application to the ED. An SEA must ensure that, at a minimum, its SDIM meets the definition of a "Whole-school Reform Model," as set forth in the FY 2014 SIG final requirements. An SEA may also include any other elements or

strategies that it determines will help increase student achievement. The definition of a Whole-school Reform Model is included in Attachment 2.

Due to the late release of the FY 2014 SIG final requirements and FY 2014 SEA Application, the ED offered SEAs the opportunity to submit an abbreviated SIG Application to carry over 100 percent of the FY 2014 SIG allocation to use for program implementation beginning in the 2016–17 school year (SY).

At its July 2015 meeting, the SBE approved California’s abbreviated FY 2014 SIG Application and a justification letter containing a “Tydings Amendment” to obligate federal FY 2014 SIG funds until September 30, 2020. The ED approved California’s abbreviated FY 2014 SIG Application and waiver request on September 8, 2015.

To date, the ED has not released the FY 2015 SIG SEA Application. It is anticipated to be released in fall or winter 2015. On October 1, 2015, the ED clarified that California should not wait for the release of the FY 2015 SIG SEA Application to submit its SDIM for approval. Therefore, upon SBE approval of California’s SDIM, CDE staff will submit the model for federal approval. When the FY 2015 SIG SEA Application is released, California will include the SDIM in its application, and if awarded California will combine the FY 2014 SIG allocation with the FY 2015 SIG allocation to conduct a new SIG awards competition for implementation beginning in the 2016–17 SY.

SDIM Development

CDE staff collaborated with the California Comprehensive Center (CA CC) at WestEd, The Center on School Turnaround at WestEd (CST), and the American Institutes for Research (AIR) to:

- Engage and gather stakeholder input
- Review literature and best practices on school improvement strategies
- Develop model elements and strategies that meet the FY 2014 SIG final requirements for an SDIM

CDE staff explored alignment between the Local Control Funding Formula/Local Control Accountability Plan state priorities and the development of the SDIM. A crosswalk of that alignment is provided in Attachment 3. Similarly, CDE staff explored alignment between the SDIM and *A Blueprint for Great Schools Version 2.0*. The *Blueprint* is cited in various sections of the SDIM.

Stakeholder Engagement

Presentations about the SDIM requirements and the opportunity to provide feedback on the development of the SDIM were given at the Regional System of District and School Support and the State and Federal Program Directors convenings. The table below provides details about those meetings.

Date	Stakeholder(s)	Method
July 23, 2015	Regional System of District and School Support Meeting	Presentation – SDIM Overview
August 21, 2015	State and Federal Program Directors Meeting	Presentation – SDIM Overview

On September 8, 2015, the CDE distributed a survey to stakeholders across California to obtain field perspective about the development of the SDIM. These stakeholders included county and district administrators, school administrators, state policy makers/staff, educational organizations, district contractors/vendors, parents/guardians, teachers, and current and former SIG recipients.

Three-hundred ninety two stakeholders completed the survey offering valuable feedback and differing perspectives about effective school improvement efforts. CDE, CA CC, and AIR staff used the results of the survey to accomplish three primary goals: (1) identify key implementation themes and strategies; (2) better understand school improvement needs across California; and (3) inform model development. The survey is provided in Attachment 4. Analysis of the survey shows that California stakeholders believe that school leadership, teaching and learning, and data-based decision making have the greatest impact on successful school improvement efforts. A summary of the survey results and stakeholder feedback is provided in Attachment 5.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In September 2015, the CDE provided the SBE with an update on the progress of the development of the SDIM, a description of the three new SIG intervention models, outcomes from CDE collaboration with the CA CC, and plans for stakeholder engagement (<http://www.cde.ca.gov/be/ag/ag/yr15/documents/sep15item06.doc>).

In July 2015, the SBE approved California’s abbreviated FY 2014 SEA Application and request to submit a waiver to the ED to allow California to carry over 100 percent of the FY 2014 SIG allocation to be awarded along with the FY 2015 SIG allocation for awards beginning in the 2016–17 SY (<http://www.cde.ca.gov/be/ag/ag/yr15/documents/jul15item10.doc>).

FISCAL ANALYSIS (AS APPROPRIATE)

The SIG funds provide LEAs with grants ranging from \$50,000 to \$2 million per school per year. California’s FY 2014 SIG allocation is approximately \$59 million. Pending approval of the carryover request waiver, California will combine the FY 2014 and FY 2015 SIG allocations to award sub grants to LEAs for the first four years of the five-year grant period (2016–17, 2017–18, 2018–19, and 2019–20 SYs). The fifth year (2020–21 SY) of the grant award period will be funded using the remainder of the FY 2015 SIG funds.

ATTACHMENT(S)

- Attachment 1: California State-determined Intervention Model (6 Pages)
- Attachment 2: School Improvement Grant State-determined Intervention Model Requirements (1 Page)
- Attachment 3: Alignment of Local Control Funding Formula/Local Control Accountability Plan State Priorities with the California State-determined Intervention Model Requirements (2 Pages)
- Attachment 4: California School Improvement Grant Intervention Model Survey (3 Pages)
- Attachment 5: Summary of Survey Results and Stakeholder Feedback (2 Pages)

California State-determined Intervention Model

California has a vibrant, diverse student population that represents people from all parts of the world.¹ This diversity brings with it innovative thinking, rich cultural perspectives, and unique challenges. The California Department of Education (CDE) recognizes that each school in California comes with distinct local needs based in part on demographics and geography. To address the needs of California's schools and students, the CDE, in partnership with the California Comprehensive Center at WestEd, the Center on School Turnaround at WestEd, and the American Institutes for Research, developed a State-determined Intervention Model (SDIM) that allows School Improvement Grant (SIG) local educational agencies (LEAs) the flexibility to implement whole-school reforms consistent with their locally identified needs.

The SDIM comes at a significant time in California history. California's advances in its new accountability system provides a rich opportunity to more expressively target coordinated, systemic, and sustainable supports and interventions to the schools most in need. California's SDIM is more than a one-size-fits-all solution. It provides a framework for linking student growth and achievement outcomes to impactful decisions that drive continuous improvement for all students, including but not limited to, socio-economically disadvantaged students, English language learners, and students who receive special education services.

The strength of California's SDIM lies in the flexibility afforded to SIG LEAs to address student needs locally via implementation of strategies consistent with both school improvement research and the SIG. In fact, SIG LEAs can now tailor much of their reform efforts to suit the identified needs of eligible SIG schools.

Given this opportune time, the SDIM focus is built around the following areas:

- a. Whole-school Reform
- b. School Leadership
- c. Teaching and Learning
- d. Student Non-Academic Support
- e. Family and Community Engagement
- f. Support and Oversight

SIG LEAs that choose to implement the SDIM must explicitly describe how the LEA will meet all of the requirements of the SDIM throughout the duration of its SIG implementation. Following are the key elements of the California SDIM.

¹ Transition Advisory Team, [A Blueprint for Great Schools](#), 2011, 7.

A Whole-school Reform Model Designed to:

- a. Improve student academic achievement or attainment

SIG funds are for approved LEAs and schools that demonstrate the greatest need and the strongest commitment to use the funds. These sub-grants provide resources that enable schools to raise substantially the achievement of students to exit improvement status.

- b. Be implemented for all students in a school

A schoolwide comprehensive reform strategy designed to upgrade the entire educational program to ensure that all students, particularly those who are low achieving, demonstrate proficient and advanced levels of achievement on California content standards.

- c. Address, at a minimum and in a comprehensive and coordinated manner, each of the following:

School Leadership

Principals, as instructional leaders, are critical to the success of school turnaround efforts. Those who have worked to improve schools have found that every aspect of school reform—the creation of more challenging curriculum, the use of more thoughtful assessments, the invention of new model schools and programs—depends, in part, on well-supported and highly skilled school principals in school organizations.²

Develop and increase LEA school leadership effectiveness

Required

1. Develop or adopt a set of competencies and use them to conduct a rigorous selection process to identify school leaders who possess the knowledge, will, and skills necessary to lead school turnaround efforts and do one of the following:
 - A. Replace the current principal with a leader who demonstrates the competencies prior to the start of the intervention model.
 - B. Retain the current principal if they demonstrate the competencies.
2. Provide customized and ongoing, outcome-driven professional development opportunities to strengthen leadership practice and build leadership capacity.
3. Promote the use of continuous feedback that is connected to professional learning opportunities and supports ongoing learning and improvement for school principals.

² Educator Excellence Task Force, [Greatness by Design: Supporting Outstanding Teaching to Sustain a Golden State](#), 2012, 7.

Optional

An LEA may also implement **one or more** of the following strategies based on identified needs:

1. Create and implement career pathways for leadership to expand leadership capacity and set the stage for sustainability.
2. Create systems for sharing leadership expertise to strengthen teamwork, process lessons learned, and identify successful approaches to needed change and continuous improvement.
3. Promote labor-management collaboration to enable innovation in educator roles, responsibilities, and compensation systems.

Teaching and Learning

Expert teachers are an important resource for improving student learning. To implement the California State Standards, teachers will need to learn new pedagogical strategies, integrate formative assessments into their teaching, and participate in professional development that builds capacity for all educators at the preschool, elementary, and secondary levels.³

Implement an instructional program aligned with California State Standards in at least one full academic content area (including professional learning for all educators)

Required

1. Use student data (such as from formative, interim, and summative assessments) to inform and differentiate instruction in order to meet the academic needs of individual students.
2. Provide and ensure staff attend ongoing, high-quality, job-embedded professional development (e.g., regarding subject-specific pedagogy, instruction that reflects a deeper understanding of the community served by the school, or differentiated instruction) that:
 - A. Is aligned with the school's comprehensive instructional program.
 - B. Is designed with school staff to ensure they are equipped to facilitate effective teaching and learning.
 - C. Promotes continuous improvement and feedback that supports ongoing learning.
3. Implement, to the extent practicable, in accordance with this model, one or more evidence-based strategies as defined in Title 34, *Code of Federal Regulations* Section 77.1.

³ Educator Excellence Task Force, [Greatness by Design: Supporting Outstanding Teaching to Sustain a Golden State](#), 2012, 5.

Optional

An LEA may also implement **one or more** of the following strategies based on identified needs:

1. Develop or adopt a set of competencies and use them to conduct a rigorous selection process to identify teachers and staff who possess the knowledge, will, and skills necessary to support all students in a school turnaround environment. Using the set of competencies, conduct all of the following activities:
 - A. Screen all existing teachers and staff.
 - B. Retain teachers and staff who exemplify the competencies.
 - C. If necessary, hire new teachers and staff.
2. Provide high-quality, relevant increased learning time opportunities that are collaborative and meaningful, and help foster student achievement and content mastery.

Student Non-Academic Support

Schools that provide a comprehensive web of support for the whole child ensure that students become successful. This includes addressing barriers to learning that challenge many students, including health, social, emotional, and behavioral.⁴

Provide appropriate social-emotional and community-oriented services and supports for students

Required

Based on identified needs, choose **three or more** of the following:

1. Develop an integrated social support network.
2. Develop regular communication and check in system that addresses students' needs.
3. Develop strategies and opportunities for ongoing student engagement.
4. Implement social and emotional program(s) and services.
5. Implement strategies to improve school climate.
6. Develop ways to improve school discipline.

Family and Community Engagement

Successful approaches to student learning include robust family and community engagement. Such engagement allows schools and districts, with community input, to make appropriate informed decisions on behalf of their linguistically, culturally, and academically diverse students.⁵

⁴ Quality Schooling Framework (QSF), Culture & Climate, 2015, <http://www.cde.ca.gov/qs/cc/index.asp>.

⁵ Blueprint 2.0 Planning Team, *A Blueprint for Great Schools: Version 2.0* (Sacramento, CA: CDE Press 2015), 8.

Provide ongoing mechanisms for family and community engagement

Required

Based on identified needs, choose **three or more** of the following:

1. Implement or improve a system of regular communication with parents/guardians.
2. Foster a welcoming school environment.
3. Develop a family engagement team of administrators, staff, and teachers.
4. Develop a partnership culture with families and students.
5. Identify communication barriers and implement strategies for removing the identified barrier.

Support and Oversight

The institutional capacity of schools and districts through staffing, instructional guidance, well-directed resources, and helpful data ensures that the instructional system serves every child and meets the needs of the school community as well as state and federal requirements.⁶

Required

1. Update an existing or adopt a new governance structure which may include, but is not limited to, requiring the school to report to a new “turnaround office” with a newly hired “turnaround leader” in the LEA that directly supports SIG implementation.
2. Grant the principal sufficient operational flexibility to implement fully a comprehensive approach in order to substantially improve student achievement outcomes and increase high school graduation rates.
3. Ensure that the school receives ongoing, intensive technical assistance and related support from the LEA or a designated external lead partner organization.

⁶ Blueprint 2.0 Planning Team, *A Blueprint for Great Schools: Version 2.0* (Sacramento, CA: CDE Press 2015), 14.

References

- Blueprint 2.0 Planning Team. 2015. *A Blueprint for Great Schools: Version 2.0*.
<http://www.cde.ca.gov/eo/in/bp/documents/yr15bp0720.pdf> (accessed October 1, 2015).
- California Department of Education. Quality Schooling Framework, Culture & Climate.
<http://www.cde.ca.gov/qs/cc/> (accessed October 1, 2015).
- Educator Excellence Task Force. 2012. *Greatness by Design: Supporting Outstanding Teaching to Sustain a Golden State*. <http://www.cde.ca.gov/eo/in/documents/greatnessfinal.pdf> (accessed October 1, 2015).
- Epstein, M., Atkins, M., Cullinan, D., Kutash, K., and Weaver, R. (2008). *Reducing Behavior Problems in the Elementary School Classroom: A Practice Guide* (NCEE #2008-012). Washington, DC: National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U.S. Department of Education. Retrieved from http://ies.ed.gov/ncee/wwc/pdf/practice_guides/behavior_pg_092308.pdf (accessed October 1, 2015).
- Hamilton, L., Halverson, R., Jackson, S., Mandinach, E., Supovitz, J., & Wayman, J. (2009). *Using Student Achievement Data to Support Instructional Decision Making: A Practice Guide* (NCEE 2009-4067). Washington, DC: National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U.S. Department of Education. Retrieved from http://ies.ed.gov/ncee/wwc/pdf/practice_guides/dddm_pg_092909.pdf (accessed October 1, 2015).
- Herman, R., Dawson, P., Dee, T., Greene, J., Maynard, R., Redding, S., and Darwin, M. (2008). *Turning Around Chronically Low-Performing Schools: A Practice Guide* (NCEE #2008-4020). Washington, DC: National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U.S. Department of Education. Retrieved from http://ies.ed.gov/ncee/wwc/pdf/practice_guides/Turnaround_pg_04181.pdf (accessed October 1, 2015).
- Transition Advisory Team Report. 2011. *A Blueprint for Great Schools*.
<http://www.cde.ca.gov/eo/in/bp/documents/yr11bp0709.pdf> (accessed October 5, 2015).
- U.S. Department of Education. 2015. *Code of Federal Regulations*.
<http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR&searchPath=Title+34%2FSubtitle+A&oldPath=Title+34&isCollapsed=true&selectedYearFrom=2015&ycord=808> (accessed October 8, 2015).
- U.S. Department of Education. 2015. *Guidance on School Improvement Grants Under Section 1003(g) of the Elementary and Secondary Education Act of 1965*.
<http://www2.ed.gov/programs/sif/sigguidance032015.doc> (accessed October 5, 2015).

School Improvement Grant State-determined Intervention Model Requirements

State-determined Intervention Model Requirements

State-determined Intervention Model (SDIM): In its application to the U. S. Department of Education, each state educational agency (SEA) may submit one SDIM for the Secretary's **review and approval. To be approved, an SDIM must be a Whole-school Reform Model** as defined in the fiscal year 2014 School Improvement Grant (SIG) final requirements (I.A.3) and, at the SEA's discretion, may include any other elements or strategies that the SEA determines will help improve student achievement.

Whole-school Reform Model means, a model that is designed to:

- a. Improve student academic achievement or attainment
- b. Be implemented for all students in a school
- c. Address, at a minimum and in a comprehensive and coordinated manner, each of the following:
 1. School leadership
 2. Teaching and learning in at least one full academic content area (including professional learning for all educators)
 3. Student non-academic support
 4. Family and community engagement

**Alignment of Local Control Funding Formula/Local Control Accountability Plan
State Priorities with the California
State-determined Intervention Model Requirements**

State-determined Intervention Model (SDIM) Requirements	California State Priorities*
<p>1. School leadership</p>	<p>Priority 1 (P1): Basic (Conditions of Learning)</p> <ul style="list-style-type: none"> • Degree to which the rate of teacher misassignment is low, pupil access to standards-aligned instructional materials is sufficient, and school facilities are maintained and in good repair <p>Priority 7 (P7): Course Access (Conditions of Learning)</p> <ul style="list-style-type: none"> • Pupil enrollment in a broad course of study that includes all of the subject areas described in California <i>Education Code (EC)</i> Section 51210 and subdivisions (a) to (i), inclusive, of Section 51220, as applicable <p>Priority 8 (P8): Other Pupil Outcomes (Pupil Outcomes)</p> <ul style="list-style-type: none"> • Pupil outcomes in the subject areas described in <i>EC</i> Section 51210 and subdivisions (a) to (i), inclusive, of <i>EC</i> Section 51220, as applicable
<p>2. Teaching and learning in at least one full academic content area (including professional learning for all educators)</p>	<p>Priority 2 (P2) : State Standards (Conditions of Learning)</p> <ul style="list-style-type: none"> • Implementation of academic content and performance standards adopted by the State Board of Education for all pupils, including English learners <p>Priority 4 (P4): Pupil Achievement (Pupil Outcomes)</p> <ul style="list-style-type: none"> • Performance on standardized tests, score on Academic Performance Index, share of pupils who are college and career ready, share of English learners who become English proficient, English learner reclassification rate, share of pupils who pass Advanced Placement exams with 3 or higher, and share of pupils determined prepared for college by the Early Assessment Program

State-determined Intervention Model (SDIM) Requirements	California State Priorities*
3. Student non-academic support	<p>Priority 5 (P5): Pupil Engagement (Engagement)</p> <ul style="list-style-type: none"> Measured in part using school attendance rates, chronic absenteeism rates, middle school dropout rates, high school dropout rates, and high school graduation rates <p>Priority 6 (P6): School Climate (Engagement)</p> <ul style="list-style-type: none"> Pupil suspension rates, pupil expulsion rates, and other local measures including surveys of pupils, parents, and teachers on the sense of safety and school connectedness
4. Family and community engagement	<p>Priority 3 (P3): Parental Involvement (Engagement)</p> <ul style="list-style-type: none"> Efforts to seek parent input in decision making, and promotion of parent participation in programs for unduplicated pupils and special needs student groups

*The Local Control Funding Formula California State Priorities are located at <http://www.cde.ca.gov/fg/aa/lc/statepriorityresources.asp>.

California School Improvement Grant Intervention Model Survey

Question 1

Choose a role that best describes your involvement with education in California.

- Community member
- County administration
- District administration
- District contractor/vendor
- Education organization representative
- Parent/guardian
- School administration
- State policy maker/staff
- Teacher
- Other: _____

Question 2

Are you a past or current School Improvement Grant recipient? Yes____ No____

Question 3

School Leadership

Thinking about school reform efforts in School Leadership, from your experience, please rate the effectiveness of the following reform strategies.

Reform Strategy	Not Effective	Slightly Effective	Fairly Effective	Very Effective	Not Applicable
Adopt new governance structure	○	○	○	○	○
Build capacity of current principal	○	○	○	○	○
Give the principal operational flexibility	○	○	○	○	○
Identify and reward staff	○	○	○	○	○
Increase learning time	○	○	○	○	○
Promote the continuous use of student data	○	○	○	○	○
Replace 50 percent of staff	○	○	○	○	○
Replace the principal	○	○	○	○	○
Use data to identify and implement an instructional program	○	○	○	○	○
Use student data to evaluate teachers and principals	○	○	○	○	○

Question 4

Teaching and Learning

Thinking about school reform efforts in Teaching and Learning, from your experience, please rate the effectiveness of the following reform strategies.

Reform Strategy	Not Effective	Slightly Effective	Fairly Effective	Very Effective	Not Applicable
Implementation of evidence-based strategies	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Job-embedded professional development for all educators	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Use of student data	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Question 5

Student Non-academic Support

Thinking about school reform efforts in Student Non-academic Support, from your experience, please rate the effectiveness of the following reform strategies.

Reform Strategy	Not Effective	Slightly Effective	Fairly Effective	Very Effective	Not Applicable
Develop an integrated social support network	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Develop regular communication and check in system	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Develop strategies and opportunities for ongoing student engagement	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Implement social and emotional programs and services	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Implement strategies to improve school climate	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Develop ways to improve school discipline	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Question 6

Family and Community Engagement

Thinking about school reform efforts in Family and Community Engagement, from your experience, please rate the effectiveness of the following reform strategies.

Reform Strategy	Not Effective	Slightly Effective	Fairly Effective	Very Effective	Not Applicable
Develop family engagement team of administrators, staff, and teachers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Develop partnership culture with families	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Foster welcoming environment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Implement a system of improved communication with parents/guardians	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Identify communication barriers and implement strategies for removing the identified barriers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Question 7

On a scale of 1 to 4, with 1 being most effective and 4 being least effective, from your experience, rank the following school reform efforts in order of effectiveness.

Rank	Reform effort
	School Leadership
	Teaching and Learning
	Student Non-academic Support
	Family and Community Engagement

Summary of Survey Results and Stakeholder Feedback

On September 9, 2015, the California Department of Education (CDE), in collaboration with the California Comprehensive Center at WestEd (CA CC), asked select stakeholders to complete a survey and provide input on research-based school improvement strategies that would inform the development of the California State-determined Intervention Model (SDIM). Utilizing a snowball sampling technique¹ the select stakeholders were asked to further distribute the survey to any other interested parties. The survey took approximately 15 minutes to complete and each stakeholder had approximately two weeks to complete the survey.

In developing the list of stakeholders, CDE staff considered the expertise, interest, and stakeholder membership of the selected organizations, as well as the potential each had for additional outreach to other relevant stakeholders.

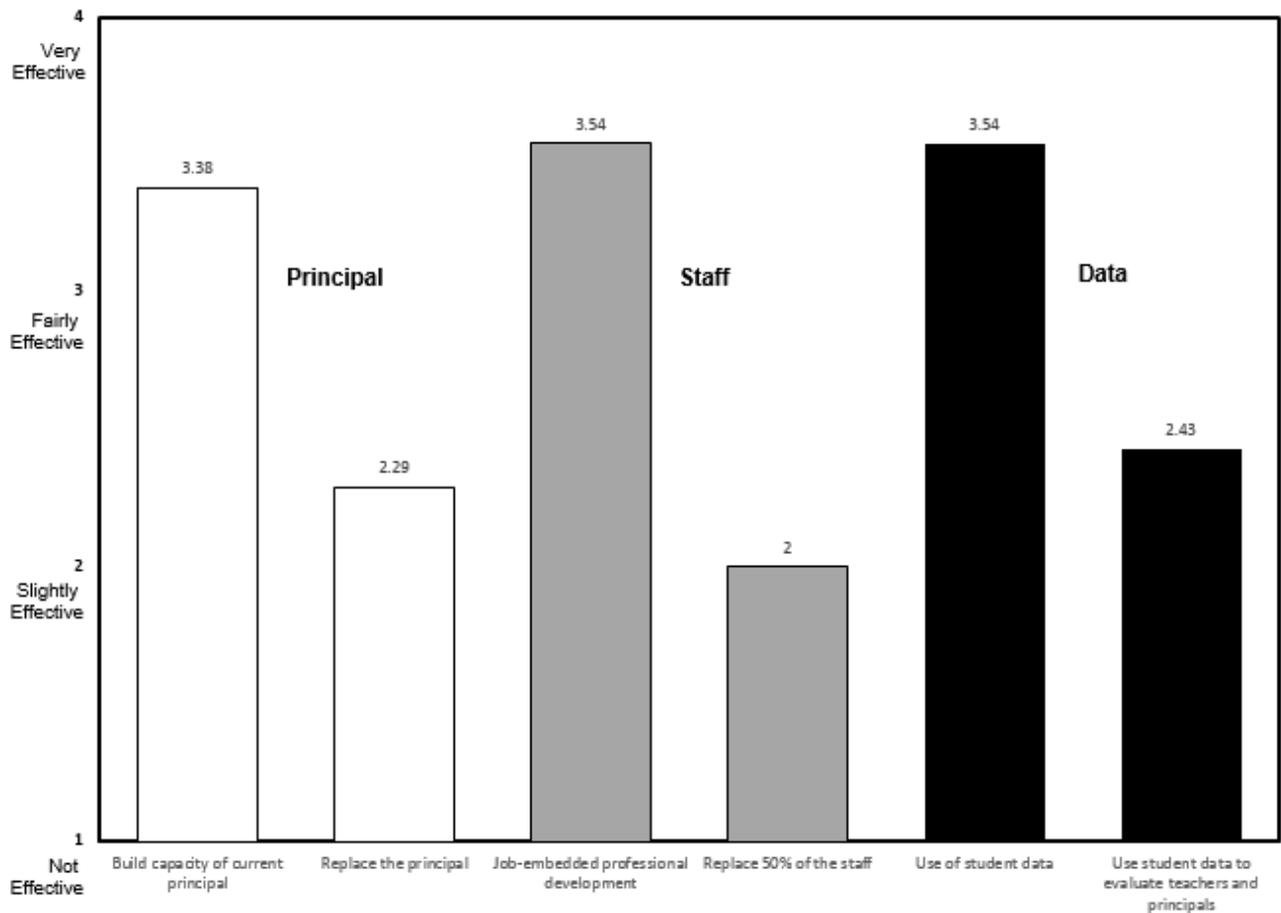
Stakeholder List

- Association of California School Administrators
- California Collaborative for Educational Excellence
- California County Superintendents Educational Services Association
- California School Boards Association
- California Teachers Association
- California Charter Schools Association
- Coordinated Student Support Division, CDE
- Regional System of District and School Support
- School Improvement Grant Past/Present Recipients
- Small School Districts Association
- State and Federal Program Directors
- State Board of Education
- Title I Conference Attendees
- Title I Policy and Program Guidance Office-Family Engagement Framework, CDE

In this era of continuous improvement, it is imperative that schools utilize strategies that are research-based and that build the capacity of dedicated educators committed to supporting all students, particularly the lowest-achieving. Analysis of the stakeholder survey showed that stakeholders understand what works well for students when it comes to school reform. What follows is a summary of the key findings of the survey results.

¹ Goodman, Leo A., Snowball sampling. The annals of mathematical statistics, 1961, p. 148.

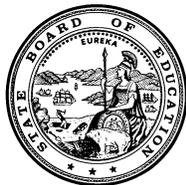
1. Stakeholders believe the categories of “School Leadership” and “Teaching and Learning,” are the most effective ways to reform a school.
2. The strategy of using student data to inform instructional programs and practice received the highest rating of effectiveness in the categories of “School Leadership” and “Teaching and Learning.”
3. Stakeholders rated all of the whole-school reform strategies listed in “Teaching and Learning,” “Family and Community Engagement,” and “Non-Academic Student Support” as effective.
4. Stakeholders overwhelmingly rated the whole-school reform strategies of replacing 50 percent of the staff, replacing the principal, and using student data in principal and teacher evaluation systems as least effective.





California State Board of Education
Meeting Agenda Items for November 4-5, 2015

ITEM 08



CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2015 AGENDA

SUBJECT	
2015 English Language Arts/English Language Development Adoption of K–8 Instructional Materials: Instructional Quality Commission Recommendations.	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input checked="" type="checkbox"/> Public Hearing

SUMMARY OF THE ISSUES

Education Code (EC) Section 60200(b)(1) calls for the State Board of Education (SBE) to adopt instructional materials in language arts every eight years. *EC* Section 60211(a) overrules a legislative suspension of instructional materials adoption activities through July 1, 2015, pursuant to *EC* Section 60200.7, and calls for the SBE to adopt instructional materials that are aligned to the English language arts (ELA) content standards adopted pursuant to Section 60605.8 and the English language development (ELD) standards adopted pursuant to Section 60811.3, as it read on June 30, 2013, by no later than November 30, 2015.

EC Section 60204 directs the Instructional Quality Commission (IQC) to study and evaluate instructional materials submitted for adoption and to recommend materials for adoption to the SBE. The IQC evaluated the instructional materials received from 10 publishers for the 2015 English Language Arts/English Language Development (ELA/ELD) Adoption and submits their final recommendations.

RECOMMENDATIONS

The California Department of Education (CDE) recommends that the SBE act on the following IQC recommendations:

1. Adopt all the instructional materials programs on the IQC-recommended list, which includes 17 Basic Programs (Program 1 Basic ELA, Program 2 Basic ELA/ELD, and Program 3 Basic Biliteracy) for Kindergarten and Grades 1–8, and 8 Intervention Programs (Program 4 Intensive Intervention ELA and Program 5 Specialized ELD) for Grades 4–8.

2. Accept the IQC's four recommendations to not adopt:
 - a) Amplify Education's Program Type 1 for Kindergarten and Grades 1–5 because the materials do not meet all the criteria in Category 1, as specified in the 2014 ELA/ELD Adoption *Criteria for Evaluating Instructional Materials for Kindergarten Through Grade Eight (Criteria)*.
 - b) Amplify Education's Program Type 2 for Kindergarten and Grades 1–5 because the materials do not meet all the criteria in Category 1, as specified in the *Criteria*.
 - c) The College Board's Grade 6 materials from their Program Type 1 submission for Grades 6–8 because the materials do not meet Category 1, Criteria 22b and 22d.
 - d) The College Board's Grade 6 materials from their Program Type 2 submission for Grades 6–8 because the materials do not meet Category 1, Criteria 22b and 22d of the *Criteria*.
3. Direct CDE staff, in conjunction with members of the IQC and/or Content Review Experts (CREs), as needed, to work with publishers to ensure that the edits, corrections, other publisher errata, and administrative updates adopted by the SBE have been made to their revised instructional materials.

BRIEF HISTORY OF KEY ISSUES

Background

The SBE adopted the 2014 *ELA/ELD Framework (Framework)* on July 9, 2014, to provide guidance on the implementation of the *CA CCSS for ELA/Literacy* and the *CA ELD Standards* to teachers, administrators, other educators, parents/guardians, and other education stakeholders. The *Framework* provides guidance and makes clear how the two sets of standards are inextricably linked and how teachers should attend to the language learning needs of their ELs through simultaneous development of content knowledge and advanced levels of English.

Specifically, the *Framework* highlights how Integrated ELD instruction could be taught throughout the day and across the disciplines and makes clear how Designated ELD instruction, a protected time during the regular school day, can be built into and from content instruction in order to develop critical English language skills, knowledge, and abilities needed for content learning in English. The guidance in the *Framework* also recognizes that bilingual programs, where biliteracy is the goal and where bilingual instruction is sustained, promote literacy in English as well as in the primary language.

Following SBE guidelines, the *Framework* includes *Criteria for Evaluating Instructional Materials for Kindergarten Through Grade Eight*, which called for five types of instructional programs to be submitted for adoption: Program 1–English Language Arts Basic Program, K–8; Program 2–English Language Arts/English Language

Development Basic Program, K–8; Program 3–Biliteracy Language Arts/English Language Development Basic Program, K–8; Program 4–Intensive Intervention Program in English Language Arts, 4–8; and Program 5–Specialized Designated English Language Development Program, 4–8.

The SBE adopted the Schedule of Significant Events for the 2015 ELA/ELD Adoption on November 14, 2014. The last adoption of instructional materials for Reading Language Arts, as it was previously called, took place in 2008.

Adoption Process and Timeline

- **Publisher Briefings:** On July 30, 2014, following the SBE action to adopt the ELA/ELD Curriculum Framework, the CDE held a publisher briefing to introduce and present an overview of the evaluation criteria for instructional materials. On October 23, 2014, a second briefing was held to present an in-depth discussion of those criteria and the adoption process.
- **Curriculum Framework Rollout Events:** The CDE, in collaboration with staff from California County Offices of Education (COEs), the California Subject Matter Projects (CSMPs), the California Comprehensive Center at West Ed (CA CC), and other implementation partners, has hosted a number of professional learning conferences to launch the ELA/ELD framework during 2015-2016. These conferences are scheduled to continue through the 2016 year.
- **Invitation to Submit Meeting with Publishers:** On January 28, 2015, the CDE conducted a Publishers Invitation to Submit meeting which outlined the statutory and regulatory requirements for participation in the adoption.
- **Training:** During two sessions, Session I (for Basic Core Grade-Level Programs) on April 14–17, 2015, and Session II (for Intervention Programs) on April 27–May 1, 2015, the IQC trained the Instructional Materials Reviewers (IMRs) and CREs appointed by the SBE at the Sheraton Gateway Hotel LAX in Los Angeles. Commissioners trained reviewers in the SBE-adopted evaluation criteria, social content requirements, and the adoption process. On the final day of training, reviewers attended presentations by publishers on their submitted programs.
- **Independent Review:** Starting in May and continuing through July, reviewers conducted their independent review of the submitted programs. Each of the nineteen panels of reviewers was assigned one or more programs to review.
- **Deliberations:** Deliberations were held in two sessions at the Sheraton Gateway Hotel LAX in Los Angeles: Session I on July 14–17, 2015, and Session II on July 28–31, 2015. After reaching consensus on their recommendations, the review panels developed a draft advisory “Report of Findings” for each program. During deliberations, publishers were provided a formal publisher response time to address questions on each of their respective programs posed by the panel

members. In addition, at least twice each day, the deliberations process included an opportunity for public comment.

- **Public Comment Hearing:** The IQC hosted a meeting to take public comment on the 2015 ELA/ELD Adoption on August 20, 2015, in Sacramento. Several publisher representatives attended, but no comments were submitted to the IQC for consideration.
- **IQC Meetings:** On September 24–25, 2015, the members of the IQC considered and took action on the recommendations from the IMR/CRE review panels, public comments, and the recommendations from the ELA/ELD Subject Matter Committee (SMC). Prior to action, the IQC conducted two public hearings, one during the ELA/ELD SMC meeting on September 24, 2015, and one during the full IQC meeting on September 25, 2015. Public comment was received by the IQC both in writing and in testimony and was made available during the public hearings.
- **Edits and Corrections:** Edits and Corrections meetings will be scheduled with individual publishers after the SBE takes its final action on the adoption. The process and timeline for edits and corrections meetings are specified in the *California Code of Regulations, Title 5 [Education] (5 CCR) Section 9525*, titled "Post Adoption Edits and Corrections Procedures." These meetings with publishers will address the edits and corrections identified in the IMR/CRE Report of Findings and approved by the IQC at its September 25, 2015, meeting; those edits and corrections identified by the IQC and included in its recommendation to the SBE; and any additional edits and corrections that are required by the SBE. Publishers whose programs are adopted by the SBE will be required to complete all edits and corrections within 60 days of CDE notification of the results of the edits and corrections meetings pursuant to 5 CCR Section 9525(e). No programs will be added to the CDE Price List of Adopted Instructional Materials online database until all edits and corrections have been made and verified.

Publisher Fees

Pursuant to *EC* Section 60211(b)(3), this adoption was financed through one-time fees paid by participating publishers. Based upon CDE estimates of costs necessary to conduct the adoption, the fee was set at \$5,000 per program per grade level submitted.

The law also provides that, upon the request of a small publisher or small manufacturer, the SBE may reduce the fee for participation in the adoption. *EC* Section 60209(e)(2) states that "small publisher" and "small manufacturer" mean an independently owned or operated publisher or manufacturer that is not dominant in its field of operation and that, together with its affiliates, has 100 or fewer employees and has average annual gross receipts of 10 million dollars (\$10,000,000) or less over the previous three years.

For this adoption, no publishers submitted fee reduction requests.

Reports of Findings

The IMRs and CREs worked collaboratively during deliberations to produce a Report of Findings for each program. The reports include findings for each category of the criteria and citations that are exemplary (not exhaustive) to support those findings. The Reports of Findings are posted on the CDE ELA Instructional Materials Web page and are linked at the end of this item.

The programs submitted by ten publishers were evaluated and recommended by the IMR/CRE panels for adoption with some recommendations contingent upon satisfactory completion of specified edits and corrections. Edits and corrections are defined as inexact language, imprecise definitions, mistaken notations, mislabeling, misspellings, and grammatical errors. Edits and corrections do not include complete revision or rewriting of chapters or programs or adding new content to a program. Changes such as these are not allowed during the adoption process from publishers and members of the public (5 CCR sections 9510(h) and (r) and 9519(f) through (g)). The review panels also provided citations for social content violations when those were found in the programs.

Instructional Quality Commission Recommendations

On September 24, 2015, the ELA/ELD SMC held its public hearing, during which time they considered a consent list of recommended programs that reflected the recommendations contained in the IMR/CRE Report of Findings, the public comments received, as well as minor edits and corrections included in the reports, social content citations received, and publisher-submitted errata (printing errors). The ELA/ELD SMC then voted on their recommendations to the full Commission.

On September 25, 2015, the full IQC held its public hearing and discussed the recommendations from the ELA/ELD SMC in greater depth. Nine Commissioners were required to vote in the affirmative to recommend any program. All motions were stated in the affirmative in each case. The full IQC proceeded to recommend all the programs on the Consent List with one motion and unanimous roll-call vote. The remaining four programs (those not on the consent list) received individual motions and roll-call votes.

The recommendations to adopt were contingent upon completion of all edits and corrections, social content citations, and approved publisher-submitted errata (printing errors). The IQC adoption recommendations to the SBE are contained in the *Instructional Quality Commission Advisory Report* (Advisory Report), which is posted on the CDE ELA Instructional Materials Web page, and include two additional Reports of Findings from the IQC for the two Grade 6 programs which were not recommended. A link to the *Advisory Report* is included at the end of this agenda item as Attachment 2.

EC Section 60200(e) Finding

EC Section 60200(e) specifies that the SBE may adopt fewer than five programs per grade level if either:

- Fewer than five programs were submitted for adoption, or
- The SBE specifically finds that fewer than five programs meet the criteria for adoption and conducts a review of the degree to which the criteria and procedures for evaluation were consistent with the SBE-adopted curriculum framework.

In this adoption, the total number of recommended programs submitted provide more than five basic instructional materials for each grade level, Kindergarten through Grade eight.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

November 14, 2014: The SBE appointed 72 IMRs and 54 CREs, as recommended by the IQC. The SBE also approved the Schedule of Significant Events.

January 15, 2015: The SBE appointed 101 IMRs and 46 CREs and approved the reviewer training materials, as recommended by the IQC. The SBE also approved revisions to the Schedule of Significant Events.

March 12, 2015: The SBE approved the appointment of several non-IQC members to serve as facilitators for review panels. The SBE also approved additional revisions to the Schedule of Significant Events.

FISCAL ANALYSIS (AS APPROPRIATE)

The 2015 ELA/ELD Adoption is funded through the collection of publisher participation fees. The estimated cost for supplies, duplicating, conference rooms, travel, hotel accommodations, per diem expenses, staffing costs, and substitute reimbursement/content expert honoraria is approximately \$1 million.

ATTACHMENT(S)

Attachment 1: 2015 ELA/ELD Adoption Review Panel Reports of Findings (27 Reports) [links to <http://www.cde.ca.gov/ci/rl/im/elaeld2015adoptrpts.asp>.]

Attachment 2: 2015 ELA/ELD Adoption Instructional Quality Commission Advisory Report (144 Pages) [links to <http://www.cde.ca.gov/ci/rl/im/>.]



California State Board of Education

Meeting Agenda Items for November 4-5, 2015

ITEM 09



CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2015 AGENDA

SUBJECT	
Update of the <i>Science Framework for California Public Schools: Progress of Development and Revised Timeline.</i>	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

SUMMARY OF THE ISSUE(S)

The revised timeline of *Science Framework for California Public Schools (Science Framework)* is presented for action and establishes a schedule of events for completion based upon the approved extension per Senate Bill (SB) 625 (Chapter 148 Section 60200.9), signed on August 7, 2015, which will require the State Board of Education (SBE) to consider the adoption of a revised curriculum framework and evaluation criteria for instructional materials in science on or before January 31, 2017.

RECOMMENDATION

The California Department of Education (CDE) recommends that the SBE approve the revised timeline for the completion of the *Science Framework* in Attachment 1.

BRIEF HISTORY OF KEY ISSUES

Revising the *Science Framework* to align with the new science standards is an important component in the implementation of the *Next Generation Science Standards for California Public Schools (CA NGSS)* adopted by the SBE in September 2013. The revision of the *Science Framework* is a multi-step process involving the Science Curriculum Framework and Evaluation Criteria Committee (CFCC), the Instructional Quality Commission (IQC), and SBE.

At its July 2014 meeting, the SBE approved 20 members of the Science CFCC and the "Curriculum Framework and Evaluation Criteria Committee Guidelines for the 2016 Revision of the *Science Framework for California Public Schools.*" The CFCC began its work in September 2014 with a two-day meeting on September 9–10. That was followed by meetings on October 9–10, 2014, and November 5–6, 2014. Recognizing the complexity of the task, the CDE, the IQC, the CFCC, and the California Science Project (the writers of the framework) agreed to reschedule the meetings of the CFCC in order to gain more time for writing and reviewing the chapters of the framework.

In 2015, the CFCC met January 22–23, 2015, March 26–27, 2015, and May 20–21, 2015, thereby extending the timeline of CFCC meetings by five months. This allowed the IQC to review the draft document and prepare the draft document for the first 60-day field review as required by the *California Code of Regulations*, Title 5 (5 CCR 9515).

The proposed timeline will bring it into alignment with the extension provided for in SB 625 (Chapter 148 Section 60200.9), signed on August 7, 2015.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

July 2014: The SBE appointed 20 members of the CFCC and approved guidelines to direct the work of the CFCC on the development of the new *Science Framework*.

January 2014: The SBE approved the timeline and Science CFCC application form for the 2016 revision of the *Science Framework*. The Science CFCC application was available online from January 15 through April 18, 2014.

November 2013: The SBE took action on the middle grades learning progressions.

October 2013: Governor Brown signed SB 300, requiring the SBE to consider the adoption of a revised curriculum framework and evaluation criteria for instructional materials in science on or before January 31, 2016.

September 2013: Pursuant to SB 300 (2011) and SB 1200 (2012), the SBE adopted the CA NGSS.

January 2008: The SBE adopted new 5 CCR sections governing the curriculum framework and instructional materials adoption process.

FISCAL ANALYSIS (AS APPROPRIATE)

The cost to revise the *Science Framework* is anticipated to be a total of \$349,700 over two budget years, 2014–2015 and 2015–2016. This cost includes the expenses of the focus groups, the CFCC, and the meetings of the IQC and Science Subject Matter Committee.

The expenses are also comprised of the costs of a contracted *Science Framework* writing team and other costs associated with the procedures mandated in 5 CCR regulations for the adoption of curriculum frameworks. In addition, the CDE budget will cover the anticipated \$1.54 million in CDE staff costs. Costs to revise the *Science Framework* will be paid by State General Fund dollars.

ATTACHMENT(S)

Attachment 1: Revised Schedule of Significant Events for the Update of the *Science Framework* (4 Pages)

Timeline for Update of the *Science Framework for California Public Schools*

Approved by the State Board of Education on January 15, 2014

Recommended Changes for November 4–5, 2015

Proposed additions are italicized; proposed deletions are struck through. The bracketed comments have been added to conform to CDE Web posting accessibility requirements.

Event	Schedule
State Board of Education (SBE) Approved <i>CA NGSS</i> , K–12	September 4, 2013
Governor Brown signed Senate Bill 300 into law	October 2, 2013
Focus Group recruitment letter and application distributed to Local Educational Agencies (LEAs), scientists and stakeholder organizations, and institutes of higher education	October 2013
Recruitment of Focus Group members, pursuant 5 <i>CCR</i> , section 9511(c) and <i>Education Code</i> section 44013(a)	October–December 2013
SBE action on middle grades learning progressions	November 6–7, 2013
Instructional Quality Commission (IQC) Approves Schedule of Significant Events, Curriculum Framework and Evaluation Criteria Committee (CFCC) Application	November 21–22, 2013
Superintendent appoints Focus Group members	December 2013
SBE action on a timeline and CFCC application form	January 15–16, 2014
CFCC recruitment letter and application published/released online for LEAs, Science stakeholder organizations, and institutes of higher education	January 2014
<p>Focus Group Meeting Locations, pursuant to 5 <i>CCR</i>, section 9511(c):</p> <p>Exploratorium, San Francisco, Saturday, January 25, 2014, 10 a.m.–noon</p> <p>San Diego County Office of Education, Thursday, January 30, 2014, 5–7 p.m.</p> <p>Orange County Department of Education, Friday, January 31, 2014, 4:30–6:30 p.m.</p> <p><i>Video Conference Included (Los Angeles, Riverside, Ventura)</i></p> <p>CDE, Sacramento, Tuesday, February 4, 2014, 4–6 p.m.</p> <p><i>Video Conference Included (Siskiyou, Shasta, Humboldt)</i></p>	January–February 2014

Event	Schedule
<p>Fresno County Office of Education, Tuesday, February 11, 2014, 4–6 p.m.</p>	
<p>Recruitment of CFCC members (at least 90 days pursuant to 5 CCR, section 9513)</p>	<p>January–April 2014</p>
<p>IQC meets, establishes Science Subject Matter Committee (Science SMC), reviews Focus Group Report, and recommends CFCC members and guidance for revision of the <i>Science Framework</i> to the SBE</p>	<p>May 15–16, 2014</p>
<p>SBE appoints CFCC members, receives Focus Group Report, and approves guidance for revision of the <i>Science Framework</i></p>	<p>July 9–10, 2014</p>
<p>CFCC meets, six 2-day meetings in Sacramento, to develop draft <i>Science Framework</i></p> <p>The CFCC meetings are scheduled for the following dates:</p> <p>September 9–10, 2014 October 9–10, 2014 November 5–6, 2014 December 11–12, 2014 <i>Rescheduled</i> January 22–23, 2015 February 26–27, 2015 <i>Rescheduled</i> <i>March 26–27, 2015</i> <i>May 20–21, 2015</i></p> <p><i>[The word “Rescheduled” after the December 11–12, 2014, and February 26–27, 2015, dates was italicized and was an addition. The March 26–27, 2015, and May 20–21, 2015, dates were italicized and were additions.]</i></p>	<p>September 2014– February <i>May</i> 2015</p> <p><i>[The word “February” was struck through and proposed for deletion. The word “May” was italicized and was an addition.]</i></p>
<p>Science SMC reviews draft <i>Science Framework</i> in preparation for full IQC review</p>	<p>Early April 2015–August 27–28, 2015</p> <p><i>[The preceding date, Early April 2015, was proposed for deletion. The new date was August 27–28, 2015.]</i></p>

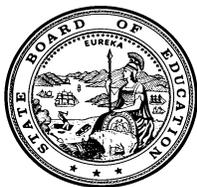
Event	Schedule
<p>IQC approves draft <i>Science Framework</i> for initial 60-day public review period</p>	<p>May 2015 <i>September 24–25, 2015</i></p> <p><i>[The preceding date, May 2015, was proposed for deletion. The new date was September 24–25, 2015.]</i></p>
<p>First 60-day public review period prior to IQC recommendation to SBE, pursuant to 5 CCR, section 9515(a)(3)</p>	<p>June–July 2015 <i>November 17, 2015 – January 19, 2016</i></p> <p><i>[The preceding date, June–July 2015, has been proposed for deletion. The new proposed date is November 17, 2015 – January 19, 2016.]</i></p>
<p>Science SMC analyzes public review results and staff recommendations for edits to draft <i>Science Framework</i></p>	<p>August 2015 <i>February & March 2016</i></p> <p><i>[The preceding date, August 2015, has been proposed for deletion. The new proposed date is February & March 2016.]</i></p>
<p>IQC recommends draft <i>Science Framework</i> to the SBE.</p>	<p>September 2015 <i>May 19–20, 2016</i></p> <p><i>[The preceding date, September 2015, has been proposed for deletion. The new proposed date is May 19–20, 2016.]</i></p>
<p>Second 60-day public review and comment on IQC’s recommended <i>Science Framework</i> section 95159(c)</p>	<p>October–November 2015 <i>June–July 2016</i></p> <p><i>[The preceding date, October–November 2015, has been</i></p>

Event	Schedule
	<i>proposed for deletion. The new proposed date is June–July 2016.]</i>
SBE action on IQC's recommended <i>Science Framework</i> , includes public hearing	January 31, 2016, Statutory Deadline Per SB 300 September/November 2016 <i>[The statement, "January 31, 2016, Statutory Deadline Per SB 300" has been proposed for deletion. The new proposed date is September/November 2016.]</i>



California State Board of Education
Meeting Agenda Items for November 4-5, 2015

ITEM 10



CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 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

SUMMARY OF THE ISSUE(S)

1. SBE Draft Preliminary Report of Actions/Minutes for the September 2-3, 2015 meeting
2. SBE Screening Committee recommendations regarding appointments to the Instructional Quality Commission, Advisory Commission on Charter Schools, Advisory Commission on Special Education and the Student Board Member
3. Board member liaison reports

RECOMMENDATION

The SBE staff recommends that the SBE:

1. Approve the Preliminary Report of Actions/Minutes for the September 2-3, 2015 meeting. (Attachment 1)
2. Consider the SBE Screening recommendations for appointments to the Instructional Quality Commission, the Advisory Commission on Special Education, and the Advisory Commission on Charter Schools. (Attachment 2)

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At each regular meeting, the State Board has traditionally had an agenda item under which to address "housekeeping" matters, such as agenda planning, non-closed session litigation updates, non-controversial proclamations and resolutions, bylaw

review and revision, Board 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 September 2-3, 2015 meeting (17 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, the Advisory Commission on Special Education, and the Advisory Commission on Charter Schools. This attachment will be provided as an Addendum.



California State Board of Education
Meeting Agenda Items for November 4-5, 2015

ITEM 11



CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2015 AGENDA

SUBJECT	
Developing a New Accountability System: Draft Framework and Implementation Plan for the New Accountability System; Coordination and Alignment of Existing State Reports and Plans with the Local Control Funding Formula; Review of County Offices of Education Local Control and Accountability Plans; Local Control and Accountability Plan Electronic Template (eTemplate) Demonstration; Update on the Local Control Funding Formula Evaluation Rubrics as Specified in California <i>Education Code</i> Section 52064.5.	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

SUMMARY OF THE ISSUE(S)

California's new accountability system will build on the foundations of the Local Control Funding Formula (LCFF) consisting of the Local Control and Accountability Plan (LCAP), Annual Update, and evaluation rubrics. On June 24, 2015, Governor Brown signed Assembly Bill (AB) 104 (Chapter 13, Statutes of 2015), extending the deadline for adoption of the evaluation rubrics to October 1, 2016.

This item features a draft framework and implementation plan for the new accountability system (Attachment 1); proposed coordination and alignment of the School Accountability Report Card (SARC) and the Single Plan for Student Achievement (SPSA) with the LCFF (Attachment 2); review of county offices of education LCAPs, (Attachment 3); and a demonstration of the LCAP eTemplate (Attachment 4). In addition, an update on the LCFF evaluation rubrics will be presented (Attachment 5). Attachment 6 presents communication, outreach, timeline, and next steps. Finally, Attachment 7 includes relevant California *Education Code* (EC) pertaining to the LCFF.

This agenda item is the fifth in a series of regular progress updates on the implementation of LCFF as the proposed foundation of the new accountability system to the State Board of Education (SBE) and the public.

RECOMMENDATION

The staff recommends that the SBE take action as deemed necessary and appropriate but recommends no specific action at this time.

BRIEF HISTORY OF KEY ISSUES

Existing law requires the SBE to adopt templates for the development of LCAPs that must include, for every school district and each of their schools, a description of the annual goals to be achieved for each of the state priorities for all pupils and each subgroup of pupils. Each LCAP must also describe specific actions to achieve those goals, and list and describe annual expenditures necessary to implement the specific actions. Existing law specifies that LCAP data must, to the extent practicable, be reported in a manner that is consistent with the way information is reported in the SARC or other state accountability reports.

Further, *EC* Section 64001 and the Elementary and Secondary Education Act (ESEA) requires schools that receive state and federal funds through the Consolidated Application and Reporting System (CARS) and ESEA Program Improvement (PI) funds to consolidate all school plans into the SPSA.

In preparation for California to transition to a new accountability system that is coherent and aligned with LCFF, Attachment 1 presents an overview of the draft framework and implementation plan for the new accountability system.

Attachment 2 builds on the draft framework and implementation plan presented in Attachment 1 with a presentation on a proposal to coordinate and align state and federal reports and plans with LCFF. As recommended by the new accountability system framework and implementation plan, the initial coordination and alignment will focus on the state reports and plans, beginning with the SARC and the SPSA. Background information on this attachment is located in the October 2015 Information Memorandum (<http://www.cde.ca.gov/be/pn/im/documents/memodsibamard-oct15item01.doc>).

The SARC is an accountability tool that reports local and state data on various indicators in order to keep parents and the public apprised of school conditions and performance. The SARC was included in Proposition 98, which passed over 26 years ago in 1988. While the SARC has been amended legislatively over time, its content does not reflect all of the current state priorities. As a result, current SARC reporting requirements only partially align with the LCAP and state priorities. In addition, there are several important state priorities that are not currently addressed in the SARC.

To assist local educational agencies (LEAs) and schools in meeting the content requirements for consolidating all school plans for programs into the SPSA, the CDE, in collaboration with school, district, and county office of education (COE) practitioners, developed a planning guide, plan template, and resource index. Together, these provide a structured means to enhance the planning and implementation process for improving student academic performance. The SPSA serves as the organizer for an individual school's improvement process. The plan is reviewed relative to the LCFF state priorities and the LCAP/Annual Update to provide recommendations to align the required state school level and district level plans and to integrate the SPSA and LCAP development, implementation, and evaluation process.

Attachment 3 provides an update on the CDE's review of county LCAPs and shares their lessons learned from this review process with recommendations for including executive summaries to support the LCAP development process.

Attachment 4 builds on the overview of the CDE's LCAP electronic template (eTemplate) field test presented to the SBE in the September 2015 Agenda Item (<http://www.cde.ca.gov/be/ag/ag/yr15/documents/sep15item14.doc>). CDE staff will provide a demonstration of the eTemplate.

Attachment 5 includes an update on the development of the LCFF evaluation rubrics. This update features a brief overview on the User Acceptance Testing (UAT) process and development of the electronic version of the evaluation rubrics.

Attachment 6 provides updated information on communication and outreach strategies to support the new accountability system. This attachment also includes updates on recent changes in foster youth legislation, the State Superintendent of Public Instruction's (SSPI) Task Force on Accountability and Continuous Improvement, and resources that feature LEA efforts to streamline LCAP information through the use of infographics, executive summaries, and dashboards.

Lastly, Attachment 7 contains *EC* sections referencing the LCFF and LCAP.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In September 2015, the SBE received an update on the LCFF evaluation rubrics that included a discussion of existing accountability components with the SBE guiding principles for accountability planning; a presentation from the California Office to Reform Education (CORE) on the accountability system they are developing; a presentation on technical assistance needed for developing high-functioning systems for professional development, implementation of curriculum and assessments, and improvement in human resources from California County Superintendents Educational Services Association (CCSESA) representatives; and a review of the LCAP eTemplate field test (<http://www.cde.ca.gov/be/ag/ag/yr15/documents/sep15item14.doc>).

In August 2015, the SBE received an Information Memorandum on the review of existing state academic and fiscal accountability components relative to the LCFF state priorities (<http://www.cde.ca.gov/be/pn/im/documents/memo-sbe-aug15item01.doc>). Additional information on the data analyses of the California context, using existing data on specific metrics (e.g., the relationship between the graduation cohort rate and the percentage of students taking A-G courses), will be provided to the SBE to inform the development of the LCFF evaluation rubrics.

In July 2015, the SBE received an update on the LCFF evaluation rubrics that included a discussion on the policy framework to develop the evaluation rubrics based on the following: (1) align with state priorities and values related to certain learning conditions (i.e., *Williams* settlement legislation), graduation, and college and career readiness; (2)

incorporate into the evaluation rubrics descriptions of practices and exemplars for each of the state priorities grounded in research and best practices; and (3) conducting further research to identify relationships and correlations among metrics that will be included in the evaluation rubrics.

(<http://www.cde.ca.gov/be/ag/ag/yr15/documents/jul15item01.doc>).

In June 2015, the SBE received the following Information Memoranda: (1) research to inform the development of the LCFF evaluation rubrics

(<http://www.cde.ca.gov/be/pn/im/documents/memo-sbe-jun15item01.doc>); and (2)

review of measures being used by other states for college and career readiness

(<http://www.cde.ca.gov/be/pn/im/documents/memo-dsib-amard-jun15item01.doc>).

In May 2015, the SBE discussed guiding principles that will be used to frame their future discussions for recommending a framework and implementation plan to align the new accountability system with LCFF. Dr. Linda Darling-Hammond, the Charles E.

Ducommun Professor of Education at Stanford University, presented on a new concept of accountability that promotes high quality teaching and learning in all schools, provides tools for continuous improvement, and a means for identifying and addressing

problems that require correction. Dr. David Conley, founder and president of EdImagine Strategy Group and Professor of Education at the University of Oregon, presented on system coherence and a systems approach to accountability to emphasize that

California schools are strongly embedded in their local contexts and while a set of common statewide indicators is necessary for equity purposes, additional indicators should be included to capture performance in the local context

(<http://www.cde.ca.gov/be/ag/ag/yr15/documents/may15item10.doc>).

Additionally, the SBE received an update on the LCFF evaluation rubrics that featured major revisions to the rubrics to emphasize data analysis and provide the outcome and practice analyses as complementary tools

(<http://www.cde.ca.gov/be/ag/ag/yr15/documents/may15item10a3.doc>). As a result of the May SBE discussion, it was determined that more time is needed to develop the evaluation rubrics.

In March 2015, the SBE took action to suspend the Academic Performance Index (API) for the 2014–15 school year and recommended that the state move from a single index to a multiple measures accountability system. This item featured a discussion on the transition to a new accountability system with a particular focus on system elements.

Additionally, the item provided an update on the LCFF evaluation rubrics and determination of multiple measures with a discussion on the relationship between statewide and local measures and processes that combine to form the emerging state accountability system

(<http://www.cde.ca.gov/be/ag/ag/yr15/documents/mar15item06.doc>).

In January 2015, the SBE requested that the Technical Design Group (TDG) and the Public Schools Accountability Act (PSAA) Advisory Committee provide the SBE with recommendations on two issues: (1) developing a new state accountability system based on multiple measures rather than a single index; and (2) timing for the release of

the next state accountability report. The SBE requested that the PSAA provide a report on these recommendations at the March 2015 SBE meeting (<http://www.cde.ca.gov/be/ag/ag/yr15/documents/jan15item03.doc>).

In a separate January 2015 item that provided an update on the LCFF, the SBE received information on the development of the LCFF evaluation rubrics, including implications for the new statewide accountability system (<http://www.cde.ca.gov/be/ag/ag/yr15/documents/jan15item04.doc>).

In December 2014, the SBE received an Information Memorandum on the summary of findings and potential next steps for the plan alignment project. Specifically, it was recommended that the state: (1) align school plan and reporting requirements with the LCAP state priorities (e.g., SARC), (2) initiate the next phase of plan alignment analyses and activities (e.g., Title III and Special Education), (3) continue outreach efforts to expand stakeholder engagement to strengthen an integrated system of state support, (4) pursue streamlined submissions of required plans through an electronic process, and (5) identify a process for LEAs to align and coordinate state and federal planning requirements (<http://www.cde.ca.gov/be/pn/im/documents/memo-dsib-iad-dec4item01.doc>).

FISCAL ANALYSIS (AS APPROPRIATE)

When the LCFF was adopted in the 2013–14 budget year, the budget projections for 2015–16 were approximately \$47 billion. With rising state revenues, the 2015–16 state budget signed by the Governor allocates \$53 billion this coming year. This provides an increase of \$6 billion to support the continued implementation of LCFF and build upon the investment of over \$6 billion provided over the last two years. As a result of this increase, the 2015–16 Budget Act provides an opportunity to correct historical inequities and implement the formula well ahead of schedule. Specifically, this reinvestment translates to approximately \$3,000 more per student in 2015–16 over the 2011–12 levels and closes more than 51 percent of the remaining LCFF funding target. Additionally, \$40 million will be provided to COEs to support their new responsibilities required under the evolving accountability structure of LCFF and develop greater capacity and consistency within and between COEs.

ATTACHMENT(S)

Attachment 1: Draft Framework and Implementation Plan for the New Accountability System (11 Pages)

Attachment 2: Coordination and Alignment of Existing State Reports and Plans with the Local Control Funding Formula (3 Pages)

Attachment 3: Review of County Office of Education Local Control and Accountability Plans (3 Pages)

Attachment 4: Local Control and Accountability Plan Electronic Template (eTemplate)
Demonstration (1 Page)

Attachment 5: Update on Local Control Funding Formula Evaluation Rubrics:
Background on User Acceptance Testing and Development of the Online
Evaluation Rubrics System (4 Pages)

Attachment 6: Timeline for the Proposed Transition to a New Accountability System,
Including Communication, Resources, and Outreach (6 Pages)

Attachment 7: California Education Code Sections 52064.5, 47607.3, 52071, 52071.5,
52072, 52072.5, 52060, 52066, 52064, and 52052 (15 Pages)

Draft Framework and Implementation Plan for the New Accountability System

Introduction

California's new state accountability system will be designed to strengthen teaching and learning, improve the individual capacity of teachers and school leaders, and increase the institutional capacity for continuous improvement for schools, districts, and state agencies. The Local Control Funding Formula (LCFF) legislation laid the foundation for the new system and charged the State Board of Education (SBE) with adopting critical components, such as the Local Control and Accountability Plan (LCAP) template, Annual Update, and the evaluation rubrics. For example, the LCFF state priorities provide the foundation of accountability by defining what the state seeks to accomplish for its students and measuring the progress of local educational agencies (LEAs) relative to these priorities (see Appendix A). To ensure that the new accountability system and the components of the existing accountability system are cohesive and well aligned, the SBE recognizes the need to carefully phase in policy changes related to accountability as state and local capacity grows.

Consistent with the phased-in approach, regular updates on transitioning to a new accountability system have been presented to the SBE and members of the public since November 2014. A comprehensive list of these updates on accountability and direct Web links to the SBE items and Information Memoranda is provided on page three of this item in the *Summary of Previous State Board of Education Discussion and Action* section. The development of the draft framework and implementation plan for the new accountability system is based upon a series of important actions, recommendations, and discussions from the SBE.

Following the action to suspend the Academic Performance Index (API), the SBE requested updates on the development of guiding principles for the new accountability system and analyses of the current state accountability components (e.g., *Williams* settlement legislation and Annual Independent Audits) relative to these guiding principles and the LCFF. Specifically, the SBE requested that an analysis be completed to determine what more, if anything, is needed, and what needs to be modified, to develop a cohesive accountability system. In September 2015, the SBE reviewed a comparative analysis that identified the extent of alignment and lack of alignment among the state accountability components and the LCFF state priorities and SBE guiding principles (<http://www.cde.ca.gov/be/ag/aq/yr15/documents/sep15item14.doc>). It is these gaps that were identified through the comparative analysis that function as recommendations for action items in the draft framework and implementation plan for the new accountability system.

Based on the series of updates to the SBE, in addition to public input provided at regularly scheduled SBE meetings, there is vast consensus that the majority of the components in the current state accountability system align with LCFF and the SBE guiding principles, and that the gaps that remain can be strengthened through the draft framework and implementation plan. Therefore, of the current accountability

components that conflict with the SBE guiding principles, such as the Academic Performance Index (API), the implementation plan provides recommendations to address the necessary action for modifying or eliminating these components to better align and establish a new coherent accountability system.

Draft Framework and Implementation Plan Overview

This draft framework and implementation plan represents another step forward in creating the new accountability system. As with any change of this magnitude, some challenges will need to be overcome as each part of the system is operationalized. However, the plan itself seeks to minimize those challenges by taking into account the research on implementation. This research identifies several key practices associated with the successful roll out of initiatives, including, but not limited to: (1) clarifying and communicating the vision for the initiative; (2) engaging critical stakeholders; (3) adopting evidence-based strategies; and (4) allowing sufficient time to implement and assess new strategies fully before engaging in any significant modifications. These and other implementation practices from the literature should be utilized when putting into practice each action item, and those identified in the years to come.

The following tables depict the draft framework and implementation plan. Each table highlights: (1) a guiding principle; (2) the components that are currently in place within the existing accountability system that are applicable to that principle; (3) the action items and tasks that are necessary to fully align existing accountability components with the foundational accountability components of LCFF; (4) the coordinating agency to maintain successful implementation; and (5) the identified connections to the LCFF state priorities to establish system coherence. For the purposes of this framework and implementation plan, an *Action Item* is listed no more than once—in the most relevant area. The draft framework and implementation plan is not meant to answer every question, but to provide a structure for deeper action by clearly identifying the core elements and issues that need to be addressed early in developing a coherent accountability system. While the tasks and actions may seem quite clear, complex issues such as identifying valid outcome measures, developing growth models, establishing diagnostic reviews, and ensuring significant, effective interventions when needed will require a phased-in implementation approach. Thus, this draft represents phase one of the framework and implementation plan with additional action items and tasks to be phased-in later in the implementation cycle.

With LEAs now responsible for more local accountability components (LCAP, Annual Update, and evaluation rubrics), purposes and roles within the new accountability system must be redefined, and will need to include cross-agency conversations and coordination. LEAs, defined as county offices of education, school districts, and charter schools, represent the entities that will be impacted by the implementation of each action item and task. The draft framework and implementation plan also depicts the big picture approach for California to strengthen and expand leadership of the state as the coordinating entity to reinforce the assistance that is necessary to implement the proposed action and move the new accountability system forward.

Draft Framework and Implementation Plan–Phase I

SBE Guiding Principle: Articulate the state’s expectations for districts, charter schools and county offices of education.

Current Accountability Components

- Local Control and Accountability Plan (LCAP) and Annual Update, and Establishing Goals Under the State Priorities
- County Superintendents/County Offices of Education (COEs) and the California Collaborative for Educational Excellence (CCEE)
- School Accountability Report Card (SARC)
- *Williams* Settlement Legislation
- High School Graduation Requirements
- Charter School Petitions
- Annual Independent Audits
- Assembly Bill (AB) 1200 Fiscal Oversight

Action Items	Tasks	Coordinating Entities	State Priorities ¹
Eliminate the Academic Performance Index (API).	<p>Review existing Legislation to identify the obsolete and outdated references to the API that need to be removed in order to support Legislation that will eliminate the API.</p> <p>Define the process to support LEAs and programs impacted by the elimination of the API. Align charter petitions, LCAPs, and Annual Updates. For example, the suspension of the API, has impacted the charter renewal process.</p>	<p>CDE</p> <p>CDE</p>	4,5
Strengthen the understanding of standards, curriculum, and instruction.	<p>Align SARC to include priorities 2, 7, and 8.</p> <p>Strengthen technical support for LCAP and Annual Update development to include priorities 2, 7, and 8.</p> <p>Develop professional development modules reflecting the goals and expectations of the curricular frameworks to better ensure equitable access to high quality, rigorous instruction to prepare students to be college and career ready.</p> <p>Strengthen the state’s expectations through technical support (e.g., high functioning systems) that emphasizes continuous improvement.</p> <p>Define college and career readiness.</p> <p>Define growth expectations for Smarter Balanced assessments.</p>	<p>CDE</p> <p>County Offices</p> <p>CDE</p> <p>CDE CCEE/ COEs</p> <p>SBE/CDE/ WestEd</p>	2,7,8,4,5

¹Note: A description of each state priority, including the priorities that apply to county offices of education, is located in Appendix A.

SBE Guiding Principle: Foster equity.

Current Accountability Components

- Local Control and Accountability Plan (LCAP) and Annual Update
- Supplemental and Concentration Funding
- Focus on Increased and Improved Services for Unduplicated Students
- Goals for All Student Groups
- Technical Assistance (CDE, COE, CCEE, Charter Associations)
- *Williams* Settlement Requirements
- High School Graduation Requirements

Action Items	Tasks	Coordinating Entities	State Priorities ¹
Develop a statewide system of support.	Ensure the incorporation of and alignment across programs of effective student, family, and community engagement strategies.	CDE	1,2,3,4,5,6,7,8,9,10
Disaggregate data by student groups for both reporting and accountability purposes.	<p>Make accessible current data on new collections (e.g., foster youth and homeless youth, also include gender).</p> <p>Continue to support state resources (e.g., LCFF State Priorities Snapshot) and strengthen local use of data to improve instruction.</p> <p>Technical Assistance (TA) and practice guides will target areas of need identified by disaggregated data.</p>	CDE	4,5,8
Expand the understanding of student and program characteristics.	Include additional indicators and metrics for elementary and middle grades, charter schools, and alternative education programs in the LCAP and evaluation rubrics to build capacity and increase support for LEAs.	CDE	1,2,3,6,7,8,9,10

¹Note: A description of each state priority, including the priorities that apply to county offices of education, is located in Appendix A.

SBE Guiding Principle: Provide useful information that helps parents, districts, charter schools, county offices of education and policymakers make important decisions.

Current Accountability Components

- Local Control and Accountability Plan (LCAP) and Annual Update
- Evaluation Rubrics
- School Accountability Report Card (SARC)
- Annual Independent Audits
- AB 1200 Fiscal Oversight

Action Items	Tasks	Coordinating Entities	State Priorities ¹
Align SARC, LCAP, e-template, Annual Update and evaluation rubrics for information and accountability purposes.	<p>Develop a data dashboard for state comparison purposes that is aligned with the research- and policy-based framework of the evaluation rubrics.</p> <p>Create tools to support decision-making on evaluating strengths, weaknesses, and areas that require improvement for districts, county offices of education and charter schools.</p> <p>Coordinate multiple reporting functions, including SARC, LCFF Snapshots, evaluation rubrics, potential data dashboard, and DataQuest/EdData.</p>	CDE	1,2,3,4,5,6,7,8,9,10
Implement the Parent Engagement Frameworks.	Support LEAs in building parent engagement strategies that are embedded in schools.	CDE	3
Identify how to best incorporate the Uniform Complaint Procedures (UCP), audits, waivers, and flexibility as components in the local and state partnerships for accountability purposes.	<p>Determine how to best share UCP tools, resources and training modules with multiple audiences.</p> <p>Develop a Parent Information page on the CDE Web site to explain how to use the UCP.</p>	CDE	1,3

¹Note: A description of each state priority, including the priorities that apply to county offices of education, is located in Appendix A.

SBE Guiding Principle: Build capacity and increase support for districts, charter schools and county offices.

Current Accountability Components

- Local Control and Accountability Plan (LCAP) and Annual Update
- State Superintendent of Public Instruction/CDE
- California Collaborative for Educational Excellence
- County Offices of Education
- Charter Associations

Action Items	Tasks	Coordinating Entities	State Priorities ¹
Differentiate technical assistance.	Provide multiple opportunities for deliberate practice and feedback to educators, including access to a range of meaningful practical experiences, as they learn and implement differentiated core instruction, monitor student progress, and apply evidence-based practices to meet the needs of all students within a tiered system of support.	CDE	1,2,3,4,5,6,7,8,9,10
Apply lessons learned from Fiscal Crisis & Management Assistance Team (FCMAT).	Provide the CCEE with the time and resources necessary to successfully establish its footprint as a state agency. The CCEE will mobilize expertise in the state to help districts improve the quality of teaching and school leadership, and meet the needs of special populations.	CCEE	1,2,3,4,5,6,7,8
Develop a robust communication exchange program to support capacity building.	Establish a coordinated network of schools, charters, county offices of education, and state agencies to provide relevant and timely information about accountability. Create a regular bulletin of local and state accountability events and activities (e.g., highlights from North-South Meeting) to further strengthen local and state relationships through ongoing two-way accountability communications.	CDE	1,2,3,4,5,6,7,8,9,10

¹Note: A description of each state priority, including the priorities that apply to county offices of education, is located in Appendix A.

SBE Guiding Principle: Encourage continuous improvement focused on student-level outcomes, using multiple measures for state and local priorities.

Current Accountability Components

- Local Control and Accountability Plan (LCAP) and Annual Update
- Use of Formative and Summative Assessments (e.g., State and Local Priorities Four and Eight)
- Community Engagement/ Parent Engagement (Priority Three)
- Annual Independent Audits
- AB 1200 Fiscal Oversight
- *Williams* Settlement Legislation

Action Items	Tasks	Coordinating Entities	State Priorities ¹
Define and implement continuous improvement in the new accountability system.	Define status and growth measures. Include additional assessments, such as performance-based assessments, portfolio, capstones, and digital badges.	CDE	4
Identify resources and processes for selecting measures at the state and local levels.	Use formative and summative assessments (state and local). Provide support through the evaluation rubrics on the use of the data metric selection tool to promote equity-focused actions at the district level.	CDE	2,7,8
Support the inclusion of student access, course participation and performance in programs that foster college and career readiness.	Introduce course information (e.g., course taking and performance) as a multiple measure and predictor of secondary graduation and postsecondary pathway development. Include the State Seal of Biliteracy as a measure of college and career readiness.	CDE	4,5,7,8,9,10

¹Note: A description of each state priority, including the priorities that apply to county offices of education, is located in Appendix A.

SBE Guiding Principle: Promote system-wide integration and innovation.

Current Accountability Components

- Local Control and Accountability Plan (LCAP) and Annual Update

Action Items	Tasks	Coordinating Entities	State Priorities¹
Review alignment of local, state, and federal reports and plans to ensure equity is addressed across the plans.	Identify innovative ways to align and consolidate reports and plans for local (e.g., strategic plan), state (e.g., Western Association of Schools and Colleges, SARC) and federal (e.g., Title I LEA Plan/SPSA, Title II, Title III, Consolidated Application, Special Education) requirements. For example, through the electronic submission processes of the LCAP e-template, create an appendix to support LEA Plan submission.	CDE	1,2,3,4,5,6,7,8,9,10
Be deliberate about supporting the impact of innovation and continuous improvement efforts on teaching and learning to prevent unintended consequences to greater reform.	Test assumptions of stability in student populations (e.g., rural, charter, and alternative schools) to support innovation. Use lessons learned from LCAP implementation to improve the accountability system on an ongoing basis.	CDE	4,8,9,10

¹Note: A description of each state priority, including the priorities that apply to county offices of education, is located in Appendix A.

Conclusion

Similar to the implementation of new assessments, new academic content standards, and a new educational finance system, the policy and implementation considerations for a new accountability system are still evolving. As the SBE reviewed in September 2015, there are a number of existing accountability components that could further align and coordinate with the LCFF and SBE guiding principles. The SBE must now consider the implications of system coherence on the development of the LCFF evaluation rubrics. Specifically, the development of the rubrics must coincide with the state's transition to the new framework and implementation plan for the new accountability system. For example, there is a need to consider the development of the rubrics as the state pursues the consolidation and alignment of existing reports and plans and eliminates certain vestiges of the prior system, such as the API (Attachment 1).

The No Child Left Behind-era notions of accountability no longer apply, and the state is engaged in a major cultural and systems shift from a punitive system to a performance-based system that distributes resources based on student needs and expectations for performance, provides LEAs with discretion to respond to local needs and circumstances, and delivers meaningful and effective support and assistance where required. The evolving accountability system should promote, not hinder, innovation in teaching and learning and models of schooling, as well as in accountability itself.

In response to these recommendations, the draft framework and implementation plan focuses on key actions that are necessary to make significant changes, reflecting each of the SBE guiding principles, and providing for evidence-based reflection to support continuous improvement practices. A phase-in approach to the action items is presented to reflect realistic deadlines and to provide ongoing reports of progress to be communicated broadly, early, and often. Thus, the draft framework and implementation plan will also function as a "living document" that enables the SBE to review and revise it periodically as the implementation of the new accountability system evolves. Regular communication on the progress of implementation will be provided through future SBE Information Memoranda and SBE meeting items.

The SBE will need to continuously evaluate and improve the policy elements of the accountability system for maximum effectiveness. Continuous improvement routines may include selecting from a range of research, evaluation, and measurement options, to enrich the validity, reliability, and efficacy of the accountability system to drive progress on state goals and identify any unintended consequences. While there are several actions that will strengthen current accountability systems, that state has yet to determine what works best to drive continuous growth and improvement across all schools and districts at scale. It will take openness to judgment and innovation, with rigorous evaluation, to drive continuous improvement and the kind of dramatic improvements in student achievement that is necessary at all levels.

Appendix A

Overview of LCFF State Priorities

The LCFF state priorities provide the foundation of an accountability system by defining what the state seeks to accomplish for its students and measuring the progress of LEAs relative to these priorities. The LCFF clearly articulates the state priorities in the LCAP and the evaluation rubrics as specified in California *EC* sections 52060, 52066, and 52064.5. LEAs are expected to address each of the state priorities in their LCAPs and Annual Update, and when implemented, will rely on the evaluation rubrics to help assess program strengths and weaknesses. Charter schools must address the priorities in *EC* Section 52060(d) that apply to the grade levels served, or the nature of the program operated, by the charter school. The LCFF state priorities are the foundation that enable the state and LEAs to communicate progress, design assistance that is tailored to meet the needs of all students, and when necessary, guide intervention. Below is a description of each of the eight state priorities for school districts, as applicable, and for charter schools that apply to the grade levels served, or the nature of the program operated by the charter school. Priorities nine and ten only apply to county offices of education.

Conditions of Learning

Basic: degree to which teachers are appropriately assigned pursuant to *EC* Section 44258.9, and fully credentialed in the subject areas and for the pupils they are teaching; pupils have access to standards-aligned instructional materials pursuant to *EC* Section 60119; and school facilities are maintained in good repair pursuant to *EC* Section 17002(d). (Priority 1)

Implementation of State Standards: implementation of academic content and performance standards and English language development standards adopted by the state board for all pupils, including English learners (ELs). (Priority 2)

Course access: pupil enrollment in a broad course of study that includes all of the subject areas described in *EC* Section 51210 and subdivisions (a) to (i), inclusive, of Section 51220, as applicable. (Priority 7)

Expelled pupils (for county offices of education only): coordination of instruction of expelled pupils pursuant to *EC* Section 48926. (Priority 9)

Foster youth (for county offices of education only): coordination of services, including working with the county child welfare agency to share information, responding to the needs of the juvenile court system, and ensuring transfer of health and education records. (Priority 10)

Pupil Outcomes

Pupil achievement: performance on standardized tests, score on API, share of pupils that are college and career ready, share of ELs that become English proficient, EL 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. (Priority 4)

Other pupil outcomes: pupil outcomes in the subject areas described in *EC* Section 51210 and subdivisions (a) to (i), inclusive, of *EC* Section 51220, as applicable. (Priority 8)

Engagement

Parental involvement: efforts to seek parent input in decision making at the district and each schoolsite, promotion of parent participation in programs for unduplicated pupils and special need subgroups. (Priority 3)

Pupil engagement: school attendance rates, chronic absenteeism rates, middle school dropout rates, high school dropout rates, high school graduations rates. (Priority 5)

School climate: pupil suspension rates, pupil expulsion rates, other local measures including surveys of pupils, parents and teachers on the sense of safety and school connectedness. (Priority 6)

10-23-15 [State Board of Education]

Coordination and Alignment of Existing State Reports and Plans with the Local Control Funding Formula

Overview

In order to integrate existing accountability components and the State Board of Education (SBE) guiding principles, the draft framework and implementation plan recommends action items to further align required state and federal reports and plans with the Local Control Funding Formula (LCFF) and especially the Local Control and Accountability Plan (LCAP) development, implementation, and evaluation (Attachment 1). Specifically, in an effort to implement the guiding principles of promoting system-wide integration and innovation in the new accountability system, the draft framework and implementation plan proposes a review of the alignment among local, state, and federal reports and plans to ensure equity is addressed across the plans and to support the efficiency and impact of local planning processes. For example, the state can identify innovative ways to align and consolidate reports and plans for local (e.g., strategic plan), state (e.g., School Accountability Report Card [SARC]) and federal (e.g., Title I Local Educational Agency [LEA] Plan/Single Plan for Student Achievement [SPSA]) requirements. Further, the draft framework and implementation plan specifies that through the electronic submission processes of the LCAP eTemplate, there may be an opportunity to leverage this submission process to support additional plan requirements (e.g., create an appendix to support additional district plan submissions, such as the LEA Plan).

The California Department of Education (CDE), as the coordinating entity of this action item and identified task, has initiated work on aligning the required state reports and plans with the LCFF. This attachment provides the initial focus of the report and plan consolidation and alignment task by focusing on the relationship of the SARC and SPSA with the LCFF. The CDE will continue to provide updates on this work and next steps for pursuing further report and plan consolidation and alignment tasks that will be completed and presented in future SBE items. The objective is to support the continued development of local planning processes that maximize and align local, state, and federal resources.

Education Code (*EC*) Section 52060 requires the SBE to adopt templates for the development of the LCAPs. LCAPs must include, for every school district and each of their schools, a description of the annual goals to be achieved for each of the state priorities for all students and each subgroup of students. Each LCAP must also describe specific actions to achieve those goals, and list and describe annual expenditures necessary to implement the specific actions. *EC* 52066 specifies that LCAP data must, to the extent practicable, be reported in a manner that is consistent with the way information is reported in the SARC or other state accountability reports.

The alignment between accountability reports and the LCAP will direct attention to the state priorities at the school level and minimize local efforts in meeting state and federal

accountability requirements, while continuing to provide parents and the public with a powerful tool to facilitate the understanding of school conditions and performance.

School Accountability Report Card

The SARC is an accountability tool that reports local and state data on various indicators in order to keep parents and the public apprised of school conditions and performance. The SARC was included in Proposition 98, which passed over 26 years ago in 1988. While the SARC has been amended legislatively over time (e.g., *EC* Sections 33126, 33126.1, 35256, and 35258), its contents do not reflect all of the state priorities.

The October 2015 Information Memorandum presented three tables that provided a crosswalk between the data elements in the current SARC and the LCFF/LCAP (<http://www.cde.ca.gov/be/pn/im/documents/memodsibamard-oct15item01.doc>). The crosswalk further clarifies the SARC content does not reflect all of the current state priorities, and, as a result, the reporting requirements in the SARC only partially overlap with the LCAP and LCFF state priorities. In addition, there are several important state priorities that are not currently addressed in the SARC.

Single Plan for Student Achievement

EC Section 64001 and the Elementary and Secondary Education Act (ESEA) requires schools that receive state and federal funds through the Consolidated Application and Reporting System (CARS) and ESEA Program Improvement (PI) funds to consolidate all school plans into the SPSA.

The October 2015 Information Memorandum also presented one table that provided a crosswalk between the data elements in the current SPSA requirements and the data elements required by the LCAP statute and demonstrated the SPSA elements only partially overlap with the LCAP and LCFF state priorities.

To assist LEAs and schools in meeting the content requirements for consolidating all school plans for programs into the SPSA, the CDE, in collaboration with school, district, and county office of education practitioners, developed a planning guide, plan template, and resource index. Together, these provide a structured means to enhance the planning and implementation process for improving student academic performance. The SPSA serves as the organizer for an individual school's improvement process. The plan should be developed with a deep understanding of student academic challenges and identify and implement research-based instructional strategies to raise the achievement of students who are not yet proficient by state standards.

The current intent of the content of the SPSA is to align with school goals for improving student achievement based on an analysis of verifiable state data and may include any data voluntarily developed by districts to measure student achievement. The SPSA shall, at a minimum, address how funds provided to the school will be used to improve the academic performance of all students to the level of the school's performance goals,

as established by verifiable state data. The plan shall also identify the school's means of evaluating progress toward accomplishing those goals and how state and federal law governing these programs will be implemented.

Alignment

The alignment between the SARC and SPSA data elements and the LCAP and LCFF state priorities will enhance the focus on the state priorities at the school level and minimize local efforts in meeting state and federal accountability requirements, while continuing to provide parents and the public with a powerful tool to facilitate the understanding of school conditions and performance.

Recommendations

The CDE recommends the SARC include all data elements required under the LCFF. Data elements in the SARC that are not aligned with the LCFF will be further reviewed to determine if: (1) the element is required by federal statute or (2) the element provides important contextual information. Based on this analysis, the CDE will determine if certain data elements will remain in the SARC or integrated into other reporting tools (i.e., DataQuest). It is important to note that many of the data elements in the SARC are available from various CDE sources (e.g., California Longitudinal Pupil Achievement Data System).

The CDE also recommends consolidation and alignment of the SPSA with the LCAP state priorities. Consistent with *EC* Section 52062, district superintendents shall review SPSAs to ensure specific actions included in the LCAP are consistent with strategies in the school plans. Recommendations include adding language to state that the school plan shall align to the state priorities pursuant to *EC* sections 52853 and 64001(f). Further, the school goals articulated in the SPSA shall align with the state priorities identified in *EC* sections 52060 and 52066 and shall align with the goals identified in the LEAs LCAP.

The CDE provides a SARC Web application and a SPSA template for the required elements and their use is completely voluntary. Any proposed changes to support consolidation and alignment of these state reporting requirements with LCFF requires legislation. Thus, the CDE will be researching the best options for this consolidation and alignment (e.g., minimizing the nomenclature and reporting requirements, and streamlining submission processes) to better serve the needs of all LEAs.

10-23-15 [California Department of Education]

Review of County Office of Education Local Control and Accountability Plans

California Department of Education Review and Support of County Office of Education 2015 Local Control and Accountability Plans

The California Department of Education (CDE) received and reviewed 65 Local Control and Accountability Plans (LCAP) for the 2015–16 school year. These included LCAPs for the 58 county offices of education (COEs) and the seven 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 any potential plan elements requiring clarification and areas for support.

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, 2015, the date by which local educational agencies (LEAs) were to be notified in writing of such requests. In those instances, the CDE submitted a written request for clarification by the August 15 deadline to those LEAs, and subsequently received the necessary clarifications from most of the affected LEAs. At the time of this writing, the CDE has now approved 64 LCAPs. The CDE began notifying COEs and districts of LCAP approvals in late August and will continue until all 65 LEAs are subsequently notified.

Promising Practice

Many LEAs chose to include an “Executive Summary” at the beginning of their LCAP. These introductory narratives provided LEAs an opportunity to provide pertinent information regarding their community, the programs being offered, their student demographics, and made the LCAP more accessible to their diverse stakeholders. Though not required, the practice of including an introduction or summary has proven beneficial for improving communication regarding an LCAP.

Growth in Support Capacity

The LCFF called for broad “system changes” for the delivery of Kindergarten through grade twelve (K–12) education, and the LCAP continues to be a key element of those changes. In the 2014–15 school year, LEAs were required to rapidly transition to the development and implementation of an LCAP, engage stakeholders in the process, and establish goals and planned actions to achieve those goals under the 8 state priorities (10 for COEs). The emergency regulations governing the expenditure of LCFF supplemental and concentration funds and the template for the LCAP were finalized and adopted in January 2014, two months ahead of the statutory deadline, providing LEAs a little more than five months to complete their first LCAPs. Thus, the first year was widely

regarded as a learning year for all LEAs and the CDE in terms of LCAP development, review, and support.

Despite initial implementation issues, there were areas of strength and growth in the second-year LCAPs. Many plans reviewed by the CDE included goals and actions to particularly address the needs of English learners and foster youth. Several plans provided especially detailed goals, actions, and services to address the implementation of Common Core State Standards. Some plans provided in-depth descriptions of new methods of outreach to parents and plans to promote stronger parent involvement.

The 2015–16 LCAPs just completed were a second year of firsts, as it was the first year that LEAs utilized the permanent LCAP template and also completed their Annual Update.

In response to some of the first year implementation issues, and to be proactive in anticipation of the 2015–16 LCAPs, CDE program staff from the Local Agency Systems Support Office (LASSO) dedicated resources to provide technical assistance to all LEAs, but specifically to the COEs to support the development of the 2015–16 LCAPs. This support included:

- Developing training sessions and materials presented via Webinars and at California County Superintendents Educational Services Association (CCSESA) steering committees that demonstrated how to convert and transfer information from the emergency regulations LCAP template to the permanent LCAP template;
- Participating with CCSESA in implementing professional learning opportunities regarding LCAP review guidelines and applying guidelines consistently in all counties statewide;
- Offering to meet with all COEs individually to discuss and answer questions specific to the COE. Note: 44 counties took advantage of this and met with LASSO staff individually; and
- Making staff available to review any draft LCAPs submitted by a COE in advance of statutory deadlines to provide feedback as requested. 29 COEs submitted draft LCAPs for review.

CDE LCAP Support Team Formation

To further expand the CDE's capability to provide support to LEAs with the development and implementation of LCAPs, the CDE is forming an "LCAP Support Team." The LCAP Support Team will be coordinated by the Chief Deputy's and LASSO offices and will include members taking lead responsibility for at least one of the LCFF state priorities. The team met in October to initiate planning and operations. Some of the key

responsibilities of the team members will be to:

- Co-develop with other LCAP Support Team members, a methodology for identifying, reviewing, and disseminating high-quality LCAP support resources and techniques;
- Serve as liaison with the member's home branch/division to ensure strong communications between the LCAP Support Team and relevant CDE branches/divisions; and
- Identify, review, and make available high-quality LCAP support resources and techniques specific to the member's assigned state LCFF priority. This will include utilization of online resource exchanges, collaborating with statewide organizations including CCSESA, utilizing existing and creating new support networks, and in-person support/communications.

10-23-15 [California Department of Education]

Local Control and Accountability Plan Electronic Template (eTemplate) Demonstration

At the January 2014 State Board of Education (SBE) meeting, the board requested the California Department of Education (CDE) staff development of an electronic version of the LCAP template included in the emergency regulations adopted by the SBE on January 16, 2014, and approved by the Office of Administrative Law (OAL) on February 6, 2014.

CDE staff subsequently began to consult with the SBE on the early stages of the creation of an electronic template (eTemplate) and an online process for Local Control and Accountability Plans (LCAP) submissions. Originally, CDE anticipated the eTemplate would be completed for the 2015–16 LCAP planning cycle and made available for voluntary use. To accomplish this, CDE and SBE staff met with accountability, data reporting, and technology services staff to consider the existing SBE-adopted LCAP template in addition to anticipated minor revisions emerging from the permanent rulemaking process. Technology services staff identified design decisions necessary for the initial development of the eTemplate.

In response to public comment during the regulatory process, the CDE and SBE staff made significant revisions to the template portion of the regulations, and in July 2014, the SBE adopted a modified version of the LCAP template.

Once the final regulations governing the template were adopted by the SBE and approved by the OAL, an initial version of the eTemplate was built out, including the development of data entry pages and the construction of a database to store Local Educational Agency (LEA) information necessary for the eTemplate system.

The next phase of development included field testing the eTemplate before making it available to all LEAs. The field test version of the eTemplate was released on June 2, 2015, and the anticipated full release of the eTemplate will be February 1, 2016, in time to be used by any interested LEA for the development of their 2016-17 LCAP.

Update on Local Control Funding Formula Evaluation Rubrics: Background on User Acceptance Testing and Development of the Online Evaluation Rubrics System

On July 1, 2013, the Governor signed Assembly Bill (AB) 97 (Chapter 47, Statutes of 2013) to enact the Local Control Funding Formula (LCFF). The LCFF is designed to enhance the allocation of resources, integrating the budgets with locally approved goals, services, and actions for local educational agencies (LEAs) to improve student outcomes.

The State Board of Education (SBE) is charged with adopting the Local Control and Accountability Plan (LCAP) template for LEAs (*Education Code [EC] Section 52064*), as well as developing the regulations for how LEAs can use their supplemental and concentration funds (*EC Section 42238.07*). The permanent regulations for the LCAP template and spending regulations were approved by the SBE in November 2014 and approved by the Office of Administrative Law (OAL) on January 8, 2015.

In addition, the SBE is charged with developing and adopting the LCFF evaluation rubrics for self-assessment of LEA performance and for use in providing technical assistance (*EC Section 52064.5*). The evaluation rubrics are an integral part of the LCFF performance and accountability system. Once developed, the rubrics will direct attention to areas in need of additional support to meet the adopted standards for district and school performance relative to the state priorities (e.g., pupil achievement, parental involvement, and other pupil outcomes). Specifically, the evaluation rubrics will: (1) assist LEAs in evaluating their strengths, weaknesses, and areas that require improvement; (2) assist county superintendents of schools in identifying Local Educational Agencies (LEAs) in need of technical assistance and providing resources for technical assistance; and (3) assist the Superintendent of Public Instruction in identifying LEAs for which technical support and/or intervention is warranted. The SBE must adopt the evaluation rubrics by October 1, 2016.

Regular updates on the options for designing the LCFF evaluation rubrics have been provided to the SBE since September 2014. As the updates transitioned from concepts to specific examples, the SBE directed that the rubrics be grounded in the larger accountability policy context and research on meaningful educational indicators. The design of the evaluation rubrics requires a thoughtful, phased-in approach that entails more research, data analysis and technical assistance to better serve LEAs and to become a key component of the new local and state accountability system. The additional year for development provides the SBE with additional time to solicit extensive input from the primary end-user of the evaluation rubrics to inform their development.

Evaluation Rubrics

The evaluation rubrics will reflect a holistic and multidimensional assessment of school district and individual school site performance and shall include all of the state priorities

that are set forth in *EC* Section 52060 (d). Further, as part of the rubrics, the SBE must adopt standards for school district and individual school site performance and expectations for improvement in regard to each of the state priorities. The information that follows outlines the content that will be included in the development of the rubrics, how that content will be applied in an online environment, and how select users will provide feedback to inform the development of the rubrics.

At the September SBE meeting, the SBE provided guidance for organizing the indicators and metrics identified in statute for each of the state priorities for inclusion in the development of the rubrics (<http://www.cde.ca.gov/be/ag/ag/yr15/documents/sep15item14slidesrev.pdf>). Based on existing research and the preliminary analysis of California data, the SBE endorsed specific policy statements that will inform the consolidation of key and associated indicators to help determine LEA strengths and weaknesses in meeting local goals. This consolidation of expectations is organized into three policy areas: (1) *Access and Opportunity*, (2) *Graduation*, and (3) *College and Career Readiness*. These categories provide the conceptual framework for analyzing progress relative to the standards and state priorities.

The conceptual framework presented in September 2015, outlined two types of standards within the evaluation rubrics: (1) *Practice Standards* (qualitative narrative statements that convey research supported practices), and (2) *Quality Standards* (measurement-based data displays). These standards align to the SBE's evaluation rubrics policy areas and provide specific reference to practices and measurements against which an LEA may assess strengths, areas in need of improvement, and local performance.

Practice Standards will describe research-supported practices related to areas within the policy areas inclusive of all state priorities. The Practice Standards will convey characteristics and examples of high functioning practices for LEAs to use as part of the reflective process.

Quality Standards will complement practice standards by providing a measurement-based system against which to assess local progress for all state priorities. The Quality Standards establish specific expectations for performance based on consideration of improvement and outcomes, which are assigned based upon how an LEA, school, or subgroups performs for a specific metric relative to the overall distribution of results for the state.

In addition to practice and quality standards, the LCFF evaluation rubrics will offer customized narrative statements that will be based on data analyses, a data metric selection tool comprised of pre-populated locally defined metrics, and practice guides to function as a resource to provide a deeper inquiry into data results and define effective practices.

User Acceptance Testing (UAT)

A statewide sample of LEAs (county offices of education, school districts, and charter schools) will participate in a pilot test of select components of the LCFF evaluation rubrics. The pilot participants will provide information on the proposed content and user interface with the evaluation rubrics system (e.g., user access, file upload and interface with front-end data display). Recommendations from the UAT will be used to develop the technical requirements of the system. The goal will be to test portions of the developing system with the UAT so that the system as a whole (practice standards, quality standards, customized narratives, and practice guides) will be finalized based upon research and the reported usefulness by LEA users.

The LEAs participating in the UAT will provide input on select prototype sections of the evaluation rubrics as the rubrics are being developed. Specifically, representatives from specific LEA testing sites will provide information on local data management practices, design options for data displays and analyses that are user friendly, helpful for local reflective processes, and options to determine if technical assistance is necessary. These LEAs will clarify the connection points to the workflow process through their interactions with the rubrics. County offices of education, in particular, will provide input based on internal planning and evaluation teams for LCAP and Annual Update development, as well as completing mock district reviews as the role of the technical assistance provider. These interactions with prototype versions of the evaluation rubrics will take into consideration the planning, reflecting, and evaluating processes of LEAs.

The UAT project is designed in the following three phases:

Phase	Topic	Schedule	Time Required
I	Content and Structure Feedback	October 12, 2015 – November 16, 2015	3-4 total hours
II	Standards and Design	December 1, 2015 - December 18, 2015	6-8 total hours
III	Acceptance Testing- Online Prototype	March 14, 2016 - March 25, 2016	6-8 total hours

The LEA UAT representative will receive a packet of materials that includes the latest draft of the evaluation rubrics presented to the SBE at the September 2015 meeting. Phase I testing will also include a review of the draft practice standards, an assessment of the alignment of the rubrics with the LCAP planning process, and feedback on the parameters and functionality needed to support the selection of local measures (e.g., parent involvement) for use in the online Web-based evaluation rubrics system.

Next, in Phase II the LEA UAT representative will review a prototype of the display options that are available for data analysis and program effectiveness related to district goals and indicators and metrics for determining progress.

Finally, in Phase III, the LEA UAT representative will receive a password and secure access to test the online Web-based evaluation rubrics system. The materials used for the UAT will be posted on the WestEd LCFF Web Portal (<http://lcff.wested.org/>) and will be shared with the SBE during the regularly scheduled public meetings as part of the status update on the LCFF evaluation rubrics. The information obtained from LEAs will be summarized and the group responses will be shared with the SBE and members of the public in the form of Information Memoranda and SBE items.

Online Evaluation Rubrics System

On June 24, 2015, Governor Brown signed AB 104 (Chapter 13, Statutes of 2015), which appropriated \$350,000 for the California Department of Education (CDE), in collaboration with and subject to the approval of the executive director of the State Board of Education, to enter into a contract with the San Joaquin County Office of Education (SJCOE) to perform activities that ensure alignment of the evaluation rubrics with California's accountability system, accommodate state and local data availability, and reflect consistency with implementation of the LCFF.

The online (Web-based) evaluation rubrics system will include, but will not be limited to, the following components: (1) data analysis and report section, (2) data metric selection tool, (3) practice standard analysis and report section, (4) quality standard analysis and report section, and (5) practice guide sections.

Based on the content and design specifications provided by the SBE and WestEd, the SJCOE will build the technological infrastructure to support an online Web-based application system for the evaluation rubrics. Specifically, the SJCOE will develop the system design and architecture, user requirements, functional requirements, and implementation of the requirements. The SJCOE is the contractor for the School Accountability Report Card (SARC) and their extensive experience and expertise with the latest programming technology, languages, and best practices allow them to develop Web, mobile, and software applications that provide unique solutions to over 5,000 school districts nationwide.

The SJCOE will provide support for the final stages of the UAT through a validation testing of the final evaluation rubrics system. Progress on the Web-based evaluation rubrics system will be provided for the SBE through Information Memoranda and SBE items. Once completed, the SJCOE and WestEd will continue to provide ongoing support for the research and content development and technological infrastructure of the Web-based evaluation rubrics system.

10-23-15 [State Board of Education]

Timeline for the Proposed Transition to a New Accountability System, Including Communication, Resources, and Outreach

The Local Control and Accountability Plan (LCAP), along with the Annual Update, the Evaluation Rubrics and the California Collaborative for Educational Excellence (CCEE) support structure all function as components of the new accountability system. Each part of the emerging system will be aligned with one or more of the SBE guiding principles (Attachment 1). The draft framework and implementation plan for the new accountability system will support continuous learning and improvement, equity, and transparency and will be grounded in state and local partnerships to sustain its implementation.

Timeline for the Proposed Transition to the New Accountability System

SBE Meeting	Proposed Transition to New Accountability System	Development of LCFF Evaluation Rubrics	Update on LCAP Template/ Implementation Process
June 2015	SBE Information Memorandum on states' emerging accountability systems.	SBE Information Memorandum that summarizes research related to indicators of college and career readiness, early warning systems, and indicator selection.	Field test the electronic LCAP template.
July 2015	Review and reflections of emerging college and career accountability systems from other states that can inform the design of California's system.	Present SBE updated evaluation rubrics development plan and seek feedback regarding policy frame for the evaluation rubrics.	
July 2015-September 2015 Development Activities completed by CDE/SBE/ & WestEd Staff	Develop an Information Memorandum that reviews California accountability components relative to the LCFF state priorities and SBE guiding principles.	Develop evaluation rubrics prototypes. Analyze data and present findings in an SBE Information Memorandum to define California context for the LCFF evaluation rubrics.	Analysis of LCAP electronic template pilot.

SBE Meeting	Proposed Transition to New Accountability System	Development of LCFF Evaluation Rubrics	Update on LCAP Template/ Implementation Process
September 2015	Present recommendations for proposed policy framework for developing a new accountability system. These recommendations will create support structures to foster transparency, flexibility, and equity.	Present recommendations to structure the evaluation rubrics prototype to align with the SBE’s policy statements. Discuss the decision points on standards and expectations for improvement and parameters for local metrics to support the proposed framework.	Report on LCAP electronic template pilot test results.
September 2015-December 2015 Development Activities	Analysis of “underbrush, or existing accountability language in statutes and regulations that may need to be modified or eliminated to align with and support California’s new accountability system.	Provide process to gather user feedback for select components of the evaluation rubrics based on state representative sample of LEAs participating in User Acceptance Testing (UAT).	
November 2015	Recommendations for a Framework and Implementation Plan for Accountability System – Comprehensive design architecture with specifications reflecting policy implications for a new accountability system. (Attachment 1)	Update on UAT piloting select components of the LCFF evaluation rubrics design options and integration of data. (Attachment 5)	Lessons learned from submitting Year 2 LCAP and first year Annual Update. (Attachment 3)

SBE Meeting	Proposed Transition to New Accountability System	Development of LCFF Evaluation Rubrics	Update on LCAP Template/ Implementation Process
January 2016	Develop components that provide useful information that helps parents, districts, charter schools, and county offices of education and policymakers make important decisions.	Present the SBE with final design features of the evaluation rubrics based on user pilot experiences and feedback.	Present the proposed electronic LCAP template to be released in February 2016.
March 2016	Discuss strategies to build capacity and increase support for districts, charter schools and county offices.	Present the SBE with update on use and evaluation of the rubrics prototype.	Discussion on efforts to diagnose and respond to challenges through school-based quality improvement.
May 2016	Present system elements that encourage continuous improvement focused on student-level outcomes, using multiple measures for state and local priorities.	Finalize evaluation rubrics based on guidance from the SBE, feedback from LEAs, COEs and as appropriate input from stakeholders.	
July 2016	Promote system-wide integration and innovation.	Final LCFF Evaluation Rubrics for SBE Adoption.	

Communication and Outreach

A summary of the communication and outreach sessions that have been completed since the September SBE meeting are presented below. The SBE and CDE will continue to work with the California Comprehensive Center at WestEd to convene meetings to gather information that will help inform the implementation of the new accountability system.

- *Foster Youth* – The 2015 Budget Act appropriated \$25.4 million for foster youth services. The supplemental funding is contingent upon Assembly Bill (AB) 854

(Weber) that was signed by the Governor on October 11, 2015 (Chapter 781, Statutes of 2015) to modify the Foster Youth Services (FYS) program to align with the LCFF. The proposal to restructure the FYS program to align with the LCFF requires the provision of services for all foster youth students, regardless of placement, and replaces the direct services model with a coordinated service model that specifically focuses on reducing duplicative efforts in providing services for foster youth. It is the intent of the Legislature that a county office of education, in the development and adoption of its LCAP, include information specific to the transition from FYS program to the Foster Youth Services Coordinating (FYSC) program when describing the coordination of services for foster youth. Similarly, the Legislature intends that school districts include information specific to the transition requirement for the 2015–16 and 2016–17 fiscal years in their LCAP when describing services for foster youth.

In addition, the CDE successfully completed the first year of data collection on foster youth using a match process with the California Department of Social Services (CDSS) Child Welfare System/Case Management System (CWS/CMS). The statewide process matches the California Longitudinal Pupil Achievement Data System (CALPADS) enrollment data to data from the CWS/CMS. CALPADS reports and extracts are available so that LEAs are informed as to the students identified as foster youth from this match. The foster data are updated in CALPADS on a weekly basis so that LEAs will receive regular reports on foster youth. The certified counts of foster youth in CALPADS were 30,038 for 2013-14 and 45,152 for 2014-15. The purpose of these reports is to identify for LEAs the foster youth students enrolled in their schools so that services can be better coordinated and provided to these youth and LEAs can continuously serve the appropriate population. Additional information on the coordination of services and data collection for foster youth will be reported out in a future Information Memorandum for the SBE.

- *Policy Stakeholder Session* – On October 27th, WestEd convened representatives from statewide and community-based organizations to review the mock-up of the practice and quality standards, customized narratives, and draft practice guides for the prototype of the *Graduation* section of the evaluation rubrics. The mock-ups shared with the group were the same sections reviewed and tested through the User Acceptance Testing (UAT) process (Attachment 5).

The input provided will be used to help inform the content and structure of the evaluation rubrics and Phase II of the UAT that will focus on the standards and design of the evaluation rubrics. Additional sessions will be scheduled to review and discuss specific components of the evaluation rubrics (e.g., data displays, use of local metric selection tool, and practice guides to support meaningful engagement and deeper inquiry into LEA performance).

- *State Superintendent of Public Instruction Task Force on Accountability* – The SSPI's Accountability and Continuous Improvement Task Force (Task Force),

co-chaired by Eric Heins, President of the California Teachers Association, and Wes Smith, Executive Director of the Association of County School Administrators, held their first meeting on September 21, 2015. Additional meeting dates are planned for November 2015 and January and February 2016.

The Task Force is studying accountability and continuous improvement issues and anticipates making recommendations early next year on more effective ways to measure and support progress among schools and students. Task Force findings will be offered in a final report summarizing recommendations for a new California system of public education accountability/continuous improvement; and strategies for modifying and removing existing law, regulations, and other items supporting the previous Academic Performance Index-based system. The final report will be provided to the SSPI who will utilize it as the basis for his required submission of recommendations to the SBE and state Legislature as required by existing legislation (AB 484).

Resources

With the recent completion of the second year of LCAPs and the first year of the Annual Update, LEAs have successfully navigated the use of two LCAP templates and two sets of expenditure regulations. As the state continues to transition to full implementation of the LCFF by increasing the funding targets, staffing the California Collaborative for Educational Excellence (CCEE) and developing the evaluation rubrics, LEAs are providing valuable lessons learned from the implementation process to date. In many cases, LCAPs are challenging due to the length and complexity of information, and as a result, the implementation is falling short of coherent goals and transparent decisions about strategic resource allocation. Based on the feedback and lessons learned to date, fine-tuning of the template for the 2016–17 year may be needed.

One of the ways LEAs are adopting innovative strategies to streamline the LCAP is by adding an executive summary and posting it along with the full plan. Although these executive summaries are not required, when there is a local decision to develop and post these summaries, the local educational communities benefit from the condensed versions of the LCAPs and they become a more useful communication tool. Further, there is great potential to restructure the eTemplate (Attachment 4) to best meet the needs of all LEAs.

Policy recommendations have recently emerged in various reports that encourage LEAs to maximize this opportunity to exercise local control and strategic thinking through the implementation of the LCAP. For example, the Educational Policy Improvement Center (EPIC) released a policy paper entitled *From Accountability to Actionability: Making Sense of Multiple Measures in Local Control and Accountability Plans* (<http://www.epiconline.org/from-accountability-to-actionability/>). The report recommends that LEAs coordinate and synthesize information through the following: (1) use of multiple measures to develop greater coherence between inputs, processes, and outcomes linked to specific LCAP goals; (2) employ the matrix approach to monitor

progress over time and as a communication tool for internal stakeholders; and (3) create infographics and narrative descriptions as a means to communicate critical information to external stakeholders.

The list of resources below provides some examples of LEAs that coordinated and synthesized LCAP content through the use of infographics, executive summaries, dashboards, and blogs/Websites that were devoted to LCFF and LCAP information. Future SBE items will continue to showcase examples of strategic decision making and effective communication of the LCAP and Annual Update that LEAs are producing for their educational communities.

Infographics

- Bear Valley Unified School District http://bearvalleyusd.edltest.com/ourpages/LCAP/LCAP_BearValleyUSD15_082015_Infographic.pdf
- West Contra Costa Unified School District <http://www.wccusd.net/Page/5246>

Executive Summaries

- Etiwanda School District (<http://www.etiwanda.org/>)
<http://www.etiwanda.org/district/LCAPExecutiveSummary.pdf>
- Orange Unified School District (<http://www.orangeusd.k12.ca.us/>)
<http://www.orangeusd.k12.ca.us/LCFF/pdf/LCAPExecutiveSummary6-6.pdf>
- Red Bluff Joint Union High School District (<http://www.rbhsd.org/>)
(<https://d3jc3ahdjad7x7.cloudfront.net/w9nTdNSim7eEFL3KAfhHVETPQutRmWQKRgBE1gpUqPSdhuk0.pdf>)
- Santee Unified School District (<http://www.santeesd.net>)
<http://www.santeesd.net/cms/lib/CA01000468/Centricity/Domain/847/LCAP%202015%20Executive%20Summary%2003%2004%2015%20-%20Single%20Pages.pdf>
- West Contra Costa Unified School District (<http://www.wccusd.net>)
<http://www.wccusd.net/cms/lib03/CA01001466/Centricity/Domain/961/2%202015-16%20LCAP%20Executive%20Summary%20Rev%2006042015.pdf>

Dashboards

- Etiwanda School District <http://www.etiwanda.org/district/LCAPDashboard.pdf>
- Madera Unified School District <http://lcap.madera.k12.ca.us/>
- West Contra Costa Unified School District <http://www.wccusd.net/dashboard>

Blogs and LCFF Specific Websites

- Elk Grove Unified School District <http://blogs.egusd.net/lcff-lcap/>
- Berkeley Unified School District <http://www.berkeleyschools.net/local-control/lcap/>

10-23-15 [State Board of Education and California Department of Education]

California Education Code Sections 52064.5, 47607.3, 52071, 52071.5, 52072, 52072.5, 52060, 52066, 52064, and 52052

Please note: the California *Education Code* sections referenced below do not reflect the changes included in the 2015-2016 budget adoption and the enacted revisions to legislation through the recently passed budget bills.

Education Code Section 52064.5.

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

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

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

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

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

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

Education Code Section 47607.3.

(a) If a charter school fails to improve outcomes for three or more pupil subgroups identified pursuant to Section 52052, or, if the charter school has less than three pupil subgroups, all of the charter school's pupil subgroups, in regard to one or more state or school priority identified in the charter pursuant to subparagraph (A) of paragraph (5) of subdivision (b) of Section 47605 or subparagraph (A) of paragraph (5) of subdivision (b) of Section 47605.6, in three out of four consecutive school years, all of the following shall apply:

(1) Using an evaluation rubric adopted by the state board pursuant to Section 52064.5, the chartering authority shall provide technical assistance to the charter school.

(2) The Superintendent may assign, at the request of the chartering authority and with the approval of the state board, the California Collaborative for Educational Excellence to provide advice and assistance to the charter school pursuant to Section 52074.

(b) A chartering authority shall consider for revocation any charter school to which the California Collaborative for Educational Excellence has provided advice and assistance pursuant to subdivision (a) and about which it has made either of the following findings, which shall be submitted to the chartering authority:

- (1) That the charter school has failed, or is unable, to implement the recommendations of the California Collaborative for Educational Excellence.
- (2) That the inadequate performance of the charter school, based upon an evaluation rubric adopted pursuant to Section 52064.5, is either so persistent or so acute as to require revocation of the charter.
- (c) The chartering authority shall consider increases in pupil academic achievement for all pupil subgroups served by the charter school as the most important factor in determining whether to revoke the charter.
- (d) A chartering authority shall comply with the hearing process described in subdivision (e) of Section 47607 in revoking a charter. A charter school may not appeal a revocation of a charter made pursuant to this section.

Education Code Section 52071.

(a) If a county superintendent of schools does not approve a local control and accountability plan or annual update to the local control and accountability plan approved by a governing board of a school district, or if the governing board of a school district requests technical assistance, the county superintendent of schools shall 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 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 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 Superintendent assign the California Collaborative for Educational Excellence to provide advice and assistance to the school district.
- (b) Using an evaluation rubric adopted by the state board pursuant to Section 52064.5, the county superintendent of schools shall provide the technical assistance described in subdivision (a) to any school district that fails to improve pupil achievement across more than one state priority described in subdivision (d) of Section 52060 for one or more pupil subgroup identified pursuant to Section 52052.
- (c) Technical assistance provided pursuant to this section at the request of a school district shall be paid for by the school district requesting the assistance.

Education Code Section 52071.5.

(a) If the Superintendent does not approve a local control and accountability plan or annual update to the local control and accountability plan approved by a county board of education, or if the county board of education requests technical assistance, the Superintendent shall provide technical assistance, including, among other things, any of the following:

(1) Identification of the county board of education's strengths and weaknesses in regard to the state priorities described in subdivision (d) of Section 52066, communicated in writing to the county board of education. This identification shall include a review of effective, evidence-based programs that apply to the board's goals.

(2) Assignment of an academic expert or team of academic experts, or the California Collaborative for Educational Excellence established pursuant to Section 52074, to assist the county board of education in identifying and implementing effective programs that are designed to improve the outcomes for all pupil subgroups identified pursuant to Section 52052. The Superintendent may also solicit another county office of education to act as a partner to the county office of education in need of technical assistance.

(b) Using an evaluation rubric adopted by the state board pursuant to Section 52064.5, the Superintendent shall provide the technical assistance described in subdivision (a) to any county office of education that fails to improve pupil achievement in regard to more than one state priority described in subdivision (d) of Section 52066 for one or more pupil subgroups identified pursuant to Section 52052.

(c) Technical assistance provided pursuant to this section at the request of a county board of education shall be paid for by the county board of education receiving assistance.

Education Code Section 52072.

(a) The Superintendent may, with the approval of the state board, identify school districts in need of intervention.

(b) The Superintendent shall only intervene in a school district that meets both of the following criteria:

(1) The school district did not improve the outcomes for three or more pupil subgroups identified pursuant to Section 52052 or, if the school district has less than three pupil subgroups, all of the school district's pupil subgroups, in regard to more than one state or local priority in three out of four consecutive school years.

(2) The California Collaborative for Educational Excellence has provided advice and assistance to the school district pursuant to Section 52071 and submits either of the following findings to the Superintendent:

(A) That the school district has failed, or is unable, to implement the recommendations of the California Collaborative for Educational Excellence.

(B) That the inadequate performance of the school district, based upon an evaluation rubric adopted pursuant to Section 52064.5, is either so persistent or acute as to require intervention by the Superintendent.

(c) For school districts identified pursuant to subdivision (a), the Superintendent may, with the approval of the state board, do one or more of the following:

(1) Make changes to a local control and accountability plan adopted by the governing board of the school district.

(2) Develop and impose a budget revision, in conjunction with revisions to the local control and accountability plan, that the Superintendent determines would allow the

school district to improve the outcomes for all pupil subgroups identified pursuant to Section 52052 in regard to state and local priorities.

(3) Stay or rescind an action, if that action is not required by a local collective bargaining agreement, that would prevent the school district from improving outcomes for all pupil subgroups identified pursuant to Section 52052 in regard to state or local priorities.

(4) Appoint an academic trustee to exercise the powers and authority specified in this section on his or her behalf.

(d) The Superintendent shall notify the county superintendent of schools, the county board of education, the superintendent of the school district, and the governing board of the school district of any action by the state board to direct him or her to exercise any of the powers and authorities specified in this section.

Education Code Section 52072.5.

(a) The Superintendent may, with the approval of the state board, identify county offices of education in need of intervention.

(b) The Superintendent shall only intervene in a county office of education that meets both of the following criteria:

(1) The county office of education did not improve the outcomes for three or more pupil subgroups identified pursuant to Section 52052 or, if the county office of education has less than three pupil subgroups, all of the county office of education's pupil subgroups, in regard to more than one state or local priority in three out of four consecutive school years.

(2) The California Collaborative for Educational Excellence has provided advice and assistance to the county office of education pursuant to Section 52071.5 and submits either of the following findings to the Superintendent:

(A) That the county office of education has failed, or is unable, to implement the recommendations of the California Collaborative for Educational Excellence.

(B) That the inadequate performance of the county office of education, based upon an evaluation rubric adopted pursuant to Section 52064.5, is either so persistent or acute as to require intervention by the Superintendent.

(c) For county offices of education identified pursuant to subdivision (a), the Superintendent may, with the approval of the state board, do one or more of the following:

(1) Make changes to a local control and accountability plan adopted by the county board of education.

(2) Develop and impose a budget revision, in conjunction with revisions to the local control and accountability plan, that the Superintendent determines would allow the county office of education to improve the outcomes for all pupil subgroups identified pursuant to Section 52052 in regard to state and local priorities.

(3) Stay or rescind an action, if that action is not required by a local collective bargaining agreement, that would prevent the county office of education from improving outcomes

for all pupil subgroups identified pursuant to Section 52052 in regard to state or local priorities.

(4) Appoint an academic trustee to exercise the powers and authority specified in this section on his or her behalf.

(d) The Superintendent shall notify the county board of education and the county superintendent of schools, in writing, of any action by the state board to direct him or her to exercise any of the powers and authorities specified in this section.

Education Code Section 52060.

(a) On or before July 1, 2014, the governing board of each school district shall adopt a local control and accountability plan using a template adopted by the state board.

(b) A local control and accountability plan adopted by the governing board of a school district shall be effective for a period of three years, and shall be updated on or before July 1 of each year.

(c) A local control and accountability plan adopted by the governing board of a school district shall include, for the school district and each school within the school district, both of the following:

(1) A description of the annual goals, for all pupils and each subgroup of pupils identified pursuant to Section 52052, to be achieved for each of the state priorities identified in subdivision (d) and for any additional local priorities identified by the governing board of the school district. For purposes of this article, a subgroup of pupils identified pursuant to Section 52052 shall be a numerically significant pupil subgroup as specified in paragraphs (2) and (3) of subdivision (a) of Section 52052.

(2) A description of the specific actions the school district will take during each year of the local control and accountability plan to achieve the goals identified in paragraph (1), including the enumeration of any specific actions necessary for that year to correct any deficiencies in regard to the state priorities listed in paragraph (1) of subdivision (d). The specific actions shall not supersede the provisions of existing local collective bargaining agreements within the jurisdiction of the school district.

(d) All of the following are state priorities:

(1) The degree to which the teachers of the school district are appropriately assigned in accordance with Section 44258.9, and fully credentialed in the subject areas, and, for the pupils they are teaching, every pupil in the school district has sufficient access to the standards-aligned instructional materials as determined pursuant to Section 60119, and school facilities are maintained in good repair, as defined in subdivision (d) of Section 17002.

(2) Implementation of the academic content and performance standards adopted by the state board, including how the programs and services will enable English learners to access the common core academic content standards adopted pursuant to Section 60605.8 and the English language development standards adopted pursuant to former Section 60811.3, as that section read on June 30, 2013, or Section 60811.4, for purposes of gaining academic content knowledge and English language proficiency.

(3) Parental involvement, including efforts the school district makes to seek parent input in making decisions for the school district and each individual schoolsite, and including how the school district will promote parental participation in programs for unduplicated pupils and individuals with exceptional needs.

(4) Pupil achievement, as measured by all of the following, as applicable:

(A) Statewide assessments administered pursuant to Article 4 (commencing with Section 60640) of Chapter 5 of Part 33 or any subsequent assessment, as certified by the state board.

(B) The Academic Performance Index, as described in Section 52052.

(C) The percentage of pupils who have successfully completed courses that satisfy the requirements for entrance to the University of California and the California State University, or career technical education sequences or programs of study that align with state board-approved career technical education standards and frameworks, including, but not limited to, those described in subdivision (a) of Section 52302, subdivision (a) of Section 52372.5, or paragraph (2) of subdivision (e) of Section 54692.

(D) The percentage of English learner pupils who make progress toward English proficiency as measured by the California English Language Development Test or any subsequent assessment of English proficiency, as certified by the state board.

(E) The English learner reclassification rate.

(F) The percentage of pupils who have passed an advanced placement examination with a score of 3 or higher.

(G) The percentage of pupils who participate in, and demonstrate college preparedness pursuant to, the Early Assessment Program, as described in Chapter 6 (commencing with Section 99300) of Part 65 of Division 14 of Title 3, or any subsequent assessment of college preparedness.

(5) Pupil engagement, as measured by all of the following, as applicable:

(A) School attendance rates.

(B) Chronic absenteeism rates.

(C) Middle school dropout rates, as described in paragraph (3) of subdivision (a) of Section 52052.1.

(D) High school dropout rates.

(E) High school graduation rates.

(6) School climate, as measured by all of the following, as applicable:

(A) Pupil suspension rates.

(B) Pupil expulsion rates.

(C) Other local measures, including surveys of pupils, parents, and teachers on the sense of safety and school connectedness.

(7) The extent to which pupils have access to, and are enrolled in, a broad course of study that includes all of the subject areas described in Section 51210 and subdivisions

(a) to (i), inclusive, of Section 51220, as applicable, including the programs and services developed and provided to unduplicated pupils and individuals with exceptional needs, and the programs and services that are provided to benefit these pupils as a result of the funding received pursuant to Section 42238.02, as implemented by Section 42238.03.

(8) Pupil outcomes, if available, in the subject areas described in Section 51210 and subdivisions (a) to (i), inclusive, of Section 51220, as applicable.

(e) For purposes of the descriptions required by subdivision (c), the governing board of a school district may consider qualitative information, including, but not limited to, findings that result from school quality reviews conducted pursuant to subparagraph (J) of paragraph (4) of subdivision (a) of Section 52052 or any other reviews.

(f) To the extent practicable, data reported in a local control and accountability plan shall be reported in a manner consistent with how information is reported on a school accountability report card.

(g) The governing board of a school district shall consult with teachers, principals, administrators, other school personnel, local bargaining units of the school district, parents, and pupils in developing a local control and accountability plan.

(h) A school district may identify local priorities, goals in regard to the local priorities, and the method for measuring the school district's progress toward achieving those goals.

Education Code Section 52066.

(a) On or before July 1, 2014, each county superintendent of schools shall develop, and present to the county board of education for adoption, a local control and accountability plan using a template adopted by the state board.

(b) A local control and accountability plan adopted by a county board of education shall be effective for a period of three years, and shall be updated on or before July 1 of each year.

(c) A local control and accountability plan adopted by a county board of education shall include, for each school or program operated by the county superintendent of schools, both of the following:

(1) A description of the annual goals, for all pupils and each subgroup of pupils identified pursuant to Section 52052, to be achieved for each of the state priorities identified in subdivision (d), as applicable to the pupils served, and for any additional local priorities identified by the county board of education.

(2) A description of the specific actions the county superintendent of schools will take during each year of the local control and accountability plan to achieve the goals identified in paragraph (1), including the enumeration of any specific actions necessary for that year to correct any deficiencies in regard to the state priorities listed in paragraph (1) of subdivision (d). The specific actions shall not supersede the provisions of existing local collective bargaining agreements within the jurisdiction of the county superintendent of schools.

(d) All of the following are state priorities:

(1) The degree to which the teachers in the schools or programs operated by the county superintendent of schools are appropriately assigned in accordance with Section 44258.9 and fully credentialed in the subject areas, and, for the pupils they are teaching, every pupil in the schools or programs operated by the county superintendent of schools has sufficient access to the standards-aligned instructional materials as determined pursuant to Section 60119, and school facilities are maintained in good repair as specified in subdivision (d) of Section 17002.

(2) Implementation of the academic content and performance standards adopted by the state board, including how the programs and services will enable English learners to access the common core academic content standards adopted pursuant to Section 60605.8 and the English language development standards adopted pursuant to Section 60811.3 for purposes of gaining academic content knowledge and English language proficiency.

(3) Parental involvement, including efforts the county superintendent of schools makes to seek parent input in making decisions for each individual schoolsite and program operated by a county superintendent of schools, and including how the county superintendent of schools will promote parental participation in programs for unduplicated pupils and individuals with exceptional needs.

(4) Pupil achievement, as measured by all of the following, as applicable:

(A) Statewide assessments administered pursuant to Article 4 (commencing with Section 60640) of Chapter 5 of Part 33 or any subsequent assessment, as certified by the state board.

(B) The Academic Performance Index, as described in Section 52052.

(C) The percentage of pupils who have successfully completed courses that satisfy the requirements for entrance to the University of California and the California State University, or career technical education sequences or programs of study that align with state board-approved career technical education standards and frameworks, including, but not limited to, those described in subdivision (a) of Section 52302, subdivision (a) of Section 52372.5, or paragraph (2) of subdivision (e) of Section 54692.

(D) The percentage of English learner pupils who make progress toward English proficiency as measured by the California English Language Development Test or any subsequent assessment of English proficiency, as certified by the state board.

(E) The English learner reclassification rate.

(F) The percentage of pupils who have passed an advanced placement examination with a score of 3 or higher.

(G) The percentage of pupils who participate in, and demonstrate college preparedness pursuant to, the Early Assessment Program, as described in Chapter 6 (commencing with Section 99300) of Part 65 of Division 14 of Title 3, or any subsequent assessment of college preparedness.

(5) Pupil engagement, as measured by all of the following, as applicable:

- (A) School attendance rates.
- (B) Chronic absenteeism rates.
- (C) Middle school dropout rates, as described in paragraph (3) of subdivision (a) of Section 52052.1.
- (D) High school dropout rates.
- (E) High school graduation rates.
- (6) School climate, as measured by all of the following, as applicable:
 - (A) Pupil suspension rates.
 - (B) Pupil expulsion rates.
 - (C) Other local measures, including surveys of pupils, parents, and teachers on the sense of safety and school connectedness.
- (7) The extent to which pupils have access to, and are enrolled in, a broad course of study that includes all of the subject areas described in Section 51210 and subdivisions (a) to (i), inclusive, of Section 51220, as applicable, including the programs and services developed and provided to unduplicated pupils and individuals with exceptional needs, and the program and services that are provided to benefit these pupils as a result of the funding received pursuant to Section 42238.02, as implemented by Section 42238.03.
- (8) Pupil outcomes, if available, in the subject areas described in Section 51210 and subdivisions (a) to (i), inclusive, of Section 51220, as applicable.
- (9) How the county superintendent of schools will coordinate instruction of expelled pupils pursuant to Section 48926.
- (10) How the county superintendent of schools will coordinate services for foster children, including, but not limited to, all of the following:
 - (A) Working with the county child welfare agency to minimize changes in school placement.
 - (B) Providing education-related information to the county child welfare agency to assist the county child welfare agency in the delivery of services to foster children, including, but not limited to, educational status and progress information that is required to be included in court reports.
 - (C) Responding to requests from the juvenile court for information and working with the juvenile court to ensure the delivery and coordination of necessary educational services.
 - (D) Establishing a mechanism for the efficient expeditious transfer of health and education records and the health and education passport.
 - (e) For purposes of the descriptions required by subdivision (c), a county board of education may consider qualitative information, including, but not limited to, findings that result from school quality reviews conducted pursuant to subparagraph (J) of paragraph (4) of subdivision (a) of Section 52052 or any other reviews.

(f) To the extent practicable, data reported in a local control and accountability plan shall be reported in a manner consistent with how information is reported on a school accountability report card.

(g) The county superintendent of schools shall consult with teachers, principals, administrators, other school personnel, local bargaining units of the county office of education, parents, and pupils in developing a local control and accountability plan.

(h) A county board of education may identify local priorities, goals in regard to the local priorities, and the method for measuring the county office of education's progress toward achieving those goals.

Education Code Section 52064.

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

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

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

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

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

(1) A listing and description of expenditures for the 2014–15 fiscal year, and each fiscal year thereafter, implementing the specific actions included in the local control and accountability plan.

(2) A listing and description of expenditures for the 2014–15 fiscal year, and each fiscal year thereafter, that will serve the pupils to whom one or more of the definitions in Section 42238.01 apply and pupils redesignated as fluent English proficient.

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

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

regulations shall be deemed an emergency and necessary for the immediate preservation of the public peace, health, safety, or general welfare.

(e) Notwithstanding subdivision (d), the state board may adopt the template in accordance with the requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code). When adopting the template pursuant to the requirements of the Bagley-Keene Open Meeting Act, the state board shall present the template at a regular meeting and may only take action to adopt the template at a subsequent regular meeting. This subdivision shall become inoperative on January 31, 2018.

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

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

Education Code Section 52052.

(a) (1) The Superintendent, with approval of the state board, shall develop an Academic Performance Index (API), to measure the performance of schools and school districts, especially the academic performance of pupils.

(2) A school or school district shall demonstrate comparable improvement in academic achievement as measured by the API by all numerically significant pupil subgroups at the school or school district, including:

- (A) Ethnic subgroups.
- (B) Socioeconomically disadvantaged pupils.
- (C) English learners.
- (D) Pupils with disabilities.
- (E) Foster youth.

(3)(A) For purposes of this section, a numerically significant pupil subgroup is one that consists of at least 30 pupils, each of whom has a valid test score.

(B) Notwithstanding subparagraph (A), for a subgroup of pupils who are foster youth, a numerically significant pupil subgroup is one that consists of at least 15 pupils.

(C) For a school or school district with an API score that is based on no fewer than 11 and no more than 99 pupils with valid test scores, numerically significant pupil subgroups shall be defined by the Superintendent, with approval by the state board.

(4)(A) The API shall consist of a variety of indicators currently reported to the department, including, but not limited to, the results of the achievement test administered pursuant to Section 60640, attendance rates for pupils in elementary schools, middle schools, and secondary schools, and the graduation rates for pupils in secondary schools.

(B) The Superintendent, with the approval of the state board, may also incorporate into the API the rates at which pupils successfully promote from one grade to the next in middle school and high school, and successfully matriculate from middle school to high school.

(C) Graduation rates for pupils in secondary schools shall be calculated for the API as follows:

(i) Four-year graduation rates shall be calculated by taking the number of pupils who graduated on time for the current school year, which is considered to be three school years after the pupils entered grade 9 for the first time, and dividing that number by the total calculated in clause (ii).

(ii) The number of pupils entering grade 9 for the first time in the school year three school years before the current school year, plus the number of pupils who transferred into the class graduating at the end of the current school year between the school year that was three school years before the current school year and the date of graduation, less the number of pupils who transferred out of the school between the school year that was three school years before the current school year and the date of graduation who were members of the class that is graduating at the end of the current school year.

(iii) Five-year graduation rates shall be calculated by taking the number of pupils who graduated on time for the current school year, which is considered to be four school years after the pupils entered grade 9 for the first time, and dividing that number by the total calculated in clause (iv).

(iv) The number of pupils entering grade 9 for the first time in the school year four years before the current school year, plus the number of pupils who transferred into the class graduating at the end of the current school year between the school year that was four school years before the current school year and the date of graduation, less the number of pupils who transferred out of the school between the school year that was four years before the current school year and the date of graduation who were members of the class that is graduating at the end of the current school year.

(v) Six-year graduation rates shall be calculated by taking the number of pupils who graduated on time for the current school year, which is considered to be five school years after the pupils entered grade 9 for the first time, and dividing that number by the total calculated in clause (vi).

(vi) The number of pupils entering grade 9 for the first time in the school year five years before the current school year, plus the number of pupils who transferred into the class graduating at the end of the current school year between the school year that was five

school years before the current school year and the date of graduation, less the number of pupils who transferred out of the school between the school year that was five years before the current school year and the date of graduation who were members of the class that is graduating at the end of the current school year.

(D) The inclusion of five- and six-year graduation rates for pupils in secondary schools shall meet the following requirements:

(i) Schools and school districts shall be granted one-half the credit in their API scores for graduating pupils in five years that they are granted for graduating pupils in four years.

(ii) Schools and school districts shall be granted one-quarter the credit in their API scores for graduating pupils in six years that they are granted for graduating pupils in four years.

(iii) Notwithstanding clauses (i) and (ii), schools and school districts shall be granted full credit in their API scores for graduating in five or six years a pupil with disabilities who graduates in accordance with his or her individualized education program.

(E) The pupil data collected for the API that comes from the achievement test administered pursuant to Section 60640 and the high school exit examination administered pursuant to Section 60851, when fully implemented, shall be disaggregated by special education status, English learners, socioeconomic status, gender, and ethnic group. Only the test scores of pupils who were counted as part of the enrollment in the annual data collection of the California Basic Educational Data System for the current fiscal year and who were continuously enrolled during that year may be included in the test result reports in the API score of the school.

(F)(i) Commencing with the baseline API calculation in 2016, and for each year thereafter, results of the achievement test and other tests specified in subdivision (b) shall constitute no more than 60 percent of the value of the index for secondary schools.

(ii) In addition to the elements required by this paragraph, the Superintendent, with approval of the state board, may incorporate into the index for secondary schools valid, reliable, and stable measures of pupil preparedness for postsecondary education and career.

(G) Results of the achievement test and other tests specified in subdivision (b) shall constitute at least 60 percent of the value of the index for primary schools and middle schools.

(H) 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. It is therefore necessary that the accountability system evolve beyond its narrow focus on pupil test scores to encompass other valuable information about school performance, including, but not limited to, pupil preparedness for college and career, as well as the high school graduation rates already required by law.

(I) The Superintendent shall annually determine the accuracy of the graduation rate data. Notwithstanding any other law, graduation rates for pupils in dropout recovery high

schools shall not be included in the API. For purposes of this subparagraph, “dropout recovery high school” means a high school in which 50 percent or more of its pupils have been designated as dropouts pursuant to the exit/withdrawal codes developed by the department or left a school and were not otherwise enrolled in a school for a period of at least 180 days.

(J) To complement the API, the Superintendent, with the approval of the state board, may develop and implement a program of school quality review that features locally convened panels to visit schools, observe teachers, interview pupils, and examine pupil work, if an appropriation for this purpose is made in the annual Budget Act.

(K) The Superintendent shall annually provide to local educational agencies and the public a transparent and understandable explanation of the individual components of the API and their relative values within the API.

(L) An additional element chosen by the Superintendent and the state board for inclusion in the API pursuant to this paragraph shall not be incorporated into the API until at least one full school year after the state board’s decision to include the element into the API.

(b) Pupil scores from the following tests, when available and when found to be valid and reliable for this purpose, shall be incorporated into the API:

(1) The standards-based achievement tests provided for in Section 60642.5.

(2) The high school exit examination.

(c) Based on the API, the Superintendent shall develop, and the state board shall adopt, expected annual percentage growth targets for all schools based on their API baseline score from the previous year. Schools are expected to meet these growth targets through effective allocation of available resources. For schools below the statewide API performance target adopted by the state board pursuant to subdivision (d), the minimum annual percentage growth target shall be 5 percent of the difference between the actual API score of a school and the statewide API performance target, or one API point, whichever is greater. Schools at or above the statewide API performance target shall have, as their growth target, maintenance of their API score above the statewide API performance target. However, the state board may set differential growth targets based on grade level of instruction and may set higher growth targets for the lowest performing schools because they have the greatest room for improvement. To meet its growth target, a school shall demonstrate that the annual growth in its API is equal to or more than its schoolwide annual percentage growth target and that all numerically significant pupil subgroups, as defined in subdivision (a), are making comparable improvement.

(d) Upon adoption of state performance standards by the state board, the Superintendent shall recommend, and the state board shall adopt, a statewide API performance target that includes consideration of performance standards and represents the proficiency level required to meet the state performance target.

(e)(1) A school or school district with 11 to 99 pupils with valid test scores shall receive an API score with an asterisk that indicates less statistical certainty than API scores based on 100 or more test scores.

(2) A school or school district annually shall receive an API score, unless the Superintendent determines that an API score would be an invalid measure of the performance of the school or school district for one or more of the following reasons:

(A) Irregularities in testing procedures occurred.

(B) The data used to calculate the API score of the school or school district are not representative of the pupil population at the school or school district.

(C) Significant demographic changes in the pupil population render year-to-year comparisons of pupil performance invalid.

(D) The department discovers or receives information indicating that the integrity of the API score has been compromised.

(E) Insufficient pupil participation in the assessments included in the API.

(F) A transition to new standards-based assessments compromises comparability of results across schools or school districts. The Superintendent may use the authority in this subparagraph in the 2013–14 and 2014–15 school years only, with approval of the state board.

(3) If a school or school district has fewer than 100 pupils with valid test scores, the calculation of the API or adequate yearly progress pursuant to the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) and federal regulations may be calculated over more than one annual administration of the tests administered pursuant to Section 60640 and the high school exit examination administered pursuant to Section 60851, consistent with regulations adopted by the state board.

(4) Any school or school district that does not receive an API calculated pursuant to subparagraph (F) of paragraph (2) shall not receive an API growth target pursuant to subdivision (c). Schools and school districts that do not have an API calculated pursuant to subparagraph (F) of paragraph (2) shall use one of the following:

(A) The most recent API calculation.

(B) An average of the three most recent annual API calculations.

(C) Alternative measures that show increases in pupil academic achievement for all groups of pupils schoolwide and among significant subgroups.

(f) Only schools with 100 or more test scores contributing to the API may be included in the API rankings.

(g) The Superintendent, with the approval of the state board, shall develop an alternative accountability system for schools under the jurisdiction of a county board of education or a county superintendent of schools, community day schools, nonpublic, nonsectarian schools pursuant to Section 56366, and alternative schools serving high-risk pupils, including continuation high schools and opportunity schools. Schools in the alternative accountability system may receive an API score, but shall not be included in the API rankings.

(h) For purposes of this section, county offices of education shall be considered school districts.



California State Board of Education
Meeting Agenda Items for November 4-5, 2015

ITEM 12



CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2015 AGENDA

SUBJECT	
English Language Proficiency Assessments for California: Approve the Test Blueprints for the English Language Proficiency Assessments for California.	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

SUMMARY OF THE ISSUE(S)

In November 2012, the State Board of Education (SBE) adopted the California English Language Development Standards (2012 ELD Standards). As a result, the California Department of Education (CDE) will develop the English Language Proficiency Assessments for California (ELPAC) to replace the California English Language Development Test (CELDT). Test blueprints for the ELPAC, with items that will align with the 2012 ELD Standards pursuant to California *Education Code (EC)* Section 60810(c)(7), have been created by the ELPAC contractor, Educational Testing Service (ETS), in collaboration with the CDE's Assessment Development and Administration Division (ADAD) and the English Learner Support Division (ELSD). ADAD and ELSD regularly meet to discuss the 2012 ELD Standards implementation with staff from the Professional Learning Support Division (PLSD), the Special Education Division (SED), and the Curriculum Frameworks and Instructional Resources Division as well as with WestEd, who worked on the 2012 ELD Standards and its correspondence to the California Common Core State Standards for Mathematics (CA CCSSM) and the California Next Generation Science Standards (CA NGSS) pursuant to *EC* Section 60811.4.

RECOMMENDATION

The CDE recommends that the SBE approve the proposed task types (Attachment 1) and the proposed test blueprints (Attachment 2) for the ELPAC. Approval of the proposed task types and test blueprints for the ELPAC initial assessment (IA) and summative assessment (SA) is necessary to comply with California *EC* Section 60810(a)(2) and to initiate the development and administration of the ELPAC by ETS. Attachment 1 defines the proposed ELPAC task types and identifies the alignment with specific 2012 ELD Standards that will be assessed on the IA and SA as identified on the proposed test blueprints (Attachment 2).

BRIEF HISTORY OF KEY ISSUES

The 2012 ELD Standards were developed to guide the instruction and assessment of English learners who are developing the English language skills they need to engage with and achieve in grade-level academic content. If approved, the proposed task types and test blueprints for the ELPAC will inform the development of new items and task types, which will be aligned with the 2012 ELD Standards and address the assessments' correspondence to the CA CCSSM and CA NGSS as required in state law and for federal accountability reporting. Some ELPAC items will be designed to assess the English language skills and abilities needed to perform mathematics and science practices without assessing mathematics or science content.

The proposed ELPAC test blueprints identify the number of items and points by task type. The test blueprints also identify the grade and grade span tested for the ELPAC IA and SA. Task types are organized by the four domains (i.e., listening, speaking, reading, and writing) on the test blueprints. Conjointly, the approved task types and test blueprints will guide the development of item specifications to allow for the piloting of new test items and task types, and the field testing of the ELPAC IA and SA. After the pilot test, ETS proposes to develop approximately 2,000 items in 2015–16 based on the approved ELPAC test blueprints. The test blueprints also will guide the development of the test specifications needed to create the operational test forms (see Attachment 3).

Key points on the content of the proposed test blueprints are:

- The test blueprints show that the ELPAC will be composed primarily of new task types designed to assess the 2012 ELD Standards and address its correspondence to the CA CCSSM and CA NGSS as identified in the Correspondence Study Report.
(<http://www.cde.ca.gov/sp/el/er/documents/corspndstdyrptab899.pdf>)
- The task types in the test blueprints are presented in the expected order of item difficulty from easiest to most difficult and are based on Part I and Part II of the 2012 ELD Standards. The actual item difficulty will be determined by the performance of items on the field tests.
- Because the majority of classroom work in kindergarten (K) and grade one deals with basic literacy skills for all students
(<http://www.cde.ca.gov/ci/rl/cf/elaeldfrmwrksbeadopted.asp>), some task types in K and grade one will integrate Part III Foundational Literacy Skills (FLS) items to scaffold reading and writing items. In each of these task types, a series of questions that lead from relatively easy questions that assess FLS to relatively difficult questions that assess the 2012 ELD Standards will be presented. The inclusion of questions that assess FLS will ensure that the ELPAC is not more difficult for English learners than their English-only peers. In grades 2 through 12, where the basic literacy skills are not part of the majority of classroom work, the FLS will be addressed as linguistic supports (e.g., word banks) for some task types.

- Scores will be reported in the individual domains of listening, speaking, reading, and writing as well as comprehension per the requirements of Title III of the Elementary and Secondary Education Act. The comprehension score is reported as the average of the listening and reading scale scores.
- The test blueprints reflect the use of integrated skills as emphasized in the 2012 ELD Standards. Six task types reflect integrated skills (e.g., speaking with listening). Items with integrated skills will be scored at the level of student production (e.g., speaking).
- The number of items and score points at each grade or grade span were proposed by ETS and refined after several discussions with the CDE and the ELPAC Technical Advisory Group. The items and points reflect the number of score points needed to appropriately sample the 2012 ELD Standards and to provide appropriate measurement, while ensuring that testing time is used as efficiently as possible.

The proposed ELPAC test blueprints will facilitate the development of the paper-pencil ELPAC items to be used for the December 2015 pilot testing, the upcoming field test, and eventually the operational ELPAC IA and SA. Any changes to the test blueprints will be largely format-related in nature, but technical adjustments may be needed after the field test when test item statistics are available.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

October 2015: The CDE submitted an Information Memorandum to the SBE with an update on the activities for the transition to the ELPAC, including the development of test blueprints. (<http://www.cde.ca.gov/be/pn/im/infomemooct2015.asp>)

July 2015: The CDE submitted an Agenda Item to the SBE for action with the recommendations for approval of the Assembly Bill (AB) 899 Correspondence Study Report, and requested that the augmentation document to the 2012 ELD Standards be opened for public comment. (<http://www.cde.ca.gov/be/ag/ag/main201507.asp>)

June 2015: The CDE submitted an Information Memorandum to the SBE with an update on the CDE's preparation for an ELPAC contractor in anticipation of the commencement of the contract. (<http://www.cde.ca.gov/be/pn/im/infomemojun2015.asp>)

April 2015: The CDE submitted an Information Memorandum to the SBE with an update on the contract award of the ELPAC, and the proposed contractor's next steps. (<http://www.cde.ca.gov/be/pn/im/infomemoapr2015.asp>)

November 2014: The CDE recommended, and the SBE approved, that the SBE authorize the release of the ELPAC Request for Proposals in accordance with *EC* Section 60810(a)(3). (<http://www.cde.ca.gov/be/ag/ag/yr14/agenda201411.asp>)

FISCAL ANALYSIS (AS APPROPRIATE)

The 2015 Budget Act provided \$10.88 million for the development of and transition to the ELPAC IA and SA. The current ELPAC contract with ETS includes an approved scope of work and budget. This contract was submitted to the Department of Finance and approved by the Department of General Services on August 19, 2015.

ATTACHMENT(S)

- Attachment 1: Definitions of Proposed Task Types for the English Language Proficiency Assessments for California (18 Pages)
- Attachment 2: Proposed Test Blueprints for the English Language Proficiency Assessments for California (10 Pages)
- Attachment 3: Proposed Timeline for the Transition from the California English Language Development Test to the English Language Proficiency Assessments for California (1 Page)
- Attachment 4: Projected Distribution of Points Across the Part I California English Language Development Standards (2012 ELD Standards) for the Summative and Initial Assessments (6 Pages)
- Attachment 5: Projected Distribution of Items that Correspond to the Part II California English Language Development Standards (2012 ELD Standards) for the Summative and Initial Assessments (4 Pages)

Definitions of Proposed Task Types for the English Language Proficiency Assessments for California

Prepared by:



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The Definitions of Proposed Task Types (Definitions) is an interim document meant to accompany and provide context for the Proposed Test Blueprints for the English Language Proficiency Assessments for California during the current stage of test design.

This section consists of four tables that contain information about the task types in each of the four language domains of listening, speaking, reading, and writing. Three types of information will eventually be drawn from the Definitions document and incorporated into the test blueprints: (1) descriptions of the task types; (2) the alignment of the task types with the standards; and (3) the point value of each task type. Task types and standards may have different degrees of alignment. This document uses the terms “primary” and “secondary” to describe two levels of alignment. Primary alignment indicates that there is a close or strong match in terms of the language knowledge, skills, and abilities covered by both the task type and the standard. Secondary alignment indicates that there is a moderate or partial match between the standard and the item in terms of language knowledge, skills, and abilities. Unless otherwise noted as primary or secondary, all standards listed in the “intended alignment” column are “primary.” Once the pilot test information has been incorporated within the test blueprints and the Item Writing Guidelines, the Definitions document will no longer be necessary. The test blueprints, and the Item Writing Guidelines that will be finalized after the pilot test, will serve as the vehicles for the relevant test design information.

Listening

Task Type	Intended Alignment with ELD Standards	Point Value, Response Information
<p>Listen to a Classroom Conversation (Picture or Written Options—Initial: K, 1, 2; Summative: K, 1. Written Options Only—Summative: 2, 3–5, 6–8, 9–10, 11–12) Communicative Context: The test taker shows the ability to listen to a discussion attentively by answering questions. Stimulus: The test taker listens to a discussion between two students or a student and a teacher. Response: All items are multiple-choice comprehension questions. The examiner reads all questions and options aloud. The examiner enters responses for K–1 students. Grades 2–12 students mark their own responses.</p>	<p>Potential alignment with PI.A.1 Exchanging information and ideas, PI.A.3 Offering opinions</p>	<p>1 point, discrete</p>

Task Type	Intended Alignment with ELD Standards	Point Value, Response Information
<p>Choose a Reply (Initial: all grades; Summative: all grades) Communicative Context: The test taker shows the ability to listen attentively by choosing the correct reply to a student or teacher. Stimulus: The test taker hears a short conversation between two speakers. Response: The test taker selects the conversation that makes sense. In one instance (the key), the second speaker provides an appropriate response to the first speaker. The student fills in the oval that corresponds to the conversation that makes sense. The examiner enters responses for K–1 students. Grades 2–12 students mark their own responses.</p>	<p>Potential alignment with PI.A.1 Exchanging information and ideas</p>	<p>1 point, discrete</p>
<p>Listen to a Story (Similar to CELDT Listening—Extended Listening Comprehension) (Picture or Written Options—Initial: K, 1, 2; Summative: K, 1. Written Options Only—Initial: 3–5; Summative: 2, 3–5) Communicative Context: The test taker demonstrates active listening to a story by answering detailed questions. Stimulus: The test taker listens to a story that is read aloud by the examiner. The story includes a conversation, which is provided using either direct speech, indirect speech, or both. Response: All items are multiple-choice comprehension questions. The examiner reads all questions and options aloud. The examiner enters responses for K–1 students. Grades 2–12 students mark their own responses.</p>	<p>Potential alignment of most items with PI.B.5 Listening actively; some items to PI.B.7 Evaluating language choices</p>	<p>1 point, 3 items per set</p>

Task Type	Intended Alignment with ELD Standards	Point Value, Response Information
<p>Listen to an Oral Presentation (Similar to CELDT Listening—Extended Listening Comprehension) (Picture or Written Options—Initial: K, 1, 2; Summative: K, 1. Written Options Only—Initial: 3–5, 6–8, 9–10, 11–12; Summative: 2, 3–5, 6–8, 9–10, 11–12) Communicative Context: The test taker demonstrates active listening to an oral presentation by answering detailed questions. Stimulus: The test taker listens to a teacher give a presentation. Response: All items are multiple-choice comprehension questions. The examiner reads all questions and options aloud. The examiner enters responses for K–1 students. Grades 2–12 students mark their own responses.</p>	<p>CELDT alignment report shows alignment with PI.B.5 Listening actively at grades 3–12; some new items may have potential alignment with PI.B.7 Evaluating language choices</p>	<p>Grades K–2: 1 point, 3 items per set</p> <p>Grades 3–12: 1 point, 4 items per set</p>
<p>Listen to Speakers Support Opinions (Initial: 9–10, 11–12; Summative: 6–8, 9–10, 11–12) Communicative Context: The test taker answers detailed questions to demonstrate active listening to two speakers with contrasting opinions. Stimulus: The test taker listens to two opposing opinions and supports for the opinions about a grade-appropriate topic. Response: All items are multiple-choice comprehension questions. The examiner reads all questions and options aloud. The examiner enters responses for K–1 students. Grades 2–12 students mark their own responses.</p>	<p>Potential alignment of one or two items with PI.B.5 Listening actively; one item to PI.B.7 Evaluating language choices; one item to PI.A.1 Exchanging information and ideas</p>	<p>1 point, 4 items per set</p>

Speaking

Task Type	Intended Alignment with ELD Standards	Point Value, Response Information
<p>Talk about a Scene (Initial: all grades; Summative: all grades) Communicative Context: The test taker describes a common scene to a teacher. Stimulus: The test taker views a scene from a school or a familiar place that shows a number of people doing common activities. Prompts: The examiner asks a number of questions about the scene. Response: The test taker responds by answering questions about the scene. Scoring: The examiner scores the response in real time based on Speaking Rubrics.</p>	<p>Potential Alignment with PI.A.1 Exchanging information and ideas</p>	<p>0–2 points per item, 3 items per set, short response</p>
<p>Answer and Ask Questions (Integrated Skills: Speaking with Listening) (Summative: K, 1) Communicative Context: The test taker exchanges information about a presentation with another student or with a teacher. Stimulus: The examiner reads aloud a student presentation about an object (as in Show and Tell). Prompts: The examiner asks a number of questions about the presentation. Response: The test taker responds by answering and asking questions about the presentation. Scoring: The examiner scores the response in real time based on Speaking Rubrics.</p>	<p>Potential Alignment with PI.A.1 Exchanging information and ideas</p>	<p>3 questions per set, 3 total combined score points, cluster scored, short responses</p>

Task Type	Intended Alignment with ELD Standards	Point Value, Response Information
<p>Speech Functions (Same as CELDT Speaking—Speech Functions) (Initial: 3–5, 6–8; Summative: 2, 3–5, 6–8, 9–10, 11–12) Communicative Context: The test taker uses language to inform, persuade, make a request, etc., in an appropriate manner to a student or a teacher. Stimulus: The examiner describes a situation. Prompt: The examiner asks what the student would say or ask in the situation. Response: The test taker responds with what s/he would say or ask in the situation. Scoring: The examiner scores the response in real time based on Speaking Rubrics.</p>	<p>CELDT alignment report shows alignment with PI.A.4 Adapting language choices (grades 2–12)</p>	<p>0–2 points, short response</p>
<p>Speaking—Support an Opinion (Initial: 3–5, 6–8, 9–10, 11–12; Summative: all grades) Communicative Context: The test taker persuades another student to accept an opinion. Stimulus: A common topic (e.g., wearing school uniforms, best type of exercise) is introduced. Prompt: The examiner asks the test taker to provide his/her opinion along with appropriate support. Response: The test taker provides his/her opinion along with support. Scoring: The examiner scores the response in real time based on Speaking Rubrics.</p>	<p>Potential alignment with PI.C.11 Supporting opinions (grades K–5); PI.A.3 Offering opinions</p>	<p>Grades K–1: 0–2 points; Grades 2–12: 0–4 points</p>
<p>4-Picture Narrative (Same as CELDT Speaking—4-Picture Narrative) (Initial: K, 1, 2; Summative: K, 1, 2, 3–5) Communicative Context: The test taker gives a brief oral presentation to the class about a series of events. Stimulus: The test taker is provided with four pictures that tell a story. Prompt: The examiner provides some background and asks the test taker to tell a complete story based on the pictures. Response: The test taker views the pictures and tells a story. Scoring: The examiner scores the response in real time based on Speaking Rubrics.</p>	<p>CELDT alignment report shows alignment with PI.C.9 Presenting (at grades K–5)</p>	<p>0–4 points, extended response</p>

Task Type	Intended Alignment with ELD Standards	Point Value, Response Information
<p>Summarize an Academic Presentation (Integrated Skills: Speaking with Listening) (Initial: 9–10, 11–12; Summative: K, 1, 2, 3–5, 6–8, 9–10, 11–12)</p> <p>Communicative Context: The test taker summarizes a presentation for a classmate who was not present.</p> <p>Stimulus: A teacher gives a “slide show” about an academic topic. Each set has one to two slides.</p> <p>Prompt: The test taker is prompted to retell the main points of the presentation with the help of the visuals that were provided during the presentation.</p> <p>Response: The test taker uses information from the presentation to retell the main points of the presentation.</p> <p>Scoring: The examiner scores the response in real time based on Speaking Rubrics.</p>	<p>Question 1 has potential alignment with PI.C.9 Presenting</p>	<p>0–4 points, extended response</p>
<p>Present and Discuss Information (Integrated Skills: Speaking with Reading) (Summative: 6–8, 9–10, 11–12)</p> <p>Communicative Context: The test taker summarizes graphic information for a classmate and then supports an opinion using graphic information.</p> <p>Stimulus: The test taker views a graph, chart, or image that provides information from the school or community (e.g., a bar graph showing different ways in which students exercise each day).</p> <p>Prompt: The test taker is prompted to read the information and then answer two questions. The first question asks for a summary of the information. The second question asks for the test taker’s opinion about a false statement regarding the information.</p> <p>Response: The test taker responds to the two questions about the information.</p> <p>Scoring: The examiner scores the response in real time based on Speaking Rubrics.</p>	<p>Question 1 has potential alignment with PI.C.9 Presenting; question 2 has potential alignment with PI.A.3 Offering opinions</p>	<p>First and second questions are scored on a scale of 0–4 points</p>

Reading

Task Type	Intended Alignment with ELD Standards	Point Value, Response Information
<p>Read-Along Word with Scaffolding (Initial: K, 1; Summative: K)</p> <p>Communicative Context: The test taker and a teacher are reading together.</p> <p>Stimulus: The test taker listens to a word and reads along while looking at three picture options in the Answer Book. This is preceded by foundational literacy skills items, in which the test administrator supports the test taker in decoding the word.</p> <p>Prompt: The test taker is asked to decode a word. The test taker is then asked which picture matches the word.</p> <p>Response and Scoring: The test taker provides verbal responses to the first five questions about the names of the letters in a word, the sounds of the letters in the word, and the student's ability to read the word. The examiner assesses the responses to the first five questions based on a Foundational Literacy Skills Rubric and marks a score of 0–2 in the Answer Book. For the last question, the test taker points to the picture that represents the word and the examiner marks the oval in the Answer Book.</p>	<p>Potential alignment with PI.B.6 Reading/viewing closely</p>	<p>0–2 points cluster scored; 1 point, discrete (total of 6 items per set)</p>
<p>Read-Along Story with Scaffolding (Initial: K, 1; Summative: K)</p> <p>Communicative Context: The test taker reads a story together with the teacher.</p> <p>Stimulus: The test taker listens to a story and reads along. The test administrator sweeps his or her finger under the text while reading the story aloud. This is preceded by foundational literacy items in which the test administrator supports the test taker.</p> <p>Response and Scoring: The test taker provides spoken responses to the first two questions about the pre-reading skills of where to begin reading and the direction of reading. The test administrator assesses the responses to the first two questions based on a rubric and marks a score of 0–2 in the Answer Book. For the last three comprehension questions, the test taker chooses the correct answer from a set of three written and spoken options and the examiner marks the oval in the Answer Book.</p>	<p>Potential alignment with PI.B.6 Reading/viewing closely</p>	<p>0–2 points, cluster scored; 1 point, 3 items (total of 5 items per set)</p>

Task Type	Intended Alignment with ELD Standards	Point Value, Response Information
<p>Read-Along Sentence (Initial: K, 1; Summative: K) Communicative Context: The test taker and a teacher are reading together. Stimulus: The test taker listens to a sentence while reading along and looks at three picture options in the Answer Book. Prompt: The test taker is asked which picture matches the sentence. Response: The test taker points to the picture and the examiner marks the oval in the Answer Book.</p>	<p>Potential alignment with PI.B.6 Reading/viewing closely</p>	<p>1 point, discrete</p>
<p>Read-Along Information (Initial: K, 1; Summative: K) Communicative Context: The test taker and a teacher read an informational text together. Stimulus: The test taker listens to informational text and reads along. The test administrator sweeps his or her finger under the text while reading the information aloud. Response: The test taker chooses the correct answer from a set of three written and spoken options. The examiner marks the oval in the Answer Book.</p>	<p>Potential alignment with PI.B.6 Reading/viewing closely</p>	<p>1 point, 3 items per set</p>
<p>Read and Choose a Word (Initial: 2; Summative: 1, 2) Communicative Context: The test taker is reading a picture book independently. Stimulus: The test taker looks at a picture. Prompt: The test taker is asked to choose the word that represents the picture. Response: The test taker reads three words and chooses the word that matches the picture. The examiner marks the oval in the Answer Book for grade 1 students. Grade 2 students mark their own responses.</p>	<p>Potential alignment with PI.B.6 Reading/viewing closely</p>	<p>1 point, discrete</p>

Task Type	Intended Alignment with ELD Standards	Point Value, Response Information
<p>Read and Choose a Sentence (Initial: 2; Summative: 1, 2, 3–5) Communicative Context: The test taker is reading a picture book independently. Stimulus: The test taker looks at a picture. Prompt: The test taker is asked to choose the sentence that represents the picture. Response: The test taker reads three sentences and chooses the sentence that describes the picture. The examiner marks the oval in the Answer Book for grade 1 students. Grades 2–5 students mark their own responses.</p>	<p>Potential alignment with PI.B.6 Reading/viewing closely (grades 2–3); PI.B.6a Reading/viewing closely (grades 4–5)</p>	<p>1 point, discrete</p>
<p>Read a Short Informational Passage (Initial: 2, 3–5, 6–8, 9–10, 11–12; Summative: 1, 2, 3–5, 6–8, 9–10, 11–12) Communicative Context: The test taker reads a short informational passage about a topic from science, math, or the social sciences. Stimulus: The test taker reads an informational passage. Response: The examiner marks the oval in the Answer Book for grade 1 students. Grades 2–12 students mark their own responses.</p>	<p>Most items with potential alignment with PI.B.6 Reading/viewing closely (including substandard a, b, and c at relevant grades); some items may have potential alignment with PI.B.7 Evaluating language choices, PI.B.8 Analyzing language choices, PII.A.1 Understanding text structure, and PII.A.2 Understanding</p>	<p>1 point, 2–3 items per set</p>

Task Type	Intended Alignment with ELD Standards	Point Value, Response Information
<p>Read a Literary Passage (Similar to CELDT Reading—Reading Comprehension) (Initial: 2; Summative: 1, 2, 3–5, 6–8, 9–10, 11–12) Communicative Context: The test taker reads a literary passage to prepare a book report. Stimulus: The test taker reads a literary passage. Response: The examiner marks the oval in the Answer Book for grade 1 students. Grades 2–12 students mark their own responses.</p>	<p>cohesion</p> <p>CELDT alignment report shows alignment with PI.B.6 Reading/viewing closely (including substandard a, b, and c at relevant grades); some items may have potential alignment with PI.B.7 Evaluating language choices, PI.B.8 Analyzing language choices, PII.A.1 Understanding text structure, and PII.A.2 Understanding cohesion</p>	<p>1 point, 3–6 items per set</p>

Task Type	Intended Alignment with ELD Standards	Point Value, Response Information
<p>Read an Informational Passage (Similar to CELDT Reading—Reading Comprehension) (Initial: 3–5, 6–8, 9–10, 11–12; Summative: 1, 2, 3–5, 6–8, 9–10, 11–12) Communicative Context: The test taker reads an informational passage to prepare a report. Stimulus: The test taker reads an informational passage. Response: The examiner marks the oval in the Answer Book for grade 1 students. Grades 2–12 students mark their own responses.</p>	<p>CELDT alignment report shows alignment with PI.B.6 Reading/viewing closely (including substandard a, b, and c at relevant grades); some items may have potential alignment with PI.B.7 Evaluating language choices, PI.B.8 Analyzing language choices, PII.A.1 Understanding text structure, and PII.A.2 Understanding cohesion</p>	<p>1 point, 3–6 items per set</p>

Task Type	Intended Alignment with ELD Standards	Point Value, Response Information
<p>Read a Student Essay (Summative: 6–8, 9–10, 11–12) Communicative Context: The test taker reads another student’s essay to give the student feedback before it is submitted to the teacher. Stimulus: The test taker reads a student essay. Response: The test taker answers a set of multiple choice questions. Questions include comprehension of main idea and details as well as questions concerning language use and word choice. Grades 6–12 students mark the oval in the Answer Book to indicate their own responses.</p>	<p>Potential alignment with PI.B.6 Reading/viewing closely (including substandard a, b, and c at relevant grades); some items may have potential alignment with PI.B.7 Evaluating language choices, PI.B.8 Analyzing language choices, PII.B.3 Using verbs and verb phrases, PII.B.4 Using nouns and noun phrases, PII.B.5 Modifying to add details, PII.C.6 Connecting ideas, and PII.C.7 Condensing ideas</p>	<p>1 point, 6 items per set</p>

Writing

Task Type	Intended Alignment with ELD Standards	Point Value, Response Information
<p>Label a Picture—Word with Scaffolding (Initial: K, 1, 2; Summative: K, 1, 2)</p> <p>Communicative Context: The test taker is collaborating with a teacher to write about a picture for a classroom display.</p> <p>Stimulus: The test taker looks at a picture.</p> <p>Prompts: The test taker is prompted to write labels for a picture. The test administrator supports the test taker by prompting for letter level output before prompting for full words.</p> <p>Responses: The test taker writes letters (K, 1) and words (K, 1, 2) for items in the picture.</p> <p>Scoring: An examiner scores the response after the test administration based on Writing Rubrics.</p>	<p>Potential alignment with PI.C.10 Writing</p>	<p>1 point, letter; 0–2 points, word (total of 3–4 items per set)</p>
<p>Write a Story Together with Scaffolding (Initial: K, 1, 2; Summative: K, 1, 2)</p> <p>Communicative Context: The test taker is collaborating with a teacher to jointly compose a short literary text.</p> <p>Stimulus: The test taker sees a picture and is provided the initial sentence of the story followed by a sentence frame. The test administrator supports the test taker by prompting for letter level output, then word level, and finally one sentence.</p> <p>Prompts 1–2 (student at Emerging level): Test taker hears the title and writes the missing (initial) letters.</p> <p>Prompt 3 (student at Emerging level): Test taker hears a sentence and writes the missing word.</p> <p>Prompt 4 (student at Bridging level): Test taker is asked to compose and write a sentence to complete the story.</p> <p>Response 1 and 2: Test taker writes letters, a word, and a sentence in the blank spaces.</p> <p>Scoring: An examiner scores the response after the test administration based on Writing Rubrics.</p>	<p>Potential alignment with PI.A.2 Interacting via written English, PI.C.10 Writing</p>	<p>1 point, letter; 0–2 points, word; 3 points, sentence (total of 4 items per set)</p>

Task Type	Intended Alignment with ELD Standards	Point Value, Response Information
<p>Write an Informational Text Together (Initial: 3–5; Summative: 1, 2) Communicative Context: The test taker is collaborating with a teacher to jointly compose a short informational text. Stimulus: The test taker sees a picture and is provided with the first sentences of an informational text. Prompt 1: Test taker hears a sentence and writes it as dictation. Prompt 2: Test taker is asked to compose and write a sentence to complete the story. Response 1 and 2: Test taker write sentences in the blank spaces. Scoring: An examiner scores the response after the test administration based on Writing Rubrics.</p>	<p>Potential alignment with PI.A.2 Interacting via written English, PI.C.10 Writing (primary) PII.A.1 Understanding text structure, PII.A.2 Understanding cohesion, PII.B.4 Understanding nouns and noun phrases, PII.B.5 Modifying to add details, and PII.C.6 Connecting ideas (secondary)</p>	<p>5 points = first item 0–2 points, second item 0–3 points, 1 sentence response, 2-item set</p>
<p>Write and Support an Opinion (Initial: 1, 2, 3–5; Summative: K, 1, 2, 3–5) Communicative Context: The test taker is writing his/her opinion about a grade-appropriate academic topic. Stimulus: Test taker looks at two pictures. Prompt: Test taker is asked to complete (K, 1) or write (2, 3–5) a sentence stating a preference and a reason for the preference. Response: Test taker states and supports a preference by filling in the blanks of a sentence. For example: I like _____ because _____ (K, 1). Test taker states and supports a preference by writing a complete sentence (2, 3–5). Scoring: An examiner scores the response after the test administration based on Writing Rubrics</p>	<p>Potential alignment with PI.C.11 Supporting opinions, P.I.C.10 Writing, PI.C11.a Justifying/arguing (Grades 4–5)</p>	<p>Grades K–1: 0–2 points, sentence; Grades 2, 3–5: 0–3 points, sentence</p>

Task Type	Intended Alignment with ELD Standards	Point Value, Response Information
<p>Label a Picture—Sentence (Initial: 3–5; Summative: 2, 3–5) Communicative Context: The test taker looks at a picture and writes a brief description (sentence) about what is happening. Stimulus: The test taker sees an image. The image shows an easily depicted, common action. Context, contents, and expected vocabulary are grade appropriate. Prompt: The test taker is instructed to write a sentence describing the picture. Response: The test taker writes a sentence to describe the picture. Scoring: An examiner scores the response after the test administration based on Writing Rubrics.</p>	<p>Potential alignment with PI.C10.b Writing, PI.C12 Selecting language resources (primary)</p> <p>PI.C.12b Selecting language resources, PII.B.4 Using nouns and noun phrases (secondary)</p>	<p>0–3 points, sentence</p>
<p>Read and Respond to a Message (Integrated Skills: Writing with Reading) (Initial: 6–8; Summative: 3–5, 6–8, 9–10, 11–12) Communicative Context: The test taker is answering a written message. Stimulus: The test taker reads a written note, letter, e-mail, or text message asking for help, information, etc. Appropriate graphics should be used to make the message look authentic. Response: The test taker writes an appropriate response to the questions in the message. Scoring: An examiner scores the response after the test administration based on Writing Rubrics.</p>	<p>Potential alignment with PI.A.2 Interacting via written English, PI.C.11 Justifying/arguing, PI.C.12 Selecting language resources</p>	<p>0–3 points, sentence</p>

Task Type	Intended Alignment with ELD Standards	Point Value, Response Information
<p>Write about an Experience (Initial: 6–8; Summative: 3–5, 6–8, 9–10, 11–12) Communicative Context: The test taker is provided with a common topic, such as a favorite celebration or a memorable trip. The test taker is prompted to write about the topic from his/her own personal experience. Stimulus: The test taker is provided with a common topic, such as a favorite celebration or a memorable trip. Prompt: The test taker is prompted to write about the topic. Response: The test taker writes a paragraph about a personal experience. Scoring: An examiner scores the response after the test administration based on Writing Rubrics.</p>	<p>CELDT alignment report shows alignment with PI.C.10.b Writing (Grades 3–12)</p>	<p>0–4 points, paragraph</p>
<p>Write about Academic Information (Integrated Skills: Writing with Reading) (Summative: 6–8, 9–10, 11–12) Communicative Context: The test taker is describing graphic information for a group project. Stimulus: A member of the group has compiled information for a group project and created a graphic organizer. Prompt: In the first question, the test taker is asked about an important detail. In the second question, the test taker is asked to make a comparison between group results or describe an overall trend in the results. Response: The test taker answers two questions to provide important information from the graphic organizer. Scoring: An examiner scores the response after the test administration based on Writing Rubrics.</p>	<p>Potential alignment of first question with PI.C.10.b Writing; second question to PI.A.2 Interacting via written English (as well as math and/or science practices)</p>	<p>2 items x 0–3 points = 6 points, sentence</p>

Task Type	Intended Alignment with ELD Standards	Point Value, Response Information
<p>Justify an Opinion (Initial: 9–10, 11–12; Summative: 6–8, 9–10, 11–12) Communicative Context: The test taker is writing a letter to a school newspaper. Stimulus: A common topic (e.g., wearing school uniforms, best type of exercise) is introduced. Prompt: The test taker is asked to provide his/her opinion along with appropriate support. Response: The test taker writes a paragraph containing his/her opinion along with support. Scoring: An examiner scores the response after the test administration based on Writing Rubrics.</p>	<p>CELDT alignment report shows alignment with PI.C.11.a Justifying/arguing (Grades 3–12)</p>	<p>0–4 points, paragraph</p>
<p>Summarize a Presentation (Integrated Skills: Writing with Listening) (Initial: 9–10, 11–12; Summative: 6–8, 9–10, 11–12) Communicative Context: The test taker is writing a summary of a presentation for a classmate who is not in class. Stimulus: The test taker hears a presentation about an idea and support for the idea. The test taker views a visual with an image or some notes that go along with the presentation. The test taker can write notes on the visual, which is on the answer sheet above the response area. Prompt: The test taker is prompted to summarize the presentation. Response: The test taker writes a summary of the presentation in a lined area in the Answer Book. The test taker can use the visual and his/her own notes to write the summary. Scoring: An examiner scores the response after the test administration based on Writing Rubrics.</p>	<p>Potential alignment with PI.C.10.b Writing (Grades 4–12)</p>	<p>0–4 points, paragraph</p>

Proposed Test Blueprints for the English Language Proficiency Assessments for California

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The following draft test blueprints are for the English Language Proficiency Assessments for California (ELPAC). The test blueprints provide the proposed numbers of items and points for each task type to be included in an operational assessment. The proposed task types and numbers of items and points are subject to revision in response to a qualitative evaluation of the items after the first pilot test and in response to statistical analyses of the first field test.

All 32 of the ELPAC task types in the test blueprints are designed to be aligned with the California 2012 English Language Development Standards (hereafter the 2012 ELD Standards), which were developed to correspond to the 2010 *California Common Core State Standards for English Language Arts & Literacy in History/Social Studies, Science, and Technical Subjects*. Seven of the 32 task types are adapted from components of the California English Language Development Test (CELDT) that were found to be aligned with the 2012 ELD Standards. The following chart shows the CELDT components that are aligned with the 2012 ELD Standards (as described in the *CELDT Item Alignment to the 2012 English Language Development Standards Report* at <http://www.cde.ca.gov/ta/tg/el/>), along with the ELPAC task types that are adapted from those components.

CELDT Component Aligned with the 2012 ELD Standards	ELPAC Task Types Adapted from CELDT Components
Listening—Extended Listening Comprehension	Listening—Listen to a Story Listening—Listen to an Oral Presentation
Speaking—Speech Functions (Grades 2–12)	Speaking—Speech Functions (Grades 2–12)
Speaking—4-Picture Narrative (Grades K–5)	Speaking—4-Picture Narrative (Grades K–5)
Reading—Reading Comprehension	Reading—Read a Literary Passage Reading—Read an Informational Passage
Writing—Short Compositions	Writing—Write about an Experience

All task types to be used on the ELPAC have been customized to assess English language knowledge, skills, and abilities described in the 2012 ELD Standards. For instance, the listening and reading task types that were adapted from CELDT components will include new types of questions that are designed to assess features of the 2012 ELD Standards. The other 25 ELPAC task types that do not appear on the above chart were specially designed to assess the 2012 ELD Standards.

Four of the task types assess Foundational Literacy Skills (FLS) in addition to the 2012 ELD Standards. Two of the reading and two of the writing task types assess certain FLS in addition to the 2012 ELD Standards. The two reading task types are Read-Along Word with Scaffolding and Read-Along Story with Scaffolding. The two writing task types are Label a Picture—Word with Scaffolding and Write a Story Together with Scaffolding. In each of these task types, the approach is to present a series of questions that lead from relatively easy questions that assess FLS to relatively difficult questions that assess the 2012 ELD Standards. The FLS questions serve as scaffolding that lead up to the final questions that assess the 2012 ELD Standards. For kindergarten and grade one (K–1), the 2012 ELD Standards call for English learners to be supported during instruction (with substantial, moderate, or light support). Significant time in K–1 is devoted to instruction in FLS. Including questions that assess FLS will ensure that the ELPAC is not more difficult for English learners than their English-only peers. Including questions that assess FLS allows students to build confidence and provides information regarding student command of FLS.

In general, the task types in the test blueprints are presented in the expected order of item difficulty from easiest to most difficult. Some of the relatively difficult task types include assessment of integrated tasks (e.g., writing in response to a reading passage, speaking in response to a listening stimulus). Integrated tasks are included in the ELPAC for two reasons: (1) the 2012 ELD Standards call for students to develop language skills that involve integrated tasks, and (2) communication frequently involves integration of language skills in real life. Scores for integrated task types are allocated to the area of student production (i.e., speaking, writing) that is used to provide the response. Scoring in this manner increases reliability. For instance, if a student reads a letter and then writes a response, it is more reliable to use holistic scoring rubrics to assign a single writing score than it would be to assign separate reading and writing scores. Thus, integrated task types that involve reading and writing contribute to writing scores, and those that involve listening and speaking contribute to speaking scores.

The test blueprints are organized by the four domains, referred to as score reporting categories, specified in federal Title III reporting requirements: listening, speaking, reading, and writing. (Title III also calls for a comprehension score, which will be obtained by combining listening and reading.) The first column provides the task type, and the second column describes whether the task type is comprised of a single discrete item or a set of items, which may go along with a listening stimulus or a reading passage. The second column also shows the number of points that a single discrete item or a full set of items will yield in an operational assessment. The remainder of the columns provide the number of points for the given task type at each ELPAC grade/grade span.

Future changes to be made to the test blueprints:

- Point values may be adjusted further during several stages of the ELPAC design and development effort: the evaluation of pilot test results, analyses of field test statistics, and review of testing times.

- Task type definitions will be added to the beginning of the document (either via hyperlink or by inserting definitions into this document before the blueprint tables).
- Separate tables will be created for the Initial assessment (IA) and Summative assessment (SA).
- The tables in the current version show point values only. When a task type is not being assessed at that grade or grade span, a zero in a cell represents a zero point value. When separate IA and SA tables are created, they will have the following headers showing both the number of items and number of points:

Task Type	Discrete/Set, Point Value	K		1		2		3–5		6–8		9–10		11–12	
		Items	Points												

Blueprint for Listening

Listening Task Type	Discrete/Set, Point Value	K		1		2		3–5		6–8		9–10		11–12	
		Initial	Sum.												
Listen to a Classroom Conversation	Discrete, 1 point	4	4	4	4	4	6	4	6	4	3	3	3	3	3
Choose a Reply	Discrete, 1 point	4	6	4	6	4	6	3	6	3	3	3	3	3	3
Listen to a Story	Set of 3 items, 3 points per set	3	6	3	6	3	6	3	6	3	0	0	0	0	0
Listen to an Oral Presentation	Set of 3–4 items, 3–4 points per set	3	6	3	6	3	4	4	4	4	8	4	8	4	8

Listening Task Type	Discrete/Set, Point Value	K		1		2		3–5		6–8		9–10		11–12	
		Initial	Sum.												
Listen to Speakers Support Opinions	Set of 4 items, 4 points per set	0	0	0	0	0	0	0	0	0	8	4	8	4	8
Total Number of Task Types		4	4	4	4	4	4	4	4	4	4	4	4	4	4
Total Number of Items		14	22	14	22	14	22	14	22	14	22	14	22	14	22
Total Number of Points		14	22	14	22	14	22	14	22	14	22	14	22	14	22

Blueprint for Speaking

Speaking Task Type	Discrete/Set, Point Value	K		1		2		3–5		6–8		9–10		11–12	
		Initial	Sum.												
Talk about a Scene	Set of 3 or 6 items, 6 or 12 points per set	6	12	6	12	6	6	6	6	6	6	6	6	6	6
Answer and Ask Questions (Speaking with Listening)	Set of 3 items, 3 points per set	0	3	0	3	0	0	0	0	0	0	0	0	0	0
Speech Functions	Discrete, 2 points	0	0	0	0	0	6	4	6	4	4	4	4	4	4
Speaking—Support an Opinion	Discrete, 2 points (Grades K–1);	0	2	0	2	0	4	0	4	0	4	0	4	0	4

Speaking Task Type	Discrete/Set, Point Value	K		1		2		3–5		6–8		9–10		11–12	
		Initial	Sum.												
	4 points (Grades 2–12)														
4-Picture Narrative	Discrete, 4 points	4	4	4	4	4	4	0	4	0	0	0	0	0	0
Summarize an Academic Presentation (Speaking with Listening)	Discrete, 4 points	4	4	4	4	4	4	4	4	4	4	4	4	4	4
Present and Discuss Information (Speaking with Reading)	Set of 2 items, 8 points per set	0	0	0	0	0	0	0	0	0	8	0	8	0	8
Total Number of Task Types		3	5	3	5	3	5	3	5	3	5	3	5	3	5
Total Number of Items		5	12	5	12	5	9	6	9	6	9	6	9	6	9
Total Number of Points		14	25	14	25	14	24	14	24	14	26	14	26	14	26

Blueprint for Reading

Reading Task Type	Discrete/Set, Point Value	K		1		2		3–5		6–8		9–10		11–12	
		Initial	Sum.												
Read-Along Word with Scaffolding	Set of 6 items, 3 points per set	3	6	0	0	0	0	0	0	0	0	0	0	0	0

Reading Task Type	Discrete/Set, Point Value	K		1		2		3-5		6-8		9-10		11-12	
		Initial	Sum.												
Read-Along Story with Scaffolding	Set of 5 items, 5 points per set	5	5	5	0	0	0	0	0	0	0	0	0	0	0
Read-Along Sentence	Discrete, 1 point	2	4	2	0	0	0	0	0	0	0	0	0	0	0
Read-Along Information	Set of 3 items, 3 points per set	0	3	3	0	0	0	0	0	0	0	0	0	0	0
Read and Choose a Word	Discrete, 1 point	0	0	0	6	2	6	0	0	0	0	0	0	0	0
Read and Choose a Sentence	Discrete, 1 point	0	0	0	5	2	6	2	6	2	0	2	0	2	0
Read a Short Informational Passage	Set of 2-3 items, 1 point per item	0	0	0	3	3	5	2-3	8	2-3	6	2-3	6	2-3	6
Read a Literary Passage	Set of 3-6 items, 1 point per item	0	0	0	3	3	6	0	6	0	7	0	7	0	7
Read an Informational Passage	Set of 3-6 items, 1 point per item	0	0	0	3	0	3	5-6	6	5-6	7	5-6	7	5-6	7
Read a Student Essay	Set of 6 items, 1 point per item	0	0	0	0	0	0	0	0	0	8	0	8	0	8

Reading Task Type	Discrete/Set, Point Value	K		1		2		3–5		6–8		9–10		11–12	
		Initial	Sum.												
Total Number of Task Types		3	4	3	5	4	5	3	4	3	4	3	4	3	4
Total Number of Items		13	24	10	20	10	26	10	26	10	28	10	28	10	28
Total Number of Points		10	18	10	20	10	26	10	26	10	28	10	28	10	28

Blueprint for Writing

Writing Task Type	Discrete/Set, Point Value	K		1		2		3–5		6–8		9–10		11–12	
		Initial	Sum.												
Label a Picture— Word with Scaffolding	Set of 3–4 items, 6 points per set	6	6	6	6	6	6	0	0	0	0	0	0	0	0
Write a Story Together with Scaffolding	Set of 4 items, 7 points per set	7	7	7	7	7	7	0	0	0	0	0	0	0	0
Write an Informational Text Together	Set of 2 items, 5 points per set	0	0	0	5	0	5	5	0	0	0	0	0	0	0
Write and Support an Opinion	Discrete, 2 points (Grades K–1); 3 points (Grades 2–5)	0	2	2	2	3	3	3	6	0	0	0	0	0	0
Label a Picture— Sentence	Discrete, 3 points	0	0	0	6	6	6	6	9	0	0	0	0	0	0

Writing Task Type	Discrete/Set, Point Value	K		1		2		3-5		6-8		9-10		11-12	
		Initial	Sum.												
Read and Respond to a Message	Discrete, 3 points	0	0	0	0	0	0	0	3	3	3	0	3	0	3
Write about an Experience	Discrete, 4 points	0	0	0	0	0	0	0	4	4	4	0	4	0	4
Write about Academic Information (Writing with Reading)	Set of 2 items, 6 points per set	0	0	0	0	0	0	0	0	0	6	0	6	0	6
Justify an Opinion	Discrete, 4 points	0	0	0	0	0	0	0	0	0	4	4	4	4	4
Summarize a Presentation (Writing with Listening)	Discrete, 4 points	0	0	0	0	0	0	0	0	0	4	4	4	4	4
Total Number of Task Types		2	3	3	5	4	5	3	4	2	5	2	5	2	5
Total Number of Items		8	9	9	13	11	13	5	7	2	6	2	6	2	6
Total Number of Points		13	15	15	26	22	27	14	22	7	21	8	21	8	21

ELPAC Initial Assessment—Number of Items and Points by Domain and Grade

Domain	K		1		2		3-5		6-8		9-10		11-12	
	Items	Points												
Listening	14	14	14	14	14	14	14	14	14	14	14	14	14	14
Speaking	5	14	5	14	5	14	6	14	6	14	6	14	6	14
Reading	13	10	10	10	10	10	10	10	10	10	10	10	10	10
Writing	8	13	9	15	11	22	5	14	2	7	2	8	2	8
Totals	40	51	38	53	40	60	35	52	32	45	32	46	32	46

ELPAC Summative Assessment—Number of Items and Points by Domain and Grade

Domain	K		1		2		3-5		6-8		9-10		11-12	
	Items	Points												
Listening	22	22	22	22	22	22	22	22	22	22	22	22	22	22
Speaking	12	25	12	25	9	24	9	24	9	26	9	26	9	26
Reading	24	18	20	20	26	26	26	26	28	28	28	28	28	28
Writing	9	15	13	26	13	27	7	22	6	21	6	21	6	21
Totals	67	80	67	93	70	99	64	94	65	97	65	97	65	97

Proposed Timeline for the Transition from the California English Language Development Test (CELDT) to the English Language Proficiency Assessments for California (ELPAC)

	2015–16	2016–17	2017–18		2018–19	
ELPAC Pilot Testing	December ¹ 2015					
Field Test Administrations (No scores reported)		ELPAC ² Summative (Spring 2017)	ELPAC ³ Initial (Fall 2017)			
Operational Administrations (Scores reported)	CELDT ¹	CELDT ²	CELDT ³	ELPAC ⁴ Summative (Spring 2018)	ELPAC ⁵ Initial (July 1, 2018)	ELPAC ⁶ Operational (Initial and Summative)

¹ In 2015–16, the CELDT will be administered as usual. Pilot testing for the ELPAC will occur in December 2015. The purpose of the pilot is to ensure that new task types planned for the ELPAC elicit useful information about language proficiency, as described in the 2012 California English Language Development Standards.

² In 2016–17, the CELDT will continue to be administered as usual. In spring 2017, a sample of school districts will participate in the ELPAC Summative Assessment field test. The purpose of each ELPAC field test (Summative and Initial Assessments) is to gather information on the performance of items that will inform final decisions related to test length, test composition, and score scales to ensure the ELPAC is valid and reliable.

³ In 2017–18, the CELDT will be administered for the purpose of initial identification only from July 1, 2017 to June 30, 2018. In fall 2017, field testing for the ELPAC Initial Assessment will occur.

⁴ In spring 2018, the ELPAC Summative Assessment will be operational.

⁵ On July 1, 2018, the ELPAC Initial Assessment will be operational.

⁶ In 2018–19, the ELPAC assessments will be fully operational, and the CELDT will no longer be administered.

Projected Distribution of Points Across the Part I California English Language Development Standards (2012 ELD Standards) for the Summative and Initial Assessments

Table 1: Projected Distribution of Points Across the Part I 2012 ELD Standards: Summative Assessment

2012 ELD Standard	K	1	2	3–5	6–8	9–10	11–12
Part I: Interacting in Meaningful Ways							
A. Collaborative							
1. Exchanging Information and Ideas (Gr. K–3)	9 Listening 15 Speaking	9 Listening 15 Speaking	10 Listening 6 Speaking	10 Listening 6 Speaking	5 Listening 6 Speaking	5 Listening 6 Speaking	5 Listening 6 Speaking
Exchanging Information and Ideas (Gr. 4–12)							
2. Interacting via Written English	10 Writing	6 Writing	6 Writing	3 Writing	3 Writing	3 Writing	3 Writing
3. Offering Opinions (Gr. K–5)	1 Listening	1 Listening	2 Listening	2 Listening	1 Listening 8 Speaking	1 Listening 8 Speaking	1 Listening 8 Speaking
Supporting Opinions and Persuading Others (Gr. 6–12)							
4. Adapting Language Choices (Gr. 2–12)	N/A	N/A	6 Speaking	6 Speaking	4 Speaking	4 Speaking	4 Speaking
B. Interpretive							
5. Listening Actively	12 Listening	12 Listening	10 Listening	9 Listening	12 Listening	12 Listening	12 Listening
6. Reading/Viewing Closely (Gr. K–3)	10 Reading	17 Reading	22 Reading	N/A	N/A	N/A	N/A

2012 ELD Standard	K	1	2	3–5	6–8	9–10	11–12
a. Describing Ideas (Gr. 4–5)	N/A	N/A	N/A	17 Reading	15 Reading	15 Reading	15 Reading
Explaining Ideas (Gr. 6–12)							
b. Using Morphological Knowledge (Gr. 4–5)	N/A	N/A	N/A	3 Reading	3 Reading	3 Reading	3 Reading
Expressing Inferences and Conclusions (Gr. 6–8)							
Explaining Inferences and Conclusions (Gr. 9–12)							
c. Using Morphological Knowledge (Gr. 6–12)	N/A	N/A	N/A	N/A	4 Reading	4 Reading	4 Reading
7. Evaluating Language Choices	1 Reading	2 Reading	2 Reading	1 Listening 3 Reading	2 Listening 3 Reading	2 Listening 3 Reading	2 Listening 3 Reading
8. Analyzing Language Choices	1 Reading	1 Reading	2 Reading	3 Reading	2 Listening 3 Reading	2 Listening 3 Reading	2 Listening 3 Reading
C. Productive							
9. Presenting	8 Speaking	8 Speaking	8 Speaking	8 Speaking	8 Speaking	8 Speaking	8 Speaking
10. Writing	3 Writing	18 Writing	18 Writing	N/A	N/A	N/A	N/A
a. Writing Literary and Informational Texts	N/A	N/A	N/A	9 Writing	--	--	--
b. Writing Summaries	N/A	N/A	N/A	4 Writing	10 Writing	10 Writing	10 Writing

2012 ELD Standard	K	1	2	3–5	6–8	9–10	11–12
11. Supporting Opinions (Gr. K–3)	2 Speaking 2 Writing	2 Speaking 2 Writing	4 Speaking 3 Writing	N/A	N/A	N/A	N/A
a. Supporting Opinions, Persuading Others (Gr. 4–5)	N/A	N/A	N/A	4 Speaking 6 Writing	8 Writing	8 Writing	8 Writing
Justifying Opinions, Persuading Others (Gr. 6–12)							
b. Expressing Attitudes and Opinions (Gr. 4–12)	N/A	N/A	N/A	--	--	--	--
12. Selecting Language Resources (Gr. 3)	N/A	N/A	N/A	N/A	N/A	N/A	N/A
a. Using Detailed Sentences and Key Words (Gr. K–2)	--	--	--	--	--	--	--
Using Academic Words (Gr. 4–12)							
b. Using General and Domain-Specific Words to Add Detail (Gr. K–2)	--	--	--	--	--	--	--
Using Appropriate Affixes (Gr. 4–12)							

N/A = the standard does not apply to this grade/grade span.

A dash (--) indicates that no items measure this standard at this grade/grade span.

The points in this table represent an accumulated total for each task type per grade or grade span; some items are worth more than one point. (i.e., the points do not necessarily correspond to the number of items.)

Table 2: Projected Distribution of Points Across the Part I 2012 ELD Standards: Initial Assessment

2012 ELD Standard	K	1	2	3–5	6–8	9–10	11–12
Part I: Interacting in Meaningful Ways							
A. Collaborative							
1. Exchanging Information and Ideas (Gr. K–3) Exchanging Information and Ideas (Gr. 4–12)	7 Listening 6 Speaking	7 Listening 6 Speaking	7 Listening 6 Speaking	6 Listening 6 Speaking	6 Listening 6 Speaking	6 Listening 6 Speaking	6 Listening 6 Speaking
2. Interacting via Written English	10 Writing	10 Writing	10 Writing	2 Writing	3 Writing	--	--
3. Offering Opinions (Gr. K–5) Supporting Opinions and Persuading Others (Gr. 6–12)	1 Listening	3 Listening	3 Listening				
4. Adapting Language Choices (Gr. 2–12)	N/A	N/A	--	4 Speaking	4 Speaking	4 Speaking	4 Speaking
B. Interpretive							
5. Listening Actively	5 Listening	5 Listening	5 Listening	6 Listening	6 Listening	3 Listening	3 Listening
6. Reading/Viewing Closely (Gr. K–3)	5 Reading	6 Reading	8 Reading	N/A	N/A	N/A	N/A
a. Describing Ideas (Gr. 4–5) Explaining Ideas (Gr. 6–12)	N/A	N/A	N/A	6 Reading	6 Reading	6 Reading	6 Reading

2012 ELD Standard	K	1	2	3–5	6–8	9–10	11–12
b. Using Morphological Knowledge (Gr. 4–5) Expressing Inferences and Conclusions (Gr. 6–8) Explaining Inferences and Conclusions (Gr. 9–12)	N/A	N/A	N/A	2 Reading	1 Reading	1 Reading	1 Reading
c. Using Morphological Knowledge (Gr. 6–12)	N/A	N/A	N/A	N/A	1 Reading	1 Reading	1 Reading
7. Evaluating Language Choices	1 Listening 1 Reading	1 Listening 2 Reading	1 Listening 1 Reading				
8. Analyzing Language Choices	--	--	1 Reading	1 Reading	1 Reading	1 Listening 1 Reading	1 Listening 1 Reading
C. Productive							
9. Presenting	8 Speaking	8 Speaking	8 Speaking	4 Speaking	4 Speaking	4 Speaking	4 Speaking
10. Writing	3 Writing	3 Writing	9 Writing	N/A	N/A	N/A	N/A
a. Writing Literary and Informational Texts	N/A	N/A	N/A	9 Writing	--	--	--
b. Writing summaries	N/A	N/A	N/A	--	4 Writing	4 Writing	4 Writing
11. Supporting Opinions (Gr. K–3)	--	2 Writing	3 Writing	N/A	N/A	N/A	N/A
a. Supporting Opinions, Persuading Others (Gr. 4–5) Justifying Opinions, Persuading Others (Gr. 6–12)	N/A	N/A	N/A	3 Writing	--	4 Writing	4 Writing

2012 ELD Standard	K	1	2	3–5	6–8	9–10	11–12
b. Expressing Attitudes and Opinions (Gr. 4–12)	N/A	N/A	N/A	--	--	--	--
12. Selecting Language Resources (Gr. 3)	N/A	N/A	N/A	N/A	N/A	N/A	N/A
a. Using Detailed Sentences and Key Words (Gr. K–2)	--	--	--	--	--	--	--
Using Academic Words (Gr. 4–12)							
b. Using General and Domain-Specific Words to Add Detail (Gr. K–2)	--	--	--	--	--	--	--
Using Appropriate Affixes (Gr. 4–12)							

N/A = the standard does not apply to this grade/grade span.

A dash (--) indicates that no items measure this standard at this grade/grade span.

The points in this table represent an accumulated total for each task type per grade or grade span; some items are worth more than one point. (i.e., the points do not necessarily correspond to the number of items.)

Projected Distribution of Items that Correspond to the Part II California English Language Development Standards (2012 ELD Standards) for the Summative and Initial Assessments

Table 3: Projected Distribution of Items that Correspond to the Part II 2012 ELD Standards: Summative Assessment

2012 ELD Standard	K	1	2	3–5	6–8	9–10	11–12
Part II: Learning About How English Works							
A. Structuring Cohesive Texts							
1. Understanding Text Structure	22 Listening 1 Speaking 2 Reading 1 Writing	22 Listening 1 Speaking 2 Reading 2 Writing	22 Listening 1 Speaking 2 Reading 2 Writing	22 Listening 1 Speaking 2 Reading	22 Listening 3 Reading 1 Writing	22 Listening 3 Reading 1 Writing	22 Listening 3 Reading 1 Writing
2. Understanding Cohesion	22 Listening 2 Speaking 2 Reading 2 Writing	22 Listening 2 Speaking 2 Reading 3 Writing	22 Listening 2 Speaking 2 Reading 3 Writing	N/A	N/A	N/A	N/A
a. Making Texts More Cohesive	N/A	N/A	N/A	22 Listening 2 Speaking 2 Reading 2 Writing	22 Listening 1 Speaking 3 Reading	22 Listening 1 Speaking 3 Reading	22 Listening 1 Speaking 3 Reading
b. Linking Ideas, Events, and Reasons	N/A	N/A	N/A	22 Listening 2 Speaking 2 Reading 2 Writing	22 Listening 1 Speaking 3 Reading	22 Listening 1 Speaking 3 Reading	22 Listening 1 Speaking 3 Reading
B. Expanding and Enriching Ideas							
3. Using Verbs and Verb Phrases	N/A	N/A	N/A	11 Speaking 7 Writing	9 Speaking 6 Writing	9 Speaking 6 Writing	9 Speaking 6 Writing
a. Using a Variety of Verb Types	14 Speaking 2 Writing	14 Speaking 3 Writing	11 Speaking 3 Writing	N/A	N/A	N/A	N/A
b. Using a Variety of Verb Tenses	14 Speaking 2 Writing	14 Speaking 3 Writing	11 Speaking 3 Writing	N/A	N/A	N/A	N/A

2012 ELD Standard	K	1	2	3–5	6–8	9–10	11–12
4. Using Nouns and Noun Phrases	14 Speaking 2 Writing	14 Speaking 3 Writing	11 Speaking 3 Writing	11 Speaking 7 Writing	9 Speaking 6 Writing	9 Speaking 6 Writing	9 Speaking 6 Writing
5. Modifying to Add Details	14 Speaking 2 Writing	14 Speaking 3 Writing	11 Speaking 3 Writing	11 Speaking 4 Writing	9 Speaking 6 Writing	9 Speaking 6 Writing	9 Speaking 6 Writing
C. Connecting and Condensing Ideas							
6. Connecting Ideas	5 Speaking 2 Writing	5 Speaking 3 Writing	5 Speaking 3 Writing	5 Speaking 4 Writing	4 Speaking 6 Writing	4 Speaking 6 Writing	4 Speaking 6 Writing
7. Condensing Ideas (Gr. 1–12)	N/A	3 Speaking	3 Speaking	3 Speaking	3 Speaking 2 Writing	3 Speaking 2 Writing	3 Speaking 2 Writing

N/A = the standard does not apply to this grade/grade span.

A dash (--) indicates that no items measure this standard at this grade/grade span.

Each item in this table may correspond to several Part II ELD standards.

Table 4: Projected Distribution of Items that Correspond to the Part II 2012 ELD Standards: Initial Assessment

2012 ELD Standard	K	1	2	3–5	6–8	9–10	11–12
Part II: Learning About How English Works							
A. Structuring Cohesive Texts							
1. Understanding Text Structure	14 Listening 1 Speaking 1 Reading 1 Writing	14 Listening 1 Speaking 1 Reading 1 Writing	14 Listening 1 Speaking 1 Reading 2 Writing	14 Listening 1 Speaking 1 Reading 1 Writing	14 Listening 1 Reading	14 Listening 1 Reading 1 Writing	14 Listening 1 Reading 1 Writing
2. Understanding Cohesion	14 Listening 2 Speaking 1 Reading 1 Writing	14 Listening 2 Speaking 1 Reading 2 Writing	14 Listening 2 Speaking 1 Reading 2 Writing	N/A	N/A	N/A	N/A
a. Making Texts More Cohesive	N/A	N/A	N/A	14 Listening 1 Speaking 1 Reading 2 Writing	14 Listening 1 Speaking 1 Reading	14 Listening 1 Speaking 1 Reading	14 Listening 1 Speaking 1 Reading
b. Linking Ideas, Events, and Reasons	N/A	N/A	N/A	14 Listening 1 Speaking 1 Reading 2 Writing	14 Listening 1 Speaking 1 Reading	14 Listening 1 Speaking 1 Reading	14 Listening 1 Speaking 1 Reading
B. Expanding and Enriching Ideas							
3. Using Verbs and Verb Phrases	N/A	N/A	N/A	6 Speaking 4 Writing	6 Speaking 2 Writing	6 Speaking 2 Writing	6 Speaking 2 Writing
a. Using a Variety of Verb Types	5 Speaking 1 Writing	5 Speaking 2 Writing	5 Speaking 4 Writing	N/A	N/A	N/A	N/A
b. Using a Variety of Verb Tenses	5 Speaking 1 Writing	5 Speaking 2 Writing	5 Speaking 4 Writing	N/A	N/A	N/A	N/A

2012 ELD Standard	K	1	2	3–5	6–8	9–10	11–12
4. Using Nouns and Noun Phrases	5 Speaking 1 Writing	5 Speaking 2 Writing	5 Speaking 4 Writing	6 Speaking 4 Writing	6 Speaking 2 Writing	6 Speaking 2 Writing	6 Speaking 2 Writing
5. Modifying to Add Details	5 Speaking 1 Writing	5 Speaking 2 Writing	5 Speaking 2 Writing	6 Speaking 2 Writing	6 Speaking 2 Writing	6 Speaking 2 Writing	6 Speaking 2 Writing
C. Connecting and Condensing Ideas							
6. Connecting Ideas	2 Speaking 1 Writing	2 Speaking 2 Writing	2 Speaking 2 Writing	1 Speaking 2 Writing	1 Speaking 2 Writing	1 Speaking 2 Writing	1 Speaking 2 Writing
7. Condensing Ideas (Gr. 1–12)	N/A	1 Speaking	1 Speaking	1 Speaking	1 Speaking 1 Writing	1 Speaking 1 Writing	1 Speaking 1 Writing

N/A = the standard does not apply to this grade/grade span.

A dash (--) indicates that no items measure this standard at this grade/grade span.

Each item in this table may correspond to several Part II ELD standards.



California State Board of Education
Meeting Agenda Items for November 4-5, 2015

WAIVER ITEM W-01



CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 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: Julian Union High School District Fed-20-2015 San Lorenzo Valley Unified School District Fed-19-2015</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 Improvement 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 178 to 4,444. 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:

Julian Union High School District has a student population of 178 and is located in a Rural: Distant (42) area in San Diego County.

San Lorenzo Valley Unified School District has a student population of 4,444 and is located in a Rural: Fringe (41) area in Santa Cruz 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: Julian Union High School District Federal Waiver Request Fed-20-2015 for Julian High School (1 page). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: San Lorenzo Valley Unified School District Fed-19-2015 for San Lorenzo 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-20-2015	Julian Union High School District for Julian High School	<p>Requested: July 1, 2015 to June 30, 2019</p> <p>Recommended: July 1, 2015 to June 30, 2019</p>	August 20, 2015	42	Student population of 178 located in San Diego County	\$3,437.00
Fed-19-2015	San Lorenzo Valley Unified School District for San Lorenzo Valley High School	<p>Requested: July 1, 2015 to July 1, 2019</p> <p>Recommended: July 1, 2015 to June 30, 2019</p>	July 29, 2015	41	Student population of 4,444 located in Santa Cruz County	\$14,278.00

Created by California Department of Education
 September 4, 2015

California Department of Education
WAIVER SUBMISSION - Federal

CD Code: 3768171

Waiver Number: Fed-20-2015

Active Year: 2015

Date In: 9/3/2015 10:45:42 AM

Local Education Agency: Julian Union High School District
Address: 1656 Highway 78
Julian, CA 92036

Start: 7/1/2015

End: 6/30/2019

Waiver Renewal: N

Previous Waiver Number:

Previous SBE Approval Date:

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: Carl D. Perkins Career and Technical Education Improvement Act of 2006, Public Law 109270 Section 131(c)(1), that requires local agencies whose all locations are less than \$15,000 to enter into a consortium with other agencies for the purpose of meeting the \$15,000 minimum grant requirement.

Outcome Rationale: Julian High School is located in the rural community of Julian located within San Diego county. Currently the high school is operating an Agriculture class that offers students the opportunity to experience mechanics, welding, animals, and horticulture. Due to the size and location of the district, it is not possible to become eligible for funding under most grants unless there is a waiver.

Student Population: 157

City Type: Rural

NCES Code: 42

Local Board Approval Date: 8/20/2015

Submitted by: Ms. Andrea Sissons
Position: Chief Business Official
E-mail: asissons@juhsd.org
Telephone: 760-765-0606 x103
Fax:

California Department of Education
WAIVER SUBMISSION - Federal

CD Code: 4469807

Waiver Number: Fed-19-2015

Active Year: 2015

Date In: 7/30/2015 11:58:17 AM

Local Education Agency: San Lorenzo Valley Unified School District
Address: 325 Marion Ave.
Ben Lomond, CA 95005

Start: 7/1/2015

End: 7/1/2019

Waiver Renewal: Y

Previous Waiver Number: Fed-69-2011-W-12 Previous SBE Approval Date: 9/8/2011

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: [Carl D. Perkins Career and Technical Education Improvement Act of 2006, Public Law 109-270 Section 131(c)(1), that requires local agencies whose allocations are less than \$15,000 to enter into a consortium with other agencies for the purpose of meeting the \$15,000 minimum grant requirement.]

Outcome Rationale: San Lorenzo Valley High School has a population of 700 and is located in a rural area in Santa Cruz County.

Student Population: 700

City Type: Rural

NCES Code: 41

Local Board Approval Date: 7/29/2015

Submitted by: Ms. Keri Billings
Position: Assistant Principal
E-mail: kbillings@slvusd.org
Telephone: 831-335-4721 x112
Fax: 831-336-9531



California State Board of Education
Meeting Agenda Items for November 4-5, 2015

WAIVER ITEM W-02



CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2015 AGENDA

General Waiver

<p>SUBJECT</p> <p>Request by two local educational agencies for a renewal to waive <i>California Code of Regulations</i>, Title 5, Section 3051.16(b)(3), the requirement that educational interpreters for Deaf and Hard of Hearing students meet minimum qualifications as of July 1, 2009, to allow two interpreters to continue to provide services to students until June 30, 2016, under a remediation plan to complete those minimum requirements.</p> <p>Waiver Numbers: Hemet Unified School District 13-7-2015 Sutter County Office of Education 8-7-2015</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 Ginger Stewart and Richiane Cristobal qualify for educational interpreter waivers to provide educational interpreter services until June 30, 2016.

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 Ginger Stewart and Richiane Cristobal with the individual conditions noted in Attachment 1.

SUMMARY OF KEY ISSUES

The Individual 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) require the following:

By **July 1, 2009**, and thereafter, an educational interpreter shall be certified by the national Registry of Interpreters for the Deaf (RID), or equivalent; in lieu of RID certification or equivalent, an educational interpreter must have achieved a score of **4.0** or above on the Educational Interpreter Performance Assessment (EIPA), the Educational Sign Skills Evaluation-Interpreter/Receptive (ESSE-I/R), or the National Association of the Deaf/American Consortium of Certified Interpreters (NAD/ACCI) assessment. If providing Cued Language transliteration, a transliterator shall possess Testing/Evaluation and Certification Unit (TECUnit) certification, or have achieved a score of **4.0** or above on the EIPA – Cued Speech.

Demographic Information:

The Hemet Unified School District has a student population of 20,825 and is located in a small city in Riverside County.

The Sutter County Office of Education has a student population of 390 and is located in a rural area in Sutter 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 2002, the State Board of Education (SBE) approved regulations that required educational interpreters to be certified by the national Registry of Interpreters for the Deaf (RID), or equivalent, by January 1, 2007. As of July 1, 2009, they have been required to be certified by the 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: Hemet Unified School District General Waiver Request 13-7-2015 (4 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Sutter County Office of Education General Waiver Request 8-7-2015
(3 pages) (Original waiver request 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 Requirement	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
13-7-2015	Hemet Unified School District	Ginger Stewart	Requested: 8/10/2015 to 6/30/2016 Recommended: 8/10/2015 to 6/30/2016	7/21/2015 Notice posted at schools and at district office	California School Employees Association Bonnie Little President 6/24/2015 Support	District Advisory Committee 7/1/2015 No objections	Yes 3/14/2012 to 3/14/2013 7/2/2013 to 6/30/2014 7/2/2014 to 6/30/2015	EIPA 1/24/2015 3.7	EIPA Prehire Screen 10/14/2013 "OK to Hire" EIPA 11/18/2013 3.7 EIPA 1/11/2014 3.5	3/14/2012
			<p style="text-align: center;">Conditions:</p> <ol style="list-style-type: none"> 1. The Hemet Unified School District must continue to provide Ms. Stewart with weekly one-on-one mentorship, based on an individualized professional development plan, by a qualified interpreter. 2. By June 2016, the Hemet Unified School District must provide CDE with new assessment scores for Ms. Stewart. <p>Note: This is a fourth waiver request. The CDE recommends approval with conditions because Hemet is remote. If the Hemet Unified School District released Ms. Stewart, the district would be unlikely to find a qualified replacement. The district continues to provide mentorship for her, and Ms. Stewart received strong endorsements from her mentor interpreters and from several Deaf individuals. No future waiver requests for Ms. Stewart will be approved by the SBE.</p>							

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 Requirement	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
8-7-2015	Sutter County Office of Education	Richiane Cristobal	Requested: 8/3/2015 to 6/30/2016	7/8/2015	California School Employees Association	Community Advisory Committee 7/8/2015	Yes 8/11/2014 to 6/30/2015	EIPA 2/7/2015 3.8	EIPA 4/6/2014 3.6	2/14/2006 Para-Educator 7/1/2008 Para-Educator with Signing Skills 8/11/2014 Educational Interpreter
			Recommended: 8/3/2015 to 6/30/2016	Notice in local newspaper	Lisa Wolfe President 7/1/2015 Support	No objections	<p>Conditions:</p> <ol style="list-style-type: none"> 1. The Sutter County Office of Education must continue to provide Ms. Cristobal with weekly one-on-one mentorship, based on an individualized professional development plan, by a qualified interpreter. 2. By June 2016, the Sutter County Office of Education must provide CDE with new assessment scores for Ms. Cristobal. 			

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3367082

Waiver Number: 13-7-2015

Active Year: 2015

Date In: 7/23/2015 2:57:30 PM

Local Education Agency: Hemet Unified School District
Address: 1791 West Acacia Ave.
Hemet, CA 92545

Start: 8/10/2015

End: 6/30/2016

Waiver Renewal: Y

Previous Waiver Number: 3-7-2014-W-03

Previous SBE Approval Date: 11/14/2014

Waiver Topic: Special Education Program

Ed Code Title: Educational Interpreter for Deaf and Hard of Hearing

Ed Code Section: CCR, Title 5, Section 3051.16(b)(3)

Ed Code Authority: 33050-33053

Ed Code or CCR to Waive: 5 CCR 3051.16 (b)(3) Specialized Services for Low-Incidence Disabilities educational Interpreter not Meeting State and Federal Qualifications

Outcome Rationale: Hemet Unified School District (HUSD) is located 45 minutes away from a larger city. It is not close to a major freeway HUSD had a difficult time recruiting an interpreter with the skill level of Ginger Stewart. Without Ginger's high level of skill the students in the District would not have been able to access academics at the same level as their peers. If this waive is not granted by your panel, HUSD will be forced to use R.I.S.E.an interpreting agency. Outside of the school day Ginger is an employee of R.I.S.E.

The owner of R.I.S.E. was Ginger's previous mentor and has written a letter that will be attached that speaks to her skill level as an interpreter along with several other letters from member of our local deaf community.

Student Population: 20825

City Type: Small

Public Hearing Date: 7/21/2015

Public Hearing Advertised: Notice posted at schools; posted at District Office

Local Board Approval Date: 7/21/2015

Community Council Reviewed By: District Advisory Committee (DAC)

Community Council Reviewed Date: 7/1/2015

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Janet Mendoza
Position: Coordinator, Special Education
E-mail: jmendoza@hemetusd.org
Telephone: 951-765-5100 x4020
Fax: 951-765-5136

Bargaining Unit Date: 06/24/2015
Name: California School Employees' Association (CSEA)
Representative: Bonnie Little
Title: President
Position: Support
Comments:

Documentation and Professional Development Plan
Classroom Sign Language Interpreter
Ginger Stewart

The following Professional Development Plan is intended to increase the level of sign language proficiency in order to meet the California State qualifications and waiver requirements for the following interpreter:

Ginger Stewart Record ID: 19086 (previous record ID: 17006), (previous Record ID: 14837)

Professional Development Plan

Mentorship: Ginger will meet weekly with a certified interpreter to mentor her as she develops identified skills per the recommendations outlined on her remediation plan. Goals are specific to areas identified for professional development in the Educational Interpreter Performance Assessment. Janet Mendoza, Special Education Coordinator for Hemet Unified School District, will monitor the log sheets of the above activities.

Ginger will continue to view the Boys Town Educational Interpreters Assessment videos. Ginger is also employed RISE Interpreting Inc. in many capacities such as hospitals, church, social security appointments, college classes, or other jobs as assigned. She is often teamed with another RISE interpreter and welcomes feedback from her team partner. Ginger also periodically videotapes herself and compares her signing abilities with the interpreter on the screen. This will be done for both sign and voice to sign interpreting. Her mentor also previews these video recordings. Ginger attends weekly community events involving the deaf community. Ginger is well known by the deaf community. Ginger will be available to attend workshops or conferences educationally related to deaf and hard of hearing students, interpreting services, and/or culture. To date, EIPA has no scheduled workshops calendared. Depending on the outcome of Ginger's next EIPA score more training may be added in the future.

Individualized Goals (developed from the EIPA "Areas Identified for Professional Development"

Goal: All content concepts are to be presented clearly and completely.

Objective: Ginger will use additional process time to analyze the message to convey the teacher's intent. She will allow adequate language planning time by increasing process time to allow comprehension and planning to convey an effective message using appropriate sign selection, use of space, topicalization, and sign stress for key words.

Goal: Fingerspelling of Key concept vocabulary

Objective: Ginger will continue to develop analysis of lesson content for identification of

key terms that need to be fingerspelled. She will spell these words several times throughout the lesson before reverting to a sign.

Goal: Spatial organization: Develop and build a visual scaffold for interpretation

Objective: Ginger will use the appropriate spatial organization building a visual scaffold for interpretation, particularly in incorporating classifiers and labeling them with either a sign or fingerspelling.

Current Sign Language Interpreters' EIPA Assessment Scores:

Roman 1: 3.5

Roman II: 3.6

Roman III: 4.5

Roman IV: 3.2

Ginger's most recent EIPA score, dated 1/24/2015 was a 3.7.

Previous Sign Language Interpreters' EIPA Assessment Score 3.5 (1/11/14).

Ginger will schedule to take the EIPA at the next appropriate time related to her last assessment.

Ginger understands that in order for her to continue in her current position with Hemet Unified School District as an Interpreter/Transliterater III, she must continue to pursue a passing score of 4.0. Ginger is also aware that this waiver must be approved by the California Department of Education.

Janet Mendoza
Special Education Coordinator
Hemet Unified School District

Signatures:

Ginger Stewart,
Interpreter _____

Bonnie Little, CSEA

President _____

Janet Mendoza, Coordinator, Special
Education _____

California Department of Education
WAIVER SUBMISSION - General

CD Code: 5110512

Waiver Number: 8-7-2015

Active Year: 2015

Date In: 7/14/2015 5:47:38 PM

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

Start: 8/3/2015

End: 6/30/2016

Waiver Renewal: Y

Previous Waiver Number: 7-9-2014-W-03

Previous SBE Approval Date: 1/14/2015

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: This is a renewal of a waiver that was originally granted for the time period of 8/11/2014 to 6/30/2015 for an Educational Interpreter that scored a 3.6 on the EIPA on 4/6/2014. This interpreter has since scored a 3.8 on the EIPA on 2/7/2015, making progress toward the required score of 4.0. This interpreter was able to make progress even though she was on a medical leave and unable to interpret for 3 months of the school year (January 20, 2015 through March 30, 2015). She is a valuable employee to Sutter County Superintendent of Schools, and we would like the opportunity to continue to assist her toward reaching the goal of becoming a certified interpreter, while providing services to the DHH students of Sutter County. We have been unsuccessful at recruiting an already certified interpreter, after extensive advertising.

Student Population: 390

City Type: Rural

Public Hearing Date: 7/8/2015

Public Hearing Advertised: Notice in local newspaper

Local Board Approval Date: 7/8/2015

Community Council Reviewed By: Community Advisory Committee (CAC)

Community Council Reviewed Date: 7/8/2015

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: 07/01/2015

Name: CSEA, Local Chapter #634

Representative: Lisa Wolfe

Title: CSEA President, Local Chapter

Position: Support

Comments:

Professional Development / Remediation Plan for 2015-2016

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

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

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

Specific areas of focus:

- Develop more familiarity with a variety of classifiers and be sure to label classifiers with either a sign or fingerspelling.
- 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.
- Increase pragmatic awareness – develop analysis time to comprehend and convey the speaker's pragmatic drive – the intent of WHY someone is speaking.



California State Board of Education
Meeting Agenda Items for November 4-5, 2015

WAIVER ITEM W-03



CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2015 AGENDA

Specific Waiver

<p>SUBJECT</p> <p>Request by San Ramon Valley Unified School District under the authority of California <i>Education Code (EC)</i> Section 56101 and <i>California Code of Regulations</i>, Title 5, Section 3100, to waive <i>EC</i> Section 56362(c). Approval of this waiver will allow the resource specialists to exceed the maximum caseload of 28 students by no more than four students (32 maximum).</p> <p>Waiver Number: 5-7-2015</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 increase the caseload of one resource specialist from the maximum allowed caseload of 28 students to 32 students.

Authority for Waiver: *Education Code (EC)* Section 56101

RECOMMENDATION

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

The California Department of Education (CDE) recommends approval with the following conditions: (1) The District(s) must provide each resource specialist instructional aide time of at least five hours daily whenever the resource specialists' caseloads exceed the statutory maximum caseload of 28 students by no more than four students (32 maximum), during the waiver's effective period, per *California Code of Regulations* Title 5 (5 CCR), Section 3100(d)(2); (2) The District(s) must submit documentation to the CDE's Special Education Division of the District's efforts to recruit and employ fully credentialed resource specialists for the 2015–16 school year

SUMMARY OF KEY ISSUES

This will be the sixth resource specialist program waiver within a year from the San Ramon Valley Unified School District (USD), however the CDE considers this request acceptable due to a notable increase of students with disabilities at the middle school level in the District over the prior year.

A resource specialist is a credentialed teacher who provides instruction and services to children with individualized education programs (IEPs) that are with regular education

teachers for the majority of the school day. Resource specialists coordinate special education services with general education programs for students.

Before recommending approval, the existing complaint/compliance database for any district requesting a caseload waiver is examined. If it appears that a particular LEA is requesting large numbers of waivers, or upon complaint from an individual resource specialist alleging that waiver conditions are not being followed, referrals are made to the Special Education Division for follow-up.

The San Ramon Valley USD requests to increase the caseload of Susan Anderson, resource specialist teacher at Los Cerros Middle School. The CDE recommends approval with conditions. There have been no prior documented complaints registered with the CDE related to this school district exceeding the maximum resource specialist program caseload of 28 students. The teacher agreed to the waiver, and will receive the required amount of instructional aide time.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

EC Section 56101 allows the State Board of Education (SBE) to waive any provision of *EC* or regulation if the waiver is necessary or beneficial when implementing a student IEP. Title 5 *CCR* specifically allows the SBE to approve waivers for resource specialists providing special education services to exceed the maximum caseload of 28 students by no more than four students. However, there are specific requirements in these regulations which must be met for approval, and if these requirements are not met, the waiver must be denied:

- 1) The requesting agency demonstrates to the satisfaction of the SBE that: (A) the excess resource specialist caseload results from extraordinary fiscal and/or programmatic conditions; and (B) the extraordinary conditions have been resolved or will be resolved by the time the waiver expires.
- 2) The waiver stipulates that an affected resource specialist will have the assistance of an instructional aide at least five hours daily whenever that resource specialist's caseload exceeds the statutory maximum during the waiver's effective period.
- 3) The waiver confirms that the students served by an affected resource specialist will receive all of the services called for in their IEPs.
- 4) The waiver was agreed to by any affected resource specialist, and the bargaining unit, if any, to which the resource specialist belongs participated in the waiver's development.
- 5) The waiver demonstrates to the satisfaction of the SBE that the excess caseload can be reasonably managed by an affected resource specialist in particular relation to: (A) the resource specialist's pupil contact time and other assigned duties; and (B) the programmatic conditions faced by the resource specialist, including, but not limited to, student age level, age span, and the behavioral

characteristics; number of curriculum levels taught at any one time or any given session; and intensity of student instructional needs.

The SBE receives about a dozen waivers of this type each year, and approximately 90 percent are approved. Due to the nature of this type of waiver, they are almost always retroactive.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver(s) approval.

ATTACHMENT(S)

Attachment 1: Resource Specialist Program Summary Table (1 page)

Attachment 2: San Ramon Valley Unified School District–Los Cerros Middle School Specific Waiver Request 5-7-2015 (5 pages). (Original waiver request is signed and on file in the Waiver Office.)

Resource Specialist Program Summary Table

Waiver Number	School District, School	Name of Teacher, Agrees to Excess Caseload?	Over Statutory Caseload for More Than Two Years?	Current Aide Time, Aide Time With Approved Waiver	Demographics	Period of Request	Local Board Approval Date	Bargaining Unit, Representative, Consulted, Date, and Position
5-7-2015	San Ramon Valley Unified School District, Los Cerros Middle School	Susan Anderson Yes	No	Current: 30 hours per week If Approved: 30 hours a week	Student Population: 31,846 Area: Suburban County: Contra Costa	Requested: May 22, 2015 to June 11, 2015 Recommended: May 22, 2015 to June 11, 2015	June 23, 2015	San Ramon Valley Education Association, Ann Katzburg President 6/2/2015 Support

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 0761804

Waiver Number: 5-7-2015

Active Year: 2015

Date In: 7/9/2015 9:14:54 AM

Local Education Agency: San Ramon Valley Unified School District
Address: 699 Old Orchard Dr.
Danville, CA 94526

Start: 5/22/2015

End: 6/11/2015

Waiver Renewal: N

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: Special Education Program
Ed Code Title: Resource Teacher Caseload
Ed Code Section: 56362(c)
Ed Code Authority: 56101 and 5 CCR Section 3100

Ed Code or CCR to Waive: 56362(c)

Outcome Rationale: We currently have a full time Resource Specialist and a 7 hour daily para-educator for our Resource Program. Due to an increase in total student enrollment, we have experienced an increase in the number of students with disabilities. We believe it is always best to keep students at their home school, whenever possible, and to provide the necessary services utilizing existing school staff. Increasing the Resource Specialist's caseload will allow us to do this. If the caseload exceeds the maximum increase of 32, we will use another Resource Specialist from a different site to provide support.

Student Population: 31846

City Type: Suburban

Local Board Approval Date: 6/23/2015

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Judith Cameron
Position: SELPA Executive Director
E-mail: jcameron@srvusd.net
Telephone: 925-552-2996
Fax:

Bargaining Unit Date: 06/02/2015
Name: San Ramon Valley Education Association
Representative: Ann Katzburg
Title: President
Position: Support
Comments:

California Department of Education
Revised 6-26-2014

SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD
To be completed by the ADMINISTRATOR

1. SELPA / District / COE Name: San Ramon Valley / San Ramon USD / Contra Costa COE
2. Name of Resource Specialist*: Sue Anderson
3. School / District Assignment: Los Cerros Middle School
4. Status: Permanent Probation Temporary
5. Number of students 30 (Caseload) proposed number of students 32
6. Full time Equivalent (FTE%): 1.0
7. Number of periods or hours taught by Resource Specialist: Periods Hours 6.5
8. Average number of students per hour taught: 5
9. Indicate amount of Instructional Aide time: 5 (hours) to be provided to this resource specialist with this waiver.
Note: At least 5 hours of aide time is required when the caseload is over 28, per CCR, Title 5, Section 3100(d)(2).
10. Provide assurance that the waiver will not hinder the implementation of a student's individualized educational program (IEP) for all students involved with the waiver or compliance with specified federal law, per CCR, Title 5, Section 3100(d):

All of the students can be served with the increase caseload of 32 students.
11. Explain what extraordinary fiscal or program circumstances resulted in this request for excess caseload, per CCR, Title 5, Section 3100(d):

There are no extraordinary fiscal or program circumstances with the request for excess caseload.
12. Indicate how your plan of action to resolve conditions by the time the waiver expires or is denied by the SBE, per CCR, Title 5, Section 3100(d)(1):

To continue to monitor caseloads and hire additional staff when needed/available.

Administrator/Designee Name and Title: Phyllis Roach, Principal

Telephone number (and extension): 925-855-6801

Date: 5/22/15

*Resource Specialist as defined in EC Section 56362.5

California Department of Education
Revised 6-26-2014

SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD
To be completed by the RESOURCE SPECIALIST (Teacher)

Name: Susan Anderson
Assigned at: Los Cerros

1. Is the information in Items 1 – 12 on the attached SW _ RSC _ Administrator form an accurate reflection of your current assignments, personal data, FTE, your caseload, number of periods taught and average number of students?
 Yes No

If not, please state where you believe these facts or numbers differ:

2. Will all students served receive all of the services called for in their IEP's? Can you reasonably manage the excess caseload in relation to the programmatic condition you face, including, but not limited to, student age level, age span, and behavioral characteristics; number of curriculum levels taught at any one time or any given session, and intensity of student instructional needs. Please explain:

Yes, IEPs will be followed

3. Can you reasonably manage the excess caseload in relation to your student contact time, and other assigned duties? Please explain:

Yes

4. *EC* Section 56362(c) states that no resource specialist shall have a caseload which exceeds 28 students, per *CCR*, Title 5, Section 3100. Regulations allow your agency to request a waiver of the *EC*, providing certain conditions are met, and that in no circumstance may your caseload be raised to above 32 students.

Indicate your position regarding this waiver request by a check mark in one box:

AGREE – to the increase in my student caseload from 28 students to not more than 32 students.

DISAGREE – to an increase in my student caseload over the 28 students. If disagreeing, provide rationale below:

California Department of Education
Revised 6-26-2014

5. Indicate a check mark in the appropriate box:

I did not have a student caseload of more than 28 during the last school year.

I did have a student caseload of more than 28 during the last school year. If yes, please respond below:

(a) Did you have an approved waiver for this caseload? Yes ___ No X

(b) Specify which months / weeks you were over caseload: From 5/15 to 6/12

(c) Other pertinent information: _____

I have had a student caseload of **more than 28** for **more than two consecutive years**.

6. Instructional Aide time currently receiving: 30 hours (prior to increased caseload).

7. Any additional Aide time with this waiver? 0 total hours after increase.

SA I hereby certify that the information provided on this application is true and correct (please initial).

Date: 6/1/15

Telephone number (and extension): 925-552-5620



California State Board of Education
Meeting Agenda Items for November 4-5, 2015

WAIVER ITEM W-04



CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2015 AGENDA

General Waiver

<p>SUBJECT</p> <p>Request by three 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.</p> <p>Waiver Numbers: Helendale Elementary School District 7-8-2015 Julian Union Elementary School District 6-8-2015 San Diego Unified School District 6-7-2015</p>	<p><input checked="" type="checkbox"/> Action</p> <p><input checked="" type="checkbox"/> Consent</p>
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SUMMARY OF THE ISSUES

Three local educational agencies 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 nonclassroom-based funding determination for their respective funding period.

Each of the three charter schools identified in Attachment 1 submitted a determination of funding request after the required deadline, thereby making the request retroactive. If the waivers are approved by the SBE, the charter schools may then submit the retroactive funding determination requests for consideration by the Advisory Commission on Charter Schools (ACCS) and the SBE.

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 Helendale Elementary School District, Julian Union Elementary School District, and San Diego 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 year. Approval of these waiver

requests will also allow the SBE to consider the requests, which are retroactive. Without the waiver, the SBE may not consider the determination of funding request and the charter school's nonclassroom-based average daily attendance (ADA) will not be funded for the affected fiscal year.

SUMMARY OF KEY ISSUES

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 ACCS, 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 charter school listed in Attachment 1 submitted a determination of funding request after the required deadline, thereby making the request retroactive.

Demographic Information:

Helendale Elementary School District is requesting a waiver for the Empire Springs Charter School, which serves a student population of 777 and is located in a rural area in San Bernardino County.

Julian Union Elementary School District is requesting a waiver for the Harbor Springs Charter School, which serves a student population of 514 and is located in a rural area in San Diego County.

San Diego Unified School District is requesting a waiver for The Learning Choice Academy, which serves a student population of 960 and is located in an urban area in San Diego 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 waiver requests regarding retroactive funding determination requests for charter schools that offer nonclassroom-based instruction.

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of these waiver requests 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 year.

ATTACHMENT(S)

- Attachment 1: Local Educational Agencies Requesting Waiver of Nonclassroom-Based (NCB) Funding Determination Request Deadline (1 Page)
- Attachment 2: Helendale Elementary School District General Waiver Request 7-8-2015 (2 Pages). (Original waiver request is signed and on file in the Waiver Office.)
- Attachment 3: Julian Union Elementary School District General Waiver Request 6-8-2015 (2 Pages). (Original waiver request is signed and on file in the Waiver Office.)
- Attachment 4: San Diego Unified School District General Waiver Request 6-7-2015 (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)	Charter School (Charter Number / CDS Code)	First Year of Operation	NCB Funding Determination Period of Request	Public Hearing and Local Board Approval Date	Public Hearing Advertisement	SSC/Advisory Committee Position
7-8-2015	Helendale Elementary School District	Empire Springs Charter School (1592 / 36-67736-0128439)	2013-14	Requested: July 1, 2014 to June 30, 2016 Recommended: July 1, 2015 to June 30, 2016	8/5/2015	Posted on the Helendale School District Website and posted outside the District Office.	Helendale School District Governing Board 8/05/2015 No objections
6-8-2015	Julian Union Elementary School District	Harbor Springs Charter School (1589 / 37-68163-0128421)	2013-14	Requested: July 1, 2014 to June 30, 2016 Recommended: July 1, 2015 to June 30, 2016	8/12/2015	Posted throughout school district and community.	Julian Union School District Governing Board 8/12/2015 No objections
6-7-2015	San Diego Unified School District	The Learning Choice Academy (659 / 37-68338-0106799)	2004-05	Requested: July 1, 2015 to June 30, 2016 Recommended: July 1, 2015 to June 30, 2016	7/7/2015	Posted in the newspaper.	Office of Charter Schools, San Diego Unified School District 7/07/2015 No objections

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3667736

Waiver Number: 7-8-2015

Active Year: 2015

Date In: 8/13/2015 3:48:49 PM

Local Education Agency: Helendale Elementary School District
Address: 15350 Riverview Rd.
Helendale, CA 92342

Start: 7/1/2014

End: 6/30/2016

Waiver Renewal: N

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: Charter School Program
Ed Code Title: Nonclassroom-Based Funding
Ed Code Section: CCR 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.

Outcome Rationale: Empire Springs Charter School opened in 2013 and has received 100% funding determinations for each of its first two years of operation. During the 2014-15 year, a funding determination update was required as a follow-up to the initial 100% two-year determination. However, a second funding determination was also required during the 2014-15 year for prospective funding for 2015-16 on. The school incorrectly concluded that the update application submitted in Fall 2014 was also the prospective application for 2015-16 on, and failed to submit the prospective application in Spring 2015 as required.. We have maintained full compliance with all instructional expenditure requirements in each year of operation, including the 2013-14 audited fiscal year used as the basis for the current 2014-15 funding determination and the most recent 2014-15 year, and anticipate receiving 100% funding once our application can be accepted for review and approval. We apologize for this inconvenience and are available to provide any information needed.

Student Population: 777

City Type: Rural

Public Hearing Date: 8/5/2015

Public Hearing Advertised: Posted on the Helendale School District Website and posted outside the District Office.

Local Board Approval Date: 8/5/2015

Community Council Reviewed By: School District Governing Board
Community Council Reviewed Date: 8/5/2015
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Ross Swearingen
Position: Superintendent
E-mail: rswearingen@helendalesd.com
Telephone: 760-952-1180
Fax: 760-952-1178

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3768163

Waiver Number: 6-8-2015

Active Year: 2015

Date In: 8/13/2015 3:35:57 PM

Local Education Agency: Julian Union Elementary School District
Address: 1704 Cape Horn
Julian, CA 92036

Start: 7/1/2014

End: 6/30/2016

Waiver Renewal: N

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: Charter School Program
Ed Code Title: Nonclassroom-Based Funding
Ed Code Section: CCR 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.

Outcome Rationale: Harbor Springs Charter School opened in 2013 and has received 100% funding determinations for each of its first two years of operation. During the 2014-15 year, a funding determination update was required as a follow-up to the initial 100% two-year determination. However, a second funding determination was also required during the 2014-15 year for prospective funding for 2015-16 on. The school incorrectly concluded that the update application submitted in Fall 2014 was also the prospective application for 2015-16 on, and failed to submit the prospective application in Spring 2015 as required. We have maintained full compliance with all instructional expenditure requirements in each year of operation, including the 2013-14 audited fiscal year used as the basis for the current 2014-15 funding determination and the most recent 2014-15 year, and anticipate receiving 100% funding once our application can be accepted for review and approval. We apologize for this inconvenience and are available to provide any information needed.

Student Population: 514

City Type: Rural

Public Hearing Date: 8/12/2015

Public Hearing Advertised: Posted throughout school district and community

Local Board Approval Date: 8/12/2015

Community Council Reviewed By: School District Governing Board

Community Council Reviewed Date: 8/12/2015
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Brian Duffy
Position: District Superintendent
E-mail: brian.duffy@juesd.net
Telephone: 760-765-0661
Fax: 760-765-0220

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3768338

Waiver Number: 6-7-2015

Active Year: 2015

Date In: 7/13/2015 1:12:09 PM

Local Education Agency: San Diego Unified School District
Address: 4100 Normal St.
San Diego, CA 92103

Start: 7/1/2015

End: 6/30/2016

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 CCR 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: The Learning Choice Academy opened in 2003 and has received 100% funding determinations for every year of operation since inception. Our current four-year 100% funding determination was approved at the May 11-12, 2011 State Board of Education meeting, for the 2011-12 through 2014-15 period. While this required a new prospective funding determination in the current 2014-15 year which due February 1, 2015, we had internally scheduled this application process for the 2015-16 year as part of implementing an updated calendaring procedure for better transparency and were not aware that we had missed the deadline for filing until after the deadline. We have maintained full compliance with all instructional expenditure requirements in each year of operation, including the 2013-14 audited fiscal year used as the basis for the current 2014-15 funding determination, and anticipate receiving 100% funding once our application can be accepted for review and approval. We apologize for this inconvenience and are available to provide any information needed.

Student Population: 960

City Type: Urban

Public Hearing Date: 7/7/2015

Public Hearing Advertised: newspaper

Local Board Approval Date: 7/7/2015

Community Council Reviewed By: Deidre Walsh Manager, Office of Charter Schools San Diego
Unified School District 4100 Normal Street
Community Council Reviewed Date: 7/7/2015
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Debi Gooding
Position: Executive Director
E-mail: dgooding@learningchoice.org
Telephone: 619-463-6849 x131
Fax: 858-496-1951



California State Board of Education
Meeting Agenda Items for November 4-5, 2015

WAIVER ITEM W-05



CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2015 AGENDA

General Waiver

<p>SUBJECT</p> <p>Request by four school districts to waive <i>California Education Code</i> Section 48916.1(d) and portions of <i>California Education Code</i> Section 48660, relating to the allowable grade spans for community day schools. Two requests are from districts to waive portions of <i>California Education Code</i> Section 48661(a), relating to the collocation of a community day school with other types of schools. The fourth request is from a district to waive portions of <i>California Education Code</i> Section 48663(a), relating to community day school minimum instructional minutes.</p> <p>Waiver Numbers: Chawanakee Unified School District 2-8-2015 Enterprise Elementary School District 13-8-2015 Mendota Unified School District 4-8-2015 Vallejo City Unified School District 10-8-2015</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 **Chawanakee Unified School District** (USD) for a renewal waiver of *California Education Code (EC)* Section 48916(d) and portions of *EC* Section 48660, to permit its Community Day School (CDS) to serve students in grades four through six with students in grades seven through twelve.

Request by **Enterprise Elementary School District** (ESD) for a waiver of *EC* Section 48661(a), to permit collocation of PACE Academy, a CDS, on the same site as Redding Collegiate Academy, an alternative school of choice serving elementary school students.

Request by **Mendota USD** for a waiver of *EC* Section 48916.1(d), to permit collocation of a CDS on the same site as Mendota Continuation High School.

Request by **Vallejo City USD** for a waiver of portions of *EC* Section 48663(a), relating to CDS minimum instructional minutes.

Authority for Waiver: *EC* Section 33050

RECOMMENDATION

Approval Approval with conditions Denial

The California Department of Education (CDE) recommends approval of the waiver requests for these four CDSs, with the individual conditions noted in Attachment 1.

SUMMARY OF KEY ISSUES

EC Section 48660 provides that a CDS may serve pupils in any of kindergarten and grades one to six, inclusive, or any of grades seven to twelve, inclusive, or the same or lesser included range of grades as may be found in any individual middle or junior high school operated by the district. *EC* Section 48916.1(d) provides for the allowable grade spans of educational services for expelled students.

Chawanakee USD is a small district that does not expect more than four to six students enrolled in the CDS, allowing for careful supervision and individualization of instruction. At the same time, they recognize their responsibility to ensure that educational placements are available for expelled and other high-risk students.

Additionally, it is difficult to predict when and if a student in any specific grade level will need to be served in a CDS. This means that at any given time, all of the students might be in elementary grades, middle grades, high school, or any combination of these grades—just as at any time it is equally possible that no student in any one of these grade spans might be enrolled. It is not fiscally feasible to operate two CDSs, one for students up to grade six, and a second for grades seven and above.

The nearest appropriate alternative placement options for expelled students, especially in elementary grades, are at a distance that precludes interdistrict transfer and enrollment. In order to ensure that students receive adequate academic support despite the wider span of grades, the district has committed to provide grade-level-appropriate mentor teacher support to CDS teachers who are teaching beyond their normal grade spans.

The district has been successfully operating the CDS under these conditions since the 2012–13 school year. There have been no major safety issues from incidents with physical violence, weapons, or drugs on campus. The local board voted unanimously to support renewal of this waiver.

EC Section 48916.1(a) requires school districts to ensure that each of their expelled students be provided an educational program during the period of expulsion. *EC* Section 48661(a) states that a CDS shall not be situated on the same site as a comprehensive elementary, middle, or high school, continuation high school, or an opportunity school. *EC* Section 48661(a) authorizes a small school district with 2,500 or fewer students to waive the separation requirement based on an annual certification by at least two-thirds of the local board that separate alternative facilities are not available. With these waivers, the governing boards for the Enterprise ESD and Mendota USD are asking for similar authority as the board of a smaller district. Enterprise ESD enrolls

approximately 3,721 total students. Mendota USD enrolls approximately 3,000 students. The local boards each voted unanimously to request the waivers.

For both districts, CDS students will be in classrooms fully separated from other students on the shared overall campus. They will operate on different schedules, with different arrival and departure times, have separate bathroom facilities and water fountains. Students and the grounds are carefully and constantly monitored to prevent any negative interactions between students of the collocated schools. Enterprise ESD also provides separate parking and drop-off/pick-up locations for the schools on the shared campus. Both districts certified that they sought, but were unable to find separate facilities, either district-owned or in the community, for a CDS.

Vallejo City USD wishes to reduce instructional minutes on one day each week by 60 minutes for purposes of implementing collaborative professional learning communities, with the commitment to provide 15 additional instructional minutes during the other days of the week to make up for the reduction in instructional time.

Demographic Information:

Chawanakee USD has a population of 1,125 students and is located in a rural area in Madera County.

Enterprise ESD has a population of 3,721 students and is located in an urban area in Shasta County.

Mendota USD has a population of 3,000 students and is located in a rural area in Fresno County.

Vallejo City USD has a population of 14,000 students and is located in an urban area in Solano 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 State Board of Education (SBE) has approved several previous waiver requests to expand the allowable grade span for a CDS to best serve students when it was not feasible for the district to operate two separate schools. The SBE has also approved similar requests in the past to allow the collocation of a CDS with another school when the CDS could not be located separately and the district has been able to provide for the separation of students from the other schools. The SBE has 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 (2 pages)
- Attachment 2: Chawanakee Unified School District General Waiver Request 2-8-2015 (2 pages). (Original Waiver request is signed and on file in the Waiver Office.)
- Attachment 3: Enterprise Elementary School District General Waiver Request 13-8-2015 (2 pages). (Original Waiver request is signed and on file in the Waiver Office.)
- Attachment 4: Mendota Unified School District General Waiver Request 4-8-2015 (2 pages). (Original Waiver request is signed and on file in the Waiver Office.)
- Attachment 5: Vallejo City Unified School District General Waiver Request 10-8-2015 (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])	Type(s) of School(s) with which CDS will be Collocated (if waiver of EC Section 48661[a])	Period of Request	Renewal Waiver?	If granted, this waiver will be "permanent" per EC Section 33501(b)	Certificated Bargaining Unit Name and Representative, Date of Action, and Position	Advisory Committee/Schoolsite Council Name, Date of Review and Any Objections
2-8-2015	Chawanakee Unified School District (USD) 1,125 Total Students 4-6 Students in Community Day School (CDS) June 16, 2015	Grades four through twelve		Requested: August 1, 2015 through June 30, 2016 Recommended: August 1, 2015 through June 30, 2016	YES	NO	Chawanakee Teachers Union Kristi Mattes President May 4, 2015 Support	Community Day School Advisory Committee May 4, 2015 No Objections
	Conditions: This waiver provides for the CDS operated by the Chawanakee USD to serve students in grades four through twelve.							
13-8-2015	Enterprise Elementary School District (ESD) 3,721 Total Students 28 Students in CDS August 5, 2015		Alternative School of Choice (Kindergarten through grade eight)	Requested: August 19, 2015 through June 7, 2016 Recommended: August 19, 2015 through June 7, 2016	NO	NO	Enterprise Elementary Teachers Association Aimee Howland President August 3, 2015 Neutral	No site council currently exists for either school. They are in the process of organizing now.
	Conditions: This waiver provides for PACE Academy, a CDS operated by the Enterprise ESD, to be located on the same campus as Redding Collegiate Academy, an alternative school of choice serving elementary school students, on the basis of a two-thirds annual vote of the local governing board, certifying that satisfactory alternative facilities are not available for a CDS, in accordance with EC Section 48661(b).							

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])	Type(s) of School(s) with which CDS will be Collocated (if waiver of EC Section 48661[a])	Period of Request	Renewal Waiver?	If granted, this waiver will be "permanent" per EC Section 33501(b)	Certificated Bargaining Unit Name and Representative, Date of Action, and Position	Advisory Committee/Schoolsite Council Name, Date of Review and Any Objections
4-8-2015	Mendota USD 3,000 Total Students 25 Students in CDS June 29, 2015		Continuation High School	Requested: August 1, 2015 through June 30, 2016 Recommended: August 1, 2015 through June 30, 2016	NO	NO	Mendota Teachers Association Robert Hamasaki President June 15, 2015 Support	Mendota Continuation/Community Day Schools Schoolsite Council June 29, 2015 No Objections
	Conditions: This waiver provides for Mendota CDS to be located on the same campus as Mendota Continuation High School on the basis of a two-thirds annual vote of the local governing board, certifying that satisfactory alternative facilities are not available for a CDS, in accordance with EC Section 48661(b).							
10-8-2015	Vallejo City USD 14,000 Total Students 34 Students in CDS June 17, 2015			Requested: January 1, 2016 through June 30, 2021 Recommended: January 1, 2016 through June 30, 2017	NO	NO	Vallejo Education Association Sheila Gradwohl President June 10, 2015 Support	Schoolsite Council June 4, 2015 No Objections
	Conditions: This waiver provides for the CDS operated by the Vallejo City USD to reduce instructional minutes on one day each week by 60 minutes for purposes of implementing collaborative professional learning communities, with the commitment to provide 15 additional instructional minutes during the other days of the week to make up for the reduction in instructional time.							

California Department of Education
WAIVER SUBMISSION - General

CD Code: 2075606

Waiver Number: 2-8-2015

Active Year: 2015

Date In: 8/11/2015 1:57:25 PM

Local Education Agency: Chawanakee Unified School District
Address: 33030 Road 228
North Fork, CA 93643

Start: 8/1/2015

End: 6/30/2016

Waiver Renewal: Y

Previous Waiver Number: 2-8-2014-W-06

Previous SBE Approval Date: 11/14/2014

Waiver Topic: Community Day Schools (CDS)

Ed Code Title: Commingle Grade Levels

Ed Code Section: 48916.1(d) and portions of Section 48660

Ed Code Authority: 33050

Ed Code or *CCR* to Waive: 48660. The governing board of a school district may establish one or more community day schools for pupils who meet one or more of the conditions described in subdivision (b) of Section 48662. A community day school may serve pupils in any of kindergarten and [grades 1 to 6, inclusive, or any of grades 7 to 12], inclusive, or the same or lesser included range of grades as may be found in any individual middle or junior high school operated by the district. If a school district is organized as a district that serves kindergarten and grades 1 to 8, inclusive, but no higher grades, the governing board of the school district may establish a community day school for any [of] kindergarten and grades 1 to 8, inclusive, upon a two-thirds vote of the board. It is the intent of the Legislature, that to the extent possible, the governing board of a school district operating a community day school for any of kindergarten and grades 1 to 8, inclusive, separate younger pupils from older pupils within that community day school. Except as provided in Section 47634, a charter school may not receive funding as a community day school unless it meets all the conditions of apportionment set forth in this article.

48916.1.[(d) If the pupil who is subject to the expulsion order was expelled from any of kindergarten or grades 1 to 6, inclusive, the educational program provided pursuant to subdivision (b) shall not be combined or merged with educational programs offered to pupils in any of grades 7 to 12, inclusive. The district or county program is the only program required to be provided to expelled pupils as determined by the governing board of the school district. This subdivision, as it relates to the separation of pupils by grade levels, does not apply to community day schools offering instruction in any of kindergarten and grades 1 to 8, inclusive, and established in accordance with Section 48660.]

Outcome Rationale: The Board's rationale for this waiver is to be able to utilize the Community Day School in a wider grade span. Due to economic issue that state is in, it is necessary to combine multiple grade levels into one CDS. The district's CDS have been traditionally very small, serving 4 to 6 students at any given time. Allowing a larger grade span will not diminish

the program's effectiveness. It will allow the district to be able to serve more students. Currently, expelled students in grades 4-7 would have to travel 45 miles to the county run CDS. Allowing the district this flexibility during these economic times will actually give students more education options and not cost the district or state more money.

With the economic pressures facing schools, currently the district is unable to fund two full programs as it has in the past. We are requesting this waiver for only one year to help bridge the financial gap we currently find ourselves in.

With the school district being small and remote we do not anticipate having more than a 6:1 student to teacher ratio. With this ratio there is plenty of individualized instruction. There are even times when there are no students enrolled and then there are times when there are only elementary students and others when there are only high school students. With the needs being so flexible we need more flexibility in our program to serve our students.

Student Population: 1125

City Type: Rural

Public Hearing Date: 6/16/2015

Public Hearing Advertised: Notice posted at each school site in the district

Local Board Approval Date: 6/16/2015

Community Council Reviewed By: Community Day School Advisory committee

Community Council Reviewed Date: 5/4/2015

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Gary Talley

Position: Principal

E-mail: gtalley@mychawanakee.org

Telephone: 559-877-6209 x215

Fax:

Bargaining Unit Date: 05/04/2015

Name: Chawanakee Teachers Union

Representative: Kristi Mattes

Title: President

Position: Support

Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 4569971

Waiver Number: 13-8-2015

Active Year: 2015

Date In: 8/21/2015 2:20:33 PM

Local Education Agency: Enterprise Elementary School District
Address: 1155 Mistletoe Ln.
Redding, CA 96002

Start: 8/19/2015

End: 6/7/2016

Waiver Renewal: N

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: Community Day Schools (CDS)
Ed Code Title: Colocate Facilities
Ed Code Section: 48661(a)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: 48661(a) A community day school shall not be situated on the same site as elementary, middle, junior high, comprehensive high, opportunity, or continuation school, except as follows:

(1) When the governing board of a school district [with 2500 or fewer units of average daily attendance reported for the most recent second principal apportionment] certifies by a two-thirds vote of its membership that satisfactorily alternative facilities are not available for a community day school.

(b) A certification made pursuant to this section is valid for not more than one school year and may be renewed by a subsequent two-thirds vote of the governing board.

Outcome Rationale: Redding Collegiate Academy (a K-8 alternative school) and Pace Academy (a K-8 community day school) seek the Governing Board's approval to collocate each school at 3200 Adams Lane.

Based on the following, the District believes that there is adequate supervision and physical separation of the adjoining community day school and Redding Collegiate Academy students to prevent negative interactions between the two student populations, consistent with the intent of California *Education Code* 48661. Redding Collegiate Academy will occupy a separate facility with no shared use of campus rooms or pathways. Redding Collegiate Academy provides separate bathrooms, playground space, parking, and boundaries that do not permit for cross traffic between the two schools.

Having found no more suitable venue within the inventory of District facilities or any other available community facility, the District seeks Board approval to locate Pace Academy, adjoining Redding Collegiate Academy at 3200 Adams Lane (California *Education Code* Section 48661(a)(1) and (2).

Student Population: 3721

City Type: Urban

Public Hearing Date: 8/5/2015

Public Hearing Advertised: The hearing was advertised on the eesd.net web site and on the bulletin board in front of the EESD main office

Local Board Approval Date: 8/5/2015

Community Council Reviewed By: The EESD Board Members (present on 08/05/2015), PACE and RCA administration

Community Council Reviewed Date: 8/3/2015

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Charles Seligman

Position: Principal of Redding Collegiate Academy

E-mail: cseligman@eesd.net

Telephone: 530-224-4240

Fax: 530-224-4101

Bargaining Unit Date: 08/03/2015

Name: Enterprise Elementary Teachers Association

Representative: Aimee Howland

Title: President

Position: Neutral

Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1075127

Waiver Number: 4-8-2015

Active Year: 2015

Date In: 8/11/2015 4:53:02 PM

Local Education Agency: Mendota Unified School District
Address: 115 McCabe Ave.
Mendota, CA 93640

Start: 8/1/2015

End: 6/30/2016

Waiver Renewal: N

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: Community Day Schools (CDS)

Ed Code Title: Colocate Facilities and Commingle Grade Levels

Ed Code Section: 48916.1(d) and portions of 48660 and 48661(a)

Ed Code Authority: 33050

Ed Code or *CCR* to Waive: If the pupil who is subject to the expulsion order was expelled from any of kindergarten or grades 1 to 6, inclusive, the educational program provided pursuant to subdivision (b) shall not be combined or merged with educational programs offered to pupils in any of grades 7 to 12, inclusive. The district or county program is the only program required to be provided to expelled pupils as determined by the governing board of the school district. This subdivision, as it relates to the separation of pupils by grade levels, does not apply to community day schools offering instruction in any of kindergarten and grades 1 to 8, inclusive, and established in accordance with Section 48660.

48661. (a) A community day school shall not be situated on the same site as an elementary, middle, junior high, comprehensive senior high, opportunity, or continuation school, except as follows:

(1) When the governing board of a school district with 2,500 or fewer units of average daily attendance reported for the most recent second principal apportionment certifies by a two-thirds vote of its membership that satisfactory alternative facilities are not available for a community day school.

Outcome Rationale: Although our district wide ADA is at 3000, MCHS and MCDS averages only about 25 students a year. The current facilities are old and are being replaced with new portable classrooms. The district is also revising their current Emergency Plan. The Community Day School is located several hundred yards from the main Alternative Education/Continuation High School site. The new portable CDS classroom has been moved closer to the main office and is enclosed in the fenced area surrounding Mendota Continuation High School classrooms. This move has been added and specified in the new emergency plan which will serve all students attending school on the Alternative Education School site.

Student Population: 25

City Type: Rural

Public Hearing Date: 6/15/2015

Public Hearing Advertised: Board agendas are posted at all school sites and at the district office for the public.

Local Board Approval Date: 6/29/2015

Community Council Reviewed By: Mendota School Board of Educatiaon

Community Council Reviewed Date: 6/29/2015

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Rebecca Gamez

Position: Principal

E-mail: rgamez@mendotaschools.org

Telephone: 559-655-4471 x5002

Fax:

Bargaining Unit Date: 06/15/2015

Name: Mendota Teachers Association

Representative: Robert Hamasaki

Title: President

Position: Support

Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 4870581

Waiver Number: 10-8-2015

Active Year: 2015

Date In: 8/19/2015 9:57:44 AM

Local Education Agency: Vallejo City Unified School District
Address: 665 Walnut Ave.
Vallejo, CA 94592

Start: 1/1/2016

End: 6/30/2021

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: *EC48663(a)* - The minimum day for CDSs is 360 minutes of instructional (*EC 48663(a)*). There is no option for a shorter day.

Outcome Rationale: A proposal to change the bell schedule for the 20105-16 school year was presented to staff on April 15, 2015, by the Principal, Ms. Combs. The rationale for this change is to provide the Vallejo Educational Academy (VEA) faculty an opportunity for collaboration by creating a minimum day once a week, while maintaining the required number of instructional minutes.

Student Population: 34

City Type: Urban

Public Hearing Date: 6/17/2015

Public Hearing Advertised: Posted at District office, District website

Local Board Approval Date: 6/17/2015

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 6/4/2015
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Phillip Shelley

Position: Director

E-mail: pshelley@vallejo.k12.ca.us

Telephone: 707-556-8921 x50160

Fax:

Bargaining Unit Date: 06/10/2015

Name: Vallejo Education Association

Representative: Sheila Gradwohl

Title: President

Position: Support

Comment



California State Board of Education
Meeting Agenda Items for November 4-5, 2015

WAIVER ITEM W-06



CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2015 AGENDA

General Waiver

<p>SUBJECT</p> <p>Request by two school districts to waive California <i>Education Code</i> Section 37202, the equity length of time requirement for transitional kindergarten and kindergarten programs at the districts' elementary schools.</p> <p>Waiver Numbers: Dixie Elementary School District 7-7-2015 Lakeport Unified School District 10-7-2015</p>	<p><input checked="" type="checkbox"/> Action</p> <p><input checked="" type="checkbox"/> Consent</p>
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SUMMARY OF THE ISSUES

Dixie Elementary School District (DESD) and Lakeport Unified School District (LUSD) seek waivers of California *Education Code (EC)* Section 37202(a), the equity length of time requirement for kindergarten and transitional kindergarten (TK).

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

RECOMMENDATION

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

The CDE recommends approval of the waiver with conditions. The DESD and LUSD will provide information to DESD and LUSD families by December 10, 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 DESD and LUSD are requesting to waive *EC* Section 37202(a), the equity length of time requirement for kindergarten programs. Pursuant to *EC* Section 37202(a), any TK program operated by a district must be of equal length to any kindergarten program operated by the same district. The DESD and LUSD currently offer extended-day (full day) kindergarten programs which exceed the maximum four-hour school day (*EC* 46111 [a]). The DESD and LUSD 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 DESD and LUSD 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:

DESD has a student population of 1,980 and is located in a suburban area in Marin County.

LUSD has a student population of 1,499 and is located in a rural area in Lake 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 State Board of Education has approved with conditions all waiver requests to date by local educational agencies to waive *EC* Section 37202(a), the equity length of time requirement for kindergarten and TK.

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: DESD General Waiver Request 7-7-2015 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: LUSD General Waiver Request 10-7-2015 (2 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
California Education Code Section 37202(a)**

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
7-7-2015	Dixie Elementary School District	<p>Requested: August 20, 2015, to June 9, 2016</p> <p>Recommended: August 20, 2015, to June 9, 2016</p>	Dixie Teachers Association, Edward Malaret Representative/Teacher June 19, 2015 Support	April 28, 2015	The public hearing notice was posted at the Dixie School District Office, Dixie Elementary School, Mary E. Silveira Elementary School, Vallecito Elementary School, and Miller Creek Middle School.	School Site Council April 21, 2015 No Objection
10-7-2015	Lakeport Unified School District	<p>Requested: August 13, 2015, to May 27, 2016</p> <p>Recommended: August 13, 2015, to May 27, 2016</p>	Lakeport Unified Teachers Association, Pamela Klier President June 8, 2015 Support	<p>Public Hearing Date: June 18, 2015</p> <p>Board Approval Date: July 16, 2015</p>	The public hearing was advertised on the district Web site. It was posted at all school sites and the district office.	School Site Council July 13, 2015 No Objection

California Department of Education
WAIVER SUBMISSION - General

CD Code: 2165318

Waiver Number: 7-7-2015

Active Year: 2015

Date In: 7/14/2015 11:01:07 AM

Local Education Agency: Dixie Elementary School District
Address: 380 Nova Albion Way
San Rafael, CA 94903

Start: 8/20/2015

End: 6/9/2016

Waiver Renewal: Y

Previous Waiver Number: 29-6-2014-W-08

Previous SBE Approval Date: 9/3/2014

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: (a) Except if a school has been closed by order of a city or a county board of health, or of 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 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. (b) Notwithstanding subdivision (a), a school district that is implementing an early primary program, pursuant to Chapter 8 (commencing with Section 8970) of Part 6, may maintain kindergarten classes at different school sites within the district for different lengths of time during the school day.

Outcome Rationale: Please see attachment.

Student Population: 1980

City Type: Suburban

Public Hearing Date: 4/28/2015

Public Hearing Advertised: The Public Hearing Notice was posted at the Dixie School District Office, Dixie Elementary School, Mary E. Silveira Elementary School, Vallecito Elementary School, and Miller Creek Middle School.

Local Board Approval Date: 4/28/2015

Community Council Reviewed By: Schoolsite council
Community Council Reviewed Date: 4/21/2015
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Judith Arrow
Position: Assistant Superintendent, Educational Services
E-mail: jarrow@dixieschooldistrict.org
Telephone: 415-492-3703
Fax: 415-492-3707

Bargaining Unit Date: 06/19/2015
Name: Dixie Teachers Association
Representative: Edward Malaret
Title: Dixie Teachers Association Representative/Teacher
Position: Support

Attachment

2015-16 Transitional Kindergarten Waiver Rationale

The Dixie District teaching staff and administration believe that a class made up of only Transitional Kindergarten (TK) age students is extremely beneficial to those students and will enhance the specific instruction that is needed. To ensure students success, our TK classes are following the requirement that the year of a two year Kindergarten experience. The district believes that requiring a TK student to attend school with the current Kindergarten instructional minutes is not TK class is intended to be the first in the best educational interests of those students enrolled in Transitional Kindergarten. We are requesting a waiver to allow the Dixie District TK class to be a program that begins at 8:30 a.m. and runs until 12:00 p.m. In addition, an instructional aide would be available during this time to assist in the classroom.

The intended structure of our TK program is for the program to be held in the first part of the instructional day with the curriculum being a blend of the Preschool Foundation and the Kindergarten Common Core State Standards. This structure ensures that our TK students are fully prepared to meet the academic rigor of the second year of the Kindergarten sequence.

Given the small number of students eligible for TK (currently 23), and owing to the small size of our district (ADA – 1980), if the district had to be compliant with EC 37202, it would limit the district's ability to concurrently provide comprehensive instruction to both the TK students and Kindergarten students. Therefore, the Dixie District respectfully requests that this waiver be approved.

California Department of Education

WAIVER SUBMISSION - General

CD Code: 1764030

Waiver Number: 10-7-2015

Active Year: 2015

Date In: 7/17/2015 12:35:46 PM

Local Education Agency: Lakeport Unified School District
Address: 2508 Howard Ave.
Lakeport, CA 95453

Start: 8/13/2015

End: 5/27/2016

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: All students at a given grade level in a district receive an equal length of instructional time. (*EC37202*)

37202. (a) Except if a school has been closed by order of a city or a county board of health, or of 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 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: Because Lakeport Unified School District will offer an extended-day (full day) kindergarten program beginning in the 2015-2016 school year, which exceeds the maximum four-hour school day (*EC46110*), we are requesting flexibility in determining the length of our TK program in order to provide a modified instructional day, curricula, and developmentally appropriate instructional practices. Particularly since there is a concern that holding TK students in excess of the four-hour minimum school day (pursuant to *ES 48911*) is not in the best educational interest of TK students.

Student Population: 1499

City Type: Rural

Public Hearing Date: 6/18/2015

Public Hearing Advertised: The public hearing was advertised on the district website. It was posted at all school sites and at the district office.

Local Board Approval Date: 7/16/2015

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 7/13/2015
Community Council Objection: N
Community Council Objection Explanation:
Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Anita Swanson
Position: Principal
E-mail: aswanson@lakeport.k12.ca.us
Telephone: 707-262-3000 x3035
Fax: 707-262-5531

Bargaining Unit Date: 06/08/2015
Name: Lakeport Unified Teachers Association
Representative: Pamela Klier
Title: President
Position: Support
Comments:



California State Board of Education
Meeting Agenda Items for November 4-5, 2015

WAIVER ITEM W-07



CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2015 AGENDA

General Waiver

<p>SUBJECT</p> <p>Request by San Francisco Unified School District for a renewal to waive California <i>Education Code</i> Section 51520(b), which prohibits free dental screening providers from self-referring for additional dental services.</p> <p>Waiver Number: 3-8-2015</p>	<p><input checked="" type="checkbox"/> Action</p> <p><input checked="" type="checkbox"/> Consent</p>
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SUMMARY OF THE ISSUES

The San Francisco Unified School District (SFUSD) seeks a waiver of California *Education Code (EC)* Section 51520(b), which prohibits free dental screening providers from self-referring for additional dental services. Granting this waiver would allow SFUSD to partner with nonprofit community health clinics to provide free dental screenings and low-cost dental services to students at SFUSD.

Authority for Waiver: *EC* Section 33050

RECOMMENDATION

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

The California Department of Education (CDE) recommends that *EC* Section 51520(b) be waived so that nonprofit community health clinics can provide free dental screenings to the students of SFUSD.

It is recommended that the CDE impose a condition that the SFUSD annually mail a list of providers to the CDE so that the CDE can confirm that the list contains an array of dental service providers. The CDE recommends approving the waiver request with conditions for a period of two years less one day. Therefore, *EC* Section 33051(b) will not apply, and the district will need to reapply if they wish to renew the waiver.

SUMMARY OF KEY ISSUES

EC Section 51520(b) states:

A licensed dentist who provides voluntary dental health screening programs for pupils on school premises, shall not solicit a pupil, or the pupil's parent or guardian, or encourage, or advise treatment or consultation for the pupil by the

licensed dentist, or any entity in which the licensed dentist has a financial interest, for any condition discovered in the course of the dental health screening. It is the intent of the Legislature that no licensed dentist use voluntary dental health screening programs for the generation of referrals or for financial benefit. The Legislature does not intend to deny or limit freedom of choice in the selection of an appropriate dental provider for treatment or consultation.

SFUSD in the county of San Francisco has a population of 58,414 students with a population of 29 percent Latino, 35 percent Asian, and 10 percent African American. Sixty-two percent are on Free or Reduced Lunch Program. Various parts of San Francisco, notably in the northeast sector of the city, lack easy access to dental health services and presents an acute problem for many of its students. *EC* Section 51520(b) dictates that "...no licensed dentist use voluntary dental health screening programs for the generation of referrals or for financial gain." However, by allowing community based health centers to both screen for dental health problems and include their names on a list of Denti-cal providers the district could offer free dental health screenings and students would be able to access free or reduced price dental care. A granting of this waiver does not contravene the stated legislative intent of *EC* Section 51520(b).

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 approved a similar waiver at the January 2014 board meeting. That waiver was granted to a single provider, Northeast Medical Services, a nonprofit community health clinic. Since then, other nonprofit community health clinics have inquired about offering free dental screenings to students if their name could be added to the current list of providers.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval.

ATTACHMENT(S)

Attachment 1: Summary Table of Free Dental Screening State Board of Education Waiver (1 page)

Attachment 2: San Francisco Unified School District General Waiver Request 3-8-2015 (2 pages). (Original Waiver request is signed and on file in the Waiver Office.)

Summary Table of Free Dental Screening State Board of Education Waiver

Waiver Number	District Name	Period of Request	Renewal Waiver?	If granted, this waiver will be "permanent" per EC Section 33501(b)	Size of District	Certificated Bargaining Unit Name and Representative, Date of Action, and Position	Board Approval Date	Advisory Committee/School Site Council Name, Date of Review and any Objections
3-8-2015	San Francisco Unified School District (SFUSD)	Requested: September 1, 2015 through June 30, 2017 Recommended: July 1, 2015 through June 29, 2017	Yes	NO	58,414 Total Students	United Educators San Francisco, Dennis Kelley President June 16, 2015 Support	April 14, 2015	SFUSD Board of Education April 14, 2015 No Objections

Conditions: The California Department of Education shall review the list of Denti-Cal providers annually.

Created by California Department of Education
October 7, 2015

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3868478

Waiver Number: 3-8-2015

Active Year: 2015

Date In: 8/11/2015 4:47:20 PM

Local Education Agency: San Francisco Unified School District
Address: 555 Franklin St.
San Francisco, CA 94102

Start: 9/1/2015

End: 6/30/2017

Waiver Renewal: N

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: Other Waivers
Ed Code Title: Other Waivers
Ed Code Section: 51520b
Ed Code Authority: 33050-33053

Ed Code or *CCR* to Waive: California *Education Code* section 51520-51521

(b). It is the intent of the Legislature that no licensed dentist use voluntary dental health screening programs for the generation of referrals or for financial benefit. The Legislature does not intend to deny or limit freedom of choice in the selection of an appropriate dental provider for treatment or consultation.

Outcome Rationale: Denti-Cal Service providers have a long wait time for those families seeking dental care in a traditional dental clinic setting. The San Francisco Children's Oral Health Strategic Plan 2014-2017 (Coordinated by SF Health Improvement Partnership) recommends development of a feasible mechanism for providers to bill Medi-Cal for dental care delivered outside of the traditional dental clinic setting and disseminate a clearly articulated process to guide safety-net dental providers citywide. This proposal would allow all non-profit dental providers to continue to afford to provide SFUSD students with dental screening and treatment services in SFUSD schools.

California *Education Code* section 51520 specifically states that a provider of free dental screenings cannot use such screenings to generate referrals. SFUSD supports the premise of Section 51520, that public school students should not be used, via a free dental screening, to generate profit-making referrals for the screening provider. Following a dental screening, SFUSD will continue to require all non-profit dental service providers to distribute the Department of Public Health's Comprehensive Dental Referral Directory to all students needing additional services or treatment.

Student Population: 55000

City Type: Urban

Public Hearing Date: 4/14/2015

Public Hearing Advertised: Agenda is posted online in advance of the meeting

Local Board Approval Date: 4/14/2015

Community Council Reviewed By: SFUSD Board of Education

Community Council Reviewed Date: 4/14/2015

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Kim Levine

Position: 2593 - Health Program Coordinator III

E-mail: levinek@sfusd.edu

Telephone: 415-242-2615 x3071

Fax:

Bargaining Unit Date: 06/16/2015

Name: United Educators - San Francisco

Representative: Dennis Kelley

Title: President of UESF

Position: Support

Comments:



California State Board of Education
Meeting Agenda Items for November 4-5, 2015

WAIVER ITEM W-08



CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2015 AGENDA

General Waiver

<p>SUBJECT</p> <p>Request by the San Carlos Elementary School District to waive California <i>Education Code</i> Section 15268, to allow the district to exceed its bonded limit of 1.25 percent of the taxable assessed value of property. (Requesting 1.65 percent)</p> <p>Waiver Number: 8-8-2015</p>	<p><input checked="" type="checkbox"/> Action</p> <p><input checked="" type="checkbox"/> Consent</p>
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SUMMARY OF THE ISSUES

The San Carlos Elementary School District's bonded indebtedness ratio is 1.13 percent and is unable to issue \$36,002,101 in bonds authorized by the district's voters in November 2012. Therefore, the district is requesting to increase the bonded indebtedness ratio to 1.65 percent.

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

RECOMMENDATION

Approval Approval with conditions Denial

The California Department of Education (CDE) recommends that the bonded indebtedness limit be waived with the following conditions: (1) the period of request does not exceed the recommended period on Attachment 1, (2) the total bonded indebtedness limit does not exceed the recommended new maximum shown on Attachment 1, (3) the district does not exceed the statutory tax rate, (4) the waiver is limited to the sale of bonds approved by the voters on the measure noted on Attachment 1, and (5) the district complies with the statutory requirements of Assembly Bill (AB) 182 related to school bonds which became effective January 1, 2014.

SUMMARY OF KEY ISSUES

Statutes Related to Bonded Indebtedness

The California *Education Code (EC)* provides limits related to a district's total bonded indebtedness, *EC* sections 15102 and 15268 limit an elementary or high school district's total general obligation (G.O.) bond indebtedness to 1.25 percent of the total assessed valuation of the district's taxable property, whereas *EC* sections 15106 and 15270(a) limit a unified school district's to 2.5 percent.

To raise funds to build or renovate school facilities, with voter authorization, school districts may issue G.O. bonds. Prior to 2001, districts needed a two-thirds voter approval. In November 2000, districts were given another option for authorizing and issuing bonds when California voters passed Proposition 39, which allows school bonds to be approved with a 55 percent majority vote if the district abides by several administrative requirements, such as establishing an independent Citizens' Oversight Committee to oversee the use of the funds. Once G.O. bonds are authorized, school districts issue the bonds in increments as needed to fund their facility projects. When the voters authorize a local G.O. bond, they are simultaneously authorizing a property tax increase to pay the principal and interest on the bond. For Proposition 39 bonds, *EC* sections 15268 and 15270(a) limit the tax rate levy authorized in each election to \$30 per \$100,000 of taxable property for high school and elementary school districts, and \$60 per \$100,000 for unified school districts.

Without a waiver, school districts that are close to their bonding capacity must decide either to issue fewer bonds, delay the issuance of bonds until their assessed valuation increases, or obtain other more expensive non-bond financing to complete their projects, the costs of which could be paid from district general funds. Therefore, the CDE has historically recommended that the State Board of Education (SBE) approve related waiver requests with the condition that the statutory tax rate levies are not exceeded at the time the bonds are issued.

On October 2, 2013, Governor Brown signed AB 182 (Chapter 477, Statutes of 2013) which established parameters for the issuance of local education bonds that allow for the compounding of interest, including capital appreciation bonds (CABs). AB 182 requires a district governing board to do the following:

- Before the bond sale, adopt a resolution at a public meeting that includes specific criteria, including being publicly noticed on at least two consecutive meeting agendas.
- Be presented with an agenda item at a public board meeting that provides a financial analysis of the overall costs of the bonds, a comparison to current interest bonds, and reasons why the compounding interest bonds are being recommended.
- After the bond sale, present actual cost information at the next scheduled public meeting and submit the cost information of the sale to the California Debt and Investment Advisory Commission.

District Request

San Carlos Elementary School District requests that its outstanding bonded indebtedness limit be increased to an amount not to exceed 1.65 percent through and until October 1, 2020. The district seeks to issue the remaining \$36 million of the \$72 million authorized in the 2012 G.O. Bond authorizations. The district is unable to issue the remaining \$36 million as their current outstanding bonded indebtedness of \$88.5 million equates to a 1.13 percent ratio. With the addition of the proposed \$36 million, total indebtedness would be \$124.5 million and represents 1.59 percent of assessed valuation.

The waiver will allow the district to complete the following voter approved projects:

- Upgrade science and computer labs, libraries, classrooms and schools
- Add classrooms and schools to reduce overcrowding
- Renovate schools to meet health and safety standards
- Provide computers and other instructional technology equipment and infrastructure
- Improve energy efficiency

Demographic Information:

The San Carlos Elementary School District is located in a suburban area of San Mateo County and includes eight schools that serve 3,179 students in grades preschool through eight.

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 bond limit waiver requests limited to the sale of already authorized bonds and at the tax rate levy stated on the bond measure.

Note, the SBE has never approved a waiver that would allow the district to exceed the statutory tax rate levy.

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of the waiver would allow the district to accelerate the issuance of voter approved bonds.

ATTACHMENT(S)

Attachment 1: Summary Table (1 page)

Attachment 2: San Carlos Elementary School District General Waiver Request 8-8-2015 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)

District(s) Requesting Increase in Bond Indebtedness Limits

California *Education Code (EC)* sections 15102 and 15268 prohibit elementary and high school districts from issuing bonds in excess of 1.25 percent of the assessed valuation of a district's taxable property. *EC* sections 15106 and 15270(a) prohibit unified school districts from issuing bonds in excess of 2.5 percent of the assessed valuation of a district's taxable property. *EC* sections 15268 and 15270(a) limit bonds authorized by a 55 percent majority in elementary and high school districts to \$30 per \$100,000 of taxable property per election and unified school districts to \$60 per \$100,000.

Waiver Number	District County/District Code	Period of Request	Total Bonded Indebtedness Limit and Tax Rate per \$100,000 Assessed Valuation Allowed by Law or Noted on Voter Pamphlet	District's Request	CDE Recommended (New Maximum)	Bargaining Unit, Representatives Consulted, Date/Position	Public Hearing and Local Board Approval Date Public Hearing Advertisement	Advisory Committee Consulted, Date/Position	District States it has Complied with Assembly Bill 182 Requirements
8-8-2015	San Carlos Elementary School District	<p>Requested: October 1, 2015 to October 1, 2020</p> <p>Recommended: October 1, 2015 to September 30, 2017</p>	<p>Debt Limit 1.25%</p> <p>Tax Rate \$30.00</p>	<p>Debt Limit 1.65%</p> <p>Tax Rate \$30.00</p>	<p>Debt Limit 1.59% Limited to Sale of Bonds Approved by Voters on the November 2012 (Measure H) Election</p> <p>Tax Rate \$30.00</p>	<p>California School Employees Association. Cori Carpenter, President 8/13/2015 Support</p> <p>San Carlos Teachers Association. Carol Campbell, Co-President 8/13/2015 Support</p>	<p>Local Board Approval 8/13/2015</p> <p>Public Hearing 8/13/2015</p> <p>Notice posted at District office and on the District Website ten days in advance of the public hearing.</p>	<p>Citizens' Oversight Committee 7/22/2015 No objections</p>	<p>Yes. District does intend to issue CABs</p>

California Department of Education
WAIVER SUBMISSION - General

CD Code: 4169021

Waiver Number: 8-8-2015

Active Year: 2015

Date In: 8/14/2015 3:52:43 PM

Local Education Agency: San Carlos Elementary School District
Address: 1200 Industrial Rd., Unit 9
San Carlos, CA 94070

Start: 10/1/2015

End: 10/1/2020

Waiver Renewal: N

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: School Construction Bonds

Ed Code Title: Bond Indebtedness Limit - Non-Unified after 2000

Ed Code Section: 15268

Ed Code Authority: 33050

Ed Code or CCR to Waive: The total amount of bonds issued, including bonds issued pursuant to Chapter 1 (commencing with Section 15100), [shall not exceed 1.25 percent of the taxable property of the district as shown by the last equalized assessment of the county or counties in which the district is located.] The bonds may only be issued if the tax rate levied to meet the requirements of Section 18 of Article XVI of the California Constitution in the case of indebtedness incurred by a school district pursuant to this chapter, at a single election, would not exceed thirty dollars (\$30) per year per one hundred thousand dollars (\$100,000) of taxable property when assessed valuation is projected by the district to increase in accordance with Article XIII A of the California Constitution. For purposes of this section, the taxable property of a district for any fiscal year shall be calculated to include, but not be limited to, the assessed value of all unitary and operating nonunitary property of the district, which shall be derived by dividing the gross assessed value of the unitary and operating nonunitary property within the district for the 1987-88 fiscal year by the gross assessed value of all unitary and operating nonunitary property within the county in which the district is located for the 1987-88 fiscal year, and multiplying that result by the gross assessed value of all unitary and operating nonunitary property of the county on the last equalized assessment roll.

Outcome Rationale: Background/Summary, Financial Information, and Reasons to Approve Waiver

Current Need: The current statutory debt limit for non-unified school districts is 1.25% of the total assessed valuation of taxable property within a district's boundaries. The San Carlos School District could currently issue an estimated \$10 million from their approximately \$36 million of remaining Measure H bond authorization (approved by voters on November 6, 2012). In order to complete the Arroyo 4/5 School, the new Charter Learning Center School, and modernization of the Tierra Linda Middle School and Dartmouth 4/5 School in the current favorable construction environment, the District needs to issue the remaining Measure H authorization of approximately \$36 million. In order to access the proposed amount of

proceeds, the District is requesting an increase in its debt limit to 1.65% of assessed valuation. The District had initially anticipated the need for a bonding capacity waiver and included its authorization in the ballot materials approved by voters. Based on our analysis of the District's position, the District should fall below the 1.25% debt limit within 5 years by fiscal year 2019-20. The attached table illustrates the District's assessed valuation and statutory debt limitation.

Analysis: Attached to this waiver request is the following: i. Notice of Public Hearing (Attachment A) ii. Historical Assessed Values for Fiscal Years 1984 through 2016 (Attachment B) iii. Summary of General Obligation Bonds Indebtedness versus Projected Debt Limits, together with the Tax Rate Analysis (Attachment C) iv. Board Approved Resolution (Attachment D) Based on the Tax Rate Analysis figures, the District anticipates that the tax rate will not exceed applicable Proposition 39 tax rate limit for any of its outstanding bonded indebtedness, should the California Department of Education grant this waiver request. The District currently has no Certificates of Participation (COPs) outstanding. The District anticipates the use of a combination of Current Interest Bonds and Capital Appreciation Bonds in future bond sales; however, the District intends to fully comply with the provisions of Assembly Bill 182, including all notice and disclosure provisions thereto.

Student Population: 3179

City Type: Suburban

Local Board Approval Date: 8/13/2015

Public Hearing Date: 8/13/2015

Public Hearing Advertised: Notice was posted at the District Office and on the District website

Local Board Approval Date: 8/13/2015

Community Council Reviewed By: Citizens Oversight Committee

Community Council Reviewed Date: 7/22/2015

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Robert Porter

Position: Chief Operations Officer

E-mail: rporter@scsdk8.org

Telephone: 650-590-5930

Fax:

Bargaining Unit Date: 08/13/2015
Name: California Schools Employees Association
Representative: Cori Carpenter
Title: President
Position: Support
Comments:

Bargaining Unit Date: 08/13/2015
Name: San Carlos Teachers Association
Representative: Carol Campbell
Title: Co-President
Position: Support
Comments:



California State Board of Education
Meeting Agenda Items for November 4-5, 2015

WAIVER ITEM W-09



CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2015 AGENDA

General Waiver

<p>SUBJECT</p> <p>Request by Igo, Ono, Platina Union Elementary School District to waive portions of California <i>Education Code</i> Section 5091, which will allow the board of trustees to make a provisional appointment to a vacant board position past the 60-day statutory deadline.</p> <p>Waiver Number: 9-8-2015</p>	<p><input checked="" type="checkbox"/> Action</p> <p><input checked="" type="checkbox"/> Consent</p>
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SUMMARY OF THE ISSUES

California *Education Code* (EC) Section 5091 requires a governing board to make a provisional appointment or order an election to fill a vacancy within 60 days of the vacancy. EC Section 5091 further requires the county superintendent of schools (county superintendent) to order an election to fill the vacancy if the board does not take action within the 60 days. Approval of this waiver request removes the 60-day limit and gives the Igo, Ono, Platina Union Elementary School District (UESD) additional time to make an appointment.

Authority for Waiver: EC Section 33050

RECOMMENDATION

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

The California Department of Education (CDE) recommends that the California State Board of Education (SBE) approve the request by the Igo, Ono, Platina UESD to waive the portions of EC Section 5091 (as indicated in Attachment 3), which require a governing board to take action to fill a vacancy on the board within 60 days.

SUMMARY OF KEY ISSUES

EC Section 5091 provides that a school district governing board make a provisional appointment or order an election to fill a vacancy on the board within 60 days of a vacancy. EC Section 5091 further provides that, if the governing board fails to take such action, the county superintendent must order an election to fill the vacancy. Approval of this waiver request would remove the 60-day limit and the requirement that the county superintendent call an election, allowing the Igo, Ono, Platina UESD additional time to make a provisional appointment.

A member of the Igo, Ono, Platina UESD governing board resigned on June 6, 2015. Although district staff actively recruited for the vacancy on its board, no candidate applications were obtained within the required 60-day period. As of the date of preparation of this agenda item, a candidate for the vacancy has been recruited and the district governing board plans to take action on an appointment following SBE approval of the waiver request.

The Shasta County Superintendent (with current responsibility for calling the election for the board vacancy) supports the district's waiver request.

Given the above circumstances, the lack of local opposition to the waiver requests, and the CDE's determination that none of the reasons for denial in *EC* Section 33051(a) exist, the CDE recommends that the SBE approve the request by the Igo, Ono, Platina UESD to waive portions of *EC* Section 5091 (as indicated in Attachment 3), which require a governing board to take action to fill a vacancy on the board within 60 days.

Demographic Information:

The Igo, Ono, Platina UESD has a student population of 60 and is located in a rural area of Shasta 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 previously has approved similar waiver requests. The most recent approvals were at the September 2015 SBE meeting for the Flourney UESD (Tehama County), the Lakeside UESD (Kings County), and the Shasta UESD (Shasta County).

FISCAL ANALYSIS (AS APPROPRIATE)

Approval or disapproval of the waiver request will not have fiscal effects on any local or state agency.

ATTACHMENT(S)

Attachment 1: Summary Table (1 page)

Attachment 2: Igo, Ono, Platina Union Elementary School District General Waiver Request 9-8-2015 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Portions of California *Education Code* Section 5091 Recommended for Waiver (1 page)

Summary Table

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
9-8-2015	Igo, Ono, Platina Union Elementary School District	<p>Requested: August 6, 2015 to November 3, 2015</p> <p>Recommended: August 6, 2015 to December 31, 2015</p>	<p>California Teachers Association, Michael Orlicky President 7/28/2015 Support</p> <p>California School Employees Association, Tony Williams President 7/28/2015 Support</p>	<p>Public Hearing: 6/11/2015</p> <p>Board Approval: 8/10/2015</p>	<p>Notice posted at Igo, Ono, Platina School, on the district Web site, and at the local post office.</p>	<p>Schoolsite Council 7/28/2015 No objections</p>

Created by California Department of Education
 August 21, 2015

California Department of Education
WAIVER SUBMISSION - General

CD Code: 4570029

Waiver Number: 9-8-2015

Active Year: 2015

Date In: 8/17/2015 12:17:57 PM

Local Education Agency: Igo, Ono, Platina Union Elementary School District
Address: 6429 Placer St.
Igo, CA 96047

Start: 8/6/2015

End: 11/3/2015

Waiver Renewal: N

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: School District Reorganization
Ed Code Title: 60-day Requirement to Fill Board Vacancy
Ed Code Section: 5091
Ed Code Authority: 33050-33053

Ed Code or CCR to Waive: 5091(a)

(1) If a vacancy occurs, or if a resignation has been filed with the county superintendent of schools containing a deferred effective date, the school district or community college district governing board shall, within 60 days of the vacancy or the filing of the deferred resignation, with order an election or make a provisional appointment to fill the vacancy. A governing board member may not defer the effective date of his or her resignation for more than 60 days after he or she files the resignation with the county superintendent of schools. (2) In the event that a governing board fails to make a provisional appointment or order an election within the prescribed 60 day period as required by this section, the county superintendent of schools shall order an election to fill the vacancy.

Outcome Rationale: Igo-Ono-Platina Union School District Board Member resigned from the Board of Trustees on June 6, 2015. The resignation requires a provisional appointment of a new Board Member. Igo-Ono-Platina Union School District staff have actively recruited for the position. Unfortunately, we have not received applications. The district is requesting more time to continue the search and appoint a new interested Board Member.

Student Population: 60

City Type: Rural

Public Hearing Date: 6/11/2015

Public Hearing Advertised: Posted at Igo-Ono School, website, and the local post office

Local Board Approval Date: 8/10/2015

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 7/28/2015

Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Lori Carter
Position: Administrative Assistant
E-mail: lcarter@rsdnmp.org
Telephone: 530-225-0011 x1170
Fax: 530-225-0015

Bargaining Unit Date: 07/28/2015
Name: California Teachers Association (CTA)
Representative: Michael Orlicky
Title: President
Position: Support
Comments:

Bargaining Unit Date: 07/28/2015
Name: Classified School Employees Association
Representative: Tony Williams
Title: President
Position: Support
Comments:

Portions of California *Education Code* Section 5091 Recommended for Waiver

5091. (a) Whenever a vacancy occurs, or whenever a resignation has been filed with the county superintendent of schools containing a deferred effective date, the school district or community college district governing board shall[, within 60 days of the vacancy or the filing of the deferred resignation,] either order an election or make a provisional appointment to fill the vacancy. A governing board member may not defer the effective date of his or her resignation for more than 60 days after he or she files the resignation with the county superintendent of schools.

[In the event that a governing board fails to make a provisional appointment or order an election within the prescribed 60-day period as required by this section, the county superintendent of schools shall order an election to fill the vacancy.]

Portions recommended for waiver are bracketed.



California State Board of Education
Meeting Agenda Items for November 4-5, 2015

WAIVER ITEM W-10



CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2015 AGENDA

General Waiver

<p>SUBJECT</p> <p>Request by two local educational agencies to waive portions of California <i>Education Code</i> Section 35710 and all of Section 35710.51, regarding the elimination of the election requirement for reorganization.</p> <p>Waiver Numbers: Upper Lake Union Elementary School District 16-8-2015 Upper Lake Union High School District 15-8-2015</p>	<p><input checked="" type="checkbox"/> Action</p> <p><input checked="" type="checkbox"/> Consent</p>
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SUMMARY OF THE ISSUES

California *Education Code* (EC) sections 35710 and 35710.51 require the County Superintendent of Schools (County Superintendent) to call an election after notification by the County Committee on School District Organization (County Committee) that it has approved a proposal for unification of school districts. The Lake County Committee approved a proposal to unify the Upper Lake Union Elementary School District (UESD) and the Upper Lake Union High School District (UHSD)¹ and provided notification of its approval to the Lake County Superintendent. The Upper Lake districts are requesting that the California State Board of Education (SBE) waive the requirement that a local election be conducted for final approval of the unification. If the SBE approves the request, a new Upper Lake Unified School District will be effective on July 1, 2016.

Authority for Waiver: EC Section 33050

RECOMMENDATION

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

The California Department of Education (CDE) recommends that the SBE approve the requests by the Upper Lake UESD and the Upper Lake UHSD to eliminate the local election for approval of a unification proposal by waiving all of EC Section 35710.51 and portions of Section 35710.

SUMMARY OF KEY ISSUES

Pursuant to subdivision (b) of EC Section 35710, the County Committee has the

¹ The Lucerne Elementary School District (ESD) is a second component district of the Upper Lake UHSD. The Lucerne ESD is excluded from the unification pursuant to subdivision (b) of EC Section 35542.

authority to approve or disapprove the formation of a new school district (e.g., unification). Under this statute, County Committee approval of a unification constitutes an order of election; thus, voters in the districts have final approval. SBE approval of this waiver request will eliminate the election requirement for the unification of the Upper Lake UESD and the Upper Lake UHSD in Lake County.

On August 19, 2015, the Lake County Committee unanimously approved the proposal for the unification of the Upper Lake UESD and the Upper Lake UHSD. This action culminated a year-long effort by the two districts to study the proposed unification, through a jointly conducted “feasibility study,” to determine if there existed adequate justification for the proposed unification. The study concluded that unification would benefit all students by improving fiscal efficiency and promoting sound educational performance.

The two districts also engaged in numerous efforts to inform the community of their efforts and obtain community input. They conducted six joint public meetings to address issues related to the proposed unification, gather community input, and respond to questions raised by staff, parents, and community members. There was no significant opposition voiced at any of these public meetings.

Both the Lake County Superintendent and the Lake County Committee support the actions of the governing boards. Approval of the waiver requests will allow the unification of the Upper Lake UESD and the Upper Lake UHSD to take effect on July 1, 2016. There will be sufficient time to file the unification (by December 1, 2015) with the California State Board of Equalization so that the county property tax rolls are appropriately adjusted by the time the new unified school district goes into effect.

The Upper Lake UESD and the Upper Lake UHSD also have requested that the SBE waive the election of the first governing board for the new district (in a separate November 2015 agenda item). If the SBE approves the requests to waive the election of the first governing board, the Lake County Superintendent will appoint an interim governing board pursuant to that approved waiver.

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 Upper Lake UESD and the Upper Lake UHSD to eliminate the local election for approval of a unification proposal by waiving all of *EC* Section 35710.51 and portions of Section 35710.

Demographic Information:

The Upper Lake UESD has a student population of 523 and is located in a rural area of Lake County.

The Upper Lake UHSD has a student population of 302 and is located in a rural area of Lake 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 waiver requests. The most recent approvals were at the January 2014 SBE meeting for consolidation of the Pleasant Valley UESD and the Ready Springs UESD (Nevada County), the May 2011 SBE meeting for unification of the Santa Barbara City School Districts (Santa Barbara County), and the January 2010 SBE meeting for unification of the Bishop UESD and the Bishop UHSD (Inyo County).

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of the waiver requests will eliminate the costs of a local election to approve the unification proposal (estimated by Lake County to be about \$30,000). Disapproval of the request will result in the expense of a local election.

ATTACHMENT(S)

Attachment 1: Summary Table (1 page)

Attachment 2: Upper Lake Union Elementary School District General Waiver Request 16-8-2015 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Upper Lake Union High School District General Waiver Request 15-8-2015 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)

Summary Table

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
16-8-2015	Upper Lake Union Elementary School District	<p>Requested: August 19, 2015 to July 1, 2017</p> <p>Recommended: August 19, 2015 to July 1, 2017</p>	<p>North Shore Teacher Association, Charlene Norwood President August 26, 2015 Neutral</p> <p>California School Employees Association, Leslie Hall President August 26, 2015 Neutral</p>	August 29, 2015	Agenda was posted at school sites, community locations, and posted on the District Web site.	Parent Advisory Committee August 26, 2015 No objections
15-8-2015	Upper Lake Union High School District	<p>Requested: August 19, 2015 to July 1, 2017</p> <p>Recommended: August 19, 2015 to July 1, 2017</p>	<p>Upper Lake Teachers Association, Gary Madison President August 26, 2015 Support</p> <p>Upper Lake Union High School District does not have a classified employees bargaining unit</p>	August 29, 2015	Agenda was posted at school sites, community locations, and posted on the District Web site.	Schoolsite Council August 26, 2015 No objections

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1764063

Waiver Number: 16-8-2015

Active Year: 2015

Date In: 8/31/2015 12:46:08 PM

Local Education Agency: Upper Lake Union Elementary School District
Address: 679 Second St.
Upper Lake, CA 95485

Start: 8/19/2015

End: 7/1/2017

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: portions of *EC* Section 35710 all of *EC* Section 35710.51 regarding election for unification of school districts.

Ed Code Authority: *EC* 33050

Ed Code or *CCR* to Waive: 35710.

(a) For all other petitions to transfer territory, if the county committee finds that the conditions enumerated in paragraphs (1) to (10), inclusive, of subdivision (a) of Section 35753 substantially are met, the county committee may approve the petition and, if approved, shall notify the county superintendent of schools[who shall call an election in the territory of the districts as determined by the county committee, to be conducted at the next election of any kind in accordance with either of the following:

(1) Section 1002 of the Elections Code and Part 4 (commencing with Section 5000) of Division 1 of Title 1.

(2) Division 4 (commencing with Section 4000) of the Elections Code].

(b) A county committee also may approve a petition to form one or more school districts if the requirements of subdivision (a), and the following conditions, are met:

(1) Each county superintendent of schools with jurisdiction over an affected school district elects to grant approval authority to the county committee on school district organization for which he or she is secretary pursuant to Section 4012, and that county committee chooses to accept that authority.

(2) The governing board of each of the affected school districts consents to the petition.

(3) The secretary of the county committee designated as the lead agency pursuant to Section 35710.3 or subdivision (a) of Section 35520.5 enters into an agreement on behalf of the county committee for any or all affected school districts to share among those districts the costs of complying with the requirements of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(c) A petition to form one or more school districts that meets the conditions described in subdivision (b), but is not approved by the county committee, shall be transmitted to the state board pursuant to subdivision (a) of Section 35707 and heard by the state board pursuant to Section 35708. The state board, rather than the county committee, shall be the lead agency, as

defined in Section 21067 of the Public Resources Code, for purposes of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) for each petition transmitted pursuant to this subdivision, including a petition disapproved by the county committee after determining the project is exempt from the California Environmental Quality Act pursuant to paragraph (5) of subdivision (b) of Section 21080 of the Public Resources Code.

[35710.51.

(a) The county superintendent of schools, within 35 days after receiving the notification provided by Section 35710, shall call an election, in the manner prescribed in Part 4 (commencing with Section 5000), to be conducted at the next election of any kind in accordance with either of the following:

(1) Section 1002 of the Elections Code and Part 4 (commencing with Section 5000) of Division 1 of Title 1.

(2) Division 4 (commencing with Section 4000) of the Elections Code.

(b) The county superintendent of schools shall call the election in the territory of districts as determined by the county committee on school district organization, or, in the case of territory transfers appealed to the state board pursuant to subdivision (c) of Section 35710.5, as determined by the state board. The county superintendent of schools shall not issue an order of election until after the time for an appeal pursuant to subdivision (b) of Section 35710.5 has elapsed.]

Outcome Rationale: The Feasibility Study shows adequate justification to unify Upper Lake Union Elementary School District and Upper Lake Union High School District based on the analysis of the criteria.

Through this process, the Districts held six (6) joint meetings: August 26, 2014, January 26, 2015, March 4, 2015, March 25, 2015, April 22, 2015, and May 27, 2015. The meetings addressed the following:

- Each criteria and findings
- Gather community input
- Answer questions raised by staff, parents and the community

After each meeting, an analysis was crafted regarding the agenda criteria and voted on by each board at the following meeting. There was no significant opposition voiced at any of the public meetings.

The study concluded that unification would be beneficial to all students by improved fiscal efficiency and promotion of sound educational performance.

Student Population: 523

City Type: Rural

Public Hearing Date: 8/29/2015

Public Hearing Advertised: Agenda was posted at school sites, community locations, and District website.

Local Board Approval Date: 8/29/1015

Community Council Reviewed By: Parent Advisory Committee

Community Council Reviewed Date: 8/26/2015

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Valerie Gardner

Position: Superintendent

E-mail: vgardner@ulesd.org

Telephone: 707-275-2357

Fax: 707-275-2205

Bargaining Unit Date: 08/26/2015

Name: California School Employees Association

Representative: Leslie Hall

Title: President

Position: Neutral

Comments:

Bargaining Unit Date: 08/26/2015

Name: North Shore Teacher Association

Representative: Charlene Norwood

Title: President

Position: Neutral

Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1764071

Waiver Number: 15-8-2015

Active Year: 2015

Date In: 8/31/2015 12:46:07 PM

Local Education Agency: Upper Lake Union High School District
Address: 675 Clover Valley Rd.
Upper Lake, CA 95485

Start: 8/19/2015

End: 7/1/2017

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: portions of *EC* Section 35710 all of *EC* Section 35710.51

Ed Code Authority: *EC* 33050

Ed Code or *CCR* to Waive: 35710.

(a) For all other petitions to transfer territory, if the county committee finds that the conditions enumerated in paragraphs (1) to (10), inclusive, of subdivision (a) of Section 35753 substantially are met, the county committee may approve the petition and, if approved, shall notify the county superintendent of schools [who shall call an election in the territory of the districts as determined by the county committee, to be conducted at the next election of any kind in accordance with either of the following:

(1) Section 1002 of the Elections Code and Part 4 (commencing with Section 5000) of Division 1 of Title 1.

(2) Division 4 (commencing with Section 4000) of the Elections Code].

(b) A county committee also may approve a petition to form one or more school districts if the requirements of subdivision (a), and the following conditions, are met:

(1) Each county superintendent of schools with jurisdiction over an affected school district elects to grant approval authority to the county committee on school district organization for which he or she is secretary pursuant to Section 4012, and that county committee chooses to accept that authority.

(2) The governing board of each of the affected school districts consents to the petition.

(3) The secretary of the county committee designated as the lead agency pursuant to Section 35710.3 or subdivision (a) of Section 35520.5 enters into an agreement on behalf of the county committee for any or all affected school districts to share among those districts the costs of complying with the requirements of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(c) A petition to form one or more school districts that meets the conditions described in subdivision (b), but is not approved by the county committee, shall be transmitted to the state board pursuant to subdivision (a) of Section 35707 and heard by the state board pursuant to Section 35708. The state board, rather than the county committee, shall be the lead agency, as

defined in Section 21067 of the Public Resources Code, for purposes of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) for each petition transmitted pursuant to this subdivision, including a petition disapproved by the county committee after determining the project is exempt from the California Environmental Quality Act pursuant to paragraph (5) of subdivision (b) of Section 21080 of the Public Resources Code.

[35710.51.

(a) The county superintendent of schools, within 35 days after receiving the notification provided by Section 35710, shall call an election, in the manner prescribed in Part 4 (commencing with Section 5000), to be conducted at the next election of any kind in accordance with either of the following:

(1) Section 1002 of the Elections Code and Part 4 (commencing with Section 5000) of Division 1 of Title 1.

(2) Division 4 (commencing with Section 4000) of the Elections Code.

(b) The county superintendent of schools shall call the election in the territory of districts as determined by the county committee on school district organization, or, in the case of territory transfers appealed to the state board pursuant to subdivision (c) of Section 35710.5, as determined by the state board. The county superintendent of schools shall not issue an order of election until after the time for an appeal pursuant to subdivision (b) of Section 35710.5 has elapsed.]

Outcome Rationale: The Feasibility Study shows adequate justification to unify Upper Lake Union Elementary School District and Upper Lake Union High School District based on the analysis of the criteria.

Through this process, the Districts held six (6) joint meetings: August 26, 2014, January 26, 2015, March 4, 2015, March 25, 2015, April 22, 2015, and May 27, 2015. The meetings addressed the following:

- Each criteria and findings
- Gather community input
- Answer questions raised by staff, parents and the community

After each meeting, an analysis was crafted regarding the agenda criteria and voted on by each board at the following meeting. There was no significant opposition voiced at any of the public meetings.

The study concluded that unification would be beneficial to all students by improved fiscal efficiency and promotion of sound educational performance.

Student Population: 302

City Type: Rural

Public Hearing Date: 8/29/2015

Public Hearing Advertised: Agenda was posted at school sites, community locations, and posted on district website.

Local Board Approval Date: 8/29/2015

Community Council Reviewed By: School Site Council

Community Council Reviewed Date: 8/26/2015

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Patrick Iaccino

Position: superintendent/principal

E-mail: piaccino@ulhs.k12.ca.us

Telephone: 707-275-2655

Fax: 707-275-9750

Bargaining Unit Date: 08/26/2015

Name: Upper Lake Teachers Association

Representative: Gary Madison

Title: President-ULTA

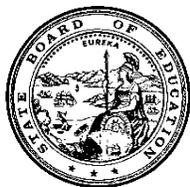
Position: Support

Comments:



California State Board of Education
Meeting Agenda Items for November 4-5, 2015

WAIVER ITEM W-11



CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2015 AGENDA

General Waiver

<p>SUBJECT</p> <p>Request by two local educational agencies to waive portions of California <i>Education Code</i> Section 35100 and all of sections 35101 and 35103, to allow for the appointment of an interim board to serve the newly unified district prior to election of a new governing board.</p> <p>Waiver Numbers: Upper Lake Union Elementary School District 17-8-2015 Upper Lake Union High School District 18-8-2015</p>	<p><input checked="" type="checkbox"/> Action</p> <p><input checked="" type="checkbox"/> Consent</p>
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SUMMARY OF THE ISSUES

California *Education Code (EC)* Section 35100 requires the County Superintendent of Schools (County Superintendent) to appoint an interim governing board for a new elementary school district or a new high school district. *EC* Section 35101 requires an election to select the first governing board of a new unified school district. The requested waivers of these sections will allow the Lake County Superintendent to appoint an interim board for a new Upper Lake Unified School District (USD), formed through unification of the Upper Lake Union Elementary School District (UESD) and the Upper Lake Union High School District (UHSD).¹

Waiver of *EC* Section 35103 will allow the elections for the governing board of the new unified school district to occur on the same dates that the elections for the Upper Lake UESD and Upper Lake UHSD governing boards would have been held.

Authority for Waiver: *EC* Section 33050

RECOMMENDATION

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

The California Department of Education (CDE) recommends that the SBE approve the requests from the Upper Lake UESD and the Upper Lake UHSD to allow the Lake County Superintendent to appoint an interim board for the new Upper Lake USD, prior to the election of a new governing board, by waiving portions of *EC* Section 35100 and all of sections 35101 and 35103.

¹ The Lucerne Elementary School District (ESD) is a second component district of the Upper Lake UHSD. The Lucerne ESD is excluded from the unification pursuant to subdivision (b) of *EC* Section 35542.

SUMMARY OF KEY ISSUES

The Upper Lake UESD and the Upper Lake UHSD are requesting that the SBE waive *EC* Section 35101 and portions of *EC* Section 35100 to allow the Lake County Superintendent to appoint an interim governing board for a newly formed Upper Lake USD. *EC* Section 35100 requires a county superintendent to appoint an interim governing board for any newly formed *elementary* or *high school* district. The terms of the members on this interim board expire upon election of a new governing board for the district. However, *EC* Section 35101 does not provide for an interim governing board of a newly formed *unified* school district prior to election of the first governing board of the district.

Waiver of *EC* Section 35103 will allow the election of the first governing board of the new unified district (which would replace the appointed interim board) to occur on the same date that the next elections for the Upper Lake UESD and Upper Lake UHSD governing boards would have been held.

On August 19, 2015, the Lake County Committee on School District Organization (County Committee) unanimously approved the proposal to unify the Upper Lake UESD and the Upper Lake UHSD. In addition to these waiver requests to allow appointment of an interim board, the two districts are requesting (in a separate agenda item at this SBE meeting) that the SBE waive the election to give final approval to the unification (allowing the unification to be approved upon action of the Lake County Committee)². If the SBE approves the waiver of the election to approve unification, the new unified district will be effective on July 1, 2016.

Without the requested waivers, the governing board of the district would not be seated until April or May of 2016³, providing minimal time for the new board to prepare for the July 1 effective date of the new district (e.g., hire a superintendent, adopt an interim budget, acquire interim funding, develop a district management plan, consolidate elementary and secondary education programs). Further, since the governing board elections of the Upper Lake UESD and the Upper Lake UHSD currently are conducted in November of odd-numbered years, some members of the new board may have to run for election in three consecutive years—November 2015, at the special election in spring of 2016, and again in November 2017 (assuming the governing board election is consolidated with the general election as are the current elections).

If the waiver requests are approved, the Lake County Superintendent would appoint the interim governing board within 15 days of SBE action. The terms of each member on this interim board will expire following certification of the results of a November 2017 election for the first governing board of the district.

² As noted in the agenda item for the waiver of election for the unification proposal, the districts have conducted substantial research and public outreach regarding the proposed unification. There has been no significant local opposition to the unification.

³ The *Elections Code* establishes dates for elections. For a regular election, Section 1000 would require an April 2016 election date. For a mailed ballot election, Section 1500 sets a March 2016 election date. Elected members would be seated the following month, after certification of election results.

The Lake County Superintendent supports the actions of the Upper Lake UESD and Upper Lake UHSD governing boards.

Demographic Information:

The Upper Lake UESD has a student population of 523 and is located in a rural area of Lake County.

The Upper Lake UHSD has a student population of 302 and is located in a rural area of Lake 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 waiver requests. The most recent approvals were at the July 2012 SBE meeting for a new Bonsall USD (San Diego County), the May 2011 SBE meeting for a new Santa Barbara City USD (Santa Barbara County), and the January 2010 SBE meeting for a new Bishop USD (Inyo County).

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of the waiver request will eliminate the costs of a local election for the first governing board of the new district (estimated by Lake County to be about \$30,000). Disapproval of the request will result in the expense of a local election.

ATTACHMENT(S)

Attachment 1: Summary Table (1 page)

Attachment 2: Upper Lake Union Elementary School District General Waiver Request 17-8-2015 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Upper Lake Union High School District General Waiver Request 18-8-2015 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)

Summary Table

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
17-8-2015	Upper Lake Union Elementary School District	<p>Requested: August 19, 2015 to July 1, 2017</p> <p>Recommended: August 19, 2015 to July 1, 2017</p>	<p>North Shore Teacher Association, Charlene Norwood President August 26, 2015 Neutral</p> <p>California School Employees Association, Leslie Hall President August 26, 2015 Neutral</p>	August 29, 2015	Agenda was posted at school sites, community locations, and posted on the District Web site.	Parent Advisory Committee August 26, 2015 No objections
18-8-2015	Upper Lake Union High School District	<p>Requested: August 19, 2015 to July 1, 2017</p> <p>Recommended: August 19, 2015 to July 1, 2017</p>	<p>Upper Lake Teachers Association, Gary Madison President August 26, 2015 Support</p> <p>Upper Lake Union High School District does not have a classified employees bargaining unit</p>	August 29, 2015	Agenda was posted at school sites, community locations, and posted on the District Web site.	Schoolsite Council August 26, 2015 No objections

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1764063

Waiver Number: 17-8-2015

Active Year: 2015

Date In: 8/31/2015 1:08:58 PM

Local Education Agency: Upper Lake Union Elementary School District
Address: 679 Second St.
Upper Lake, CA 95485

Start: 8/19/2015

End: 7/1/2017

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: portions of *EC* Section 35100 and all of *EC* sections 35101 and 35103

Ed Code Authority: *EC* 33050

Ed Code or *CCR* to Waive: 35100. Within 15 days after the action necessary for the formation of any [elementary school district or high] school district is completed, the county superintendent of schools shall appoint an interim governing board.

Within 15 days after the action necessary for the formation of any [joint or joint union elementary school or high] school district is completed, the county superintendent of schools having jurisdiction over the district shall appoint a majority of the members of an interim governing board. If the new district is in two counties, the other county superintendent shall appoint the rest of the interim governing board members within such 15-day period. If the new district is in more than two counties, the other county superintendents shall appoint the rest of the interim governing board members within such 15-day period as may be agreed upon by them. If they cannot agree within such 15-day period, the county superintendent who appointed the majority of the interim governing board members shall appoint the rest of the members.

The term of each governing board member so appointed shall expire [on the April 1st] following the election of the first elected governing board of the district.

If a majority of the members of the interim governing board of the school district is not appointed and qualified within such 15-day period, the county superintendent of schools having the power to appoint the interim governing board, or a majority thereof, shall assume the powers and duties belonging to the governing board until a majority of the governing board is selected and qualified.

[35101. In newly formed unified school districts there shall be no interim governing board, but the county superintendent of schools having jurisdiction over the particular district shall call an election for the purpose of choosing the first governing board of the district.

The election shall be held on the first Tuesday after the first Monday in March, June, or November next succeeding the call. The first members of the governing board of the district shall take office on the day the canvass of the election is certified by the county superintendent of schools. The first meeting of the governing board shall be called by the county superintendent of schools not later than the third Monday following the election. The term of office of subsequent members of the board shall begin on April 1st following their election.]

[35103.

In newly formed districts for which an interim governing board is appointed by the county superintendent of schools, a governing board member election shall be held:

(a) When the action necessary for the formation of a new school district is completed on or before the first of January of any odd-numbered year, on the first Tuesday after the first Monday in March of such year.

(b) When the action necessary for the formation of a new school district is completed after the first of February of any year, whether even numbered or odd numbered, on the first Tuesday after the first Monday in March of the next succeeding year.

The terms of the members elected at the initial election shall begin on the first day of April, and the terms of their predecessors shall expire on the 31st day of March, following the election.]

Outcome Rationale: The Feasibility Study shows adequate justification to unify Upper Lake Union Elementary School District and Upper Lake Union High School District based on the analysis of the criteria.

Through this process, the Districts held six (6) joint meetings: August 26, 2014, January 26, 2015, March 4, 2015, March 25, 2015, April 22, 2015, and May 27, 2015. The meetings addressed the following:

- Each criteria and findings
- Gather community input
- Answer questions raised by staff, parents and the community

After each meeting, an analysis was crafted regarding the agendaized criteria and voted on by each board at the following meeting. There was no significant opposition voiced at any of the public meetings.

The study concluded that unification would be beneficial to all students by improved fiscal efficiency and promotion of sound educational performance.

Student Population: 523

City Type: Rural

Public Hearing Date: 8/29/2015

Public Hearing Advertised: Agenda was posted at school sites, community locations, and District website.

Local Board Approval Date: 8/29/1015

Community Council Reviewed By: Parent Advisory Committee
Community Council Reviewed Date: 8/26/2015
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Valerie Gardner
Position: Superintendent
E-mail: vgardner@ulesd.org
Telephone: 707-275-2357
Fax: 707-275-2205

Bargaining Unit Date: 08/26/2015
Name: California School Employees Association
Representative: Leslie Hall
Title: President
Position: Neutral
Comments:

Bargaining Unit Date: 08/26/2015
Name: North Shore Teacher Association
Representative: Charlene Norwood
Title: President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1764071

Waiver Number: 18-8-2015

Active Year: 2015

Date In: 8/31/2015 1:09:03 PM

Local Education Agency: Upper Lake Union High School District
Address: 675 Clover Valley Rd.
Upper Lake, CA 95485

Start: 8/19/2015

End: 7/1/2017

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: portions of *EC* Section 35100 and all of *EC* sections 35101 and 35103

Ed Code Authority: *EC* 33050

Ed Code or *CCR* to Waive: 35100. Within 15 days after the action necessary for the formation of any [elementary school district or high] school district is completed, the county superintendent of schools shall appoint an interim governing board.

Within 15 days after the action necessary for the formation of any [joint or joint union elementary school or high] school district is completed, the county superintendent of schools having jurisdiction over the district shall appoint a majority of the members of an interim governing board. If the new district is in two counties, the other county superintendent shall appoint the rest of the interim governing board members within such 15-day period. If the new district is in more than two counties, the other county superintendents shall appoint the rest of the interim governing board members within such 15-day period as may be agreed upon by them. If they cannot agree within such 15-day period, the county superintendent who appointed the majority of the interim governing board members shall appoint the rest of the members.

The term of each governing board member so appointed shall expire [on the April 1st] following the election of the first elected governing board of the district.

If a majority of the members of the interim governing board of the school district is not appointed and qualified within such 15-day period, the county superintendent of schools having the power to appoint the interim governing board, or a majority thereof, shall assume the powers and duties belonging to the governing board until a majority of the governing board is selected and qualified.

[35101. In newly formed unified school districts there shall be no interim governing board, but the county superintendent of schools having jurisdiction over the particular district shall call an election for the purpose of choosing the first governing board of the district.

The election shall be held on the first Tuesday after the first Monday in March, June, or November next succeeding the call. The first members of the governing board of the district shall take office on the day the canvass of the election is certified by the county superintendent of schools. The first meeting of the governing board shall be called by the county superintendent of schools not later than the third Monday following the election. The term of office of subsequent members of the board shall begin on April 1st following their election.]

[35103.

In newly formed districts for which an interim governing board is appointed by the county superintendent of schools, a governing board member election shall be held:

(a) When the action necessary for the formation of a new school district is completed on or before the first of January of any odd-numbered year, on the first Tuesday after the first Monday in March of such year.

(b) When the action necessary for the formation of a new school district is completed after the first of February of any year, whether even numbered or odd numbered, on the first Tuesday after the first Monday in March of the next succeeding year.

The terms of the members elected at the initial election shall begin on the first day of April, and the terms of their predecessors shall expire on the 31st day of March, following the election.]

Outcome Rationale: The Feasibility Study shows adequate justification to unify Upper Lake Union Elementary School District and Upper Lake Union High School District based on the analysis of the criteria.

Through this process, the Districts held six (6) joint meetings: August 26, 2014, January 26, 2015, March 4, 2015, March 25, 2015, April 22, 2015, and May 27, 2015. The meetings addressed the following:

- Each criteria and findings
- Gather community input
- Answer questions raised by staff, parents and the community

After each meeting, an analysis was crafted regarding the agenda criteria and voted on by each board at the following meeting. There was no significant opposition voiced at any of the public meetings.

The study concluded that unification would be beneficial to all students by improved fiscal efficiency and promotion of sound educational performance.

Student Population: 302

City Type: Rural

Public Hearing Date: 8/29/2015

Public Hearing Advertised: Agenda was posted at school sites, community locations, and posted on district website.

Local Board Approval Date: 8/29/2015

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 8/26/2015
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Patrick Iaccino
Position: Superintendent / Principal
E-mail: piaccino@ulhs.k12.ca.us
Telephone: 707-275-2655
Fax: 707-275-9750

Bargaining Unit Date: 08/26/2015
Name: Upper Lake Teachers Association
Representative: Gary Madison
Title: President-ULTA
Position: Support
Comments:



California State Board of Education
Meeting Agenda Items for November 4-5, 2015

WAIVER ITEM W-12



CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2015 AGENDA

Specific Waiver

<p>SUBJECT</p> <p>Request by five 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.</p> <p>Waiver Numbers: Del Norte County Office of Education 20-6-2015 Del Norte County Unified School District 21-6-2015 Del Norte County Unified School District 22-6-2015 Fontana Unified School District 11-8-2015 Fontana Unified School District 12-8-2015 Surprise Valley Joint Unified School District 5-8-2015 Trona Joint Unified School District 9-7-2015</p>	<p><input checked="" type="checkbox"/> Action</p> <p><input checked="" type="checkbox"/> Consent</p>
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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 Del Norte County Office of Education is requesting a shared SSC with composition change for three small schools: Bar-O Boys Ranch (2 teachers serving 25 students in grades seven through twelve), Del Norte Community School (1 teacher serving 44 students in kindergarten through grade twelve), and Elk Creek (Juvenile Hall) School (2 teachers serving 10 students in grades seven through twelve). The three schools share an administrator and are located in a rural area.

The Del Norte County Unified School District is requesting to renew an SSC composition change for a small school: Margaret Keating Elementary School (6 teachers serving 86 students in kindergarten through grade six). It is located in a rural area.

The Del Norte County Unified School District is requesting to renew an SSC composition change for a small school: Mountain Elementary School (2 teachers serving 23 students in kindergarten through grade eight). The school is located in a rural area.

The Fontana Unified School District is requesting to renew an SSC composition change for a small school: Citrus (Continuation) High School (29 teachers serving 349 students in grades nine through twelve). The school has a high student mobility rate since the students are at risk and go back to their comprehensive home high schools after earning the required credits from Citrus High School. Many parents face challenges that impede their participation in school functions, such as having multiple jobs and/or lacking transportation. Furthermore, many of these students work after school to contribute to their families' income or take care of siblings while their parents are working. The school is located in a suburban area.

The Fontana Unified School District is requesting to renew an SSC composition change for a small school: Birch (Continuation) High School (21 teachers serving 242 students in grades nine through twelve). The school has a high student mobility rate since the students are at risk and go back to their comprehensive home high schools after earning the required credits from Birch High School. In addition, due to limited staffing at the school, it is difficult to share an SSC with another school. The school is located in a suburban area.

The Surprise Valley Joint Unified School District is requesting to renew a shared SSC for two small schools: Surprise Valley Elementary School (4.5 teachers serving 82 students in kindergarten through grade seven) and Surprise Valley High School (4 teachers including 2 part-time teachers serving 32 students in grades eight through twelve). The elementary school's principal is also the superintendent of the district while the high school's principal is one of the two part-time teachers. The Surprise Valley Joint Unified School District is comprised of these two small schools and they are located in a rural area.

The Trona Joint Unified School District is requesting to renew a shared SSC with composition change for three small schools: Trona Community Day School (grades seven through twelve with no enrollment or staffing at this time), Trona Elementary School (3 teachers serving 140 students in kindergarten through grade six), and Trona High School (2 teachers serving 110 students in grades seven through twelve). The Trona Joint Unified School District is comprised of these three small schools and they are located on the same campus 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: Del Norte County Office of Education Specific Waiver Request 20-6-2015 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)
- Attachment 3: Del Norte County Unified School District Specific Waiver Request 21-6-2015 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)
- Attachment 4: Del Norte County Unified School District Specific Waiver Request 22-6-2015 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)
- Attachment 5: Fontana Unified School District Specific Waiver Request 11-8-2015 (3 Pages) (Original waiver request is signed and on file in the Waiver Office.)
- Attachment 6: Fontana Unified School District Specific Waiver Request 12-8-2015 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)
- Attachment 7: Surprise Valley Joint Unified School District Specific Waiver Request 5-8-2015 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)
- Attachment 8: Trona Joint Unified School District Specific Waiver Request 9-7-2015 (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
20-6-2015	Del Norte County Office of Education for Bar-O Boys Ranch (0810082 0106666), Del Norte Community School (0810082 0830042), and Elk Creek (Juvenile Hall) School (0810082 0106625)	Shared SSC and 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: 09/01/2015 to 08/31/2017 Recommended: 09/01/2015 to 08/31/2017	None indicated	Education Options SSC 05/21/2015 No Objection	06/25/2015
21-6-2015	Del Norte County Unified School District for Margaret Keating Elementary School (0861820 6005417)	SSC 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), and four parents/community members (selected by parents).	Yes Requested: 09/01/2015 to 08/31/2017 Recommended: 09/01/2015 to 08/31/2017	Del Norte Teachers Association Amber Cron President 06/08/2015 Support	Margaret Keating Elementary School SSC 05/11/2015 No Objection	06/25/2015

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
22-6-2015	Del Norte County Unified School District for Mountain Elementary School (0861820 6005425)	SSC 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), and four parents/community members (selected by parents).	Yes Requested: 09/01/2015 to 08/31/2017 Recommended: 09/01/2015 to 08/31/2017	Del Norte Teachers Association Amber Cron President 06/08/2015 Support	Mountain Elementary School SSC 05/30/2015 No Objection	06/25/2015
11-8-2015	Fontana Unified School District for Citrus (Continuation) High School (3667710 3630480)	SSC 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), two parents/community members (selected by parents), and two students (selected by peers).	Yes Requested: 10/21/2015 to 10/21/2017 Recommended: 10/21/2015 to 10/20/2017	Fontana Teachers Association Nancy Hofrock Vice President 08/06/2015 Support United Steel Workers Jim Williams President 08/06/2015 Support	Citrus Continuation High School SSC 08/13/2015 No Objection	08/19/2015

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
12-8-2015	Fontana Unified School District for Birch (Continuation) High School (3667710 3630019)	SSC 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), two parents/community members (selected by parents), and two students (selected by peers).	Yes Requested: 10/21/2015 to 10/21/2017 Recommended: 10/21/2015 to 10/20/2017	Fontana Teachers Association Nancy Hofrock Vice President 08/06/2015 Support United Steel Workers Jim Williams President 08/06/2015 Support	Birch Continuation High School SSC 08/12/2015 No Objection	08/19/2015
5-8-2015	Surprise Valley Joint Unified School District for Surprise Valley Elementary School (2565896 6025902) and Surprise Valley High School (2565896 2537702)	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: 08/30/2015 to 08/30/2017 Recommended: 08/30/2015 to 08/29/2017	Teamsters Local Union 137 Heather Bordwell Bargaining Representative 05/04/2015 Support	Surprise Valley Elementary School and Surprise Valley High School shared SSC 05/04/2015 No Objection	08/11/2015

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
9-7-2015	Trona Joint Unified School District for Trona Community Day School (3667892 0110296), Trona Elementary School (3667892 6037188), and Trona High School (3667892 3636487)	Shared SSC and 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).	Yes Requested: 08/01/2015 to 06/30/2017 Recommended: 08/01/2015 to 06/30/2017	Trona Teachers Association Randal McGirr President 06/24/2015 Support	Trona Community Day School, Trona Elementary School, and Trona High School shared SSC 05/11/2015 No Objection	07/09/2015

Created by the California Department of Education
July 1, 2015

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 0810082

Waiver Number: 20-6-2015

Active Year: 2015

Date In: 6/26/2015 10:37:01 AM

Local Education Agency: Del Norte County Office of Education
Address: 301 West Washington Blvd.
Crescent City, CA 95531

Start: 9/1/2015

End: 8/31/2017

Waiver Renewal: Y

Previous Waiver Number: 96-2-2014-W-16

Previous SBE Approval Date: 5/8/2014

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* 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: Del Norte COE comprises of one charter school and 3 small schools, (two being juvenile detention centers), that share the same administrator. Bar-O Boys Ranch, (25 students), is located 40 minutes outside of town and most parent/guardians live 5-8 hours away. Elk Creek, (10 students), is the county Juvenile Hall and Del Norte Community School (44 students).

It is understood that a condition of approval will be: Schoolsite Council must consist of one principal, two classroom teachers (selected by peers), one other school representative (selected by peers), three parent/community members (selected by peers), and one student (selected by peers).

Student Population: 79

City Type: Rural

Local Board Approval Date: 6/25/2015

Council Reviewed By: Education Options School Site Council

Council Reviewed Date: 5/21/2015

Council Objection: N

Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Diane Weldon
Position: Executive Assistant, Curriculum & Instruction
E-mail: dweldon@delnorte.k12.ca.us
Telephone: 707-464-0203
Fax: 707-464-0221

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 0861820

Waiver Number: 21-6-2015

Active Year: 2015

Date In: 6/26/2015 11:03:21 AM

Local Education Agency: Del Norte County Unified School District
Address: 301 West Washington Blvd.
Crescent City, CA 95531

Start: 9/1/2015

End: 8/31/2017

Waiver Renewal: Y

Previous Waiver Number: 97-2-2014-W-16

Previous SBE Approval Date: 5/8/2014

Waiver Topic: Schoolsite Council Statute
Ed Code Title: Number and Composition of Members
Ed Code Section: 52852
Ed Code Authority: 52863

Ed Code or *CCR* to Waive: *EC 52852* A schoolsite council shall be established at each school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and in secondary schools, pupils selected by pupils attending the school.

Outcome Rationale: Margaret Keating School is a small K-6th grade school located 20 miles south of Crescent City with just 86 students. Allowing for the Schoolsite Council to be comprised of 8 members would allow proper representation. It is understood that a condition of this request will be: the Schoolsite Council will consist of one principal, two classroom teachers (selected by peers), one other school representative (selected by peers), and four parent/community members (selected by peers).

Student Population: 86

City Type: Rural

Local Board Approval Date: 6/25/2015

Council Reviewed By: School Site Council
Council Reviewed Date: 5/11/2015
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Diane Weldon
Position: Executive Asst. Curriculum & Instruction
E-mail: dweldon@delnorte.k12.ca.us
Telephone: 707-464-0203
Fax: 707-464-0221

Bargaining Unit Date: 06/08/2015
Name: Del Norte Teachers Association (DNTA)
Representative: Amber Cron
Title: President of DNTA
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 0861820

Waiver Number: 22-6-2015

Active Year: 2015

Date In: 6/26/2015 11:09:19 AM

Local Education Agency: Del Norte County Unified School District
Address: 301 West Washington Blvd.
Crescent City, CA 95531

Start: 9/1/2015

End: 8/31/2017

Waiver Renewal: Y

Previous Waiver Number: 98-2-2014-W-16

Previous SBE Approval Date: 5/8/2014

Waiver Topic: Schoolsite Council Statute
Ed Code Title: Number and Composition of Members
Ed Code Section: 52852
Ed Code Authority: 52863

Ed Code or *CCR* to Waive: *EC 52852* A schoolsite council shall be established at each school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and in secondary schools, pupils selected by pupils attending the school.

Outcome Rationale: Mountain Elementary School is located 20 miles East of Crescent City. Mountain School consists of just 23 students and just 2 teachers. Allowing for the School Site council to consist of 8 members will allow the school to be able to fill the parent and teacher memberships.

Student Population: 23

City Type: Rural

Local Board Approval Date: 6/25/2015

Council Reviewed By: School Site Council

Council Reviewed Date: 5/30/2015

Council Objection: N

Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Diane Weldon
Position: Executive Asst. Curriculum & Instruction
E-mail: dweldon@delnorte.k12.ca.us
Telephone: 707-464-0203
Fax: 707-464-0221

Bargaining Unit Date: 06/08/2015
Name: Del Norte Teacher's Association (DNTA)
Representative: Amber Cron
Title: President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 3667710

Waiver Number: 11-8-2015

Active Year: 2015

Date In: 8/20/2015 10:46:06 AM

Local Education Agency: Fontana Unified School District
Address: 9680 Citrus Ave.
Fontana, CA 92335

Start: 10/21/2015

End: 10/21/2017

Waiver Renewal: Y

Previous Waiver Number: 17-9-2013-W-10

Previous SBE Approval Date: 1/15/2014

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: 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.

Citrus Continuation High School has 29 classroom teachers and 349 students. We are requesting to reduce the member composition from 12 to 8: one principal, 2 classroom teachers, one other staff member; 2 parents, and 2 students.

Outcome Rationale: Citrus High school is a continuation high school with 2 administrators, 29 teachers, and a student population of approximately 350 students. Our students transfer to us from comprehensive high schools in the district. All of our students are at-risk and many have personal challenges that can negatively impact their attendance and academic achievement. Many of our parents work multiple jobs and/or have transportation issues that impede their

ability to attend school functions and participate in school councils. In addition, many of our students work at jobs after school to contribute to their family's income or are responsible for their siblings after school while their parents are working. These factors make it difficult for our school to find parents and students who can participate in School Site Council at any time of the day.

Student graduation can be attained by the students returning to their home comprehensive high school after they earned the required credits to be on track or by graduating from Citrus High. As such, many of our students attend Citrus High for a year or less. This high student mobility rate is by design, but limits the number of students and parents who can participate in our School Site Council. Often students and parents who volunteer for our School Site Council leave Citrus High School before the end of the school year. We often have to fill vacancies several times throughout each school year. This makes it difficult to maintain a quorum.

Although we actively reach out to our parents and students, we have had limited success finding volunteers who are able to be members. Reducing the required School Site Council size from 12 to 8 (1 principal, 2 teachers, 1 other staff, 2 parents, 2 students) would greatly assist us with maintaining the correct composition of our School Site Council throughout the year.

Student Population: 349

City Type: Suburban

Local Board Approval Date: 8/19/2015

Council Reviewed By: School Site Council

Council Reviewed Date: 8/13/2015

Council Objection: N

Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Lisa Rivero

Position: Categorical Programs Director

E-mail: Lisa.Rivero@fUSD.net

Telephone: 909-357-7600 x29173

Fax:

Bargaining Unit Date: 08/06/2015

Name: Fontana Teachers Association

Representative: Nancy Hofrock

Title: Vice President - FTA

Position: Support

Comments:

Bargaining Unit Date: 08/06/2015
Name: United Steel Workers
Representative: Jim Williams
Title: President - USW
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 3667710

Waiver Number: 12-8-2015

Active Year: 2015

Date In: 8/20/2015 11:01:58 AM

Local Education Agency: Fontana Unified School District
Address: 9680 Citrus Ave.
Fontana, CA 92335

Start: 10/21/2015

End: 10/21/2017

Waiver Renewal: Y

Previous Waiver Number: 16-9-2013-W-10

Previous SBE Approval Date: 1/15/2014

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: 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.

Birch Continuation High School has 21 teachers and 242 students. We are requesting to reduce the member composition from 12 members to 8 members: one principal, 2 classroom teacher, one other staff member, 2 parents, and 2 students.

Outcome Rationale: For Eric Birch Continuation High School, the continuation and re-approval of a composition waiver would allow us to continue to have quorum at SSC meetings. Prior to the composition waiver, we often lacked quorum due to the limited amount of staff members and the high mobility rate of our student population. Therefore meetings were very scarce and often cancelled, eliminating our ability to sustain an effective categorical program. The high mobility

rate is due to the limited time our students attend our continuation and credit recovery programs. Many of our students are enrolled for a few months or maybe a little over a year before they return to their home school or graduate. Our school is constantly reappointing student and parent members. It continues to be very difficult for the school to share a SSC with another school because of the logistics of scheduling meetings, taking personnel and students off campus, and transporting personnel to a separate site when staff is already very limited.

As there is only one administrator, on-site availability is crucial to handle staff, student, and parent issues. Maintaining the reduction of the required SSC size from 12 to 8 (1 principal, 2 teachers, 1 other staff, 2 parents, 2 students) would greatly continue to assist us in maintaining the correct composition of our School Site Council throughout the year and sustain an effective categorical program.

Student Population: 242

City Type: Suburban

Local Board Approval Date: 8/19/2015

Council Reviewed By: School Site Council

Council Reviewed Date: 8/12/2015

Council Objection: N

Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Lisa Rivero

Position: Categorical Programs Director

E-mail: Lisa.Rivero@fUSD.net

Telephone: 909-357-7600 x29173

Fax:

Bargaining Unit Date: 08/06/2015

Name: Fontana Teachers Association

Representative: Nancy Hofrock

Title: Vice President - FTA

Position: Support

Comments:

Bargaining Unit Date: 08/06/2015

Name: United Steel Workers

Representative: Jim Williams

Title: Preseident - USW

Position: Support

Comments:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 2565896

Waiver Number: 5-8-2015

Active Year: 2015

Date In: 8/13/2015 10:32:15 AM

Local Education Agency: Surprise Valley Joint Unified School District
Address: 470 Lincoln St.
Cedarville, CA 96104

Start: 8/30/2015

End: 8/30/2017

Waiver Renewal: Y

Previous Waiver Number: 1-7-2013-W-10

Previous SBE Approval Date: 11/07/2013

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* School Site Councils for small schools sharing common services or attendance areas, administration and other characteristics.

Read SBE Waiver Policy for Shared SSC's:

<http://www.cde.ca.gov/re/lr/wr/documents/schoolsitepolicyr.doc>

Waivers meeting these conditions go to SBE Consent Calendar.

Outcome Rationale: The Surprise Valley Joint Unified School District is located in a remote rural area of Modoc County in a far northeastern region of the state. The district is comprised of two school facilities that include Surprise Valley High school and Surprise Valley Elementary School.

The elementary school has a shared principal/superintendent. There are currently 4 full time teachers and one shared teacher between the elementary school and high school, serving grades k-7. The high school is serving grades 8-12 and has a teaching principal, and has 4 full time teachers and one shared teacher. Total enrollment for the district is approximately 102. Due to the size of the district and the number of students served, we are seeking a Site Council Waiver to allow one site council to serve the district.

Student Population: 102

City Type: Rural

Local Board Approval Date: 8/11/2015

Council Reviewed By: Surprise Valley Site Council

Council Reviewed Date: 5/4/2015

Council Objection: N

Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Rikki-Lee Carey
Position: Principal
E-mail: rcarey@svjUSD.org
Telephone: 530-279-6141 x123
Fax: 530-279-2210

Bargaining Unit Date: 05/04/2015
Name: Teamsters Local 137
Representative: Heather Bordwell
Title: Teamsters Bargaining Representative
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 3667892

Waiver Number: 9-7-2015

Active Year: 2015

Date In: 7/15/2015 2:59:07 PM

Local Education Agency: Trona Joint Unified School District
Address: 83600 Trona Rd.
Trona, CA 93562

Start: 8/1/2015

End: 6/30/2017

Waiver Renewal: Y

Previous Waiver Number: 11-7-2013-W-10

Previous SBE Approval Date: 11/7/2013

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: 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: The Trona Joint Unified School District is comprised of three school sites with a very small student population:

Trona Elementary School (K-6): 140 students

Trona High School (7-12): 110 students

Trona Community Day School: currently has zero students

Having only one School Site Council would facilitate better academic alignment and performance.

Student Population: 250

City Type: Rural

Local Board Approval Date: 7/9/2015

Council Reviewed By: School Site Council approved this at their last meeting for the 2014-15 school year

Council Reviewed Date: 5/11/2015

Council Objection: N

Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Alan Tsubota

Position: Principal

E-mail: atsubota@tjusd.net

Telephone: 760-372-2868

Fax: 760-372-5519

Bargaining Unit Date: 06/24/2015

Name: Trona Teachers Association

Representative: Randal McGirr

Title: President, TTA

Position: Support

Comments:



California State Board of Education
Meeting Agenda Items for November 4-5, 2015

WAIVER ITEM W-13



CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2015 AGENDA

General Waiver

<p>SUBJECT</p> <p>Request by Anaheim City School District to waive the State Testing Apportionment Information Report deadline as stipulated in the <i>California Code of Regulations</i>, Title 5, Section 11517.5(b)(1)(A), regarding the California English Language Development Test; or Title 5, Section 1225(b)(3)(A), regarding the California High School Exit Examination; or Title 5, Section 862(b)(2)(A) prior to February 2014, regarding the Standardized Testing and Reporting Program; or Title 5, Section 862(b)(2)(A), regarding the California Assessment of Student Performance and Progress System.</p> <p>Waiver Number: 23-6-2015</p>	<p><input checked="" type="checkbox"/> Action</p> <p><input checked="" type="checkbox"/> Consent</p>
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SUMMARY OF THE ISSUES

State regulations for the California English Language Development Test (CELDT), the California High School Exit Examination (CAHSEE), the Standardized Testing and Reporting (STAR) Program, and the California Assessment of Student Performance and Progress (CAASPP) system each include, as a condition to be eligible for apportionment reimbursement, an annual deadline for the return of a certified State Testing Apportionment Information Report for prior year testing.

The Anaheim City School District (SD) missed the regulatory deadline for one or more State Testing Apportionment Information Report(s) for the 2013–14 school year.

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

RECOMMENDATION

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

The California Department of Education (CDE) recommends that the state regulatory deadline for submission of the State Testing Apportionment Information Reports be waived for the LEA and school year(s) shown on Attachment 1.

SUMMARY OF KEY ISSUES

Each fall, the CDE develops separate State Testing Apportionment Information Reports for the CELDT, CAHSEE, and CAASPP compiled from data produced by the testing contractors. STAR reports were developed and distributed from 1998 to 2013. The reports include the amount to be apportioned to the LEA based on the number of students tested during the previous school year. The CDE distributes the reports to the LEAs. State regulations require each LEA to certify the accuracy of the report by returning a signed report to the CDE by the regulatory deadline.

CDE staff verified that this LEA submitted reports after the deadline and are required to submit a waiver as a condition to receive the applicable apportionment reimbursement.

Demographic Information:

Anaheim City SD has a student population of 11,529 and is located in an urban area of 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

The State Board of Education (SBE) has approved all previous LEA requests to waive the State Testing Apportionment Information Report deadline since deadlines for submission of the State Testing Apportionment Information Reports were added to the *California Code of Regulations (CCR)*. The SBE Waiver Policy 08-#: State Testing Apportionment Information Report Deadline is available at <http://www.cde.ca.gov/re/lr/wr/documents/statetesting.doc>.

FISCAL ANALYSIS (AS APPROPRIATE)

If this waiver is approved, the one LEA will be reimbursed for the costs of the CELDT Program for the 2013–14 school year. Total costs are indicated on Attachment 1.

ATTACHMENT(S)

- Attachment 1: Local Educational Agencies Requesting Waiver of State Testing Apportionment Information Report Deadline (1 Page)
- Attachment 2: Anaheim City School District General Waiver Request 23-6-2015 (2 Pages). (Original waiver request is signed and on file in the Waiver Office.)

Local Educational Agencies Requesting Waiver of State Testing Apportionment Information Report Deadline

Waiver Number	Local Educational Agency	Period of Request	Test Report(s) Missing	Report(s) Submitted	School Year(s)	Reimbursement Amount	Union Position
23-6-2015	Anaheim City School District	<p style="text-align: center;">Requested: July 1, 2014 to December 31, 2014</p> <p style="text-align: center;">Recommended: July 1, 2014 to December 31, 2014</p>	California English Language Development Test	Yes	2013–14	\$57,645.00	Support

Created by the California Department of Education
 August 27, 2015

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3066423

Waiver Number: 23-6-2015

Active Year: 2015

Date In: 6/26/2015 11:44:01 AM

Local Education Agency: Anaheim City School District
Address: 1001 South East St.
Anaheim, CA 92805

Start: 7/1/2014

End: 12/31/2014

Waiver Renewal: N

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: State Testing Apportionment Report
Ed Code Title: CELDT
Ed Code Section: Title 5, Section 11517.5(b)(1)(A)
Ed Code Authority: 33050

Ed Code or CCR to Waive: Title 5, Section 11517.5 specifies that the superintendent of each school district must certify the accuracy of the apportionment information and the report must be postmarked by December 31. If postmarked after December 31, the apportionment information report must be accompanied by the State Testing Apportionment Report Waiver request as provided by Ed Code Section 33050.

Outcome Rationale: The 2013-14 CELDT Apportionment Information Report and Certification was not received by my office prior to the December 31st deadline.

Student Population: 11529

City Type: Urban

Public Hearing Date: 6/10/2015

Public Hearing Advertised: Announcement posted to public and staff websites, hard copy announcements posted at each school site, verbal announcement at DAC-DELAC.

Local Board Approval Date: 6/24/2015

Community Council Reviewed By: District Advisory Committee, District English Learner Advisory Committee

Community Council Reviewed Date: 6/9/2015

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Rhonda Robertson
Position: Director, Program Evaluations
E-mail: rrobertson@acsd.us
Telephone: 714-517-7520 x4102
Fax: 714-517-8551

Bargaining Unit Date: 05/22/2015
Name: California School Employees Association
Representative: Kathleen Heard
Title: Chapter 54 President, Anaheim City
Position: Support
Comments:



California State Board of Education
Meeting Agenda Items for November 4-5, 2015

WAIVER ITEM W-14



CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2015 AGENDA

General Waiver

<p>SUBJECT</p> <p>Request by Sulphur Springs Union School District to waive portions of California <i>Education Code</i> Section 41376(b) and (e), relating to class size penalties for grades four through eight. A district's current class size maximum is the greater of the 1964 statewide average of 29.9 to one or the district's 1964 average. The Sulphur Springs Union School District's class size maximum is 31.1.</p> <p>Waiver Number: 14-8-2015</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 the Sulphur Springs Union School District (USD) to waive portions of California *Education Code (EC)* Section 41376(b) and (e), relating to the class size penalty calculation for grades four through eight for the 2015–16 and 2016–17 fiscal years. A district's current class size maximum is the greater of the 1964 statewide average of 29.9 to one or the district's 1964 average. The Sulphur Springs USD's class size maximum is 31.1.

Authority for Waiver: *EC* Section 33050

RECOMMENDATION

Approval Approval with conditions Denial

The California Department of Education (CDE) recommends that the California State Board of Education (SBE) approve the waiver request by Sulphur Springs USD that the class size penalty for grades four through eight be waived provided that the class size average is not greater than the recommended maximum average shown on Attachment 1. Should the district exceed this limit, the class size penalty would be calculated as required by statute. The waiver does not exceed two years less one day, therefore, *EC* Section 33051(b) will not apply, and the district must reapply to continue the waiver.

SUMMARY OF KEY ISSUES

Statute Related to Grades Four Through Eight Class Size

The class size requirement for grades four through eight has been in law since the late 1960s and is the subject of this waiver. This law requires the CDE to apply a financial

class size penalty to a school district's Local Control Funding Formula (LCFF) funding if the district exceeds the greater of:

- The 1964 statewide class size average of 29.9 for grades four through eight; or
- The district's class size average for grades four through eight from 1964.

School districts report their average class enrollment information to the CDE in the spring of the applicable year. If a school district does not meet the requirements, the CDE reduces the district's final payment for the year. *EC* Section 33051 allows the SBE to approve an exemption to this penalty under the general waiver authority.

In September 2014, the SBE adopted Policy #14-02, which outlines required information districts should provide with their waiver requests for fiscal years commencing with 2014–15.

District's Request

The Sulphur Springs USD is requesting that the SBE waive subdivisions (b) and (e) of *EC* Section 41376 for fiscal years 2015–16 and 2016–17, which provide a penalty when the district exceeds the class sizes noted above and on Attachment 1. Without this waiver, the district estimates the potential annual penalty would be \$1,040,862. The Sulphur Springs USD provided the information required by the SBE's Policy #14-02. According to the district, with LCFF the district was able to maintain the class size limits for kindergarten through grades three. However due to the district's financial condition, the district had to increase class sizes in grades four through six to meet its current obligations and maintain fiscal solvency.

The district has been deficit spending over the past several years, using one-time money and interim financing each year to continue to operate. In December 2014, the governing board hired Dr. Catherine Kawaguchi as the new superintendent. Dr. Kawaguchi began working with district staff and the Los Angeles County Office of Education to address the district's history of deficit spending, in order to balance the budget as soon as possible.

In February 2015, the district started working on restructuring its long-term debt, and in March 2015, reductions were approved by the school board which included reducing certificated and classified staff, eliminating stipends, monitoring contracted services, and reducing other operating expenditures. The district anticipates that with these reductions and with LCFF funding increases, interim financing will no longer be needed within two years.

The district continues to focus on increasing student achievement with eight of the nine schools currently achieving an API of over 800. The district has made every effort to mitigate potential consequences by allocating LCFF funds to support coaches to work in classrooms that need assistance. Approval of the class size waiver is critical for the district to meet its commitments such as implementation of Common Core Standards and other priorities within the district's Local Control and Accountability Plan (LCAP). The district anticipates returning to the statutory class size limits in 2017–18. The CDE recommends that the class size penalties for grades four through eight be

waived for fiscal years 2015–16 and 2016–17, provided the class size average is not greater than the recommended maximum average shown on Attachment 1. Should the district exceed this limit, the class size penalty would be calculated as required by statute.

Demographic Information:

The Sulphur Springs USD has a student population of 5,447 and is located in a suburban area in Los Angeles 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

Before the September 2009 board meeting, no class size penalty waivers had been submitted since 1999. Due to the state budget crisis and resulting significant reductions in funding, the SBE began receiving a large number of waiver requests beginning in 2009. As a result, the SBE has approved all class size penalty waiver requests through fiscal year 2013–14. Under the LCFF, most districts funding levels will increase over the next several years. However, due to certain factors some districts will not see the increase for several years. For that reason, in September 2014, the SBE adopted a policy for the type of information districts should provide when submitting a class size penalty waiver for fiscal years commencing with 2014–15. A copy of the policy is available at <http://www.cde.ca.gov/re/lr/wr/waiverpolicies.asp>, under Class Size Penalties for Grades Four through Eight. The SBE has approved waivers for fiscal year 2014–15.

FISCAL ANALYSIS (AS APPROPRIATE)

See Attachment 1 for estimated penalty amount should the waiver request be denied.

ATTACHMENT(S)

Attachment 1: Summary Table (1 page)

Attachment 2: Sulphur Springs Union School District General Waiver Request 4-8-2015 (6 pages). (Original waiver request is signed and on file in the Waiver Office.)

Summary Table

For Grades 4–8: A district's current class size maximum is the greater of the 1964 statewide average of 29.9 to one or the district's 1964 average, pursuant to California *Education Code* Section 41376(b) and (e).

Waiver Number	District and County/District Code	Period of Request	Statutory Class Size Maximum	District's Request	CDE Recommended (New Maximum)	Bargaining Unit, Representative Consulted, Date, and Position	Local Board Approval Date	Potential Annual Penalty Without Waiver	Previous Waivers
14-8-2015	Sulphur Springs Union School District 19-65045	Requested: July 1, 2015 to June 29, 2017 Recommended: July 1, 2015 to June 29, 2017	31.1	34.2	34.2	Sulphur Springs District Teachers Association, Maureen Server President 8/4/15 Support	8/26/15	\$1,040,862 Each Year	None

Created by California Department of Education
 September 3, 2015

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1965045

Waiver Number: 14-8-2015

Active Year: 2015

Date In: 8/27/2015 4:44:41 PM

Local Education Agency: Sulphur Springs Union School District
Address: 27000 Weyerhaeuser Way
Canyon Country, CA 91351

Start: 7/1/2015

End: 6/29/2017

Waiver Renewal: N

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: Class Size Penalties
Ed Code Title: Over Limit on Grades 4-8
Ed Code Section: portions of 41376(b) and (e)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: 41376(b) and (e) The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: (a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30. [(b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above.] (c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in

average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section. (e) If the school district reports that it has maintained, during the current fiscal year, no classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation: He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven hundredths (0.97) and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to the district change in average daily attendance. He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.]

Outcome Rationale: Sulphur Springs Union School District has dedicated staff members that are committed to ensuring that all children have equal opportunities and are provided an exemplary education. The District has continued to show improvements in both reading and mathematics as reflected in State and District test results.

In addition to focusing on student achievement, the District has also been working on improving its fiscal solvency. Due to declining enrollment and a history of deficit spending, the District has been working to improve its financial status. In order to continue to stabilize the financial concerns in the District, staff needed to increase class size averages from 31.1 to 34.2. The District's class size maximum in 1964 was 31.1. Due to the need to establish fiscal solvency in the District, the District is requesting a waiver for two years to allow a district wide average of 34.2 in grades 4-6.

The Sulphur Springs Union School District is requesting that the SBE waive subdivisions (b) and (e) of *EC* Section 41376 for fiscal year 2015-16 and 2016-17, which provide a penalty when the district exceeds the class sizes noted above and on Attachment 1. Without this waiver, the district's annual penalty is \$1,040,862.

Student Population: 5447

City Type: Suburban

Public Hearing Date: 8/26/2015

Public Hearing Advertised: District website, school site offices and staff lounges, posted front of District Office

Local Board Approval Date: 8/26/2015

Community Council Reviewed By: N/A

Community Council Reviewed Date: 8/26/2015

Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Catherine Kawaguchi
Position: Superintendent
E-mail: ckawaguchi@sssd.k12.ca.us
Telephone: 661-252-5131 x216
Fax: 661-252-6849

Bargaining Unit Date: 08/04/2015
Name: Sulphur Springs District Teachers Association
Representative: Maureen Server
Title: President
Position: Support
Comments:

Attachment 1

**Sulphur Springs Union School District
Waiver Request for Class Size Penalty
Grades 4-8**

A principal may recommend to the governing board or the governing board of the school district may adopt a resolution determining that an exemption should be granted from any of the provisions of Section 41376 and 41378, with respect to such core classes on the basis that such provisions prevent the school and school district from developing more effective education programs to improve in reading and mathematics. (Required see EC 41382) The district without this waiver could incur a potential penalty of \$1,040,862 each year.

1. Discussion of the extraordinary or atypical circumstances that prevent the school district from meeting the class size thresholds. If the reasons are financial, the district should explain why LCFF funds could not be used to reduce class sizes.

The Sulphur Springs Union School District has been focused on maintaining its fiscal solvency. On December 10, 2014, the Sulphur Springs Union School District Board of Trustees approved a Superintendent contract for Dr. Catherine Kawaguchi. In January 2015, Dr. Kawaguchi began to work with the District Business Department and LACOE Business Advisory Services to determine next steps as to what was needed to ensure fiscal solvency.

In an effort to support the District's plan to improve fiscal solvency, LACOE appointed a Fiscal Expert to work closely with the Board of Trustees, Superintendent, and District staff. Immediately, the Superintendent worked with staff and the Board of Trustees to analyze the fiscal situation and communicate to employees and the community that current practices of spending needed to change. The District's goal is to balance the budget as soon as possible, eliminating a history of deficit spending and using one-time money to support on-going expenditures of which was exhausted in 2014-15.

The Superintendent and Board of Trustees identified a need for fiscal assistance. They approved a contract with an external accountant to provide the District with accounting support as part of an effort to maintain fiscal stability. In addition, due to the district's fiscal issues, a fiscal expert was assigned to the District. The Business Services Consultant from LACOE worked closely with the Superintendent, Board of Trustees and District staff to identify the depth of the financial issues in an End of Year Report and to provide support documentation for the issuance of a Tax Revenue Anticipation Note for the 2015-16 year.

In February 2015, the Superintendent worked with the Board of Trustees to communicate the concerns centered on the long-term debt obligations for the District. In March 2015, the Board hired a firm to support the restructuring of the long-term debt that will be working with the District to achieve its main goals to achieve fiscal solvency.

At the March 15, 2015 board meeting, the Board of Trustees approved the **reduction** in staffing to address the structural deficit estimated in the 2015-16 and subsequent school years to avoid possible insolvency and/or a State takeover:

- 9 FTE Teachers

- 3 Administrators
- 8 K-6 Teachers
- 1 TOSA Instructional Technology – a savings of approximately \$1.6 million
- Elimination of Management, Supervisory and Confidential Stipends - an ongoing savings of \$34,501.
- Reduction/Change in Year/Hours and/or Layoff of Classified Employees- Estimated savings of approximately over \$500,000.

As a result of these difficult financial decisions, the District had to exceed class sizes in grades 4-6 to meet its obligations and to maintain fiscal solvency. The LCFF funds have been applied to retain current educational programs in the District as outlined in the district's LCAP.

2. Demonstration that the increased class size is consistent with the school district's goals and actions in the Local Control and Accountability Plan (LCAP).

Class size reduction is one of the main priorities for the District. Our staff and community continue to work together to target increased student achievement through reduced class size.

The Superintendent and Cabinet conducted 10 community / staff Budget Awareness meetings communicating how the District would develop a plan to decrease deficit spending, prepare for a decline in enrollment, and ensure continued support of student learning. In addition, community and employees were informed of the requirement to develop a Local Control Accountability Plan (LCAP) and to develop a budget that supports the LCAP goals to increase student learning.

The District has allocated LCFF monies to assist classrooms that exceed 32 in grades 4-6 by providing the option to have an Instructional Assistant in the classroom and/or additional materials to support the increased class sizes, which is consistent with the LCAP.

3. Explanation of how the district is addressing the educational needs of pupils to mitigate potential consequences of increased class sizes.

Sulphur Springs Union School District continues to target increased student achievement, even in times of financial difficulties. Certificated and classified staffs continue to collaborate on best practices for student learning. Even though there are higher class size averages in grades 4-6 than the District's 1964 average of 31.1, all sites have collaborated with their School Site Councils and staff to write Single Plans for Student Achievement that center on targeting improvement in reading and mathematics. In order to continue to meet their school goals, each of the school sites have allocated funds from LCFF to support Digital Coaches at every grade level. The Digital Coaches assist teachers with the implementation of 1:3 iPads in each classroom and support with the implementation of the California state standards to increase learning. In addition, sites have continued to use their funds to hire Teachers on Special Assignments- Tiered Invention Specialists, to assist with providing interventions to those students at-risk.

The District saw the need to support special education as well as regular education students with behavioral support, and used LCFF monies to hire a Behavioral Invention Specialist. This individual works with certificated as well as classified staff to collect data and train staff on how to monitor student progress to support learning. In addition, the Behavioral Intervention Specialist will train staff, develop processes for referrals, support the Student Study Team

Process at school sites, assist special education staff that will also will assist with increased learning opportunities for children.

To assist students at-risk, the District utilized LCFF monies to provide intervention programs. These programs comprised of tutoring after school, intervention sessions during student break times, as well as during the summer months.

In addition to hiring increased extra support in the classrooms, the teachers have also been provided exemplary professional development opportunities in reading and mathematics as well as in English Language Development that continue support and increase student achievement. These trainings were funded by the use of LCFF monies.

4. Remediation plan that describes how and when the district will return to the statutory levels.

Sulphur Springs Union School District is requesting an average of 34.2. The district's statutory average is 31.1 (district only operates a grades 4-6 program). The District is anticipating returning to statutory levels in 2017-18. The District will control costs outside of the classrooms by monitoring contracting services and restructuring long-term debt to alleviate the pressure from the general fund.

5. Statement by the district that the class size provisions prevents the development of more effective educational programs to improve instruction in reading and mathematics.

Despite financial difficulties and declining enrollment, the students of Sulphur Springs Union School District continue to make academic progress mastering grade level standards as demonstrated by District benchmarks in English Language Arts and mathematics yearly. Eight of the nine schools have an API over 800. With continued collaboration with parents, teachers, classified staff and administration all schools within the district have worked to increase their API scores during the last five years.

6. An estimate of the financial impact if the class size penalty was assessed by the CDE.

As was estimated by the District's External Auditor, the class size penalty for 4-6 is \$1,040,862 each year.

7. The requested new overall class size averages.

The district is requesting a class size of 34.2.

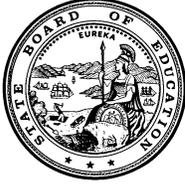
8. The position of the exclusive representative of employees, if any, as provided in Chapter 10.7 of Division 4 of Title 1 of the Government Code. If the representative is opposed, include a written summary of any objections to the request.

The representatives of employees supported the District on this wavier. There was no descent from the leadership or the membership of the union.



California State Board of Education
Meeting Agenda Items for November 4-5, 2015

ITEM 13



CALIFORNIA STATE BOARD OF EDUCATION

November 2015 AGENDA

SUBJECT	
Request by San Diego Unified School District regarding California <i>Education Code</i> sections 17515 through 17526, Joint Public/Private Occupancy Proposal, allowing the San Diego Unified School District and Monarch Development Group to enter into leases and agreements relating to real property and buildings to be used jointly by the district and community for public housing and community center.	<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 17524(a) specifies the governing board of a school district shall not approve any joint occupancy proposal nor enter into a lease or contract incorporating a proposal until the governing board has submitted the proposal to the State Board of Education (SBE) for its approval or disapproval.

Upon receiving approval from the SBE, the district will enter into negotiations with the Monarch Development Group regarding the specific terms of the joint occupancy agreement. The district has indicated to California Department of Education (CDE) staff that any such agreement will contain limitations on access to the "STEAM" lab and district facility center property by members of the public during student use, requirements regarding liability insurance, and be in accordance with all legal requirements.

RECOMMENDATION

The CDE recommends that the SBE approve the San Diego Unified School District's proposal to enter into a joint occupancy agreement with the Monarch Development Group to develop 6.72 acres as a mixed-use multifamily residential apartment community and a 4,000 SF multipurpose state-of-the-art district facility center building, garden, and recreation areas.

BRIEF HISTORY OF KEY ISSUES

California *EC* Section 17515 allows a school district to enter into a joint occupancy agreement providing certain requirements are met, and, pursuant to *EC* Section 17517, the agreement does not exceed 66 years. A joint occupancy agreement allows the district and a private or public party to jointly develop and operate buildings on district owned property.

Pursuant to *EC* sections 17521 et seq., the district governing board issued a Request for Proposals (RFP) on August 1, 2014. Only one proposal was received.

The joint occupancy agreement is between the San Diego Unified School District and the Monarch Development Group. The proposal includes the development of the former E.B. Scripps Elementary School site. The housing development will include a mixed-use multifamily residential apartment community, featuring market-rate and affordable units as well as clubhouse/leasing center and common areas. The housing will be marketed to San Diego Unified School District teachers and employees, students' families, and the surrounding community. The site will also include a state-of-the-art district facility center building and garden. Included in the facility center will be a "STEAM" lab that will provide new learning opportunities for students throughout the district. The community will be allowed to use the facility center on weekends and in the evenings when students are not present.

The property is currently leased by Innovations Academy Charter School. San Diego Unified School District staff is currently working with the Innovations Academy on a transition plan. The Academy has identified a site that they plan to purchase and develop as a new school.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has approved several public/private joint occupancy agreements including several with the Los Angeles Unified School District, the San Diego Unified School District, Napa Valley Unified School District, Chula Vista Elementary School District, Emery Unified School District, and Lemon Grove School District.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no state fiscal impact.

ATTACHMENT(S)

Attachment 1: San Diego Unified School District Letter (2 pages)

Attachment 2: San Diego Unified School District September 29, 2015 Board Agenda (4 pages)

Attachment 3: Conceptual Site Plan (1 Page)

San Diego Unified School District

Gene Fuller Director,
Real Estate Office of Special Projects
TEL.: (619) 725-7045
FAX: (619) 725-7382
gfuller@sandi.net

September 30, 2015

Shannon Farrell-Hart
School Facilities and Transportation Services Division
California Department of Education
1430 N Street, Suite 120I
Sacramento, CA 95814

Via e-mail: sfarrell@cde.ca.gov

**SUBJECT: APPROVAL OF JOINT OCCUPANCY PROPOSAL BETWEEN
SAN DIEGO UNIFIED SCHOOL DISTRICT AND MONARCH GROUP**

Dear Ms. Farrell-Hart:

Under Education Code section 17515 et seq., the San Diego Unified School District (District) Board of Education approved the enclosed Joint Occupancy proposal submitted by Monarch Group for Multi-Family Housing, a District Facility, and a Community Center at Scripps Mesa Conference Center (Exhibit A). The Board approved the recommended proposal at its regularly scheduled meeting on September 29, 2015 (Exhibit B).

In accordance with Education Code section 17515 et seq., the District is requesting approval of the Monarch Group proposal from the California State Board of Education (SBE), who has forty-five (45) days from the date of receipt to notify the District's governing board of its approval or disapproval. If the District has not heard back from the SBE within that time, the District understands that SBE has approved Monarch Group's proposal. The District may then proceed with a contract incorporating the proposal, which will be approved by the District's governing board at a future meeting.

Please direct SBE's approval or disapproval to the following:

Governing Board of Education
Attn: Gene Fuller, Director, Real Estate
San Diego Unified School District 4100 Normal Street,
San Diego, CA 92103

Sincerely,



Gene Fuller
Director, Real Estate

GF:mcr

Enclosures

c: L. Dulgeroff, K. Chapin, R. White, M. Wong

At



Agenda Item Details

Meeting	Sep 29, 2015 - Regular Meeting, 5:00 P.M.
Category	I. SUPERINTENDENT'S CONSENT AGENDA
Subject	28. Selection of Proposal and Authorization for Staff to Negotiate a Joint Occupancy Agreement with Monarch Development, LLC, for Scripps Mesa Conference Center Site; BUDGETED: N/A
Type	Action
Fiscal Impact	Yes
Budget Source	REVENUE

RECOMMENDATION: Accept the Request for Proposal (RFP) evaluation committee's recommendation to select the proposal from Monarch Development Group, LLC (Monarch) to develop the Scripps Mesa Conference Center (Scripps Mesa) site.

Pursuant to Education Code section 17524 (a), authorize staff to submit the proposal to the State Board of Education (SBE) for approval.

Authorize staff to negotiate a joint occupancy agreement with Monarch, to be considered by the board following SBE approval.

Authorize staff to conduct additional community and school stakeholder outreach as outlined in the attached timeline.

Authorize staff to continue working with Innovations Academy charter school (Innovations Academy) on a transition plan.

FISCAL IMPACT: Revenue to the district, estimated at \$35,859,195 over the 66-year term of the joint occupancy agreement. Developer to build and maintain district facility at no cost to the district. Estimated value of district facility is \$2.5 million.

PRIOR YEAR FISCAL IMPACT: Approximately -\$107,909.25 (negative fiscal impact). The district receives \$131,760 in rent annually. District expense is approximately \$239,669.25 annually (includes maintenance expense of \$115,106.09 [based on a three-year average] and utilities expense of \$124,563.16).

IMPACT TO DISTRICT STAFFING: No district staff positions will be negatively impacted by the proposal.

CONSULTATION WITH BOARD ADVISORY COMMITTEE: Not applicable.

BACKGROUND: The board has developed a real estate utilization strategy to maximize the use of district-owned sites, including pursuing opportunities to develop properties, building capacity to generate ongoing revenue, and creating partnerships to help maintain real estate assets to a high standard and serve as a community resource.

The board guiding principles for the real estate utilization strategy are:

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- Maintain ownership of district property where appropriate
- Generate ongoing revenue
- Develop properties as neighborhood centers providing neighborhood services (Vision 2020 goal)
- Provide for community engagement and input in the development process

In alignment with this strategy, on July 22, 2014, the board adopted a resolution authorizing the release of a Request for Proposals (RFP) for joint occupancy at five, district-owned sites:

- Fremont/Ballard Center, 2375 Congress St., San Diego, CA 92110
- Scripps Mesa Conference Center, 10380 Spring Canyon Rd., San Diego, CA 92131
- Transportation Services Center, 4710 Cardin St., San Diego, CA 92111
- Barnard Asian Pacific Language Academy, 2445 Fogg St., San Diego, CA 92109
- Revere Center, 6735 Gifford Way, San Diego, CA 92111

On August 1, 2014, the RFP was released via Demand Star and the district Real Estate department website. On August 29, 2014, a mandatory pre-submittal conference was held to answer questions and receive initial qualifications statements from interested proposers.

From September 2014 to late November 2014, an initial community engagement period took place, during which public meetings were held at each of the RFP sites to gather community input. Attendance at these meetings was mandatory for all interested proposers in order to incorporate community feedback into their RFP response. Proposals were due to the district on February 2, 2015.

RFP Evaluation

The District received six proposals for three sites: one proposal for the Scripps Mesa site; three proposals for Revere Center; and two proposals for Fremont/Ballard Center. The District did not receive any proposals for the Barnard Asian Pacific Language Academy or Transportation Services Center sites.

The proposals were reviewed and evaluated according to the criteria listed in the RFP by a committee composed of district staff from Facilities Planning and Construction, Special Projects, Real Estate, and Finance Division, and a faculty member from the University of San Diego graduate school of real estate. The committee recommended selecting the proposal from Monarch for the Scripps Mesa site only.

Scripps Mesa Proposal

Consistent with the RFP, the proposal for joint occupancy envisions the future of the Scripps Mesa site as a high-quality shared development with the following primary features:

District "STEAM Lab" Facility, Community Center and Garden

- o Innovative district facility featuring STEAM lab and makerspace (modeled from successful district partnership with Qualcomm Thinkabit lab)
- o Meeting and conference room spaces for district and community use through Civic Center Act rentals
- o Community garden, an amenity requested during initial outreach with cluster and neighborhood members

Multi-family Residential Community

- o 264 units of "Class A" multifamily for-rent housing and resident amenities
- o Of those units, 22 units designated affordable at 50 Percent Area Median Income (AMI)
- o Affirmative marketing of units to district employees

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This mix of uses represents both the highest and best use of the land as well as added district and community benefit. The proposal is also consistent with the board-approved guiding principles for the real estate utilization strategy as follows:

Board Guiding Principle	Scripps Mesa Proposal
Maintain ownership of district property where appropriate	District will continue to own the property.
Generate on-going revenue	<p>Project will generate guaranteed near-term and ongoing revenue for the full term of the 66 year agreement.</p> <p>District and community facility will be built and maintained at no cost to the district (capital value of the building estimated at \$2.5 million).</p>
Develop properties as neighborhood centers providing neighborhood services (Vision 2020 goal)	<p>“STEAM lab” will provide new learning opportunities for students throughout the district and is consistent with cluster academic program alignment.</p> <p>Community meeting space and community garden offer new neighborhood services to residents.</p> <p>Residential component provides high-quality rental housing, including affordable units, designed to complement neighborhood fabric.</p> <p>Residential component of the project will offer new housing for families who can attend cluster neighborhood schools Dingeman Elementary, Marshall Middle, and Scripps Ranch High.</p>
Provide for community engagement and input in the development process	<p>“STEAM lab” concept and overall project design will be shared through additional community engagement (see attached timeline), facilitated through strong collaboration between district instructional and operations staff.</p> <p>Staff is working collaboratively with Innovations Academy on a transition plan.</p>

*These figures are estimates in the proposal that will be finalized for the joint occupancy agreement, to be considered by the board following SBE approval.

Innovations Academy Transition Plan

Innovations Academy charter school has rented the site under a short-term facilities use agreement since 2011. The agreement term has been consistently extended for discreet one year periods due to the ongoing planning for the potential reuse of the site.

Since June, staff has met and collaboratively worked with the Innovations Academy director on their facilities needs. Innovations Academy has identified a site that they plan to purchase and develop as a new school location. Staff recommends extending the facilities use agreement for one additional year to June 30,

At 2017, to continue to work together on a successful transition plan.

Project Timeline and Additional Community Outreach

Pursuant to Education Code section 17524 (a), staff will submit the proposal to SBE for approval. SBE, within 45 days of the date of submission, will notify the district of its decision.

Staff and the project team will also request to attend neighborhood and school stakeholder meetings as outlined in the attached timeline. The goal of additional outreach is to share the project concept and timeline, gather input on student learning opportunities and staff professional development for the STEAM lab, and collaboratively develop the design for the community garden.

Following SBE approval and community outreach meetings, staff will return to the board with a final joint occupancy agreement for approval. If approved, construction is anticipated to begin in summer of 2017.

[Originator/Contact: Gene Fuller, Director, Real Estate, Office of the Director, Special Projects, 619.725.7045, gfuller@sandi.net]

Workflow: September 23, 2015: Approved by GM Rayburn for C. Owens

Workflow

Workflow	Sep 11, 2015 5:00 PM :: Submitted by Mary Ramos. Routed to Gene Fuller for approval.
	Sep 18, 2015 9:41 AM :: Approved by Gene Fuller. Routed to Kimberly Chapin for approval.
	Sep 18, 2015 12:12 PM :: Approved by Kimberly Chapin. Routed to Midori Wong for approval.
	Sep 22, 2015 10:54 AM :: Approved by Midori Wong. Routed to Lee Dulgeroff for approval.
	Sep 23, 2015 12:14 AM :: Approved by Lee Dulgeroff. Routed to Vikki Henton for approval.
	Sep 23, 2015 1:43 PM :: Approved by Vikki Henton. Routed to Cristen A Owens for approval.
	Sep 23, 2015 5:16 PM :: Approved by Cristen A Owens. Routed to Debbie Foster for approval.
	Sep 25, 2015 1:41 PM :: Approved by Debbie Foster. Routed to Jenny Salkeld for approval.
	Sep 25, 2015 1:42 PM :: Final approval by Jenny Salkeld

Last Modified by Josefina Viorato on September 25, 2015



PROJECT SUMMARY
 PROPOSED PRELIMINARY SITE PLAN
 THREE & FOUR-STORY RESIDENTIAL DEVELOPMENT PROPOSAL -
 COMMON GARAGE WITH WRAP-AROUND RESIDENTIAL APARTMENTS
 AND COURTYARDS.

SITE AREA (PER RFP)	6.72 ACRES
APN	319-460-17
ZONING	CV-1-1
DENSITY	1 DU PER 1,500 SF LOT AREA PLUS AFFORDABLE HOUSING DENSITY BONUS

RESIDENTIAL		
1 BEDROOM / 1 BATH:	93	35%
2 BEDROOM / 2 BATH:	145	55%
3 BEDROOM / 2 BATH:	26	10%

TOTAL NUMBER OF UNITS:	264	100%
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REQUIRED PARKING*		
1 BEDROOM / 1 BATH:	93 X 1.0	= 93
2 BEDROOM / 2 BATH:	145 X 2.0	= 290
3 BEDROOM / 2 BATH:	26 X 2.0	= 52

REQUIRED PARKING: = 435
 *PER DENSITY BONUS AFFORDABLE HOUSING GUIDELINES

PROVIDED PARKING		
SURFACE:	= 8	
PARKING STRUCTURE:	= 468 (4.0 STORY/5.0 LEVEL AT 94 SPACES/LEVEL)	

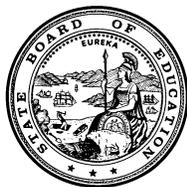
PROVIDED PARKING: = 476

COMMERCIAL		
DISTRICT FACILITY / COMMUNITY CENTER	=	4,000 SF
PROPOSED PARKING	=	20 (5 SPACES/1,000 SF)



California State Board of Education
Meeting Agenda Items for November 4-5, 2015

ITEM 14



CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2015 AGENDA

SUBJECT Approval of 2015–16 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 as required by the federal Elementary and Secondary Education Act of 1965 (ESEA). The State Board of Education (SBE) is asked to annually approve ConApps for approximately 1,830 school districts, county offices of education, and direct-funded charter schools.

RECOMMENDATION

The CDE recommends that the SBE approve the 2015–16 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 \$2.0 billion of federal funding is distributed annually through the ConApp process. The 2015–16 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).

ConApp data is collected twice a year. The Spring Release, which occurs from May to June, collects new fiscal year application data, end-of-school-year program participation student count, and program expenditure data. The Winter Release, which occurs from January to February, collects LEA reservations and allocations, and program expenditure data.

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 non-compliant issues or is making satisfactory progress toward resolving one or two non-compliant issues that is/are fewer than 365 days non-compliant. Conditional approval is recommended when an LEA has submitted a correct and complete ConApp, Spring Release, but has one or more non-compliant 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 non-compliant issues. In extreme cases, conditional approval may include the withholding of funds.

Attachment 1 identifies the LEAs that have no outstanding non-compliant issues or are making satisfactory progress toward resolving one or two non-compliant issues that is/are fewer than 365 days non-compliant. The CDE recommends regular approval of the 2015–16 ConApp for these 26 LEAs. Fiscal data are absent if an LEA is new or is a charter school applying for direct funding for the first time. Attachment 1 includes ConApp entitlement figures from school year 2014–15 because the figures for 2015–16 cannot be determined until all applications and LEA Plans have been completed.

There are no LEAs with one or more non-compliant issues that is/are unresolved for more than 365 days.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

For fiscal year 2015–16, the SBE approved ConApps for 1,621 LEAs. Attachment 1 represents the second set of 2015–16 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 non-compliant 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 (2015–16) – Regular Approvals (2 pages)

Consolidated Applications List (2015–16) – Regular Approvals

The following 26 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 non-compliant issues that are fewer than 365 days non-compliant. The California Department of Education recommends regular approval of these applications.

Number	CDS Code	LEA Name	Total 2014–15 ConApp Entitlement	2014–15 Total Entitlement Per Student	Total 2014–15 Title I Entitlement
1	19769680109926	Academia Avance Charter	198,199	423	195,282
2	01100170000000	Alameda County Office of Education	1,385,182	3,024	1,379,331
3	01611190130625	Alternatives in Action	50,605	328	49,480
4	19647330129874	Community Preparatory Academy	1,504	0	0
5	54755310000000	Dinuba Unified	3,845,837	595	3,365,560
6	01100170112607	Envision Academy for Arts & Technology	102,530	259	100,942
7	54753250000000	Farmersville Unified	2,140,701	791	1,857,543
8	19646340128991	Grace Hopper STEM Academy	425,088	5,667	424,795
9	49753900000000	Healdsburg Unified	401,841	243	227,617
10	01611920113902	Impact Academy of Arts & Technology	109,071	233	107,032
11	19647330131904	Libertas College Preparatory Charter	0	0	0
12	07617390000000	Martinez Unified	418,206	99	276,574
13	30666700106567	Nova Academy	151,247	376	149,051
14	33736760121673	NOVA Academy - Coachella	76,143	364	75,029
15	01612590130617	Oakland Military Institute, College Preparatory Academy	212,795	333	187,956
16	15735440000000	Rio Bravo-Greeley Union Elementary	201,271	194	170,765
17	31750856118392	Rocklin Academy	1,691	0	0

Number	CDS Code	LEA Name	Total 2014–15 ConApp Entitlement	2014–15 Total Entitlement Per Student	Total 2014–15 Title I Entitlement
18	31750850114371	Rocklin Academy at Meyers Street	386	0	0
19	50712660000000	Salida Union Elementary	579,681	226	437,006
20	37683380127654	San Diego Cooperative Charter School 2	1,295	0	0
21	41690620000000	Sequoia Union High	1,243,840	146	873,318
22	23656150000000	Ukiah Unified	2,647,341	460	2,169,161
23	19101990132605	Valiente College Preparatory Charter	0	0	0
24	31750850119487	Western Sierra Collegiate Academy	1,245	0	0
25	19646340101667	Wilder's Preparatory Academy Charter	116,815	305	114,715
26	19646340116822	Wilder's Preparatory Academy Charter Middle	1,221	0	0

Total ConApp entitlement funds for districts receiving regular approval: \$14,313,735



California State Board of Education
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ITEM 15



CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 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, four 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 the four 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 1,814 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)

**Direct-Funded Charter Schools Recommended
for State Board of Education Approval**

Local Educational Agency Name	County-District-School Code	Academic Performance Data
Alpha: Cindy Avitia High School	43 69427 0132274	None available; opened in August 2015.
Rocketship Fuerza Community Prep	43 10439 0131110	None available; opened in August 2014.
Rocketship Redwood City	41 69005 0132076	None available; opened in August 2015.
YPI Valley Public Charter High School	19 64733 0132126	None available; opened in August 2015.

For 2014, only high schools and high school local educational agencies (LEAs) that enrolled students in grades nine, ten, eleven, and/or twelve on Fall Census Day in October 2013 received an Adequate Yearly Progress (AYP) Report.

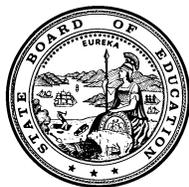
Because students in grades three through eight participated in the Smarter Balanced Field Test during the 2013–14 academic year, the U.S. Department of Education approved a determination waiver for California which exempts elementary schools, middle schools, elementary school districts, and unified school districts from receiving a 2014 AYP Report.



California State Board of Education

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ITEM 16



CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2015 AGENDA

SUBJECT	
Elementary and Secondary Education Act: Approve Amendments to California's Consolidated State Application Accountability Workbook related to the Title III Accountability System.	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

SUMMARY OF THE ISSUE(S)

The purpose of this item is to seek approval from the State Board of Education (SBE) for an amendment to California's Consolidated State Application Accountability Workbook (California's Accountability Workbook) for the Title III Accountability System. California's Title III Accountability System reports annual increases in the number and percentage of students making progress in learning English and attaining English proficiency and is consistent with the Title III accountability program requirements authorized by the Elementary and Secondary Education Act (ESEA).

RECOMMENDATION

The California Department of Education (CDE) recommends that the SBE approve the proposed amendment to California's Accountability Workbook. This amendment uses the same annual percentage growth interval previously approved by the SBE to extend the current Title III accountability target structure for annual measurable achievement objectives (AMAOs) 1 and 2 for one additional year (2016–17).

BRIEF HISTORY OF KEY ISSUES

Title III, under the federal ESEA, provides supplemental funding to local educational agencies (LEAs) and consortia¹ to implement programs designed to help English learner (EL) students attain English proficiency and meet the state's academic standards. Title III accountability is comprised of SBE-approved AMAOs, or targets, that Title III subgrantees must meet each year for their EL populations. The ESEA requires AMAOs to measure: (1) percentage of ELs making annual progress in learning English, (2) percentage of ELs attaining the English proficient level, and (3) Adequate Yearly

¹ To be eligible for the Title III limited-English proficient (LEP) student subgrant, an LEA must qualify for a grant award of \$10,000 or more (ESEA Title III, Section 3114). If an LEA is projected to receive an LEP student subgrant of less than \$10,000, the LEA must enter into an agreement to form and/or join a consortium in which the total amount of the subgrants of members of the consortium collectively total \$10,000 or more.

Progress (AYP) academic achievement targets in English-language arts and mathematics for the EL student group.

Since its establishment in 2003–04, California’s Title III accountability system has been updated several times for compliance with the ESEA. The target structures for AMAOs 1 and 2 were originally set by the SBE in 2003–04, with an ending target ten years later in 2013–14 fixed at the 75th percentile of the LEA distribution. The 75th percentile is the point at which only 25 percent of LEAs were expected to meet the targets and 75 percent of LEAs were below the targets. Both targets were revised by the SBE in September 2007 to align the targets with the new California English Language Development Test (CELDT) performance level cut scores and the new CELDT common scale. The annual percentage growth rate between the starting point in 2006–07 and ending point in 2013–14 was set at equal intervals for both AMAOs 1 and 2. The annual percentage growth rate for AMAO 1 was approximately 1.5 percentage points and the annual percentage growth rate for AMAO 2 was 1.7 percentage points.

Subsequently, AMAO 2 targets were revised in May 2010 in compliance with the U.S. Department of Education (ED) Notice of Final Interpretations (NOFI) which was published in October 2008. The NOFI required states to include all Title III served ELs in AMAO determinations. California’s AMAO 2 cohort, which was developed in 2003, was specifically selected to include only those ELs who could reasonably be expected to reach the English proficient level on the annual CELDT for the year examined. Since the AMAO 2 cohort did not include all Title III served ELs, California was not in compliance with the NOFI. The revised targets were set using a methodology consistent with that approved by the SBE in 2003–04 and 2006–07. The targets were established using equal annual percentage growth between years.

In November 2012, the SBE adopted new English Language Development (ELD) Standards. The CELDT will be replaced by the English Language Proficiency Assessments for California (ELPAC), which is aligned to the 2012 ELD Standards. The CDE will continue to administer the CELDT annually until the implementation of the ELPAC. During the transition from the CELDT to the ELPAC, the CDE proposes to use the same annual percentage growth interval previously approved by the SBE to extend the current target structure for one additional year (2016–17) for the purpose of Title III accountability reporting. The annual percentage growth rate for AMAO 1 is approximately 1.5 percentage points and the annual percentage growth rate for AMAO 2 “less than 5 year cohort” is approximately 1.4 percentage points and “5 years or more cohort” is approximately 1.9 percentage points (Attachment 1). The revised target structure was approved by the ED in February 2015.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In September 2014, the SBE approved the proposed amendment to California’s Accountability Workbook to use the same annual percentage growth interval previously approved by the SBE to extend the current Title III accountability target structure for AMAOs 1 and 2 for two additional years (2014–15 and 2015–16) until the implementation of the ELPAC.

<http://www.cde.ca.gov/be/ag/ag/yr14/documents/sep14item12.doc>

In May 2010, the SBE approved a new target structure for AMAO 2 to comply with the NOFI issued by the ED in October 2008.

<http://www.cde.ca.gov/be/ag/ag/yr10/documents/may10item16.doc>

In September 2007, the SBE approved adjustments to the targets for AMAOs 1 and 2 that were necessary due to changes in the performance levels and the establishment of a common scale for the CELDT.

<http://www.cde.ca.gov/be/ag/ag/documents/agenda0907.pdf> (Item 9)

In 2003, the SBE defined the AMAOs and targets for the Title III Accountability System from 2003–04 through 2013–14, as required by the ESEA:

<http://www.cde.ca.gov/be/ag/ag/documents/agenda0703.pdf> (Item 14)

- AMAO 1 measures the percentage of ELs meeting their annual growth targets in learning English.
- AMAO 2 measures the percentage of ELs attaining the English proficient level on the annual CELDT.
- AMAO 3 measures whether the EL student group has met the Title I AYP targets in English–language arts and mathematics as measured by the ESEA AYP requirements.

These targets are applied only at the LEA level and only for LEAs that received Title III funds.

FISCAL ANALYSIS (AS APPROPRIATE)

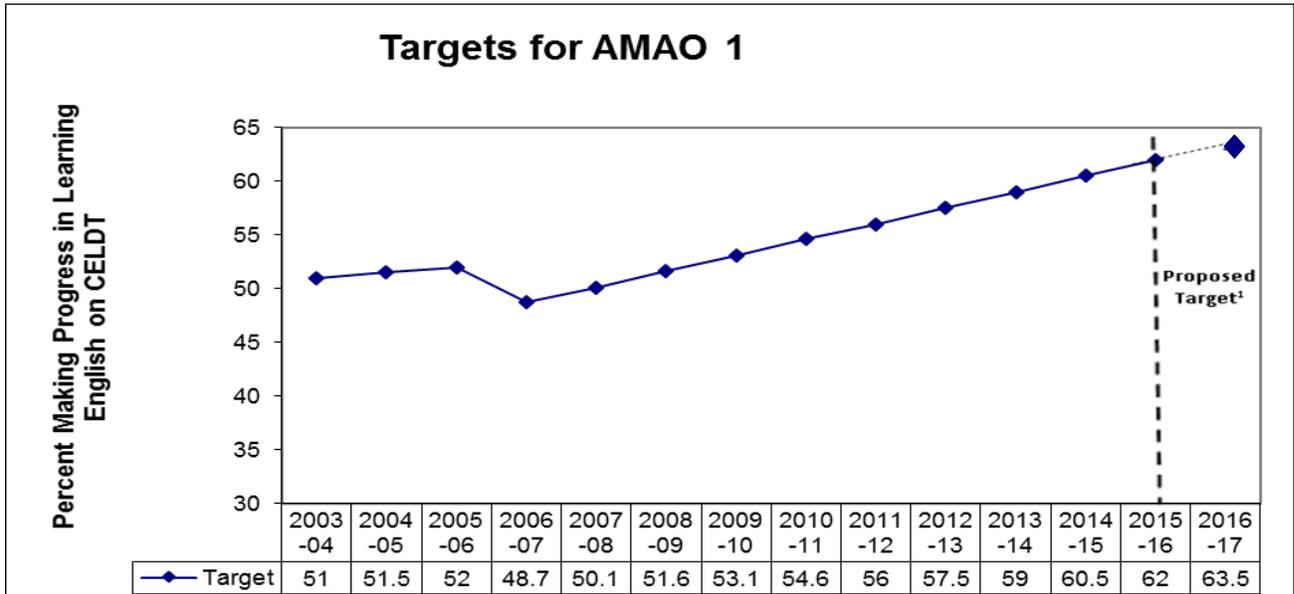
Fiscal impact would be minimal. All expenses related to the Title III Accountability System would be included in the CDE's Analysis, Measurement, and Accountability Reporting Division's budget.

ATTACHMENT(S)

Attachment 1: Proposed Target Structure for Annual Measurable Achievement Objectives (AMAOs) 1 and 2 (1 Page)

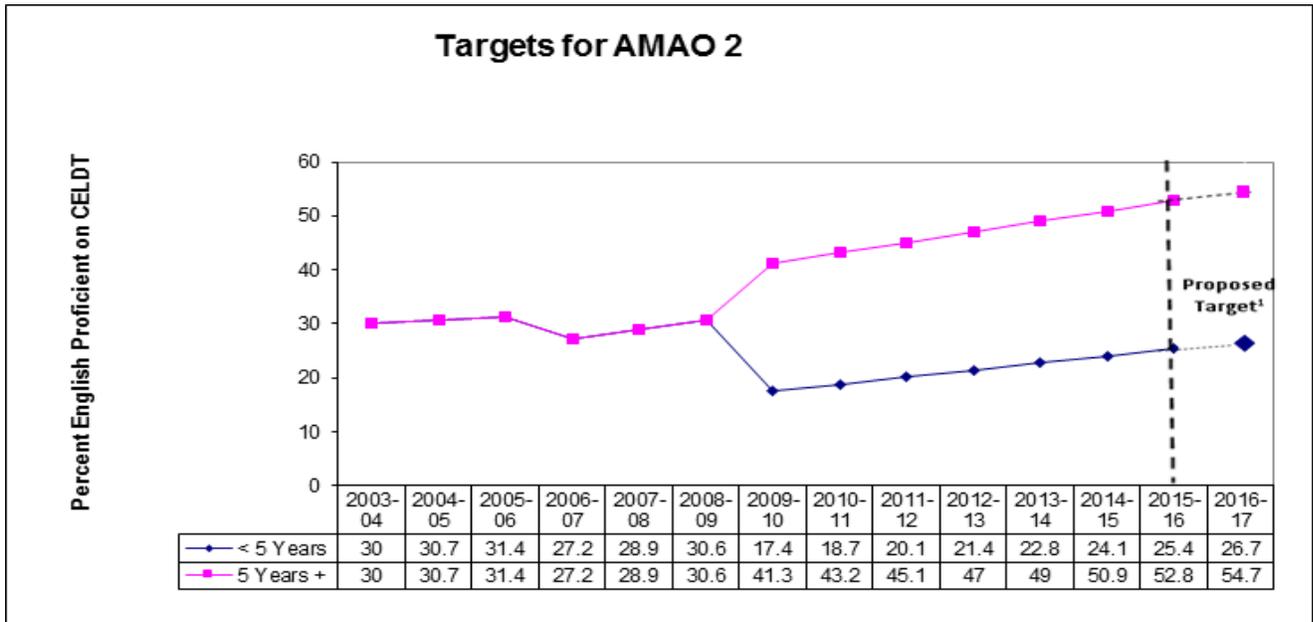
Proposed Target Structure for Annual Measurable Achievement Objectives (AMAOs) 1 and 2

AMAO 1: Percentage of English Learners Making Annual Progress in Learning English on the Annual California English Language Development Test (CELDT)



¹ Annual percentage growth rate is approximately 1.5 percentage points beginning with 2006–07.

AMAO 2: Percentage of English Learners Attaining the English Proficient Level on the Annual CELDT



¹ Beginning with 2009–10, two cohorts with two targets were established. The annual percentage growth rate for less than 5 years cohort is approximately 1.4 percentage points and 5 years or more cohort is approximately 1.9 percentage points.



California State Board of Education
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ITEM 17



CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 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 a charter number to the charter school identified in Attachment 1.

BRIEF HISTORY OF KEY ISSUES

Since the charter school law was enacted in 1992, the SBE has assigned numbers to 1,772 charter schools, including some approved by the SBE after denial by local educational agencies. Separate from that numbering system, nine all-charter districts, 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 a charter school that has been approved by a local entity in the chronological order in which it was received. Each number assigned shall correspond to a single petition that identifies a charter school that will operate within the geographic and site limitations of this part. Charter schools that share educational programs and serve similar pupil populations may not be counted as separate schools. This numbering system ensures that the state stays within a statutory cap on the total number of charter schools authorized to operate within California. The cumulative statutory cap for the fiscal year 2015–16 is 1,950. The statutory cap is not subject to waiver.

The charter school listed in Attachment 1 was recently authorized by a local board of education as noted. A copy of the charter petition is 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 (1 Page)

Assignment of Numbers for Charter School Petitions

Number	Term	Charter Name	County	Authorizing Entity	Classroom-Based/ Nonclassroom- Based
1773	7/1/2016– 6/30/2021	Contra Costa School of Performing Arts	Contra Costa	Contra Costa County Board of Education	Classroom-Based



California State Board of Education
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ITEM 18



CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 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.