California State Board of Education

Meeting Agenda Items for May 11-12, 2016

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.

ARTICLE V

Meetings

REGULAR MEETINGS

Section 1.

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

EC 33007

SPECIAL MEETINGS

Section 2.

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

OPEN MEETINGS

Section 3.

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

GC 11120 et seq.

NOTICE OF MEETINGS

Section 4.

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

SPECIAL MEETINGS (ADDITIONAL PROVISIONS)

Section 5.

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

EC 33008
GC 11125

EMERGENCY MEETINGS

Section 5.

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

GC 11125.5
EC 33008
EC 33010

CLOSED MEETINGS

Section 6.

Closed sessions shall be held only in accordance with law.

GC 11126

QUORUM

Section 7.

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

ORDER OF BUSINESS

Section 8.

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

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

CONSENT CALENDAR

Section 9.

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

ARTICLE VI

Committees and Representatives

SCREENING COMMITTEE

Section 1.

a. The president shall appoint a Screening Committee composed of at least three Board members to screen and interview applicants for appointment to Board advisory bodies and other positions as necessary; participate, as directed by the president, in the selection of candidates for the position of student Board member in accordance with law; and recommend appropriate action to the Board. The president shall designate one Board member as Chair of the Screening Committee.

b. In consultation with the chair, the president may appoint additional Board members, such as the appointed Board liaison, to serve as voting members of the Screening Committee on a temporary basis. In accordance with Section 4 of these bylaws, the president may also serve as an ex officio member of the Screening Committee. The quorum requirement shall be increased as necessary to include the total number of Board members, including temporary members, appointed to serve on the Committee for that purpose.

c. As necessary, the chair may create an ad hoc subcommittee of the Screening Committee to assist the Screening Committee with its duties.

AD HOC COMMITTEES

Section 2.

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

REPRESENTATIVES

Section 3.

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

ARTICLE VII

Public Hearings: General

SUBJECT OF A PUBLIC HEARING

Section 1.

a. The Board may hold a public hearing regarding any matter pending before it after giving notice as required by law.

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

5 CCR 18460

EC 33031
GC 11125

TIME LIMITS FOR THE PRESENTATION OF PUBLIC TESTIMONY

Section 2.

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

5 CCR 18463
EC 33031

WAIVER BY PRESIDING INDIVIDUAL

Section 3.

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

5 CCR 18464
EC 33031

ARTICLE VIII

Public Hearings: School District Reorganization

SUBMISSION OF PROPOSALS AND PETITIONS

Section 1.

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

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

CCR 18570

ARGUMENTS PRESENTED AT THE PUBLIC HEARING: ORIGINAL SUBMISSION

Section 2.

At the time and place of hearing, the Board (or staff if so directed by the Board) will receive oral or written arguments

on the proposal or petition. The presiding individual may limit the number of speakers on each side of the issue, limit the time permitted for the presentation of a particular view, and limit the time of the individual speakers. The presiding individual may ask that speakers not repeat arguments previously presented.

CCR 18571

RESUBMISSION OF THE SAME OR ESSENTIALLY IDENTICAL PROPOSAL OR PETITION

Section 3.

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

CCR 18572

ARTICLE IX

Public Records

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

GC 6250 et seq.

ARTICLE X

Parliamentary Authority

RULES OF ORDER

Section 1.

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

Section 2.

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

Section 3.

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

Section 4.

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

Section 5.

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

ARTICLE XI

Board Appointments

ADVISORY BODIES

Section 1.

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

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

OTHER APPOINTMENTS

Section 2.

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

SCREENING AND APPOINTMENT

Section 3.

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

ARTICLE XII

Presidential Appointments

LIAISONS

Section 1.

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

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

OTHER

Section 2.

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

ARTICLE XIII

Amendment to the Bylaws

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

Abbreviations

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

Abbreviation	Description
CC	Constitution of the State of California
CCR	California Code of Regulations

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

Dates of Adoption and Amendment

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

SBE Meeting Agenda for May 11-12, 2016

State Board Members

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

Secretary & Executive Officer

- Hon. Tom Torlakson

Executive Director

- Karen Stapf Walters

Schedule of Meeting	Location
Wednesday, May 11, 2016 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, May 12, 2016 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 and related complaint from the U.S. Department of Justice
- *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
- *Valenzuela v. Tom Torlakson, the California Department of Education, the State Board of Education*, Alameda County Superior Court, Case No. RG16805941
- *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, May 11, 2016 – 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

For the Local Control Funding Formula/Accountability item (Item 2) and the Local Control and Accountability Plan Template item (Item 3), individual speakers will be limited to **one minute each**. A group of five speakers may sign up together and designate one speaker who will be allocated a total of **three minutes for the group**.

Item 01 (DOC)

Subject: English Language Proficiency Assessments for California: Approve Commencement of the Rulemaking Process for Amendments to the *California Code of Regulations*, Title 5, Sections 11518 through 11519.5.

Type of Action: Action, Information

- Item 01 Attachment 4 (PDF)

- Accessible Alternative Version (AAV) of Item 01 Attachment 4

Revised Item 02 (DOC; **Posted** 02-May-2016)
The revised Item 02 reflects a change to a link to an April Information Memoranda.

Item 02 (DOC)

Subject: Developing a New Accountability System: Update on the Local Control Funding Formula, including, but not limited to, Progress on the Evaluation Rubrics and Options to Meet State and Federal Accountability Requirements, Proposed Revisions to the Local Control and Accountability Plan Template, and Timeline for Transitioning to an Integrated Local, State, and Federal Accountability System.

Type of Action: Action, Information

Item 03 (DOC)

Subject: Proposed Revision of the Local Control and Accountability Plan Template, *California Code of Regulations,* Title 5, Section 15497.5.

Type of Action: Action, Information

Item 04 (DOC)

Subject: School Improvement Grant: Approval of the State's Application for the Fiscal Years 2015 and 2016 School Improvement Grant Under Section 1003(g) of the Elementary and Secondary Education Act.

Type of Action: Action, Information

Item 05 (DOC)

Subject: Update on the Development of the California State Plan for the Every Student Succeeds Act.

Type of Action: Action, Information

Item 06 (DOC)

Subject: Every Student Succeeds Act: One-Year Transition Plan for Supplemental Educational Services and Public School Choice for the 2016–17 School Year.

Type of Action: Action, Information

ADJOURNMENT OF DAY'S SESSION

CALIFORNIA STATE BOARD OF EDUCATION

FULL BOARD AGENDA
Public Session Day 2

Thursday, May 12, 2016 – 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 07 (DOC)

Subject: California Assessment of Student Performance and Progress: Approve California Alternate Assessment 2015–16 Student Score Report, Approve California Alternate Assessment Performance Level Descriptors, and Provide an Update on Program Activities Related to the California Assessment of Student Performance and Progress System.

Type of Action: Action, Information

- Item 07 Attachment 3 (PDF)

Item 08 (DOC; 1MB)

Subject: Every Student Succeeds Act: Request a Waiver Under Title I, Part A, Section 8401 to Waive Double Testing of Science Requirement.

Type of Action: Action, Information

PUBLIC HEARING

The Public Hearing will commence no earlier than 10:00 a.m. on Thursday, May 12, 2016. The first Public Hearing listed below will be held as close to 10:00 a.m. as the business of the State Board permits.

After the 10 minute presentations provided by both the proponents and opponents, members of the public may provide comments. For the following public hearing items, individual speakers will be limited to **one minute each**.

Item 09 (DOC; 2MB)

Subject: Appeal from the Action of the Santa Clara County Committee on School District Organization to Disapprove a Transfer of Territory from the Campbell Union School District and the Campbell Union High School District to the Santa Clara Unified School District.

Type of Action: Action, Information, Hearing

END OF PUBLIC HEARING

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 (DOC)

Subject: Request by three 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:

- Hamilton Unified School District Fed-1-2016
- Princeton Joint Unified School District Fed-4-2016
- Willows Unified School District Fed-2-2016

(Recommended for APPROVAL)

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

Item W-02 (DOC)

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

Waiver Numbers:

- Kings County Office of Education 3-2-2016
- National Elementary School District 5-2-2016
- Oceanside Unified School District 23-2-2016
- Paradise Unified School District 7-1-2016
- San Diego County Office of Education 1-1-2016

(Recommended for APPROVAL WITH CONDITIONS)

Community Day Schools (CDS) (Collocate Facilities)

Item W-03 (DOC)

Subject: Request by Folsom-Cordova Unified School District to waive portions of California *Education Code* Section 48661(a), relating to the collocation of a community day school with other types of schools.

Waiver Number: 9-2-2016

(Recommended for APPROVAL WITH CONDITIONS)

Equity Length of Time

Item W-04 (DOC)

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

Waiver Numbers:

- Capistrano Unified School District 26-2-2016
- Dry Creek Joint Elementary School District 20-1-2016
- Golden Valley Unified School District 4-1-2016
- Mountain View Whisman School District 18-1-2016
- San Luis Coastal Unified School District 16-12-2015
- Santee School District 17-12-2015
- Shandon Joint Unified School District 10-1-2016
- Solvang Elementary School District 23-1-2016
- Soulsbyville Elementary School District 16-1-2016

(Recommended for APPROVAL WITH CONDITIONS)

Instructional Time Requirement Audit Penalty (Below 1982-83 Base Minimum Minutes)

Item W-05 (DOC)

Subject: Request by Vallejo City Unified School District under the authority of California *Education Code* Section 46206(a), to waive *Education Code* Section 46201(a), the audit penalty for offering less instructional time in the 2011–12 fiscal year for students in grades four and five (shortfall of 129 minutes) at district schools.

Waiver Number: 2-2-2016

(Recommended for APPROVAL WITH CONDITIONS)

Out-of-State Use of Funds and Transportation Allowances

Item W-06 (DOC)

Subject: Request by Janesville Union Elementary School District to waive a portion of California *Education Code* Section 35330(b)(3), to authorize expenditures of school district funds for students to attend curricular and extracurricular activities.

Waiver Number: 2-1-2016

(Recommended for APPROVAL) *EC* 33051(b) will apply

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

Item W-07 (DOC)

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

Waiver Numbers:

- Conejo Valley Unified School District, 24-2-2016
- Santa Barbara Unified School District 17-2-2016

(Recommended for APPROVAL WITH CONDITIONS)

School Construction Bonds (Bond Indebtedness Limit)

Item W-08 (DOC)

Subject: Request by Greenfield Union Elementary School District to waive California *Education Code* section 15102, to allow the district to exceed its bonded limit of 1.25 percent of the taxable assessed value of property. (Requesting 3.50 percent)

Waiver Number: 18-3-2016

(Recommended for APPROVAL WITH CONDITIONS)

School District Reorganization (Elimination of Election Requirement)

Item W-09 (DOC)

Subject: Request by Allensworth Elementary School District to waive California *Education Code* Section 5020, that requires a districtwide election to reduce the number of governing board members from five to three.

Waiver Number: 11-3-2016

(Recommended for APPROVAL)

School District Reorganization (Elimination of Election Requirement)

Item W-10 (DOC)

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

Waiver Number: 10-2-2016

(Recommended for APPROVAL)

School District Reorganization (Lapsation of a Small District)

Item W-11 (DOC)

Subject: Request by Desert Center Unified School District to waive California *Education Code* Section 35780(a), which requires lapsation of a district with an average daily attendance of less than 11 in the ninth through twelfth grades.

Waiver Number: 28-2-2016

(Recommended for APPROVAL WITH CONDITIONS)

Schoolsite Council Statute (Number and Composition of Members)

Item W-12 (DOC)

Subject: Request by four 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:

- Brawley Union High School District 11-1-2016

- Lost Hills Union Elementary School District 8-2-2016
- Mariposa County Office of Education 15-1-2016
- Mt. Shasta Union Elementary School District 12-1-2016

(Recommended for APPROVAL WITH CONDITIONS)

Special Education Program (Algebra I Requirement for Graduation)

Item W-13 (DOC)

Subject: Request by Hayward Unified School District to waive California *Education Code* Section 51224.5(b), the requirement that all students graduating in the 2015-16 school year be required to complete a course in Algebra I (or equivalent) to be given a diploma of graduation for one special education student based on *Education Code* Section 56101, the special education waiver authority.

Waiver Number: 4-2-2016

(Recommended for APPROVAL WITH CONDITIONS)

State Meal Mandate (Summer School Session)

Item W-14 (DOC)

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

Waiver Numbers:

- Eastern Sierra Unified School District 19-1-2016
- Lassen Union High School District 12-2-2016
- Liberty Elementary School District 31-2-2016
- Wiseburn Unified School District 22-1-2016

(Recommended for APPROVAL)

State Testing Apportionment Report (CAHSEE and CELDT)

Item W-15 (DOC)

Subject: Request by four local educational agencies 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 Title5, 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 Numbers:

- Davis Joint Unified School District 24-1-2016
- Gridley Unified School District 13-1-2016
- San Luis Coastal Unified School District 13-2-2016
- Wheatland School District 14-1-2016

(Recommended for APPROVAL)

Special Education Program (Resource Teacher Caseload)

Item W-16 (DOC)

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

Waiver Numbers:

- Evergreen Union School District 6-2-2016
- Poway Unified School District 5-1-2016

(Recommended for APPROVAL WITH CONDITIONS)

Charter School Program (Nonclassroom-Based Funding)

Item W-17 (DOC)

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

Waiver Numbers:

- Acton-Agua Dulce Unified School District 22–2–2016
- Adelanto Elementary School District 7–2–2016
- Paradise Unified School District 16–2–2016
- San Bernardino City Unified School District 5–3–2016
- San Lorenzo Valley Unified School District 20–2–2016
- Shasta County Office of Education 25–2–2016
- Western Placer Unified School District 18–2–2016

(Recommended for APPROVAL)

School District Reorganization (Elimination of Election Requirement)

Item W-18 (DOC)

Subject: Request by Temecula Valley Unified School District to waive California *Education Code* Section 5020, and portions of sections 5019, 5021, and 5030, that require a districtwide election to establish a by-trustee-area method of election.

Waiver Number: 21-2-2016

(Recommended for APPROVAL)

School District Reorganization (Elimination of Election Requirement)

Item W-19 (DOC)

Subject: Request by Grossmont Union High School District to waive California *Education Code* Section 5020, and portions of sections 5019, 5021, and 5030, that require a districtwide election to establish a by-trustee-area method of election.

Waiver Number: 1-3-2016

(Recommended for APPROVAL)

State Meal Mandate (Summer School Session)

Item W-20 (DOC)

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

Waiver Number: 13-3-2016

(Recommended for DENIAL)

END OF WAIVERS

Item 10 (DOC; 2MB)

Subject: California Assessment of Student Performance and Progress: Re-adoption of 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 10 Attachment 4 (PDF; 2MB)
- Accessible Alternative Version (AAV) of Item 10 Attachment 4

Item 11 (DOC; 2MB)

Subject: California High School Proficiency Examination - Approve Commencement of the Rulemaking Process for Amendments to the *California Code of Regulations*, Title 5, Sections 11520 through 11525.

Type of Action: Action, Information

- Item 11 Attachment 4 (PDF)
- Accessible Alternative Version (AAV) of Item 11 Attachment 4

Item 12 (DOC; 2MB)

Subject: California High School Proficiency Examination: Approve the Finding of Emergency and Proposed Emergency Regulations for Amendments to the *California Code of Regulations*, Title 5, Sections 11520 through 11525.

Type of Action: Action, Information

- Item 12 Attachment 4 (PDF)
- Accessible Alternative Version (AAV) of Item 12 Attachment 4

Item 13 (DOC)

Subject: Every Student Succeeds Act: Request a Waiver Under Title I, Part A, Section 8401 to Waive the Applicable Speaking and Listening Assessment Requirements for the 2015–16 and 2016–17 School Years.

Type of Action: Action, Information

- Item 13 Attachment 1 (PDF)
- Item 13 Attachment 2 (PDF)

Item 14 (DOC)

Subject: Elementary and Secondary Education Act: No Child Left Behind: Approval of Local Educational Agency Plans, Title I, Section 1112.

Type of Action: Action, Information

Item 15 (DOC)

Subject: Elementary and Secondary Education Act: Supplemental Educational Services Providers: Reinstatement of Provider to the 2015–17 Approval List.

Type of Action: Action, Information

Item 16 (DOC; 2MB)

Subject: History–Social Science Instructional Materials Adoption – Approve Commencement of the Rulemaking Process for Amendments to the *California Code of Regulations*, Title 5, Section 9517.3.

Type of Action: Action, Information

- Item 16 Attachment 4 (PDF; 1MB)
- Accessible Alternative Version (AAV) of Item 16 Attachment 4

Item 17 (DOC)

Subject: Request to Form New Regional Occupational Program Operated as a Joint Powers Authority.

Type of Action: Action, Information

- Item 17 Attachment 1 (PDF)
- Item 17 Attachment 2 (PDF)
- Accessible Alternative Version (AAV) of Item 17 Attachment 2
- Item 17 Attachment 3 (PDF)
- Accessible Alternative Version (AAV) of Item 17 Attachment 3

Item 18 (DOC)

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

Type of Action: Action, Information

Item 19 (DOC)

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

Type of Action: Action, Information

Item 20 (DOC)

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

Type of Action: Action, Information

Item 21 (DOC)

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

Type of Action: Action, Information

Item 22 (DOC)

Subject: California's Application to the United States Department of Education for Funds Available Through the Federal Charter Schools Program: Consideration of Proposed Content, Final Approval, and Submission.

Type of Action: Action, Information

Item 23 (DOC)

Subject: After School Program Natural Disaster Relief.

Type of Action: Action, Information

- Item 23 Attachment 1 (PDF)

Item 24 (DOC)

Subject: Approval of 2015–16 Consolidated Applications.

Type of Action: Action, Information

Item 25 (DOC)

Subject: STATE BOARD PROJECTS AND PRIORITIES.

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

Type of Action: Action, Information

PUBLIC HEARINGS

There are three additional Public Hearings, and the first of these three Public Hearings will commence no earlier than 1:00 p.m. on Thursday, May 12, 2016. The first Public Hearing listed below will be held as close to 1:00 p.m. as the business of the State Board permits.

After the 10 minute presentations provided by both the proponents and opponents, members of the public may provide comments. For the following public hearing items, individual speakers will be limited to **one minute each**.

Item 26 (DOC)

Subject: Petition for the Establishment of a Charter School Under the Oversight of the State Board of Education: Consideration of International Studies Language Academy, which was denied by the Glendale Unified School District and the Los Angeles County Board of Education.

Type of Action: Action, Information, Hearing

Item 27 (DOC)

Subject: Petition for the Establishment of a Charter School Under the Oversight of the State Board of Education: Consideration of the Trivium Charter School San Luis Obispo County, which was denied by the Atascadero Unified School District.

Type of Action: Action, Information, Hearing

Item 28 (DOC)

Subject: San Francisco Flex Academy: Consider Issuing a Notice of Violation Pursuant to California *Education Code* Section 47607(d).

Type of Action: Action, Information, Hearing

- Item 28 Attachment 1 (PDF; 1MB)
- Item 28 Attachment 2 (PDF)
- Item 28 Attachment 3 (PDF; 1MB)
- Item 28 Attachment 4 (PDF)
- Item 28 Attachment 5 (PDF; 2MB)
- Item 28 Attachment 6 (PDF; 1MB)

END OF PUBLIC HEARINGS

Item 29 (DOC)

Subject: GENERAL PUBLIC COMMENT.

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

Type of Action: Information

Item 30 (DOC)

Subject: Presentation of the Final Report from the State Superintendent of Public Instruction's Advisory Accountability/Continuous Improvement Task Force.

Type of Action: Information

ADJOURNMENT OF MEETING

This agenda is posted on the State Board of Education's Web site. 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 May 6, 2016, the Friday prior to the meeting.

California State Board of Education

Meeting Agenda Items for May 11-12, 2016

ITEM 01

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2016 AGENDA

SUBJECT	
English Language Proficiency Assessments for California: Approve Commencement of the Rulemaking Process for Amendments to the *California Code of Regulations*, Title 5, Sections 11518 through 11519.5.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

The California Department of Education (CDE) is responsible for the oversight of a state test to measure eligible students' English language proficiency (ELP) that is aligned with State Board of Education-adopted standards (as set forth in California *Education Code* [*EC*] sections 313 and 60810). In November 2012, the State Board of Education (SBE) adopted the 2012 English Language Development Standards (2012 ELD Standards). As a result, the CDE is in the process of developing the English Language Proficiency Assessments for California (ELPAC) to replace the California English Language Development Test (CELDT). The ELPAC will include two separate assessments, one for the initial identification of a pupil as an English learner (EL), and an annual summative assessment to measure an EL's progress in learning English. The CDE is submitting proposed regulations for the ELPAC and is recommending that the SBE approve the commencement of the rulemaking process so that the regulations may be adopted prior to the summative assessment field test in spring of 2017.

RECOMMENDATION

The CDE recommends the SBE take the following actions:

- Approve the Notice of Proposed Rulemaking (Notice)
- Approve the Initial Statement of Reasons (ISOR)
- Approve the proposed regulations
- Direct the CDE to commence the rulemaking process
- Authorize the CDE to take any necessary action to respond to any direction or concern expressed by the Office of Administrative Law during its review of the Notice, ISOR, and proposed regulations

BRIEF HISTORY OF KEY ISSUES

California's existing ELP assessment, the CELDT, is aligned with the 1999 ELD Standards. In November 2012, the SBE adopted new ELD standards, which initiated a need for the development of a new state test that is aligned with the 2012 ELD standards to replace the CELDT. During the 2013 Legislative session, *EC* sections 313 and 60810 were amended, requiring changes to California's assessment of ELP (Senate Bill 201, Statutes of 2013, sections 3 and 6). *EC* Section 60810, subdivisions (d) and (f), requires two separate assessments, one for the initial identification of a pupil as an EL, and another for the annual summative assessment to measure an EL's progress in learning English (SB 201, Section 6). *EC* Section 313, subdivision (d)(2), requires the annual summative assessment window to be a four-month period after January 1 determined by the State Superintendent of Public Instruction (SSPI), with the approval of the SBE (SB 201, Section 3). Per *EC* Section 60810, subdivision (h), local educational agencies (LEAs) will administer the ELPAC initial and summative assessments only after the SBE adopts the ELPAC assessments and the SSPI reports to the Legislature that both assessments are operationally ready for their first administration (SB 201, Section 6).

Since November 2014, the Assessment Development and Administration Division has gathered extensive input from other CDE divisions and external stakeholders on the content of the draft proposed ELPAC regulations (e.g., dates of the annual assessment window). A summary of the outreach process for receiving input is included as Attachment 5. The rulemaking process will provide the public at large the opportunity to comment on the proposed regulations.

The proposed ELPAC regulations include definitions, requirements, responsibilities, and guidelines for the administration, test security, and reporting of the ELPAC.

The proposed ELPAC regulations include, but are not limited to:

- Distinct procedures for the administration of two separate assessments—one for the purpose of initial identification of ELs, and the annual summative assessment for the following two purposes: (1) identify the level of ELP of ELs and (2) assess the progress of ELs in learning English in the four domains of listening, speaking, reading, and writing;

- A change in the annual summative assessment window to a four-month period after January 1 determined by the SSPI, with the approval of the SBE; and

- The addition of opportunities for the correction of errors in the classification of pupils' ELP status.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

January 2016: The CDE submitted an Agenda Item to the SBE for action with the recommendations for approval of the general performance level descriptors for the

ELPAC. (http://www.cde.ca.gov/be/ag/ag/yr16/documents/jan16item08.doc)

November 2015: The CDE submitted an Agenda Item to the SBE for action with the recommendations for approval of the proposed task types and test blueprints for the ELPAC. (http://www.cde.ca.gov/be/ag/ag/yr15/documents/nov15item12.doc)

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/documents/memodsibadad-oct15item01.doc)

June 2015: The SBE was provided with an Information Memorandum by the CDE with an update on the ELPAC including, but not limited to, the award of the contract. (http://www.cde.ca.gov/be/pn/im/documents/memo-dsib-adad-jun15item01.doc)

April 2015: The SBE was provided with an Information Memorandum by the CDE with a description of the ELPAC Request for Proposals (RFP) process. (http://www.cde.ca.gov/be/pn/im/documents/memo-dsib-adad-apr15item01.doc)

November 2014: The release of the ELPAC RFP was approved by the SBE in accordance with the schedule and process described in the item. (http://www.cde.ca.gov/be/ag/ag/yr14/documents/nov14item05.doc)

April 2014: The SBE was provided with an Information Memorandum by the CDE with a revised timeline for developing the ELPAC and a description of the Technical Advisory Group guidelines for the ELPAC test blueprints. (http://www.cde.ca.gov/be/pn/im/documents/memodsibadad-apr14item01.doc)

FISCAL ANALYSIS (AS APPROPRIATE)

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

ATTACHMENT(S)

Attachment 1: Notice of Proposed Rulemaking (6 Pages)

Attachment 2: Initial Statement of Reasons (11 Pages)

Attachment 3: Proposed Regulations (21 Pages)

Attachment 4: Economic and Fiscal Impact Statement (STD. 399) (5 Pages)

Attachment 5: English Language Proficiency Assessments for California (ELPAC) Proposed Regulations Outreach Activities (6 Pages)

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

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

1430 N Street Sacramento, CA 95814-5901

NOTICE OF PROPOSED RULEMAKING

AMENDMENT TO CALIFORNIA CODE OF REGULATIONS, TITLE 5, REGARDING ENGLISH LANGUAGE PROFICIENCY ASSESSMENTS FOR CALIFORNIA (ELPAC)

[Notice published May 27, 2016]

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 9:30 a.m. on July 11, 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 July 11, 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: Section 33031, Education Code.

References: Sections 306, 313, 37200, 48985, 60810, 60812 and 60900, Education Code; and 20 U.S.C. Sections 1412, 6311, 6312, 6821, 6823, 6825, 6826, 6841 and 6843; Public Law No. 114-95, Section 8002.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Education Code section 313 requires school districts, county offices of education and charter schools (local educational agencies (LEAs)) to assess English language proficiency (ELP) of its pupils to the extent required by federal and state law. Assessment of a pupil's ELP is required upon initial enrollment after a survey of a pupil's language indicates a primary or native language other than English, and annually thereafter until a pupil is redesignated as English proficient. The CDE is responsible for the oversight of the state test of ELP, as set forth in Education Code sections 313 and 60810.

Senate Bill (SB) 201 (Chapter 478, Statutes of 2013), amended existing Education Code sections 313 and 60810 (SB 201, sections 2 and 5) and added new Education Code sections 313 and 60810 (SB 201, sections 3 and 6). Newly added Education Code section 60810, subdivisions (d) and (f), requires two separate assessments: 1) an initial assessment to determine if a pupil is an English learner (EL), as defined by Education Code section 306; and 2) an annual summative assessment to identify an EL's level of ELP, and also to measure an EL's progress in learning English. Combined, these assessments are described as the English Language Proficiency Assessments for California (ELPAC). The current state test of ELP, the California English Language Development Test (CELDT), serves the dual purposes of initial identification and summative assessment in one test. Education Code section 313(d)(2) (SB 201, section 3), specified the summative assessment is to be conducted annually during a four-month period after January 1 determined by the State Superintendent of Public Instruction (SSPI), with the approval of the SBE.

In addition, Assembly Bill (AB) 124 (Chapter 605, Statutes of 2012) required the SSPI, in consultation with the SBE, to update, revise, and align the English Language Development Standards (ELD Standards) to the state's English language arts standards. As required by AB 124, the SBE adopted the updated and revised ELD Standards in November 2012. The new ELPAC initial and summative assessments

required by SB 201 will be aligned to the 2012 ELD Standards, as required by Education Code section 60810, subdivisions (c)(5) and (e)(7) (SB 201, section 6). The ELPAC assessments will be administered in the place of CELDT once they are ready for administration, as specified in Education Code section 60810(f) (SB 201, section 5) and Education Code section 60810(h) (SB 201, section 6).

These regulations are necessary in order for LEAs to successfully assess the ELP of eligible pupils using the new ELPAC initial and summative assessments, which are required by the provisions of Education Code sections 313 and 60810 (SB 201, sections 3 and 6). Through this rulemaking process, the SBE will define the assessment period, provide procedures to address errors in identifying the ELP of pupils, and a method for LEAs to be apportioned funds for administration of the ELPAC. The regulations that have guided the administration of the CELDT are not applicable to the administration of the ELPAC. Because the ELPAC will be aligned to the 2012 ELD Standards, and because the ELPAC will include two assessments for two distinct purposes, the regulations governing administration of the CELDT are not appropriate for the ELPAC. In addition, these proposed regulations are necessary to provide specificity and consistency of administration of the ELPAC by LEAs. Therefore, the SBE proposes to amend the California Code of Regulations, title 5, by adding sections 11518 through 11519.5 to implement Education Code sections 313 and 60810 (SB 201, sections 3 and 6).

Anticipated Benefits of the Proposed Regulation

The benefits of the proposed regulations include statewide consistency for the administration and scoring of the ELPAC initial and summative assessments to all eligible pupils. The proposed regulations provide a detailed outline for the process of reliably identifying ELs, and opportunities for the correction of errors in the classification of pupils' ELP status. The proposed regulations also specify the four-month period, after January 1, in which LEAs must administer the ELPAC summative assessment. This change in the summative assessment window provides eligible pupils with additional months of instruction prior to being annually assessed for their levels of ELP.

In order for all eligible pupils to access valid and reliable assessments of ELP consistent with state and federal law, these regulations propose a consistent procedure for administering and scoring the ELPAC by LEAs.

Determination of Inconsistency/Incompatibility with Existing State Regulations

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

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 LEAs: 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 regulations apply to and impact only public LEAs and do not apply to or impact businesses.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The SBE concludes that it is unlikely that these proposed regulations will: 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.

Benefits of the Proposed Action: The benefits of the proposed regulations include statewide consistency for the administration and scoring of the ELPAC initial and summative assessments to all eligible pupils. The proposed regulations provide a process for reliably identifying ELs, and opportunities for the correction of errors in the classification of pupils' ELP status. The proposed regulations also specify the four-month period, after January 1, in which LEAs must administer the ELPAC summative assessment. This change in the summative assessment window provides eligible pupils with additional months of instruction prior to being annually assessed for ELP.

In order for all eligible pupils to access valid and reliable assessments of ELP, these

regulations propose a statewide consistent procedure for administering the ELPAC by LEAs.

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, 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 these regulations should be directed to:

Kelly Bacher, Education Research and Evaluation Consultant
Assessment Development and Administration Division
California Department of Education
1430 N Street, Suite 4409
Sacramento, CA 95814
Telephone: 916-319-0343

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator or the back-up contact person, 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 regulations 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 regulations, 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 Kelly Bacher, Assessment Development and Administration Division, 1430 N Street, Suite 4409, Sacramento, CA, 95814; telephone, 916-319-0343. It is recommended that assistance be requested at least two weeks prior to the hearing.

INITIAL STATEMENT OF REASONS

English Language Proficiency Assessments for California (ELPAC)

INTRODUCTION

Education Code section 313 requires school districts, county offices of education and charter schools (local educational agencies (LEAs)) to assess English language proficiency (ELP) of its pupils to the extent required by federal and state law. Assessment of a pupil's ELP is required upon initial enrollment after a survey of a pupil's language indicates a primary or native language other than English, and annually thereafter until a pupil is redesignated as English proficient. The California Department of Education (CDE) is responsible for the oversight of the state test of ELP, as set forth in Education Code sections 313 and 60810.

Senate Bill (SB) 201 (Chapter 478, Statutes of 2013), amended existing Education Code sections 313 and 60810 (SB 201, sections 2 and 5) and added new Education Code sections 313 and 60810 (SB 201, sections 3 and 6). Newly added Education Code section 60810, subdivisions (d) and (f), requires two separate assessments: (1) an initial assessment to determine if a pupil is an English learner (EL), as defined by Education Code section 306; and (2) an annual summative assessment to identify an EL's level of ELP, and also to measure an EL's progress in learning English. Combined, these assessments are described as the English Language Proficiency Assessments for California (ELPAC). The current state test of ELP, the California English Language Development Test (CELDT), serves the dual purposes of initial identification and summative assessment in one test. Education Code section 313(d)(2) (SB 201, section 3), specified the ELPAC summative assessment is to be conducted annually during a four-month period after January 1 determined by the State Superintendent of Public Instruction (SSPI), with the approval of the State Board of Education (SBE).

In addition, Assembly Bill (AB) 124 (Chapter 605, Statutes of 2012) required the SSPI, in consultation with the SBE, to update, revise, and align English Language Development Standards (ELD Standards) to the state's English language arts standards. As required by AB 124, the SBE adopted the updated and revised ELD Standards in November 2012. The new ELPAC initial and summative assessments required by SB 201 will be aligned to the 2012 ELD Standards, as required by Education Code section 60810, subdivisions (c)(5) and (e)(7) (SB 201, section 6). The ELPAC assessments will be administered in the place of CELDT once they are ready for administration, as specified in Education Code section 60810(f) (SB 201, section 5) and Education Code section 60810(h) (SB 201, section 6).

PROBLEM AGENCY INTENDS TO ADDRESS

These proposed regulations are necessary in order for LEAs to successfully assess the ELP of eligible pupils using the new ELPAC initial and summative assessments, which are required by the provisions of Education Code sections 313 and 60810 (SB 201 sections 3 and 6). Through this rulemaking process, the SBE will define the assessment period, provide procedures to address errors in identifying the ELP of pupils, and a

method for LEAs to be apportioned funds for administration of the ELPAC. The regulations that have guided the administration of the CELDT are not applicable to the administration of the ELPAC. Because the ELPAC will be aligned to the 2012 ELD Standards, and because the ELPAC will include two assessments for two distinct purposes, the regulations governing administration of the CELDT are not appropriate for the ELPAC. In addition, these proposed regulations are necessary to provide specificity and consistency of administration of the ELPAC by LEAs. Therefore, the SBE proposes to amend the California Code of Regulations, title 5, by adding sections 11518 through 11519.5 to implement Education Code sections 313 and 60810 (SB 201, sections 3 and 6).

BENEFITS ANTICIPATED FROM REGULATORY ACTION

The benefits of the proposed regulations include statewide consistency for the administration and scoring of the ELPAC initial and summative assessments to all eligible pupils. The proposed regulations provide a detailed outline for the process of reliably identifying ELs, and opportunities for the correction of errors in the classification of pupils' ELP status. The proposed regulations also specify the four-month period, after January 1, in which LEAs must administer the ELPAC summative assessment. This change in the summative assessment window provides eligible pupils with additional months of instruction prior to being annually assessed for their levels of ELP, as appropriate.

In order for all eligible pupils to access valid and reliable assessments of ELP consistent with state and federal law, these regulations propose a consistent procedure for administering statewide of the ELPAC by LEAs.

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

The specific purpose of each adoption or amendment, and the rationale for the determination that each adoption or amendment is reasonably necessary to carry out the purpose for 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:

SECTION 11518

Proposed section 11518 is added to describe the scope of the regulations and define and clarify key terms used within these regulations. This is necessary so that there will be consistent understanding by all users of these regulations for the administration of the ELPAC. The definitions shall apply to the tests required by Education Code sections 313 and 60810 (the ELPAC).

SECTION 11518.5

Proposed section 11518.5(a) is added to describe the required survey of a pupil's native or primary language, which is the first step in identifying whether a pupil's ELP

should be assessed using the ELPAC initial assessment. This is necessary to minimize possible misclassification of pupils as ELs by providing clear instructions on who is to be initially assessed.

Proposed section 11518.5(b) is added to describe the classification of a pupil if, on the basis of the survey response described in section 11518.5(a), the pupil's primary or native language is identified as English. This is necessary to clarify the English language acquisition status (ELAS) of each pupil.

Proposed section 11518.5(c) is added to describe the first course of action for a pupil whose parent/guardian survey response described in section 11518.5(a), identified a primary or native language other than English, and who, based on definition section 11518(v), is eligible for being administered the initial assessment. This identification requires LEA staff to ensure that the pupil's parent or guardian is informed prior to administration of the ELPAC initial assessment that the LEA intends to administer to assess the pupil's English language proficiency level. This procedure will also ensure that pupils with a primary or native language of English and pupils who have previously been assessed with the CELDT or ELPAC are not reassessed with the ELPAC initial assessment.

Proposed section 11518.5(d) is added to describe the timeline of the administration of the ELPAC initial assessment. This is necessary to meet federal requirements for the number of days within which a pupil must be initially tested after enrollment.

Proposed section 11518.5(e) is added to describe the timeline in which the LEA must notify the pupil's parent or guardian of the results of the assessment and to require the LEA to provide its contact information in this notification. This is necessary to ensure an efficient parent/guardian notification of results, begin providing appropriate instructional services to the pupil based on the results of the assessment, and to provide the parent or guardian with LEA contact information should the parent or guardian have any additional questions or concerns.

Proposed section 11518.5(f) is added to specify when a pupil will be classified as EL based on the initial assessment. This is necessary to clarify when a pupil, based on the initial assessment, is entitled to EL support services from the LEA.

Proposed section 11518.5(g) is added to specify when a pupil will be classified as Initial Fluent English Proficient (IFEP) based on the initial assessment. This is necessary to clarify when a pupil, based on the initial assessment, is proficient in English and does not need EL support services from the LEA.

Proposed section 11518.5(h) is added to specify that a pupil is to be tested with the ELPAC initial assessment only once, as verified and reviewed in the California Longitudinal Pupil Achievement Data System (CALPADS). This is necessary to ensure that a pupil is not administered the same initial assessment a second time, as this would compromise the validity of the pupil's test results.

SECTION 11518.10

Proposed section 11518.10 is added to clarify that all parent or guardian notices described in these regulations must be provided pursuant to Education Code section 48985, which requires that parent/guardian notifications be provided in the primary language of the pupil when 15 percent or more of pupils enrolled in a school speak a single primary language other than English. This is necessary to ensure that ELPAC-related communications from the LEA are understandable to the pupil's parent or guardian.

SECTION 11518.15

Proposed section 11518.15(a) is added to describe to whom the ELPAC summative assessment is administered, and when (i.e., during the annual summative assessment window). This is necessary to clarify the time of year for the administration of the summative assessment, and to ensure that every eligible EL pupil is assessed with this test.

Proposed section 11518.15(b) is added to describe the timeline in which the LEA must notify each pupil's parent or guardian of the contractor-scored summative assessment results following receipt of the test results from the test contractor. This is necessary to ensure that all LEAs notify parents or guardians in a timely manner (within 30 days), and to satisfy requirements of federal law.

SECTION 11518.20

Proposed section 11518.20(a) is added to describe the possible administration of the ELPAC initial assessment by the LEA to a pupil whose survey response, described in section 11518.5(a), identified English only. This is necessary if the LEA believes a pupil may be an EL and entitled to appropriate instructional services to assist the pupil to access the core curriculum. The LEA may collect and review evidence, described in section 11518.20(d)(3) and (d)(4), to determine whether a change in classification to EL is warranted.

Proposed section 11518.20(b) is added to describe the process the LEA should follow if an ineligible pupil were administered the ELPAC initial or summative assessment. In such a case, the pupil's original classification shall remain unchanged. This is necessary to resolve errors in the ELAS classification of a pupil when the LEA incorrectly administers an ELPAC assessment to an ineligible pupil.

Proposed section 11518.20(c) is added to describe the appropriate and consistent procedure for an LEA when a parent, guardian, or certificated LEA employee requests a review of a pupil's classification based on the initial assessment. This is necessary to allow an opportunity for correcting a pupil's potential misclassification prior to the administration of the summative assessment. To ensure an efficient process for both the pupil and the LEA, this review shall only occur one time.

Proposed sections 11518.20(d)(1) – (4) are added to describe the evidence that an LEA shall collect and review when considering a change in classification as set forth in section 11518.20. This is necessary to ensure LEAs collect and review appropriate evidence about the ELP of a pupil when considering a change in classification.

Proposed section 11518.20(e) is added to clarify the ELAS classification of a pupil for whom the LEA is collecting and reviewing evidence pursuant to this section. This is necessary to ensure that appropriate instructional services are provided while a change in classification is being considered.

SECTION 11518.25

Proposed section 11518.25(a) is added to clarify that all provisions of sections 11518 through 11518.20 apply to pupils with disabilities. This is necessary to ensure that pupils with disabilities are allowed the same proposed assessment procedures as are provided to all other pupils, except as noted in section 11518.25. Because test administration procedures may necessarily differ for pupils with disabilities or for pupils with other specialized needs, this section is a necessary addition, following sections 11518 through 11518.20 above.

Proposed section 11518.25(b) is added to specify that a pupil with a disability be provided accommodations as they are outlined in the pupil's individualized education program (IEP) or Section 504 Plan. This is necessary because appropriate adjustments must be made for pupils who have an identified need for specialized assessment support.

SECTION 11518.30

Proposed section 11518.30 is added to clarify the circumstances under which a pupil with a disability takes a local alternate assessment in place of one or more domains of the ELPAC. This is necessary to authorize LEAs to use a local alternate assessment.

SECTION 11518.35

Proposed sections 11518.35(a)(1) – (4) are added to list the allowable universal tools for all pupils during test administration of the ELPAC to support all pupils. This is necessary to provide a consistent range of tools for all pupils. For example, this section permits the use of scratch paper as a universal tool for all pupils.

Proposed sections 11518.35(b)(1) – (7) are added to list the allowable designated supports for eligible pupils during the ELPAC test administration. This is necessary because there are various designated supports that should be available to facilitate the administration of the ELPAC to pupils for whom a need has been identified. For example, this section permits the use of noise buffers for eligible pupils, when appropriate.

Proposed sections 11518.35(c)(1) – (12) are added to list the allowable accommodations for eligible pupils during the ELPAC test administration. This is necessary because there are various accommodations that should be available to support the administration of the ELPAC to pupils for whom a need has been identified by the pupil's IEP or Section 504 Plan. For example, this section permits the use of braille test materials for eligible pupils, when appropriate.

Proposed section 11518.35(d) is added to authorize an LEA to request advance approval from the CDE to use a resource that is not otherwise listed in section 11518.35 on behalf of an eligible pupil. This is necessary to provide instructions to LEAs on how to obtain approval for a potential resource should it not be listed in these regulations.

SECTION 11518.45

Proposed section 11518.45(a) is added to describe the deadline (i.e., April 1) by which the superintendent of each LEA shall designate from among the employees an LEA ELPAC coordinator for the following school year. This section also states that the LEA ELPAC coordinator shall be available throughout the school year and shall serve as the liaison between the LEA and the CDE, and between the LEA and the test contractor, for all matters related to the ELPAC tests. This is necessary to ensure that a qualified person is designated as the coordinator, and within a timeframe to allow appropriate communications with the test contractor before the start of the following school year.

Proposed sections 11518.45(b)(1) – (b)(18) are added to describe the duties that the LEA ELPAC coordinator shall complete in accordance with instructions from the test contractor. The coordinator's responsibilities are essential to the overall administration of the ELPAC at the district level. The coordinator must order, deliver, collect, and return to the test contractor all test materials that are required for all school sites within the LEA annually. The coordinator is also responsible for duties such as overseeing test security at each test site, notifying the test contractor of any security breaches or testing irregularities that occur in the LEA, and reviewing summary score reports and files for completeness and accuracy. All of the LEA ELPAC coordinator's duties are necessary to ensure the consistent, valid, and reliable administration of the ELPAC at each LEA across the state.

SECTION 11518.50

Proposed section 11518.50(a) is added to describe the annual procedure by which a site ELPAC coordinator shall be named and to require this coordinator to be available to resolve issues that occur at the site (e.g., school) level. This is necessary to ensure that a qualified person is designated as the coordinator, and that each site has a person designated to fulfill the duties required by section 11518.50(b).

Proposed sections 11518.50(b)(1) – (b)(13) are added to describe the duties that the site ELPAC coordinator shall complete in accordance with instructions from the test contractor. This coordinator's primary responsibility is to arrange for test administration at the site level. This coordinator's duties include determining site test material needs

and communicating those needs to the LEA ELPAC coordinator, overseeing the collection and return of all testing materials to the LEA ELPAC coordinator, and immediately notifying the LEA ELPAC coordinator of any security breaches or testing irregularities at the site. All of the site ELPAC coordinator's duties are necessary to ensure the consistent, valid, and reliable annual administration of the ELPAC at the site level.

SECTION 11518.55

Proposed section 11518.55(a) is added to clarify who may have access to the ELPAC test materials. Specifically, access shall be limited to eligible pupils being administered the test and those individuals who are directly responsible for test administration and have signed the ELPAC Test Security Agreement and/or the ELPAC Test Security Affidavit. This is necessary to maintain the security of the ELPAC assessments, and to emphasize that only persons within the LEA who are responsible for, and have professional interest in, the tests' security may have access to the assessments.

Proposed section 11518.55(b) is added to require that the LEA ELPAC coordinators and site ELPAC coordinators must first sign the ELPAC Test Security Agreement annually before receiving any ELPAC test materials. This is necessary to ensure that test materials are only handled by those who acknowledge the scope of their responsibility in maintaining valid, reliable, and secure ELPAC assessments.

Proposed sections 11518.55(c)(1) – (c)(6) are added to outline the ELPAC Test Security Agreement. By signing the Agreement, coordinators acknowledge their responsibilities as they pertain to the ELPAC before, during, and after administration. This is necessary to describe the security measures that the LEA ELPAC coordinator and the site ELPAC coordinator must follow in order to safeguard all test materials and ensure the secure administration of the ELPAC.

Proposed section 11518.55(d) is added to require that any person having access to the tests for the purpose of administering the test shall sign the ELPAC Test Security Affidavit before receiving any ELPAC test materials. This is necessary to ensure that test materials are only handled by those who acknowledge the scope of their responsibility in maintaining valid, reliable, and secure ELPAC assessments.

Proposed sections 11518.55(e)(1) – (e)(12) are added to outline the ELPAC Test Security Affidavit. By signing the Affidavit, individuals will acknowledge their responsibilities as they pertain to the ELPAC before, during, and after administration. This is necessary to describe the security expectations for individuals who have access to the ELPAC in order to safeguard all test materials and ensure the secure administration of the ELPAC.

Proposed section 11518.55(f) is added to specify the timeframe in which all LEA ELPAC coordinators and site ELPAC coordinators must report test security breaches and testing irregularities to the test contractor. This is necessary to ensure that the test

contractor, and therefore the CDE, is immediately aware of potential threats to the security of test materials and/or personal pupil information.

SECTION 11518.60

Proposed section 11518.60(a) is added to inform the LEA of its responsibility for the security of ELPAC test materials from the time the LEA receives said materials from the test contractor until the LEA ships the materials back to the test contractor.

Proposed section 11518.60(b) is added to inform the LEA of its responsibility to guarantee secure transportation of all ELPAC test materials within the LEA.

SECTION 11518.65

Proposed sections 11518.65(a)(1) – (2) are added to require the LEA to comply with any and all instructions from the ELPAC contractor in accordance with Education Code section 60810. The section also mandates the LEA to abide by any and all instructions provided by the ELPAC contractor, whether written or oral, that are presented during an annual training or provided for in the administration of the ELPAC tests. All ELPAC test materials, corresponding instructions, and administration training that are provided by the test contractor are approved by the CDE; therefore, the LEA must abide by all instructions from the contractor.

SECTION 11518.70

Proposed section 11518.70 is added to inform the LEA of its responsibility to guarantee that all LEA personnel directly involved in the administration of the ELPAC receive annual training in the administration of the ELPAC. This is necessary for the valid, reliable, and consistent annual administration of the ELPAC throughout the state to ensure accurate test results.

SECTION 11518.75

Proposed sections 11518.75(a) and (a)(1) are added to inform each LEA of its responsibility for the cost of excessive materials ordered annually by the LEA, and to inform the LEA that excessive materials costs shall not exceed the amount per test booklet or accompanying material that is paid to the contractor by the CDE.

Proposed section 11518.75(b) is added to inform an LEA that it shall not incur costs for test materials lost through no fault of the LEA.

Proposed section 11518.75(c) is added to inform an LEA that it shall reimburse the contractor the excessive materials charges within 60 calendar days of the notice. This 60-day window is necessary to ensure timely payment of charges.

SECTION 11518.80

Proposed section 11518.80(a) is added to require each LEA to provide any and all program and demographic pupil data requested by the CDE for inclusion in CALPADS, as described in Education Code 49079.5. This is necessary because pupil assessment data are housed in CALPADS, and some CALPADS fields are necessary for reporting ELPAC scores.

Proposed sections 11518.80(b)(1) – (12) are added to specify the ELPAC data that each LEA must provide to the CDE on the ELPAC answer documents for each eligible pupil taking an ELP test. This is necessary so that the CDE is informed of test accommodations, designated supports, and other relevant administration details.

SECTION 11518.85

Proposed sections 11518.85(a)(1) – (5) are added to require each LEA to maintain a record of results of each pupil's most recent participation in an ELPAC administration. The data fields required in this section ensure a consistent pupil profile of the test administration by the LEA.

Proposed section 11518.85(b) is added to require an LEA to promptly transfer a pupil's record of results, as defined in sections 11518.85(a) and (a)(1) – (5), based on a request of an LEA into which a pupil has subsequently transferred. The receiving LEA shall have timely information for testing and/or instructional placement.

SECTION 11519

Proposed section 11519 is added to inform each LEA that the funding apportioned to LEAs for the administration of the ELPAC initial and summative assessments in grades kindergarten through grade twelve shall be established by the SBE, and the funding shall be provided for each initial and summative assessment administered to eligible pupils in the LEA in the previous school year. This is necessary to clarify for LEAs which assessments are funded.

SECTION 11519.5

Proposed sections 11519.5(a)(1) – (2) are added to define the information that will be provided in the apportionment information report from the CDE to each LEA, and to clarify that the counts in this report will be based on the number of answer documents that each LEA submits to the test contractor. This section is necessary to describe the ELPAC administrations that qualify for apportionment.

Proposed section 11519.5(b) is added to inform each LEA of the deadline by which the apportionment information report shall be distributed by the CDE. This is necessary to help each LEA plan its annual budget.

Proposed sections 11519.5(c)(1) – (c)(2)(B) are added to inform each LEA of the conditions of eligibility for apportionment so that there is statewide consistency among LEAs in qualifying for apportionment.

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

Purpose:

The proposed regulations are necessary for state implementation of Education Code sections 313 and 60810, and for the effective and consistent administration statewide of the ELPAC.

Creation or Elimination of Jobs Within the State of California:

The regulations directly impact LEAs only. They are designed to provide clarity on the administration of statutory requirements related to the assessment of ELP. These regulations do not eliminate any jobs that already exist with the current state test of ELP (i.e., the CELDT), nor do the regulations create any more jobs than what already exist with the CELDT.

Creation of New or Elimination of Existing Businesses Within the State of California:

The regulations are designed to provide clarity on the administration of statutory requirements related to the assessment of ELP. Adoption of the regulations will not create new or eliminate existing businesses within the State of California; the regulations apply to and impact only LEAs and do not apply to or impact businesses.

Expansion of Businesses or Elimination of Businesses Currently Doing Business Within the State of California:

The regulations are designed to provide clarity on the administration of statutory requirements related to the assessment of ELP. Adoption of the regulations will not expand or eliminate existing businesses within the State of California; the regulations apply to and impact only LEAs and do not apply to or impact businesses within California.

Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The anticipated benefit of the regulations is the effective and consistent statewide administration of the ELPAC. This will result in valid and reliable identification of pupils' levels of ELP from year to year, which will guide LEAs to implement appropriate instructional services for the pupils, thereby benefitting those pupils.

OTHER REQUIRED SHOWINGS

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

The SBE did not rely upon any technical, theoretical, or empirical studies, reports, or

documents in proposing the adoption of these regulations.

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 proposed regulations only apply to LEAs and would have no impact on the private sector, including small businesses.

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)(5)(A):

The proposed regulations would not have a significant adverse economic impact on any business because the proposed additions only affect LEAs, not the private sector.

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.

04-26-16 [California Department of Education]

- The State Board of Education has illustrated changes to the original text in the following manner: text originally proposed to be added is underlined.

Title 5. EDUCATION
Division 1. California Department of Education

Chapter 11. Special Programs

Subchapter 7.6. English Language Proficiency Assessments for California (ELPAC)

Article 1. General

§ 11518. Definitions.

The following definitions apply to the assessments required by Education Code sections 313 and 60810 referred to as the English Language Proficiency Assessments for California (ELPAC):

(a) "Accommodations" means resources documented in a pupil's individualized education program (IEP) or Section 504 Plan that an eligible pupil regularly uses in the classroom for instruction and/or assessment(s) and that are 1) either utilized in the assessment environment or 2) consist of changes in procedures or materials that increase equitable access during the assessment. Accommodations may not fundamentally alter the comparability of test scores.

(b) "Administration" means an eligible pupil's attempt to take any part of the ELPAC initial or summative assessment.

(c) "Alternate assessment" is an alternate means, identified an eligible pupil's IEP or Section 504 Plan, to measure English language proficiency.

(d) "Annual summative assessment window" begins on February 1 and ends on May 31.

(e) "Designated supports" are resources that an eligible pupil regularly uses in the classroom for instruction and/or assessment(s) and that are available for use by any pupil for whom a need has been indicated, prior to assessment administration, by an educator or a team of educators (with parent/guardian and pupil input, as appropriate) or specified in the pupil's IEP or Section 504 Plan.

(f) "Domain" means listening, reading, speaking, or writing, as described in Education Code section 60810.

(g) "ELPAC initial assessment criterion" means a performance-level cut score on the

initial assessment that is at or above the State Board of Education (SBE)-approved definition of English language proficient.

(h) “ELPAC trainer” means an employee or contractor of a local educational agency (LEA) or nonpublic school (NPS) responsible for the annual training of ELPAC test examiners.

(i) “Excessive materials” means the difference between the total number of paper tests scored and 90 percent of the paper tests ordered annually by the LEA.

(j) “Grade” means the grade in which a pupil is enrolled at the time of testing, or if enrolled in an ungraded program, the grade to which the LEA assigns the pupil for assessment purposes.

(k) “Initial assessment” means the ELPAC assessment which is locally scored and is used to determine the English language proficiency of eligible pupils as specified in section 11518(v) or section 11518.20.

(l) “Initial assessment window” begins on July 1 and ends on June 30 of each school year.

(m) “Initial California enrollment” means the first day on which a pupil is in attendance in a California public school.

(n) “Local educational agency (LEA)” means an elementary, high school, and unified school district, county office of education, any charter school that for assessment purposes does not elect to be part of the school district or county office of education that granted the charter, and any charter school chartered by the SBE.

(o) “LEA ELPAC coordinator” means an employee of an LEA who is designated by the LEA superintendent to oversee the administration of the ELPAC assessments.

(p) “LEA superintendent” for purposes of these regulations includes an administrator of a charter school that is an LEA as defined by subdivision (n).

(q) “Nonpublic schools (NPS)” means nonpublic, nonsectarian schools as described in Education Code section 56034.

(r) “Personally identifiable information” includes a pupil’s name and/or any other direct personal identifiers, and indirect identifiers, such as the pupil’s address and personal characteristics, and other information that makes a pupil’s identity traceable through the use of a single or multiple data source(s), including publicly available information.

(s) “Primary or native language” means the language used by a pupil, as identified in accordance with the survey conducted pursuant to section 11518.5(a).

(t) “Proctor” means an employee or contractor of an LEA or NPS who signs the ELPAC Test Security Affidavit and completes training designed to prepare him or her to assist the test examiner in the administration of the ELPAC.

(u) “Pupil” refers to a student enrolled in a California public school or NPS.

(v) “Pupil eligible for the initial assessment” means: (1) a pupil whose primary or native language is a language other than English as determined by the survey conducted pursuant to section 11518.5, or who is identified for administration of the initial ELPAC assessment pursuant to section 11518.20(a); (2) who has not previously been classified as an English learner (EL) by a California public school; and (3) who has no record of results from an administration of the California English Language Development Test (CELDT), or the ELPAC initial or summative assessment.

(w) “Pupil eligible for the summative assessment” means a pupil who is classified as an EL in accordance with these regulations.

(x) “Pupil with a disability” means a pupil who has an IEP in accordance with Education Code section 56345 or a Section 504 Plan in accordance with the provisions of Section 504 of the Rehabilitation Act of 1973 (20 U.S.C. section 794).

(y) “Record of results” includes:

(1) Pupil test results on the initial and/or summative assessment;

(2) Parent or guardian notification letter of pupil results;

(z) “Resource” refers to a universal tool, designated support, accommodation, or an unlisted resource approved pursuant to section 11518.35. Resources (including approved unlisted resources) do not change the construct of the assessment.

(aa) “Scribe” means an employee or contractor of an LEA or NPS which is responsible to implement a pupil’s IEP, who signs an ELPAC Test Security Affidavit, and completes training to transcribe a pupil’s responses to the format required by the ELPAC assessment(s). A pupil’s parent, guardian, or sibling is not eligible to be a pupil’s scribe.

(ab) “Site ELPAC coordinator” means an employee of an LEA designated by the LEA, or a person designated by an NPS, to oversee the administration of ELPAC assessments at each test site.

(ac) “Summative assessment” means the annual administration of the ELPAC assessment to identify a pupil’s level of English language proficiency and assess a pupil’s progression in acquiring skills of listening, reading, speaking, and writing.

(ad) “Test contractor” means the contractor responsible for the development and administration of the ELPAC pursuant to Education Code section 60810.

(ae) “Test examiner” means an employee or contractor of an LEA or NPS who signs the ELPAC Test Security Affidavit, who is proficient in English and has complete command of pronunciation, intonation, and fluency, and who certifies that he or she has completed training in administration of the ELPAC.

(af) “Test materials” include, but are not limited to, administration manuals, administrative materials, test books, practice tests, scratch paper, answer books and test answer documents, answer keys, scoring rubrics, and any of the materials developed and provided by the test contractor.

(ag) “Universal tools” means resources available to all pupils who are administered the ELPAC assessments.

(ah) “Unlisted resource” means an instructional support that a pupil regularly uses in daily instruction and/or assessment that has not been previously identified as a universal tool, designated support, or accommodation.

NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 306, 313 and 60810, Education Code.

Article 2. Administration for Pupils Other than Pupils with a Disability

§ 11518.5. Initial Assessment.

(a) At or before the time of a pupil’s initial California enrollment, an LEA shall conduct, in writing, a parent or guardian survey to identify the primary or native language of their pupil.

(b) If a parent or guardian survey response indicates English as the pupil’s primary or native language, the pupil shall be classified English Only (EO).

(c) If a parent or guardian survey response indicates a primary or native language other than English, as identified by the survey described in subdivision (a), and the LEA determines the pupil is eligible for the initial assessment, the LEA shall promptly notify

the parent or guardian in writing prior to the assessment administration that the LEA will administer the ELPAC initial assessment to the pupil in accordance with subdivision (d).

(d) The LEA shall administer and locally produce the official score for the ELPAC initial assessment within 20 calendar days after the pupil's date of initial California enrollment, or, if administered prior to the pupil's initial date of California enrollment, up to 60 calendar days prior to such enrollment, but not before July 1 of the school year of the pupil's initial enrollment.

(e) The LEA shall notify the parent or guardian, in writing, of the results within ten calendar days of the completion of its scoring of the initial assessment, including whether or not the pupil met the ELPAC initial assessment criterion for proficiency. The notice shall include the LEA's contact information for use if the pupil's parent or guardian has questions or concerns regarding the pupil's classification.

(f) If the pupil does not meet the ELPAC initial assessment criterion for proficiency, the LEA shall classify the pupil as an EL.

(g) If the pupil meets the ELPAC initial assessment criterion for proficiency, the LEA shall classify the pupil as Initial Fluent English Proficient (IFEP).

(h) A pupil shall be administered the initial assessment only once over the course of the pupil's enrollment in the California public school system, as verified by the LEA through a review of the California Longitudinal Pupil Achievement Data System (CALPADS) data prior to administering the initial assessment to a pupil.

NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 306, 313, 60810 and 60900, Education Code; and 20 U.S.C. Sections 6311, 6312, 6821, 6823, 6825 and 6826; Public Law No. 114-95, Section 8002.

§ 11518.10. Notice.

All notices referenced in these regulations that are required to be sent from an LEA to a pupil's parent or guardian shall comply with the translation requirements of Education Code section 48985, as applicable.

NOTE: Authority cited: Section 33031, Education Code. Reference: Section 48985, Education Code; and 20 U.S.C. Section 6312.

§ 11518.15. Summative Assessment.

(a) An LEA shall administer the ELPAC summative assessment to all eligible pupils during the annual summative assessment window.

(b) The LEA shall notify each pupil's parent or guardian of the pupil's test contractor-scored summative assessment results within 30 calendar days following receipt of the test results from the test contractor.

NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 306, 313, 60810 and 60900, Education Code; 20 U.S.C. Sections 6311, 6312, 6823, 6825 and 6826.

§ 11518.20. Correction of Classification Errors.

(a) If a pupil is classified as EO pursuant to section 11518.5(b), but the LEA has indication that the pupil's primary or native language is not English and the pupil is unable to perform ordinary classroom work in English, the LEA may collect and review evidence as described in subdivision (d)(3) and (d)(4). Based upon its initial review, the LEA shall determine whether the pupil shall be administered the initial assessment in order to determine the pupil's classification. If the LEA administers the initial assessment and if the pupil does not meet the ELPAC initial assessment criterion for proficiency, the LEA shall classify the pupil as an EL. Prior to administration of the initial assessment, the LEA shall notify the pupil's parent or guardian in writing, as described in section 11518.5(c), that the pupil will be assessed. The LEA shall notify the pupil's parent or guardian in writing of the results of its review, including the evidence which led to the determination and the results of the initial assessment, as applicable, within 14 calendar days of its determination. The pupil's parent or guardian shall be entitled to request that the LEA review its determination following the procedure described in subdivision (c).

(b) If an LEA administers an initial or summative assessment to a pupil who is not eligible for the assessment as set forth in section 11518(v) or (w), the pupil's classification shall remain unchanged, regardless of the assessment results, and the LEA shall not maintain any pupil records of any such assessment administered in error, including in CALPADS.

(c) Following the administration of the initial assessment to a pupil, but before the administration of the summative assessment to that pupil, upon request from the pupil's

parent or guardian or a certificated employee of the LEA, an LEA shall collect and review evidence as described in subdivision (d), about the pupil's English language proficiency. Based upon its review of the evidence, the LEA shall determine whether the pupil's classification should remain unchanged or be changed, consistent with the results of that review. The LEA shall notify the pupil's parent or guardian in writing of the results of the review within 14 calendar days of its determination. This review shall occur only once over the course of the pupil's enrollment in the California public school system.

(d) Evidence about the English language proficiency of a pupil for purposes of subdivision (c) shall include:

(1) The results of the survey administered pursuant to section 11518.5(a);

(2) The results of the assessment of the pupil's proficiency in English, using an objective assessment instrument, including, but not limited to, the initial assessment;

(3) Parent or guardian opinion and consultation results; and

(4) Evidence of the pupil's performance in the core curriculum and English language development, as applicable, obtained from the pupil's classroom and other certificated staff with direct responsibility for teacher or placement decisions.

(e) During the time evidence is being collected and reviewed, the pupil shall retain his or her original classification.

NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 306, 313, 60810 and 60900, Education Code; and 20 U.S.C. Sections 6311, 6312, 6821, 6823, 6825 and 6826; Public Law No. 114-95, Section 8002.

Article 3. Administration, Pupils with Disabilities.

§ 11518.25. Pupils with Disabilities.

(a) Except as otherwise provided in this Article, all provisions of Article 2 shall apply to pupils with disabilities.

(b) When administering an initial or summative assessment to a pupil with a disability, the LEA shall provide the accommodations specified in section 11518.35 in accordance with the pupil's IEP or Section 504 Plan.

NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 306, 313, 37200, 60810 and 60900, Education Code; and 20 U.S.C. Sections 1412, 6311, 6312,

6821, 6823, 6825 and 6826.

§ 11518.30. Local Alternate English Language Proficiency Assessments.

A pupil with a disability who is unable to participate in the initial or summative assessment, or a section of either test with resources, shall be administered an alternate assessment(s) for English language proficiency, as specified in the pupil's IEP or Section 504 Plan.

NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 306, 313 and 60810, Education Code; and 20 U.S.C. Sections 1412, 6311, 6821, 6823, 6825 and 6826.

Article 4. ELPAC Resources

§ 11518.35. Use of Universal Tools, Designated Supports, and Accommodations.

(a) An LEA may provide all pupils with one or more of the following universal tools on the ELPAC for any of the domains of listening, reading, speaking, and writing:

(1) Breaks, including testing over more than one day, between the test contractor-identified test sections;

(2) Scratch paper;

(3) Oral clarification of test directions by the test examiner in English;

(4) Sufficient time to complete the test.

(b) An LEA shall permit eligible pupils one or more of the following designated supports on the ELPAC for the domains of listening, reading, speaking, and writing, only as described below, if specified in the pupil's IEP or Section 504 Plan, or for which need is indicated as described in section 11518(e):

(1) Color overlay;

(2) Covered overlay, masks, or other means to maintain visual attention to the test consistent with the test contractor's test directions;

(3) Magnification;

(4) Audio or oral presentation of test directions in English;

(5) Adjustments to setting, including most beneficial time of day, special lighting or acoustics, special or adaptive furniture, audio amplification equipment; and testing the pupil in a separate room provided that the pupil is directly supervised by an employee of

the school district or nonpublic school who has signed the ELPAC Test Security Affidavit;

(6) Noise buffers (e.g., individual carrel or study enclosure, or noise-cancelling headphones);

(7) Manually Coded English or American Sign Language (ASL) to present test directions for administration (does not apply to test questions).

(c) An LEA shall permit eligible pupils with a disability to take the ELPAC for the domains of listening, reading, speaking, and writing, only as described below, with the accommodations described below if specified in the pupil's IEP or Section 504 Plan:

(1) Braille test materials provided by the test contractor;

(2) Audio or oral presentation of test questions for the writing section in English;

(3) For test questions which assess the domains of listening, reading, or writing, transfer of pupil responses marked in the test booklet to the answer document by a scribe who has signed an ELPAC Test Security Affidavit;

(4) Responses dictated to a scribe for selected response items, including multiple-choice items;

(5) For test questions which assess the domain of writing, dictation by the pupil of responses, including all spelling and language conventions, to a scribe, audio recorder, or speech to text converter;

(6) For test questions which assess the domain of writing, use of word processing software with the spell and grammar check tools turned off;

(7) For test questions which assess the domain of writing, presentation of test questions using Manually Coded English or ASL;

(8) Large print versions reformatted from regular print version;

(9) Test questions enlarged through electronic means;

(10) Supervised breaks within a section of the test;

(11) For test questions which assess the domain of writing, use of an assistive device that does not interfere with the independent work of the pupil;

(12) Testing at home or in the hospital by a test examiner.

(d) An LEA may submit a written request to the California Department of Education (CDE) on behalf of a pupil with a disability, prior to administering an initial or summative assessment, to obtain approval to use an unlisted resource.

NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 306, 313 and 60810, Education Code; and 20 U.S.C. Sections 1412, 6311, 6312, 6821, 6823, 6825 and 6826.

Article 5. LEA Responsibilities

§ 11518.45. LEA ELPAC Coordinator.

(a) No later than April 1 of each year, each LEA superintendent shall designate an LEA ELPAC coordinator for the following school year. An LEA superintendent shall notify the test contractor of the identity and contact information for the LEA ELPAC coordinator. The LEA ELPAC coordinator shall be available throughout the school year and shall serve as the LEA representative and the liaison between the LEA and the CDE and the LEA and test contractor for all matters related to the ELPAC. Should the LEA ELPAC coordinator be unavailable for any matter related to the ELPAC, the LEA superintendent or his or her designee shall serve in the place of the LEA ELPAC coordinator.

(b) The LEA ELPAC coordinator shall complete all duties in accordance with instructions from the test contractor. The LEA ELPAC coordinator's responsibilities include, but are not limited to:

(1) Determining LEA and individual school test material needs in conjunction with the test contractor.

(2) Ordering materials only for those test examiners who certify they are trained to administer the ELPAC.

(3) Ensuring delivery, acquisition, and distribution of test materials to individual schools and sites.

(4) Maintaining security over the test materials and personally identifiable information using the procedure set forth in section 11518.55. The LEA ELPAC coordinator shall sign the ELPAC Test Security Agreement and the ELPAC Test Security Affidavit as set forth in section 11518.55 and annually submit a copy of both to the test contractor prior to receipt of test materials. The LEA shall retain all ELPAC Test Security Agreements and ELPAC Test Security Affidavits from each school site at the LEA office for no less than 12 months from the date the materials were signed.

(5) Conducting an inventory of test materials immediately upon receipt from the test contractor.

(6) Following completion of the inventory, ensuring that the test materials are retained in a secure, locked location, in the secure boxes in which they were received from the test contractor, until the time they are delivered to the test sites.

(7) Training site ELPAC coordinators annually to oversee test administration and security at each test site.

(8) Ensuring that all ELPAC test examiners and all other personnel involved in the direct administration of the assessment are trained annually, in accordance with instructions from the test contractor.

(9) Assisting the test contractor with the resolution of any discrepancies in pupil test information and/or test materials including, but not limited to, pre-identification files and all errors or discrepancies in pupil-level data files required to comply with section 11518.50.

(10) Overseeing the collection of all pupil demographic data in accordance with section 11518.80.

(11) Responding to correspondence and inquiries from the test contractor and the CDE in a timely manner.

(12) Overseeing the administration of the ELPAC to eligible pupils.

(13) Immediately notifying the test contractor of any security breaches or testing irregularities that occur in the LEA before, during, or after the administration of the ELPAC in accordance with instructions from the test contractor.

(14) Ensuring all test materials are received from school test sites in sufficient time to satisfy the requirements of subdivision (b)(16).

(15) Ensuring all test materials received from school test sites have been placed in a secure location upon receipt of those test materials.

(16) Ensuring all test materials to be scored by the test contractor are inventoried, packaged, and labeled in accordance with instructions from the test contractor. Scorable test materials for both the initial and summative assessment shall be returned to the test contractor at the date specified monthly by the test contractor but no later than ten working days after the close of the initial or annual summative assessment windows.

(17) Overseeing the collection and return, or collection and secure destruction, of all test materials that do not require scoring by the test contractor, in accordance with the directions of and time periods specified by the test contractor.

(18) Upon receiving summary reports and files from the test contractor, reviewing the files and reports for completeness and accuracy and notifying the test contractor and the CDE of any errors, discrepancies, or incomplete information as directed by the test contractor.

NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 306, 313 and 60810, Education Code; and 20 U.S.C. Sections 1412, 6311, 6312, 6821, 6823, 6825 and 6826.

§ 11518.50. Site ELPAC Coordinator.

(a) Annually, each LEA superintendent, or his or her designee, and NPS shall designate a site ELPAC coordinator for each test site. The site ELPAC coordinator, or the site principal or his or her designee, shall be available to the LEA ELPAC coordinator for the purpose of resolving any discrepancies, inconsistencies in test materials or reports, and/or other issues that arise as a result of the annual administration of the ELPAC at the site.

(b) The site ELPAC coordinator shall complete all duties in accordance with instructions from the test contractor. The site ELPAC coordinator's responsibilities include, but are not limited to, all of the following:

(1) Determining site test material needs and communicating the site needs to the LEA ELPAC coordinator.

(2) Arranging for test administration at the site.

(3) Annually completing the ELPAC Test Security Agreement and ELPAC Test Security Affidavit prior to the receipt of test materials.

(4) Providing test materials only to those persons who have been trained to administer the ELPAC, have executed ELPAC Test Security Affidavits, and who are administering the ELPAC.

(5) Overseeing test security requirements, including the collection and delivery of all completed ELPAC Test Security Affidavit forms to the LEA office from the test examiners and other site personnel involved with testing.

(6) Submitting signed ELPAC Test Security Affidavits to the LEA ELPAC coordinator to be retained for no less than 12 months from the date the materials were signed.

(7) Maintaining security over the test materials and test data as required by section 11518.55.

(8) Overseeing the acquisition of test materials from the LEA ELPAC coordinator and the distribution of test materials to the test examiner(s) on the date of testing in accordance with instructions from the test contractor.

(9) Overseeing the administration of the ELPAC to eligible pupils at the test site.

(10) Immediately notifying the LEA ELPAC coordinator of any security breaches or testing irregularities that occur before, during, or after the administration of the ELPAC that violate the terms of the ELPAC Test Security Affidavit in section 11518.55, in accordance with instructions from the test contractor.

(11) Collecting and returning all testing materials to the LEA ELPAC coordinator after testing has concluded, in accordance with instructions from the test contractor.

(12) Assisting the LEA ELPAC coordinator and the test contractor in the resolution of any discrepancies between the numbers of tests received from the LEA ELPAC coordinator and the number of tests collected and returned to the LEA ELPAC coordinator after testing has concluded.

(13) Overseeing the collection and accuracy of all pupil demographic data required by section 11518.80.

NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 306, 313 and 60810, Education Code; and 20 U.S.C. Sections 1412, 6311, 6312, 6821, 6823, 6825 and 6826.

§ 11518.55. ELPAC Test Security Agreement and ELPAC Test Security Affidavit.

(a) Access to the test materials is limited to eligible pupils being administered the ELPAC and individuals directly responsible for administration of an ELPAC test who have signed the ELPAC Test Security Agreement and ELPAC Test Security Affidavit, as applicable.

(b) All LEA ELPAC coordinators and site ELPAC coordinators shall annually sign the ELPAC Test Security Agreement set forth in subdivision (c) before receiving any ELPAC test materials.

(c) The ELPAC Test Security Agreement shall be as follows:

ELPAC TEST SECURITY AGREEMENT

I acknowledge by my signature on this form that the English Language Proficiency Assessments for California (ELPAC) initial and summative assessments pursuant to Education Code section 60810 are secure tests and agree to each of the following conditions to ensure test security:

(1) I will take all necessary precautions to safeguard all test materials by limiting access to only persons within the local educational agency (LEA) who are responsible for, and have professional interest in, the tests' security.

(2) I shall have all persons who have access to the test(s) and test materials for the purpose of administration read and sign the ELPAC Test Security Affidavit.

(3) Except during the administration of the tests, I will keep the test materials in a securely locked room which can be accessed only with a key or key card and, when possible, in a locked storage cabinet within that room.

(4) As a site ELPAC coordinator, I will collect and return all test materials to the LEA ELPAC coordinator.

(5) As an LEA ELPAC coordinator, I will securely destroy all test materials that do not require scoring by the test contractor, in accordance with the directions of and time periods specified by the test contractor.

(6) I will deliver test materials only to those persons who have executed ELPAC Test Security Affidavits.

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

Signed: _____

Print Name: _____

Title: _____

LEA: _____

Date: _____

(d) Test examiners, proctors, scribes, LEA ELPAC coordinators, site ELPAC coordinators, ELPAC trainers, and any person having access for the purpose of administering the test(s) shall sign the ELPAC Test Security Affidavit set forth in subdivision (e) before receiving any test materials.

(e) The ELPAC Test Security Affidavit shall be as follows:

ELPAC TEST SECURITY AFFIDAVIT

I acknowledge that I will have access to one or more of the English Language Proficiency Assessments for California (ELPAC) initial and summative assessments pursuant to Education Code section 60810, for the purpose of administering the test(s) to eligible pupils. I understand that these materials are highly secure and may be under copyright restrictions, and it is my responsibility to protect their security as follows:

(1) I will not divulge the contents of the test materials to any other person through verbal, written, or any other means of communication. This includes, but is not limited to, sharing or posting test content via the Internet or by e-mail without the expressed prior written permission of the CDE and test contractor.

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

(3) I will keep all test materials secure prior to and following the distribution of the test(s).

(4) I will permit eligible pupils access to test materials only during testing periods. I will permit only eligible pupils who are testing, and individuals participating in the test administration who have signed an ELPAC Test Security Affidavit, to be in the room when and where the ELPAC are being administered.

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

(6) When acting as a test examiner, I will: (a) collect and account for all test materials following each testing session; (b) not permit any pupils to remove any test materials by any means from the room(s) where testing takes place; and (c) count all test books and answer documents before allowing any pupil to leave the testing room.

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

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

(9) I will return all test materials to the designated site ELPAC coordinator in accordance with his or her instructions.

(10) When acting as a test examiner or proctor, I will actively supervise all pupils throughout the testing session to ensure that they are working on the correct test section or part, marking their answers in the correct section of their answer documents, following instructions, and are accessing only authorized materials (non-embedded universal tools, designated supports, or accommodations) for the test being administered.

(11) I will administer the ELPAC in accordance with the directions for test administration and test administration manuals prepared by the test contractor, or any additional guidance provided by the test contractor. I understand that the unauthorized copying, sharing, or reusing of any test books (test books may be appropriately reused in accordance with the test contractor's terms and conditions), test question, or answer document by any means is prohibited. This includes, but is not limited to, photocopying, recording, e-mailing, messaging (instant, text, or multimedia messaging service, or digital application), using a camera/camera phone, and/or sharing or posting test content via the Internet without the expressed prior written permission from the CDE and test contractor.

(12) I have been trained to carry out my responsibilities in the administration of the ELPAC.

By signing my name to this document, I assure that I have completely read this affidavit and will abide by the above requirements and have received all training necessary for the administration of the ELPAC.

Signed: _____

Print Name: _____

Position: _____

School: _____

LEA: _____

Date: _____

(f) To maintain the security of the ELPAC, all LEA ELPAC coordinators and site ELPAC coordinators shall immediately, within 24 hours, notify the test contractor of any security breaches or testing irregularities occurring before, during, and/or after any ELPAC test administration(s).

NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 306, 313 and 60810, Education Code; and 20 U.S.C. Sections 1412, 6311, 6312, 6821 and 6823.

§11518.60. Security and Transportation of Test Materials Delivered to LEA.

(a) The security of the test materials that have been duly delivered to the LEA by the test contractor is the sole responsibility of the LEA until all test materials have been inventoried, accounted for, and delivered to the common or private carrier designated by the test contractor.

(b) Secure transportation within an LEA is the responsibility of the LEA once materials have been duly delivered to the LEA by the test contractor.

NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 306, 313 and 60810, Education Code; and 20 U.S.C. Sections 1412, 6311, 6312, 6821, 6823, 6825 and 6826.

§ 11518.65. LEA Compliance with Test Contractor Requirements.

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

(1) Administer the initial and summative assessment in accordance with the test contractor's directions; and

(2) Abide by any and all instructions provided by the test contractor, including instructions for scoring the initial assessment, whether written or oral, that are presented during an annual training or provided for in the administration of the ELPAC.

NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 306, 313

and 60810, Education Code; and 20 U.S.C. Sections 1412, 6311, 6312, 6821 and 6823.

§ 11518.70. Test Examiner Training.

Each LEA shall ensure all its test examiners, ELPAC trainers, and all other personnel involved in the direct administration of the assessment participate in annual training provided by the test contractor for the administration of the ELPAC.

NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 306, 313 and 60810, Education Code; and 20 U.S.C. Sections 1412, 6311, 6312, 6821 and 6823.

§ 11518.75. Excessive Material Orders.

(a) For both the initial and summative assessments, each LEA is responsible for the cost of excessive materials ordered annually by the LEA.

(1) In no event shall the cost to the LEA for excessive materials exceed the amount per test booklet and accompanying material that is paid to the test contractor by the CDE as part of the contract with the test contractor for the applicable year.

(b) An LEA shall not be responsible for the cost of test materials lost through no fault of the LEA.

(c) An LEA shall reimburse the test contractor within 60 calendar days of the LEA's receipt of the test contractor's notice of excessive materials charges.

NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 313 and 60810, Education Code; and 20 U.S.C. Sections 6311, 6312, 6821 and 6823.

§ 11518.80. Data Elements for Test Registration, Analysis of Pupil Proficiency, and State and Federal Reporting.

(a) In order to assess all eligible pupils pursuant to Education Code section 60810 and meet state and federal accountability and reporting obligations, each LEA shall provide any and all program and demographic pupil data requested by the CDE for inclusion in CALPADS.

(b) In addition to the demographic and program data required to be reported in subdivision (a) above, each LEA shall report to the test contractor the following information, as applicable:

(1) Pupil's full name;

(2) Pupil's date of birth;

(3) County-District-School code;

(4) Date testing completed;

(5) Pupil's grade level at time of test administration;

(6) Pupil's gender;

(7) Pupil's program participation;

(8) Pupil's most recent prior CELDT or ELPAC scale scores;

(9) Pupil's grade level from the most recent prior CELDT or ELPAC administration;

(10) Pupil's use of accommodation(s);

(11) Pupil's use of alternate assessment(s); and

(12) Pupil's Statewide Student Identifier.

NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 313, 60810 and 60812, Education Code; and 20 U.S.C. Sections 1412, 6311, 6312, 6821, 6823, 6825, 6826, 6841 and 6843.

§ 11518.85. LEA Record of Results.

(a) An LEA shall maintain a record of each eligible pupil's most recent participation in an administration of the ELPAC. This record shall include the following information for each eligible pupil:

(1) ELPAC administered (specify initial or summative);

(2) Pupil's name;

(3) Pupil's grade;

(4) Date on which the administration of the ELPAC test was completed; and

(5) ELPAC test results.

(b) If a pupil transfers from one LEA to another, the pupil's record of results, as well as the information specified in subdivision (a), shall be transferred by the sending LEA within 10 calendar days from the date of a request from the receiving LEA where the pupil subsequently enrolls.

NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 313, 60810 and 60812, Education Code; and 20 U.S.C. Sections 1412, 6311, 6312, 6821, 6823, 6825, 6826, 6841 and 6843.

Article 6. Apportionment

§ 11519. Apportionment to the LEA.

The amount of funding to be apportioned to an LEA for the costs of administering the ELPAC shall be the amount(s) established by the SBE pursuant to Education Code section 60810 to enable each LEA to meet the requirements of ELPAC administration to pupils in kindergarten through grade twelve, inclusive, in the LEA, and shall be determined by multiplying the amount per administration established by the SBE by the number of initial and summative assessments administered to eligible pupils in the LEA during the previous school year as set forth in the apportionment information report certified by the LEA superintendent pursuant to section 11519.5.

NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 313 and 60810, Education Code.

§ 11519.5. Apportionment Information Report.

(a) Annually, the CDE shall make available to each LEA an apportionment information report which shall include the following information provided to the test contractor for those tests administered during the previous fiscal year (July 1 through June 30):

(1) Initial assessment: The number of eligible pupils assessed on the ELPAC initial assessment within the initial assessment window as indicated by the number of answer documents submitted to and scored by the test contractor for each administration.

(2) Summative assessment: The number of eligible pupils assessed on the ELPAC summative assessment within the annual summative assessment window as indicated by the number of answer documents submitted to and scored by the test contractor for each administration.

(b) The CDE shall distribute the apportionment information reports to LEAs no later than December 1 annually.

(c) To be eligible for an apportionment payment for the ELPAC, LEAs shall annually meet the following conditions:

(1) The LEA shall have returned to the contractor and/or locally destroyed in a secure manner all secure test materials, and

(2) The LEA superintendent shall have certified the accuracy of the apportionment information report for the administration of the initial and summative assessments during the prior fiscal year (July 1 through June 30), which is either:

(A) Postmarked or transmitted electronically in a manner prescribed by the test contractor and/or the CDE by March 1 of the subsequent fiscal year, or

(B) If postmarked or transmitted in any manner after March 1 of the subsequent fiscal year, the apportionment information report shall be accompanied by a waiver request as provided by Education Code section 33050.

NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 313 and 60810, Education Code.

04-26-16 [California Department of Education]

English Language Proficiency Assessments for California (ELPAC)
Proposed Regulations Outreach Activities

Since November 2014, the Assessment Development and Administration Division (ADAD) has been gathering input from other California Department of Education (CDE) divisions and stakeholders, including educators as well as English learner (EL) advocates, on the primary content on which the proposed ELPAC regulations are based. The table below lists the outreach activities leading up to the proposed regulations, and includes events in which the CDE has relayed information and collected input from various internal and external stakeholders.

Date	Event Name and Location	Activity	Participants (Estimated Number)	Description
November 14, 2014	Bilingual Coordinators Network (BCN) Meeting, Sacramento	Presentation and Feedback	BCN members, English Language Proficiency Assessments (ELPA) Office staff in the CDE (75)	California *Education Code* Section 313(d)(2) states that the summative assessment shall be conducted annually during a four-month period after January 1. At this meeting, ELPA Office staff presented various options and collected preferences for the annual summative assessment (SA) window.
November 19, 2014	Regional Assessment Network (RAN) Meeting, Sacramento	Presentation and Feedback	ELPA Office staff, RAN participants (15)	ELPA Office staff presented various options and collected preferences for the SA window.

Date	Event Name and Location	Activity	Participants (Estimated Number)	Description
November–December 2014	SA Window Preference Survey	Local Educational Agency (LEA), County Office of Education (COE), and School Input	Representatives from various LEAs, COEs, and schools (240)	Collected preferences for the SA window on a survey at the BCN, RAN, and the Accountability Leadership Institute (ALI) meetings. The BCN members subsequently forwarded the survey to their LEAs for submission of the survey to the CDE.
December 8–9, 2014	Title III ALI Meeting, San Diego	Presentation and Feedback	ALI participants, ELPA Office staff (120)	ELPA Office staff presented various options and collected preferences for the specific window of time for the SA window. The proposed SA window is February 1–May 31.
December 2014–February 2015	CDE Internal Cross-Division Feedback Meetings, Sacramento	Feedback Meetings	Representatives from CDE divisions (30)	The ELPA Office held a series of more than 10 meetings with other CDE offices and divisions. ELPA Office staff presented a draft flowchart of key elements of the proposed regulations and sought feedback from the following CDE divisions: English Learner Support Division (ELSD); Analysis, Measurement, and Accountability Reporting Division (AMARD); Educational Data Management Division (EDMD); Special Education Division (SED); ADAD; and Local Agency Systems Support Office (LASSO).

Date	Event Name and Location	Activity	Participants (Estimated Number)	Description
January 28, 2015	CDE Internal Cross-Division Meeting	Feedback Meeting	ELPA Office staff, Migrant Education Office, Language Policy and Leadership Office (5)	Discussed an appropriate SA window for migrant students throughout California.
January 29, 2015	Proposed ELPAC Regulations Stakeholder Meeting, Sacramento	Stakeholder Meeting	Representatives from: Californians Together (Shelly Spiegel-Coleman), California Association for Bilingual Education (CABE) (Martha Zaragoza Diaz), and cross-division CDE staff from ADAD, SED, and ELSD (10)	ELPA Office staff presented a draft flowchart of key elements of the draft proposed regulations and sought feedback on the process for initial identification, opportunities for correcting classification errors, assessment procedures for ELs with disabilities, and the proposed SA window.
March 5, 2015	CABE Annual Conference, San Diego	Presentation	ELPA Office administrator, other CDE staff (Curriculum Frameworks and Instructional Resources [CFIRD], ELSD) , CABE participants (30)	ELPA Office staff presented key elements of the proposed regulations and described future opportunities for LEA participation in ELPAC development activities.

Date	Event Name and Location	Activity	Participants (Estimated Number)	Description
March 12, 2015	BCN Meeting, Sacramento	Presentation	ELPA Office staff, BCN members (75)	ELPA Office staff presented key elements of the draft proposed regulations.
March 18, 2015	RAN Meeting, Sacramento	Presentation	ELPA Office staff, RAN participants (15)	ELPA Office staff presented key elements of the proposed regulations.
March–April 2015	CDE, Sacramento	CDE Cross-Division Review	Representatives from CDE divisions (10)	Representatives from the following divisions reviewed and provided edits to the first draft of the proposed regulations: ELSD; AMARD; EDMD; SED; ADAD; and LASSO.
April 2015	State Board of Education (SBE), Sacramento	SBE Information Memorandum	SBE members, public	The Memo provided an update on the anticipated timeline for the proposed regulations.
April 2015	Proposed Regulations Focus Group Conference Calls, Sacramento	Three Focus Groups	Select BCN members (including seven COEs, three LEAs, and three EL advocates), ELPA Office staff (16)	Participants read and provided feedback on the draft proposed regulations. Participants suggested that guidance and templates were needed from the CDE for LEA use.
April 24, 2015	ELPAC Technical Advisory Group (TAG) Meeting, Sacramento	Presentation and Feedback	TAG members, ADAD staff (12)	ADAD staff presented key elements of the draft proposed regulations for input from the TAG. The TAG includes three LEA representatives.

Date	Event Name and Location	Activity	Participants (Estimated Number)	Description
May 1, 2015	Special Education Local Planning Agency (SELPA) Administrators Conference, Sacramento	Presentation and Feedback	ADAD Interim Director, SELPA members (100)	The Interim Director presented an update on ELs with disabilities and the draft proposed ELPAC regulations.
May 13, 2015	RAN Meeting, Sacramento	Presentation	ELPA Office staff, RAN participants (15)	ELPA Office staff presented an update on the anticipated timeline for the proposed regulations.
May 29, 2015	BCN Meeting, Sacramento	Presentation and Feedback	ELPA Office staff, BCN members (75)	ELPA Office staff presented an update on the key elements of the proposed regulations. Based on feedback from the focus group conference calls in April, ELPA Office staff sought input on the content of CDE guidance and templates that will be provided to support LEAs.
June 2015	SBE, Sacramento	SBE Information Memorandum	SBE members, public	The Memo provided an update on the ELPAC that included progress on the draft proposed regulations.

Date	Event Name and Location	Activity	Participants (Estimated Number)	Description
August 2015	SBE, Sacramento	SBE Information Memorandum	SBE members, public	The Memo from the California Assessment of Student Performance and Progress Office provided an attached report on the development of a new primary language assessment. In the report, the California English Language Development Test (and eventually the ELPAC) were mentioned as potential assessments that could be used as part of the criteria for awarding the State Seal of Biliteracy.

This is the official scanned version of Item 01 Attachment 4 from the California State Board of Education (SBE) Meeting Agenda for May 2016 posted at http://www.cde.ca.gov/be/ag/ag/yr16/agenda201605.asp

An accessible version of the contents of this document is located at http://www.cde.ca.gov/be/ag/ag/yr16/may16item01a4aav.asp

The scanned document starts following this initial page.

ECONOMIC IMPACT STATEMENT

DEPARTMENT NAME	CONTACT PERSON	EMAIL ADDRESS	TELEPHONE NUMBER
Education	Linda Hakala	lhakala@cde.ca.gov	319-0658

DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400	NOTICE FILE NUMBER
English Language Proficiency Assessments for California (ELPAC) (dated 03-01-16)	Z

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

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

- ☐ a. Impacts business and/or employees
- ☐ b. Impacts small businesses
- ☐ c. Impacts jobs or occupations
- ☐ d. Impacts California competitiveness
- ☐ e. Imposes reporting requirements
- ☐ f. Imposes prescriptive instead of performance
- ☐ g. Impacts individuals
- ☒ h. None of the above (Explain below):

The regulations clarify statute and would not impose add'l private sector costs

If any box in Items 1 a through g is checked, complete this Economic Impact Statement.
If box in Item 1.h. is checked, complete the Fiscal Impact Statement as appropriate.

2. The _____ (Agency/Department) estimates that the economic impact of this regulation (which includes the fiscal impact) is:

- ☐ Below $10 million
- ☐ Between $10 and $25 million
- ☐ Between $25 and $50 million
- ☐ Over $50 million *[If the economic impact is over $50 million, agencies are required to submit a Standardized Regulatory Impact Assessment as specified in Government Code Section 11346.3(c)]*

3. Enter the total number of businesses impacted: _____

Describe the types of businesses (Include nonprofits): _____

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

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

Explain: _____

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

6. Enter the number of jobs created: _____ and eliminated: _____

Describe the types of jobs or occupations impacted: _____

7. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here? ☐ YES ☐ NO

If YES, explain briefly: _____

ECONOMIC IMPACT STATEMENT (CONTINUED)

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

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

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

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

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

   d. Describe other economic costs that may occur: _____

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

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

4. Will this regulation directly impact housing costs? ☐ YES ☐ NO

   If YES, enter the annual dollar cost per housing unit: $ _____

   Number of units: _____

5. Are there comparable Federal regulations? ☐ YES ☐ NO

   Explain the need for State regulation given the existence or absence of Federal regulations: _____

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

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

1. Briefly summarize the benefits of the regulation, which may include among others, the health and welfare of California residents, worker safety and the State's environment: _____

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

   Explain: _____

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

4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: _____

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

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

ECONOMIC IMPACT STATEMENT (CONTINUED)

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

Regulation: Benefit: $ _____ Cost: $ _____

Alternative 1: Benefit: $ _____ Cost: $ _____

Alternative 2: Benefit: $ _____ Cost: $ _____

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

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

Explain: _____

E. MAJOR REGULATIONS *Include calculations and assumptions in the rulemaking record.*

California Environmental Protection Agency (Cal/EPA) boards, offices and departments are required to submit the following (per Health and Safety Code section 57005). Otherwise, skip to E4.

1. Will the estimated costs of this regulation to California business enterprises **exceed $10 million**? ☐ YES ☐ NO

If YES, complete E2. and E3
If NO, skip to E4

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

Alternative 1: _____

Alternative 2: _____

(Attach additional pages for other alternatives)

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

Regulation: Total Cost $ _____ Cost-effectiveness ratio: $ _____

Alternative 1: Total Cost $ _____ Cost-effectiveness ratio: $ _____

Alternative 2: Total Cost $ _____ Cost-effectiveness ratio: $ _____

4. Will the regulation subject to OAL review have an estimated economic impact to business enterprises and individuals located in or doing business in California exceeding $50 million in any 12-month period between the date the major regulation is estimated to be filed with the Secretary of State through12 months after the major regulation is estimated to be fully implemented?

☐ YES ☐ NO

If YES, agencies are required to submit a Standardized Regulatory Impact Assessment (SRIA) as specified in Government Code Section 11346.3(c) and to include the SRIA in the Initial Statement of Reasons.

5. Briefly describe the following:

The increase or decrease of investment in the State: _____

The incentive for innovation in products, materials or processes: _____

The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency: _____

FISCAL IMPACT STATEMENT

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

☐ 1. Additional expenditures in the current State Fiscal Year which are reimbursable by the State. (Approximate) (Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

$ _____

☐ a. Funding provided in _____

Budget Act of _____ or Chapter _____, Statutes of _____

☐ b. Funding will be requested in the Governor's Budget Act of _____

Fiscal Year: _____

☐ 2. Additional expenditures in the current State Fiscal Year which are NOT reimbursable by the State. (Approximate) (Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

$ _____

Check reason(s) this regulation is not reimbursable and provide the appropriate information:

☐ a. Implements the Federal mandate contained in _____

☐ b. Implements the court mandate set forth by the _____ Court.

Case of: _____ vs. _____

☐ c. Implements a mandate of the people of this State expressed in their approval of Proposition No. _____

Date of Election: _____

☐ d. Issued only in response to a specific request from affected local entity(s).

Local entity(s) affected: _____

☐ e. Will be fully financed from the fees, revenue, etc. from: _____

Authorized by Section: _____ of the _____ Code;

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

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

☐ 3. Annual Savings. (approximate)

$ _____

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

☐ 5. No fiscal impact exists. This regulation does not affect any local entity or program.

☒ 6. Other. Explain The regulations do not impose any additional costs as they clarify statute and provide specificity. Funding for the administration of the ELPAC is appropriated through the annual Budget Act.

FISCAL IMPACT STATEMENT (CONTINUED)

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

☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

$ _____

It is anticipated that State agencies will:

☐ a. Absorb these additional costs within their existing budgets and resources.

☐ b. Increase the currently authorized budget level for the _____ Fiscal Year

☐ 2. Savings in the current State Fiscal Year. (Approximate)

$ _____

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

☒ 4. Other. Explain The regulations do not impose any additional costs as they provide clarity and consistency of administration of the ELPAC.

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

☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

$ _____

☐ 2. Savings in the current State Fiscal Year. (Approximate)

$ _____

☒ 3. No fiscal impact exists. This regulation does not affect any federally funded State agency or program.

☐ 4. Other. Explain _____

FISCAL OFFICER SIGNATURE	DATE
Linda Akabala	March 8, 2016

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

AGENCY SECRETARY	DATE
	3/16/16

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

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER	DATE

AAV of Item 01 Attachment 4

This page is the Accessible Alternative Version (AAV) of Item 01 Attachment 4 from the California State Board of Education (SBE) Meeting Agenda for May 2016. The scanned Item 01 Attachment 4 (PDF) version is considered to be the official version of the document.

Economic and Fiscal Impact Statement

(REGULATIONS AND ORDERS). *User entries from the STD. 399 (REV. 12/2013) Form.*

Department Name: Education

Contact Person: Linda Hakala

E-mail Address: lhakala@cde.ca.gov

Telephone Number: 916-319-0658

Descriptive Title From Notice Register Or From 400: English Language Proficiency Assessments for California (ELPAC) (dated March 1, 2016)

Notice File Number: Z

Economic Impact Statement

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

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

- Selected option is H: None of the above (Explain below)
- Option H explanation: *The regulations clarify statute and would not impose additional private sector costs.*

Fiscal Impact Statement

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

- Selected option is 6: Other. Explain. *The regulations do not impose any additional costs as they clarify statute and provide specificity. Funding for the administration of the ELPAC is appropriated through the annual Budget Act.*

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

- Selected option is 4: Other. Explain. *The regulations do not impose any additional costs as they provide clarity and consistency of administration of the ELPAC.*

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

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

Fiscal Officer Signature: Signed by Linda Hakala dated March 8, 2016

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

Agency Secretary: Contains signature dated March 10, 2016

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

Department of Finance Program Budget Manager: No signature.

California State Board of Education

Meeting Agenda Items for May 11-12, 2016

REVISED ITEM 02

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2016 AGENDA

SUBJECT	
Developing a New Accountability System: Update on the Local Control Funding Formula, including, but not limited to, Progress on the Evaluation Rubrics and Options to Meet State and Federal Accountability Requirements, Proposed Revisions to the Local Control and Accountability Plan Template, and Timeline for Transitioning to an Integrated Local, State, and Federal Accountability System.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

California's new accountability and continuous improvement system will build on the foundations of the Local Control Funding Formula (LCFF). This item is the eighth in a series of regular updates on California's progress towards transitioning to an integrated local, state, and federal accountability system that coherently supports the goals of multiple measures and continuous improvement as defined by the LCFF.

The focus of this item is on the final selection of key indicators that align with state and federal accountability requirements for inclusion in the initial phase of the LCFF evaluation rubrics to be adopted by the State Board of Education (SBE) at the September 2016 Board meeting. The item will also present information on the potential for the LCFF evaluation rubrics to support the use of local data for local accountability purposes. The item also provides an update on additional components in the current evaluation rubrics prototype, including a proposed summary display of performance on the key indicators for local educational agencies (LEAs) and schools that identifies specific student subgroups with significant disparities in performance on a key indicator.

RECOMMENDATION

Staff recommend that the SBE take the following action:

1) Approve the proposed design for the LCFF evaluation rubrics, which includes:

    a. The following key indicators: (i) student test scores; (ii) progress of English learners toward English language proficiency; (iii) high school graduation rate; (iv) Grade 3 English Language Arts/Grade 8 Math CAASPP scores; and (v) suspension rates by grade span.

b. A methodology for calculating performance as a combination of outcome and improvement for the key indicators in order to differentiate performance at the LEA and school levels, and for student subgroups, as specified in Attachment 3.

c. A component that supports analysis of local data.

d. A top-level data display for performance on the key indicators for LEAs and schools that prominently shows areas where there are significant disparities in performance for any student subgroups.

2) Approve the proposed annual process for the SBE to review the key indicators and determine whether newly available data and/or research support including a new key indicator or substituting an existing key indicator, as specified in Attachment 2.

BRIEF HISTORY OF KEY ISSUES

The LCFF evaluation rubrics will support the accountability processes that are taking place at the local level through the Local Control and Accountability Plans (LCAP) and Annual Updates. The LCFF evaluation rubrics development coincides with the revisions to the LCAP template and Annual Update (http://www.cde.ca.gov/be/ag/ag/yr16/documents/may16item03.doc) and the development of the Every Student Succeeds Act (ESSA) State Plan (http://www.cde.ca.gov/be/ag/ag/yr16/documents/may16item05.doc).

The SBE will take action to adopt the initial phase of the LCFF evaluation rubrics at the September 2016 meeting. The SBE anticipates that the 2016 version of the LCFF evaluation rubrics will evolve through the first couple of years of implementation.

Attachment 1 provides an overview of the important decision points for the SBE related to finalizing the design of the LCFF evaluation rubrics.

Attachment 2 summarizes the options for selecting key indicators that reflect state and federal accountability requirements based on recommended criteria for selection and preliminary data analyses.

Attachment 3 recommends a methodology for determining performance on key indicators based on both outcome and improvement and that applies at the school, district, and student subgroup level as the assistance, support, and intervention provisions of the LCFF and ESSA require.

Attachment 4 presents options for local data selection and use in the LCFF evaluation rubrics.

Attachment 5 provides an overview of additional components in the LCFF evaluation rubrics.

Attachment 6 details the transition to an integrated local, state, and federal accountability and continuous improvement system. This attachment also provides updated information on communication and outreach strategies, in addition to an update on the revisions to the LCAP template and development of the ESSA State Plan.

Finally, Attachment 7 contains *Education Code (EC)* sections referencing the LCFF.

The decision points and recommendations in this item were informed by stakeholder input, including the California Practitioners Advisory Committee (CPAG). The CPAG held its first meeting on April 13th and 14th to review and discuss the components of California's new accountability and continuous improvement system. The CPAG provides input to the SBE on ongoing efforts to establish a single coherent local, state, and federal accountability system. The advisory committee also serves as the state's committee of practitioners under federal Title I requirements. The summary of the April 2016 CPAG discussion will highlight the practical implications of the policy decisions before the SBE that are related to the LCFF evaluation rubrics.

At the April 2016 meeting, the CPAG provided recommendations on the following topics:

- The potential key indicators for state and federal accountability purposes (Attachment 2);
- The options for selecting and using local data in the evaluation rubrics (Attachment 4); and
- The draft statements of model practices (Attachment 5).

Additional information on the process to revise content based on CPAG feedback and areas of focus for the next CPAG meeting is in Attachment 6.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In April 2016, the SBE received the following information memoranda:

- A summary of the decisions on accountability and continuous improvement that were approved at the March 2016 meeting (http://www.cde.ca.gov/be/pn/im/documents/memo-amard-apr16item01.doc)
- Further analysis on potential key indicators (http://www.cde.ca.gov/be/pn/im/documents/memo-dsib-amard-apr16item02.doc)
- Additional analysis on the graduation rate to inform the methodology to set standards for performance and expectations for improvement (http://www.cde.ca.gov/be/pn/im/documents/memo-dsib-amard-apr16item04.doc)
- LCAP template revisions (http://www.cde.ca.gov/be/pn/im/documents/memo-exec-lasso-apr16item01.doc)

In March 2016, the SBE reviewed the proposed architecture of the single, coherent accountability and continuous improvement system and options for developing a concise set of key indicators for accountability and continuous improvement purposes. The SBE took action to direct staff to proceed with further analysis and design work to develop a complete draft of the LCFF evaluation rubrics prototype (http://www.cde.ca.gov/be/ag/ag/yr16/documents/mar16item23.doc).

In February 2016, the SBE received a series of information memoranda on the following topics:

- Updated timeline that details the proposed transition to the new accountability and continuous improvement system (http://www.cde.ca.gov/be/pn/im/documents/memo-sbe-feb16item01.doc).
- Common terminology and definition of terms used to describe the proposed architecture for the new accountability and continuous improvement system (http://www.cde.ca.gov/be/pn/im/documents/memo-sbe-feb16item02.doc).
- Draft architecture that clarifies how the pieces of the emerging, integrated accountability system will fit together (http://www.cde.ca.gov/be/pn/im/documents/memo-sbe-feb16item03.doc).
- Further analysis on the graduation rate indicator to illustrate potential standards (http://www.cde.ca.gov/be/pn/im/documents/memo-sbe-feb16item04.doc).
- Options for key indicators that satisfy the requirements of the LCFF and ESSA (http://www.cde.ca.gov/be/pn/im/documents/memo-sbe-feb16item05.doc).
- Overview of student-level growth models for Smarter Balanced summative assessment results (http://www.cde.ca.gov/be/pn/im/documents/memo-dsib-amard-feb16item01.doc).
- Review of college and career indicator (CCI) options (http://www.cde.ca.gov/be/pn/im/documents/memo-dsib-amard-feb16item02.doc).

In January 2016, the SBE reviewed the accountability components of the Every Student Succeeds Act (ESSA) in relation to California's emerging work supporting accountability system coherence. The item featured an update on the LCFF evaluation rubrics using graduation rate as an example of standards in the context of aligning the ESSA with the LCFF (http://www.cde.ca.gov/be/ag/ag/yr16/documents/jan16item02rev.doc).

In November 2015, the SBE received a draft framework and implementation plan for the new accountability system and an update on the LCFF evaluation rubrics that included an overview of the User Acceptance Testing (UAT) pilot. The UAT is designed for select LEAs to provide input on local data practices, design options for data displays, and analyses (http://www.cde.ca.gov/be/ag/ag/yr15/documents/nov15item11.doc).

FISCAL ANALYSIS (AS APPROPRIATE)

LCFF: With rising state revenues, the Governor's 2016-17 state budget proposal reflects $71.6 billion in the Proposition 98 Guarantee. Of this amount, over $50 billion is projected in state General Fund to support K–12 education. In addition, an

augmentation of over $2.8 billion is proposed to support the continued implementation of LCFF and build upon the investment of almost $12.8 billion provided over the last three years. This proposed investment translates to approximately $14,550 per student in 2016–17 and closes almost 50 percent of the remaining LCFF funding target to full implementation, bringing the total formula implementation to 95 percent.

ATTACHMENT(S)

Attachment 1: Overview of Upcoming SBE Decision Points That Will Inform the Design of the LCFF Evaluation Rubrics (2 Pages)

Attachment 2: Proposed Selection of Key Indicators that Meet the Criteria for Indicator Selection and the Statutory Requirements of the Local Control Funding Formula and the Every Student Succeeds Act (6 Pages)

Attachment 3: Proposed Methodology for Determining Performance on Key Indicators as a Combination of Outcomes and Improvement to Allow Differentiation of Performance for Local Educational Agencies, Schools, and Student Subgroups Based on Graduation Rate Example Scenarios (3 Pages)

Attachment 4: Inclusion of Local Data Selection and Use in the Local Control Funding Formula Evaluation Rubrics (1 Page)

Attachment 5: Identification of Additional Components in the LCFF Evaluation Rubrics (2 Pages)

Attachment 6: Timeline for the Proposed Transition to an Integrated, Local, State, and Federal Accountability and Continuous Improvement System, Including Communication, Resources, and Outreach (5 Pages)

Attachment 7: California *Education Code* Sections 52064.5, 47607.3, 52071, 52071.5, 52072, 52072.5, 52060, 52066, 52064, and 52052 (15 Pages)

Overview of Upcoming State Board of Education Decision Points That Will Inform the Design of the Local Control Funding Formula Evaluation Rubrics

The State Board of Education (SBE) is required to adopt the Local Control Funding Formula (LCFF) evaluation rubrics by October 1, 2016. Below is an overview of decision points for the SBE at the May, July, and September 2016 meetings, which includes a summary of the recommended action for the May 2016 meeting and the anticipated key issues for the July 2016 meeting. These decisions by the SBE will inform the development of the final design of the initial phase of the LCFF evaluation rubrics that the SBE will take action on at the September 2016 meeting.

	Decision Points	Recommended Action
May SBE Meeting	Selection of Key Indicators (Attachment 2)	Approve the proposed key indicators. This will allow staff to prioritize analysis of those indicators to establish standards for performance and expectations for improvement using an approved methodology. Approve the proposed annual process for the SBE to review the key indicators and determine whether newly available data and/or research support including a new key indicator or substituting an existing key indicator.
	Methodology for Determining Performance on Key Indicators (Attachment 3)	Approve the proposed methodology based on the graduation rate example scenarios. This will allow staff to establish recommended bands of performance for each key indicator and recommend how those bands will be used to inform local educational agency and school eligibility for technical assistance.
	Inclusion of Local Data Selection and Use in the LCFF Evaluation Rubrics (Attachment 4)	Direct staff to include a method for incorporating local data into the LCFF evaluation rubrics. This may include criteria and recommended indicators for local selection in the complete rubrics prototype to be presented at the July 2016 Board meeting.
	Identification of Additional Components in the LCFF Evaluation Rubrics (Attachment 5)	Approve the staff recommendation to include a top-level data display for performance on the key indicators for LEAs and schools that prominently shows areas where there are significant disparities in performance for any student subgroups in the final LCFF evaluation rubrics design.

	Decision Points	Key Issues
July SBE Meeting	Approve the Final Design and Descriptors of the Full Range of LEA Performance for the Key Indicators	Act on staff recommendation for setting performance bands for each key indicator using the methodology approved in May. Determine the performance band(s) that correspond to assistance and support standards for each key indicator. Determine whether the evaluation rubrics will include separate standards that reflect an ambitious but attainable statewide goal for performance or other standard beyond the standard for technical assistance/intervention for the key indicators.
	Approve the Final Design for Displaying Data for Associated/ Local Indicators that is Locally Actionable and Meaningful	Act on staff recommendation for how the LCFF evaluation rubrics will display information for the associated indicators (e.g., all local indicators).
	Approve Final Design for Local Data Selection and Analysis	Act on staff recommendation for supporting the use of local data, including any proposed criteria for local data and any recommended metrics for certain indicators.
	Determination of Standards for Performance for All LCFF Priorities	For state priorities without quantitative key indicators, determine how the rubrics will provide a way to determine whether an LEA has made sufficient progress or not for technical assistance and intervention.
	Organize Content and Include Qualitative and Reflective Dimension in the Evaluation Rubrics that Connects with the Annual Update of the Revised LCAP Template	Determine whether the evaluation rubrics will organize content in a manner that corresponds with the organization of the LCAP template. Determine whether the evaluation rubrics will contain a self-reflection component that aligns with the annual update.
September SBE Meeting	**Approve the Final Prototype of the LCFF Evaluation Rubrics**	

4-29-16 [California Department of Education and State Board of Education]

Proposed Selection of Key Indicators that Meet the Criteria for Indicator Selection and the Statutory Requirements of the Local Control Funding Formula and the Every Student Succeeds Act

At the March 2016 State Board of Education (SBE) meeting, the Board directed staff to conduct further analysis of the potential key indicators identified in a February 2016 information memorandum (http://www.cde.ca.gov/be/pn/im/documents/memo-sbe-feb16item05.doc). The options for another K-8 academic indicator and another indicator for K-12 were, respectively:

- K-8 academic indicator: (1) Middle school drop out or (2) Grade 3 English Language Arts/Grade 8 Math CAASPP scores;
- Other K-12 indicator: (1) *Williams* settlement requirements, (2) College and career readiness indicator, or (3) Suspension rates.

Summary of Key Issues and Recommendation. Following the March 2016 Board meeting, staff completed further analysis of the five indicators identified in the February 2016 information memorandum and several other indicators discussed during the March 2016 Board meeting. Staff also received input from the California Practitioners Advisory Group (CPAG) during its April meeting on the potential key indicators.

Based on this analysis and input, staff recommend including the following key indicators in the Local Control Funding Formula (LCFF) evaluation rubrics: (1) student test scores; (2) progress of English learners toward English language proficiency; (3) high school graduation rate; (4) Grade 3 English Language Arts/Grade 8 Math CAASPP scores; and (5) suspension rates by grade span. If the SBE approves the staff recommendation, staff will include them as key indicators and run a complete analysis of them using the methodology identified in Attachment 3 as part of the complete LCFF evaluation rubrics prototype to be presented at the July 2016 Board meeting.

In recognition that data availability may change over time, and based on feedback from stakeholders, staff also recommend that the SBE approve a proposed process for the SBE to review the LCFF evaluation rubrics annually to determine whether to add a key indicator to the existing key indicators and/or to replace an existing key indicator.

Criteria for Potential Key Indicators. Within the current LCFF evaluation rubrics design, the key indicators will be used to analyze performance of local educational agencies (LEAs) and schools relative to the statewide distribution of LEA performance and will be used to determine eligibility for assistance, support or more intensive state-directed intervention based on performance of individual student subgroups (http://www.cde.ca.gov/be/ag/ag/yr16/documents/mar16item23.doc, Attachments 1, 2 & 3). If the underlying data is not available at the state level or is defined or collected inconsistently, it is not possible to analyze and compare performance on that indicator across the state.

Accordingly, the February 2016 information memorandum identified four criteria for potential key indicators, which are whether the indicator is: (1) currently collected and available for use at the state level (2) using a consistent definition, (3) can be

disaggregated to the school and subgroup level, and (4) is supported by research as a valid measure.

Feedback from the CPAG. At its April 2016 meeting, the CPAG reviewed the February 2016 memo on potential key indicators and discussed the pros and cons of each of the proposed options. There was not a unanimous recommendation from the CPAG about which indicators should be key indicators. A more detailed summary of the CPAG discussion and action on this issue will be posted on the CPAG Web Page.

Further Analysis of Potential Key Indicators. An April 2016 information memorandum included further analysis of six potential indicators (http://www.cde.ca.gov/be/pn/im/documents/memo-dsib-amard-apr16item02.doc). These include two potential indicators included in the February memo and four indicators that Board members or stakeholders have raised:

- *Williams* Settlement Requirements
- Middle School Drop Out Rate
- School Climate Surveys
- Parental Involvement
- College and Career Readiness: Course Taking Behaviors
- Science Assessment Results

That memorandum concluded that, although these indicators are important to a holistic understanding of LEA-level and school-level performance and should continue to inform local decision making in developing Local Control and Accountability Plans (LCAPs), they are not viable candidates for inclusion as key indicators, at this time. The reasons for this conclusion varied depending on the potential indicator and are discussed in detail in the information memorandum.

Proposed Key Indicators. As noted in the February 2016 information memorandum, the federal Every Student Succeeds Act (ESSA) identifies three indicators that states must use: (1) student test scores; (2) progress of English learners toward English language proficiency; and (3) high school graduation rate. Attachment 3 includes a detailed analysis of graduation rate. Preliminary analysis on student test scores and progress of English learners toward English language proficiency demonstrated that the data will support differentiation of performance at the LEA and school levels.

CAASPP Scores. As noted in the February 2016 information memorandum, there is currently only one year of results on the California Assessment of Student Progress and Performance (CAASPP). Staff anticipate that state-level data for the second year CAASPP results will be available in late July 2016. Preliminary analysis of the data from the first year results, however, show that there is a sufficient distribution of results to support differentiation. At the July 2016 Board meeting, staff anticipate presenting a recommendation for differentiating outcomes using the first year of CAASPP results. The recommendation will also identify a process for incorporating improvement into the analysis using the proposed methodology in Attachment 3, once the additional year of data becomes available. Staff will prioritize completing that analysis as soon as the second year of data becomes available.

Progress of English Learners Toward English Language Proficiency. There are several potential approaches for measuring progress of English learners toward English language proficiency, which staff are currently modeling. Staff anticipate presenting a final recommendation on which of those options to pursue at the July 2016 Board meeting.

Graduation Rate. Attachment 3 includes a proposed methodology for determining performance as a combination of outcome and improvement and demonstrates that the graduation rate data will support differentiation of performance at the LEA and school levels.

The remaining options for the additional key indicators are: (4) Grade 3 English Language Arts/Grade 8 Math CAASPP scores – Another K-8 academic indicator; and (5) suspension rates – Other K-12 indicator.

Grade 3 English Language Arts/Grade 8 Math CAASPP Scores. Staff can apply the same approach developed for the overall test score indicator and give each of the two scores in this indicator equal weight. Staff will incorporate this analysis as part of the analysis of the overall test score indicator and present the results and a proposed approach to using this indicator at the July 2016 Board meeting. But the limitations identified in the February 2016 information memorandum still apply, in that these scores are already included in the overall test score indicator and using this indicator would give more weight to test scores within the accountability system.

Although not currently available, the second year of CAASPP results will allow calculation of individual student growth (http://www.cde.ca.gov/be/pn/im/documents/memo-dsib-amard-feb16item01.doc). As soon as the data become available, staff intend to prioritize analysis of potential methodologies for calculating individual student growth and then aggregating those results to the LEA and school levels, in order to assess the viability of using student growth as an alternative key indicator.

Suspension Rate. Staff analyzed the data using several of the methodologies considered for graduation rate. This revealed a distribution of suspension rates across LEAs and schools that will support differentiation of performance based on the methodology recommended in Attachment 3. The analyses showed, however, that the rates vary significantly by grade span, with a much higher rate of suspension at the middle school level than the elementary school level.

The chart below summarizes the results of applying the methodology from the graduation rate analysis to school-level suspension rates. The chart focuses on the school level analysis because it illustrates the differences by grade span most clearly.

Table 1. Example Suspension Rate Analysis

	# of schools	BLUE*	GREEN**	YELLOW***	ORANGE****	RED^
ALL	8771	3765 (42.9%)	2702 (30.8%)	1099 (12.5%)	815 (9.3%)	390 (4.4%)
ELEM	5878	4207 (71.6%)	932 (15.9%)	405 (6.9%)	241 (4.1%)	93 (1.6%)
MIDDLE	1364	325 (23.8%)	400 (29.3%)	209 (15.3%)	234 (17.2%)	196 (14.4%)
HIGH	1529	605 (39.6%)	461 (30.2%)	188 (12.3%)	135 (8.8%)	140 (9.2%)

Note: *=Blue, **=Green, ***=Yellow, ****=Orange, ^=Red

Based on the analysis, staff recommend including suspension rate as the other K-12 indicator, but with separate distributions and bands of performance set for the three grade spans (K-5, 6-8, 9-12). This approach would account for the significant variation in suspension rates by grade level and is consistent with the approach recommended by some stakeholders.

College and Career Readiness. The February 2016 information memorandum also identified a college and career readiness measure as a possible candidate for a key indicator. A separate February information memorandum identified two potential approaches that rely on composites of multiple indicators to determine college and career readiness (http://www.cde.ca.gov/be/pn/im/documents/memo-dsib-amard-feb16item02.doc).

As with course taking patterns, these approaches are promising, but the proposals are in the formative stages and therefore require substantial additional analysis to determine if they are valid measures and should be used as key indicators. Especially given the novelty of relying on such a composite measure when identifying LEAs and schools for assistance, support and/or intervention, careful analysis and modeling is needed to understand the implications of using either approach (or alternatives). Because the required additional analysis is substantial, staff do not recommend focusing on this as a potential key indicator for inclusion in the first phase of the LCFF evaluation rubrics. This indicator, however, is a candidate for prioritization of further analysis under the annual review process proposed below.

In the meantime, the proposed key indicators measure aspects of college and career readiness, in light of changes that California has made to its academic content standards and assessment system. California's new academic content standards, not only in English Language Arts and math, but also in science, require students to think critically and analytically and to solve problems. Many, if not most, future jobs will require these skills, which also are important to success in college. Likewise, the new assessments for English Language Arts and math are computer adaptive, which will allow students, parents, schools and the state to better measure the achievement and growth of individual students and subgroups relative to the new standards.

Proposed Process for Annually Reviewing Key Indicators. There are many indicators, including those discussed above that staff do not recommend including as

key indicators at this time, that provide important information and contribute to a holistic understanding of performance. At present, however, state-level quantitative data are not available for those indicators. Rather, quantitative data are available, if at all, at the local level and/or there is no standard definition for the indicator that applies statewide and would support meaningful differentiation of performance.

Attachment 4 provides additional information around how the LCFF evaluation rubrics can support the use of local data, including the indicators that are not included as key indicators at this time. The SBE will have an opportunity to discuss how the LCFF evaluation rubrics can encourage and guide local reflection on outcomes across those indicators.

As noted in both the February 2016 and April 2016 information memoranda, however, certain data will become available at the state level in the near future, including chronic absence and science assessment results. The proposed design for the LCFF evaluation rubrics prototype is flexible. This flexibility supports inclusion of additional key indicators or the replacement of key indicators over time as additional data become available, as the definition of what is collected locally and reported to the state becomes more standardized, and/or as research emerges to support the use of an indicator that has state level data available.

Accordingly, the SBE can establish an annual process for assessing whether any of the indicators discussed above or others meet the four criteria for key indicators and, if so, whether that indicator should be included as a key indicator. Staff recommend the following annual process for reviewing the key indicators:

- March Board meeting: Staff present a preliminary analysis of any indicator that may now be a candidate for inclusion as a key indicator based on the four criteria for key indicators. If appropriate, staff recommend that the SBE to direct staff to complete a full analysis of the potential indicator.
- September Board meeting: Staff update the SBE on the results of the complete analysis. If appropriate, staff recommend that the SBE modify the LCFF evaluation rubrics to include the indicator as a key indicator.

In any given year, there may not be any viable candidates identified in March or there may be several candidates. And even if an indicator is identified, further analysis, including consultation with the Technical Design Group, may reveal that its use is not appropriate. But adopting such an approach creates certainty for regular review of the LCFF evaluation rubrics, and an opportunity for improving them over time. Additionally, the time between the two meetings is sufficient to allow staff to conduct the analysis of any indicators identified in March and recommend whether or not to modify the organization of key indicators within the LCFF evaluation rubrics by September.

Conclusion. In summary, staff have identified five potential key indicators that meet the four criteria and will allow meaningful differentiation of performance at the LEA and school levels: (1) student test scores; (2) progress of English learners toward English language proficiency; (3) high school graduation rate; (4) Grade 3 English Language Arts/Grade 8 Math CAASPP scores; and (5) suspension rates by grade span.

Staff therefore recommend that the SBE include those as key indicators in the LCFF evaluation rubrics.

Staff also recommend that the SBE approve the proposed annual process for the SBE to review the key indicators and determine whether newly available data and/or research support including a new key indicator or substituting an existing key indicator.

4-29-16 [California Department of Education and State Board of Education]

Determination of a Methodology to Set Standards of Performance and Expectations for Improvement to Differentiate Local Educational Agencies for Technical Assistance Based on Graduation Rate Example Scenarios

At the March 2016 State Board of Education (SBE) meeting, the Board directed staff to continue to model graduation rate across the distribution of performance for all local educational agencies (LEAs) and apply the modeling to the school and student subgroup levels. Staff from the California Department of Education (CDE) and WestEd consulted with the Technical Design Group (TDG)[1] to identify a range of potential methodologies differentiating performance. This differentiation incorporates the two dimensions of performance (improvement and outcome), and applies to the LEA, school and student subgroup levels.

Summary of Key Issues and Recommendation. As summarized in an April 2016 information memorandum (http://www.cde.ca.gov/be/pn/im/documents/memo-dsib-amard-apr16item04.doc), staff reviewed several potential methodologies for determining performance as a combination of improvement and outcome, using the example of graduation rate.

Staff recommend that the SBE approve the methodology identified in the April 2016 information memorandum. The proposed methodology supports differentiation of performance at the LEA and school level, for all students and student subgroups. It also supports development of assistance and support standards for the key indicators, which can be used to determine eligibility for technical assistance, support, and intervention consistent with the approved architecture for the single, coherent system (http://www.cde.ca.gov/be/ag/ag/yr16/documents/mar16item23.doc, Attachment 1).

If the SBE approves the methodology, staff will use it to finalize the bands of performance on key indicators for inclusion in the final LCFF evaluation rubrics prototype.

Overview of Data Analyses. The March analysis provided a descriptive overview of LEA and school performance (as a combination of outcome and improvement) on graduation rate based on four distinct points in the distribution (the 5th, 10th, 30th, and 60th percentiles). These percentile points were selected to illustrate the effect these selected points have on the number and types of schools and student subgroups that fall above and below each of these points. This analysis demonstrated the potential number and percentage of LEAs and subgroups that may be identified for technical assistance and intervention based on the different performance bands created by these thresholds (http://www.cde.ca.gov/be/pn/im/documents/memo-sbe-feb16item04.doc).

As summarized in an April 2016 information memorandum (http://www.cde.ca.gov/be/pn/im/documents/memo-dsib-amard-apr16item04.doc), following the March 2016 Board meeting, staff analyzed multiple alternate

[1] The Technical Design Group (TDG) is a group of experts in psychometric theory and education research that provide recommendations to the California Department of Education (CDE) on matters related to the state and federal accountability system.

methodologies for calculating performance as a combination of outcome and improvement. Staff presented these analyses to the TDG and based on their review, staff and the TDG made the following recommendations:

1. The TDG discussed the implications of setting the distribution at the LEA level versus the school level and determined that this decision should be based on the indicator. For example, using an LEA-level distribution to establish performance bands and applying those performance bands to the school and student subgroup level could work for an indicator like graduation rate, but this may not work for other indicators like suspension rate.
2. It is preferable to analyze the two dimensions of performance (improvement and outcome) separately and then combine the results on each dimension using an Alberta-like approach to establish different levels or bands of performance. While the March analysis of a composite score (e.g., calculating standardized improvement and outcome scores that can be combined or averaged) is also technically sound, the Alberta-like approach was judged to be a much more intuitive and flexible way to communicate improvement and outcome results.
3. The methodology should account for variances in improvement among LEAs. This can be accomplished by expanding the “maintained” category so that high-performing LEAs on the outcome dimension will not be penalized for minimal growth (e.g., LEA with a consistent graduation rate of 97% may have little to no growth each year).
4. Finally, staff and the TDG recommend a continued conversation on the implications of standard setting on identifying LEAs in need of technical assistance with the California Practitioners Advisory Group (CPAG). In particular, the TDG recommends that the CPAG weigh in on the proposed methodology’s use of “smoothing” and “adjustment” of the performance bands. The TDG also recommended changing the descriptors “improvement” and “outcome” to “change” and “status” and revising the terms used to designate the range of performance.

Based on these considerations, the April information memorandum identifies a proposed methodology for calculating performance as a combination of outcome and improvement. The memo then summarizes, for illustrative purposes, different options for setting bands of performance using that methodology and shows the potential impact that the different options have on the number and types of schools and student subgroups that fall above and below each of the selected points. Table 1 below provides an illustrative example of how the methodology can be applied to the graduation rate key indicator to establish these performance bands.

Table 1. Illustration of possible performance bands using the recommended methodology to set performance standards and expectations of improvement for graduation rate.

	Schools (1179)	**LEAs (428)**
	(5th, 25th, 75th, 95th percentile)	(5th, 25th, 75th, 95th percentile)
Blue	79 (6.7%)	17 (4.0%)
Green	386 (32.7%)	125 (29.2%)
Yellow	445 (37.7%)	191 (44.6%)
Orange	196 (16.6%)	73 (17.1%)
Red	73 (6.2%)	22 5.1%)

Staff will present additional details on the basis for this recommendation and answer any questions that Board members have about the analyses and process for setting standards.

4-29-16 [California Department of Education and State Board of Education]

Inclusion of Local Data Selection and Use in the Local Control Funding Formula Evaluation Rubrics

The role of local data relative to the state and federal key indicators is one important decision point for the State Board of Education (SBE) to deliberate on the final design of the evaluation rubrics.

Summary of Key Issues and Recommendation. As the SBE finalizes the concise set of key indicators for state and federal accountability purposes (Attachment 2), the remaining indicators and metrics that are required under the Local Control Funding Formula (LCFF) will be designated as associated or local indicators. Additionally, local educational agencies (LEAs) may opt to supplement their evaluation rubrics with other local data.

Staff recommend that the SBE approve inclusion of a method for incorporating local data into the LCFF evaluation rubrics, which may include criteria and recommended indicators for local selection. If the SBE approves the staff recommendation, staff will incorporate a local data analysis component as part of the complete rubrics prototype to be presented at the July 2016 Board meeting.

Overview. At its April 2016 meeting, the California Practitioners Advisory Group (CPAG) reviewed a draft of the LCFF evaluation rubrics local data and upload features (http://www.cde.ca.gov/be/cc/cp/documents/memo-cpag-apr16item01.doc). The CPAG completed a small group activity to review the local data options and reported out recommended changes to the larger group for discussion.

Following the small group activity and larger group discussion, the CPAG voted to recommend that the SBE include a method for incorporating local data into the LCFF evaluation rubrics and revisit, review, and update with the input from stakeholders, the potential local metrics on a yearly and/or as needed basis.

CPAG members also noted that criteria could be further developed and included as part of the use of the local data in the development of the LCFF evaluation rubrics and that stakeholders should be involved in the process to develop and refine the guidance for and use of local data measures and indicators for optional use by districts, charters, and counties.

The CPAG discussion and revisions to the draft local data metric selection options will be summarized and posted on the CPAG Web Page.

Based on the CPAG discussion and recommendations, staff recommend developing the LCFF evaluation rubrics to support the use of local data. If the SBE adopts this recommendation, staff will develop the complete evaluation rubrics prototype to be presented at the July 2016 Board meeting to support use and analysis of local data. This may include criteria and recommended indicators for local selection in the complete rubrics prototype

4-29-16 [California Department of Education and State Board of Education]

Identification of Additional Components in the LCFF Evaluation Rubrics

Beginning last fall, the State Board of Education (SBE) reviewed several early prototypes of proposed components of the Local Control Funding Formula (LCFF) evaluation rubrics. The SBE must decide what components will be included in the final design of the LCFF evaluation rubrics.

Summary of Key Issues and Recommendation. This attachment provides an update on components of the evaluation rubrics prototype that have not been addressed in the preceding attachments.

Additionally, staff recommend that the SBE include an additional component in the final LCFF evaluation rubrics design: a top-level data display for performance on the key indicators for LEAs and schools that prominently shows areas where there are significant disparities in performance for any student subgroups. If the SBE approves the staff recommendation, staff will present design concepts for a top-level data display as part of the complete rubrics prototype to be presented at the July 2016 Board meeting.

Overview. The SBE reviewed a preliminary sample structure for the evaluation rubrics beginning in July 2015. This included Practice Standards, which were defined as qualitative narrative statements that convey research supported practices, and a summary display of data.

Since introducing this sample structure, the SBE directed staff to proceed with a proposed design for a prototype of the LCFF evaluation rubrics that introduces an assistance and support standard (http://www.cde.ca.gov/be/pn/im/documents/memo-sbe-feb16item03.doc). The inclusion of the assistance and support standard is a necessary component to meet and align the statutory requirements of LCFF and the Every Student Succeeds Act (ESSA). Because of this revised prototype, the Practice Standards are now referred to as statements of model practices to clarify terminology and avoid confusion with the assistance and support standard.

Feedback from the CPAG. The California Practitioners Advisory Group (CPAG) was tasked to review the components of the early LCFF evaluation rubrics prototype. This included review of the draft practice standards, now referred to as statements of model practices (http://www.cde.ca.gov/be/cc/cp/documents/memo-cpag-apr16item02.doc).

Following the small group activity and larger group discussion, the CPAG voted to recommend that SBE staff to revise the draft statements of model practices and to include, as appropriate, feedback from members of the CPAG. The CPAG discussion and revisions to the statements of model practices will be summarized and posted on the CPAG Web Page. A revised version of the statement of model practices will be shared with the CPAG at the June 2016 CPAG meeting for their final review and recommendations.

Top-Level Data Display. The three statutory purposes for the LCFF evaluation rubrics identified in *Education Code* Section 52064.5—to support LEAs in identifying strengths,

weaknesses and areas for improvement; to assist in determining whether LEAs are eligible for technical assistance; and to assist the Superintendent of Public Instruction in determining whether LEAs are eligible for more intensive state support/intervention—suggest that staff at LEAs or state education agencies are the primary intended users of the evaluation rubrics.

Given the central role of the LCFF evaluation rubrics in the emerging local, state and federal accountability and continuous improvement system, a key question is whether the evaluation rubrics prototype should include a top-level data display that summarizes LEA- or school-level performance in a manner that is accessible to students, parents, and other stakeholders and the public. Users of the evaluation rubrics will analyze LEA- and school-level performance on the key indicators. Including a summary display within the evaluation rubrics prototype would ensure that stakeholders can quickly see how performance at the LEA and school levels compares to the bands of performance established for each key indicator and could also transparently reflect significant disparities in performance for student subgroups on those indicators, which would promote equity.

4-29-16 [California Department of Education and State Board of Education]

Timeline for the Integrated, Local, State, and Federal Accountability and Continuous Improvement System, Including Communication, Resources, and Outreach

	Proposed LCAP Template Revisions	**Proposed Development of LCFF Evaluation Rubrics**	**Proposed Development of ESSA State Plan**
January 2016		Present the State Board of Education (SBE) with an example of the Local Control Funding Formula (LCFF) evaluation rubrics quality standard and expectations for improvement using graduation rate as the example.	Public hearing on Every Student Succeeds Act (ESSA) on January 11, 2016, from 9 a.m. to 5 p.m.(EST) and January 19, 2016, from 9 a.m. to 5 p.m. (PT). California submits letter of recommendations to U.S. Department of Education (ED) http://www.cde.ca.gov/nr/el/le/yr16ltr0113.asp
February 2016	The California Department of Education (CDE) eTemplate roll-out for the 2016 -17 LCAP.	Series of Information Memoranda that provide an update on the LCFF evaluation rubrics/accountability system.	Announce application for the California Practitioners Advisory Group (CPAG)
Stakeholder Input (February 2016)		*Mid to Late February-* *Begin discussing concepts of the LCFF evaluation rubrics shared in the Information Memoranda:* • Conference Calls	
March 2016	Detail suggestions by stakeholders regarding proposed changes to the LCAP template (note this will be presented as an Information Memorandum after the March 2016 SBE meeting).	Present the SBE with preliminary design features of the LCFF evaluation rubrics based on User Acceptance Testing (UAT) and feedback from stakeholders.	The SBE Screening Committee recommendations for appointments to the CPAG. The CDE submits an assurance letter to ED concerning its transition plan for SES and public school choice in the 2016-17 school year.

	Proposed LCAP Template Revisions	**Proposed Development of LCFF Evaluation Rubrics**	**Proposed Development of ESSA State Plan**
Stakeholder Input (March 2016)	*Late March-* *Begin receiving feedback on proposed changes:* • Conference Calls • Other possible stakeholder input mechanisms	*Late March-* *Share latest version of the evaluation rubrics:* • Conference Calls • User Acceptance Testing • Policy Input Work Session	
April 2016	Proposed Information Memorandum on the draft LCAP template that incorporates preliminary feedback from stakeholder input.	Proposed Information Memorandum on revised LCFF evaluation rubrics.	Proposed orientation and first meeting for CPAG.
Stakeholder Input (April 2016)	*Early April-* *Continue receiving feedback:* • Conference Calls • Standing Meetings • Policy Input Sessions	*Early April-* *Continue receiving feedback:* • Conference Calls • Standing Meetings • Policy Input Sessions	
May 2016	Present the SBE with proposed changes to the LCAP template.	Present the SBE with update on use and evaluation of the LCFF evaluation rubrics prototype.	The CDE posts the one-year transition plan for SES and public school choice for the 2016-17 school year.
Stakeholder Input (May 2016)	*Late May-Continue receiving feedback on proposed changes:* • Conference Calls	*Late May-Continue receiving feedback on the draft rubrics:* • Conference Calls	Early May- CDE solicits input from stakeholders on select components of the ESSA State Plan.
June 2016	Proposed Information Memorandum on changes to the LCAP template based on stakeholder input.	Proposed Information Memorandum on draft prototype of the LCFF evaluation rubrics based on stakeholder input.	Early June- CPAG Meeting Proposed Information Memorandum on draft concepts of the ESSA State Plan.

	Proposed LCAP Template Revisions	**Proposed Development of LCFF Evaluation Rubrics**	**Proposed Development of ESSA State Plan**
Stakeholder Input (June 2016)	*Early June-Continue receiving feedback on proposed changes:* • Conference Calls • Standing Meetings • Policy Input Sessions	*Early June-Preview the final version of the rubrics:* • Conference Calls • Standing Meetings • Policy Input Sessions • User Acceptance Testing	
July 2016	Present SBE with an update on stakeholder input and status of the proposed changes to the LCAP template.	Present SBE with final design features for the evaluation rubrics based on feedback as described in the stakeholder input process.	CDE drafts ESSA State Plan to conform to rules and regulations. Propose concepts for integrating federal requirements with state accountability.
Stakeholder Input (July 2016)	*Late July-Continue receiving feedback:* • Conference Calls	*Late July-Continue receiving feedback:* • Conference Calls	
August 2016	Proposed Information Memorandum	Proposed Information Memorandum	
Stakeholder Input (August 2016)	*Early August-Continue receiving feedback:* • Conference Calls • Standing Meetings • Policy Input Sessions	*Early August-continue receiving feedback:* • Conference Calls • Standing Meetings • Policy Input Sessions	

	Proposed LCAP Template Revisions	Proposed Development of LCFF Evaluation Rubrics	Proposed Development of ESSA State Plan
September 2016	**Final changes to the LCAP template for SBE adoption.**	**Final Local Control Funding Formula (LCFF) Evaluation Rubrics for SBE Adoption.**	**CDE presents early draft of ESSA State Plan based on stakeholder input.**
Stakeholder Input (October 2016)			Proposed CPAG meeting.
November 2016			**Draft ESSA State Plan for SBE Review.**
December 2016			Proposed CPAG meeting.
January 2017			CDE revises ESSA State Plan based on stakeholder feedback and submits to SBE for approval at January meeting. CDE then submits approved ESSA State Plan to ED; ED has up to 120 days to review ESSA State Plan.
June 2017 (or earlier)			Accepted ESSA State Plan is published.
July 2017			**New Accountability System begins August 2017.** The ESSA State Plan takes effect 2017-18 and implements process to identify schools for assistance.
2018-19			**The new interventions under ESSA are implemented.**

Communication and Outreach

The communication and outreach sessions are described in the timeline. The following stakeholder group opportunities are also planned for June 2016:

- *California Practitioners Advisory Group* –The next CPAG meeting is scheduled for June 22, 2016. The CPAG will discuss the proposed methodology for determining performance on the key indicators and the implications for adjusting the performance bands, as reviewed in Attachment 3. Members of the CPAG will also review updated drafts of the statements of model practices.

- *Policy Stakeholder Input Working Session* – WestEd, on behalf of SBE and CDE, will convene representatives from statewide and community-based organizations to review the series of April 2016 information memoranda. Participants will also have an opportunity to provide feedback on the draft prototype of key indicators and the methodology to assess performance, will discuss the implications for adjusting the performance bands. If the SBE approves the staff recommendation to include a summary data display in the final evaluation rubrics design, participants will also have an opportunity to provide additional feedback on design of such a display.

Resources

- To support local planning and budgeting, the online posting of resources specific to LCFF information and implementation is located on the CDE LCFF Web page at http://www.cde.ca.gov/fg/aa/lc/index.asp.
- Information on the development of the LCFF evaluation rubrics and the new accountability and continuous improvement system is located on the WestEd LCFF Web site at http://lcff.wested.org/.
- Regular information updates are distributed to local educational agencies (LEAs) and interested stakeholders through the CDE LCFF listserv. To receive updates regarding the LCFF via e-mail notification, subscribe to the LCFF listserv by sending a "blank" message to join-LCFF-list@mlist.cde.ca.gov.
- Regular information updates are distributed to local educational agencies (LEAs) and interested stakeholders through the CDE California Practitioners Advisory Group (CPAG) listserv. To receive updates regarding the CPAG via e-mail notification, subscribe to the CPAG listserv by sending a "blank" message to join-CPAG-list@mlist.cde.ca.gov.
- Regular information updates are distributed to local educational agencies (LEAs) and interested stakeholders through the CDE ESSA listserv. To receive updates regarding the ESSA via e-mail notification, subscribe to the ESSA listserv by sending a "blank" message to join-ESSA-list@mlist.cde.ca.gov.

4-29-16 [California Department of Education and State Board of Education]

California Education Code Sections 52064.5, 47607.3, 52071, 52071.5, 52072, 52072.5, 52060, 52066, 52064, and 52052

Education Code Section 52064.5.
(a) On or before October 1, 2016, 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 expectations 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 the 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.

(F) Homeless 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 or homeless 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 the 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 the 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.

(i) For purposes of this section, “homeless youth” has the same meaning as in Section 11434a(2) of Title 42 of the United States Code.

California State Board of Education

Meeting Agenda Items for May 11-12, 2016

ITEM 02

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2016 AGENDA

SUBJECT	
Developing a New Accountability System: Update on the Local Control Funding Formula, including, but not limited to, Progress on the Evaluation Rubrics and Options to Meet State and Federal Accountability Requirements, Proposed Revisions to the Local Control and Accountability Plan Template, and Timeline for Transitioning to an Integrated Local, State, and Federal Accountability System.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

California's new accountability and continuous improvement system will build on the foundations of the Local Control Funding Formula (LCFF). This item is the eighth in a series of regular updates on California's progress towards transitioning to an integrated local, state, and federal accountability system that coherently supports the goals of multiple measures and continuous improvement as defined by the LCFF.

The focus of this item is on the final selection of key indicators that align with state and federal accountability requirements for inclusion in the initial phase of the LCFF evaluation rubrics to be adopted by the State Board of Education (SBE) at the September 2016 Board meeting. The item will also present information on the potential for the LCFF evaluation rubrics to support the use of local data for local accountability purposes. The item also provides an update on additional components in the current evaluation rubrics prototype, including a proposed summary display of performance on the key indicators for local educational agencies (LEAs) and schools that identifies specific student subgroups with significant disparities in performance on a key indicator.

RECOMMENDATION

Staff recommend that the SBE take the following action:

1) Approve the proposed design for the LCFF evaluation rubrics, which includes:

    a. The following key indicators: (i) student test scores; (ii) progress of English learners toward English language proficiency; (iii) high school graduation rate; (iv) Grade 3 English Language Arts/Grade 8 Math CAASPP scores; and (v) suspension rates by grade span.

b. A methodology for calculating performance as a combination of outcome and improvement for the key indicators in order to differentiate performance at the LEA and school levels, and for student subgroups, as specified in Attachment 3.

c. A component that supports analysis of local data.

d. A top-level data display for performance on the key indicators for LEAs and schools that prominently shows areas where there are significant disparities in performance for any student subgroups.

2) Approve the proposed annual process for the SBE to review the key indicators and determine whether newly available data and/or research support including a new key indicator or substituting an existing key indicator, as specified in Attachment 2.

BRIEF HISTORY OF KEY ISSUES

The LCFF evaluation rubrics will support the accountability processes that are taking place at the local level through the Local Control and Accountability Plans (LCAP) and Annual Updates. The LCFF evaluation rubrics development coincides with the revisions to the LCAP template and Annual Update (http://www.cde.ca.gov/be/ag/ag/yr16/documents/may16item03.doc) and the development of the Every Student Succeeds Act (ESSA) State Plan (http://www.cde.ca.gov/be/ag/ag/yr16/documents/may16item05.doc).

The SBE will take action to adopt the initial phase of the LCFF evaluation rubrics at the September 2016 meeting. The SBE anticipates that the 2016 version of the LCFF evaluation rubrics will evolve through the first couple of years of implementation.

Attachment 1 provides an overview of the important decision points for the SBE related to finalizing the design of the LCFF evaluation rubrics.

Attachment 2 summarizes the options for selecting key indicators that reflect state and federal accountability requirements based on recommended criteria for selection and preliminary data analyses.

Attachment 3 recommends a methodology for determining performance on key indicators based on both outcome and improvement and that applies at the school, district, and student subgroup level as the assistance, support, and intervention provisions of the LCFF and ESSA require.

Attachment 4 presents options for local data selection and use in the LCFF evaluation rubrics.

Attachment 5 provides an overview of additional components in the LCFF evaluation rubrics.

Attachment 6 details the transition to an integrated local, state, and federal accountability and continuous improvement system. This attachment also provides updated information on communication and outreach strategies, in addition to an update on the revisions to the LCAP template and development of the ESSA State Plan.

Finally, Attachment 7 contains *Education Code (EC)* sections referencing the LCFF.

The decision points and recommendations in this item were informed by stakeholder input, including the California Practitioners Advisory Committee (CPAG). The CPAG held its first meeting on April 13th and 14th to review and discuss the components of California's new accountability and continuous improvement system. The CPAG provides input to the SBE on ongoing efforts to establish a single coherent local, state, and federal accountability system. The advisory committee also serves as the state's committee of practitioners under federal Title I requirements. The summary of the April 2016 CPAG discussion will highlight the practical implications of the policy decisions before the SBE that are related to the LCFF evaluation rubrics.

At the April 2016 meeting, the CPAG provided recommendations on the following topics:

- The potential key indicators for state and federal accountability purposes (Attachment 2);
- The options for selecting and using local data in the evaluation rubrics (Attachment 4); and
- The draft statements of model practices (Attachment 5).

Additional information on the process to revise content based on CPAG feedback and areas of focus for the next CPAG meeting is in Attachment 6.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In April 2016, the SBE received the following information memoranda:

- A summary of the decisions on accountability and continuous improvement that were approved at the March 2016 meeting (http://www.cde.ca.gov/be/pn/im/documents/memo-amard-apr16item01.doc)
- Further analysis on potential key indicators (http://www.cde.ca.gov/be/pn/im/documents/memo-dsib-amard-apr16item02.doc)
- Additional analysis on the graduation rate to inform the methodology to set standards for performance and expectations for improvement (http://www.cde.ca.gov/be/pn/im/documents/memo-dsib-amard-apr16item04.doc)
- LCAP template revisions (http://www.cde.ca.gov/be/pn/im/documents/memo-dsib-amard-apr16item02.doc)

In March 2016, the SBE reviewed the proposed architecture of the single, coherent accountability and continuous improvement system and options for developing a concise set of key indicators for accountability and continuous improvement purposes. The SBE took action to direct staff to proceed with further analysis and design work to develop a complete draft of the LCFF evaluation rubrics prototype (http://www.cde.ca.gov/be/ag/ag/yr16/documents/mar16item23.doc).

In February 2016, the SBE received a series of information memoranda on the following topics:

- Updated timeline that details the proposed transition to the new accountability and continuous improvement system (http://www.cde.ca.gov/be/pn/im/documents/memo-sbe-feb16item01.doc).
- Common terminology and definition of terms used to describe the proposed architecture for the new accountability and continuous improvement system (http://www.cde.ca.gov/be/pn/im/documents/memo-sbe-feb16item02.doc).
- Draft architecture that clarifies how the pieces of the emerging, integrated accountability system will fit together (http://www.cde.ca.gov/be/pn/im/documents/memo-sbe-feb16item03.doc).
- Further analysis on the graduation rate indicator to illustrate potential standards (http://www.cde.ca.gov/be/pn/im/documents/memo-sbe-feb16item04.doc).
- Options for key indicators that satisfy the requirements of the LCFF and ESSA (http://www.cde.ca.gov/be/pn/im/documents/memo-sbe-feb16item05.doc).
- Overview of student-level growth models for Smarter Balanced summative assessment results (http://www.cde.ca.gov/be/pn/im/documents/memo-dsib-amard-feb16item01.doc).
- Review of college and career indicator (CCI) options (http://www.cde.ca.gov/be/pn/im/documents/memo-dsib-amard-feb16item02.doc).

In January 2016, the SBE reviewed the accountability components of the Every Student Succeeds Act (ESSA) in relation to California's emerging work supporting accountability system coherence. The item featured an update on the LCFF evaluation rubrics using graduation rate as an example of standards in the context of aligning the ESSA with the LCFF (http://www.cde.ca.gov/be/ag/ag/yr16/documents/jan16item02rev.doc).

In November 2015, the SBE received a draft framework and implementation plan for the new accountability system and an update on the LCFF evaluation rubrics that included an overview of the User Acceptance Testing (UAT) pilot. The UAT is designed for select LEAs to provide input on local data practices, design options for data displays, and analyses (http://www.cde.ca.gov/be/ag/ag/yr15/documents/nov15item11.doc).

FISCAL ANALYSIS (AS APPROPRIATE)

LCFF: With rising state revenues, the Governor's 2016-17 state budget proposal reflects $71.6 billion in the Proposition 98 Guarantee. Of this amount, over $50 billion is projected in state General Fund to support K–12 education. In addition, an

augmentation of over $2.8 billion is proposed to support the continued implementation of LCFF and build upon the investment of almost $12.8 billion provided over the last three years. This proposed investment translates to approximately $14,550 per student in 2016–17 and closes almost 50 percent of the remaining LCFF funding target to full implementation, bringing the total formula implementation to 95 percent.

ATTACHMENT(S)

Attachment 1: Overview of Upcoming SBE Decision Points That Will Inform the Design of the LCFF Evaluation Rubrics (2 Pages)

Attachment 2: Proposed Selection of Key Indicators that Meet the Criteria for Indicator Selection and the Statutory Requirements of the Local Control Funding Formula and the Every Student Succeeds Act (6 Pages)

Attachment 3: Proposed Methodology for Determining Performance on Key Indicators as a Combination of Outcomes and Improvement to Allow Differentiation of Performance for Local Educational Agencies, Schools, and Student Subgroups Based on Graduation Rate Example Scenarios (3 Pages)

Attachment 4: Inclusion of Local Data Selection and Use in the Local Control Funding Formula Evaluation Rubrics (1 Page)

Attachment 5: Identification of Additional Components in the LCFF Evaluation Rubrics (2 Pages)

Attachment 6: Timeline for the Proposed Transition to an Integrated, Local, State, and Federal Accountability and Continuous Improvement System, Including Communication, Resources, and Outreach (5 Pages)

Attachment 7: California *Education Code* Sections 52064.5, 47607.3, 52071, 52071.5, 52072, 52072.5, 52060, 52066, 52064, and 52052 (15 Pages)

Overview of Upcoming State Board of Education Decision Points That Will Inform the Design of the Local Control Funding Formula Evaluation Rubrics

The State Board of Education (SBE) is required to adopt the Local Control Funding Formula (LCFF) evaluation rubrics by October 1, 2016. Below is an overview of decision points for the SBE at the May, July, and September 2016 meetings, which includes a summary of the recommended action for the May 2016 meeting and the anticipated key issues for the July 2016 meeting. These decisions by the SBE will inform the development of the final design of the initial phase of the LCFF evaluation rubrics that the SBE will take action on at the September 2016 meeting.

	Decision Points	Recommended Action
May SBE Meeting	Selection of Key Indicators (Attachment 2)	Approve the proposed key indicators. This will allow staff to prioritize analysis of those indicators to establish standards for performance and expectations for improvement using an approved methodology. Approve the proposed annual process for the SBE to review the key indicators and determine whether newly available data and/or research support including a new key indicator or substituting an existing key indicator.
	Methodology for Determining Performance on Key Indicators (Attachment 3)	Approve the proposed methodology based on the graduation rate example scenarios. This will allow staff to establish recommended bands of performance for each key indicator and recommend how those bands will be used to inform local educational agency and school eligibility for technical assistance.
	Inclusion of Local Data Selection and Use in the LCFF Evaluation Rubrics (Attachment 4)	Direct staff to include a method for incorporating local data into the LCFF evaluation rubrics. This may include criteria and recommended indicators for local selection in the complete rubrics prototype to be presented at the July 2016 Board meeting.
	Identification of Additional Components in the LCFF Evaluation Rubrics (Attachment 5)	Approve the staff recommendation to include a top-level data display for performance on the key indicators for LEAs and schools that prominently shows areas where there are significant disparities in performance for any student subgroups in the final LCFF evaluation rubrics design.

	Decision Points	Key Issues
July SBE Meeting	Approve the Final Design and Descriptors of the Full Range of LEA Performance for the Key Indicators	Act on staff recommendation for setting performance bands for each key indicator using the methodology approved in May. Determine the performance band(s) that correspond to assistance and support standards for each key indicator. Determine whether the evaluation rubrics will include separate standards that reflect an ambitious but attainable statewide goal for performance or other standard beyond the standard for technical assistance/intervention for the key indicators.
	Approve the Final Design for Displaying Data for Associated/ Local Indicators that is Locally Actionable and Meaningful	Act on staff recommendation for how the LCFF evaluation rubrics will display information for the associated indicators (e.g., all local indicators).
	Approve Final Design for Local Data Selection and Analysis	Act on staff recommendation for supporting the use of local data, including any proposed criteria for local data and any recommended metrics for certain indicators.
	Determination of Standards for Performance for All LCFF Priorities	For state priorities without quantitative key indicators, determine how the rubrics will provide a way to determine whether an LEA has made sufficient progress or not for technical assistance and intervention.
	Organize Content and Include Qualitative and Reflective Dimension in the Evaluation Rubrics that Connects with the Annual Update of the Revised LCAP Template	Determine whether the evaluation rubrics will organize content in a manner that corresponds with the organization of the LCAP template. Determine whether the evaluation rubrics will contain a self-reflection component that aligns with the annual update.
September SBE Meeting	**Approve the Final Prototype of the LCFF Evaluation Rubrics**	

4-29-16 [California Department of Education and State Board of Education]

Proposed Selection of Key Indicators that Meet the Criteria for Indicator Selection and the Statutory Requirements of the Local Control Funding Formula and the Every Student Succeeds Act

At the March 2016 State Board of Education (SBE) meeting, the Board directed staff to conduct further analysis of the potential key indicators identified in a February 2016 information memorandum (http://www.cde.ca.gov/be/pn/im/documents/memo-sbe-feb16item05.doc). The options for another K-8 academic indicator and another indicator for K-12 were, respectively:

- K-8 academic indicator: (1) Middle school drop out or (2) Grade 3 English Language Arts/Grade 8 Math CAASPP scores;
- Other K-12 indicator: (1) *Williams* settlement requirements, (2) College and career readiness indicator, or (3) Suspension rates.

Summary of Key Issues and Recommendation. Following the March 2016 Board meeting, staff completed further analysis of the five indicators identified in the February 2016 information memorandum and several other indicators discussed during the March 2016 Board meeting. Staff also received input from the California Practitioners Advisory Group (CPAG) during its April meeting on the potential key indicators.

Based on this analysis and input, staff recommend including the following key indicators in the Local Control Funding Formula (LCFF) evaluation rubrics: (1) student test scores; (2) progress of English learners toward English language proficiency; (3) high school graduation rate; (4) Grade 3 English Language Arts/Grade 8 Math CAASPP scores; and (5) suspension rates by grade span. If the SBE approves the staff recommendation, staff will include them as key indicators and run a complete analysis of them using the methodology identified in Attachment 3 as part of the complete LCFF evaluation rubrics prototype to be presented at the July 2016 Board meeting.

In recognition that data availability may change over time, and based on feedback from stakeholders, staff also recommend that the SBE approve a proposed process for the SBE to review the LCFF evaluation rubrics annually to determine whether to add a key indicator to the existing key indicators and/or to replace an existing key indicator.

Criteria for Potential Key Indicators. Within the current LCFF evaluation rubrics design, the key indicators will be used to analyze performance of local educational agencies (LEAs) and schools relative to the statewide distribution of LEA performance and will be used to determine eligibility for assistance, support or more intensive state-directed intervention based on performance of individual student subgroups (http://www.cde.ca.gov/be/ag/ag/yr16/documents/mar16item23.doc, Attachments 1, 2 & 3). If the underlying data is not available at the state level or is defined or collected inconsistently, it is not possible to analyze and compare performance on that indicator across the state.

Accordingly, the February 2016 information memorandum identified four criteria for potential key indicators, which are whether the indicator is: (1) currently collected and available for use at the state level (2) using a consistent definition, (3) can be

disaggregated to the school and subgroup level, and (4) is supported by research as a valid measure.

Feedback from the CPAG. At its April 2016 meeting, the CPAG reviewed the February 2016 memo on potential key indicators and discussed the pros and cons of each of the proposed options. There was not a unanimous recommendation from the CPAG about which indicators should be key indicators. A more detailed summary of the CPAG discussion and action on this issue will be posted on the CPAG Web Page.

Further Analysis of Potential Key Indicators. An April 2016 information memorandum included further analysis of six potential indicators (http://www.cde.ca.gov/be/pn/im/documents/memo-dsib-amard-apr16item02.doc). These include two potential indicators included in the February memo and four indicators that Board members or stakeholders have raised:

- *Williams* Settlement Requirements
- Middle School Drop Out Rate
- School Climate Surveys
- Parental Involvement
- College and Career Readiness: Course Taking Behaviors
- Science Assessment Results

That memorandum concluded that, although these indicators are important to a holistic understanding of LEA-level and school-level performance and should continue to inform local decision making in developing Local Control and Accountability Plans (LCAPs), they are not viable candidates for inclusion as key indicators, at this time. The reasons for this conclusion varied depending on the potential indicator and are discussed in detail in the information memorandum.

Proposed Key Indicators. As noted in the February 2016 information memorandum, the federal Every Student Succeeds Act (ESSA) identifies three indicators that states must use: (1) student test scores; (2) progress of English learners toward English language proficiency; and (3) high school graduation rate. Attachment 3 includes a detailed analysis of graduation rate. Preliminary analysis on student test scores and progress of English learners toward English language proficiency demonstrated that the data will support differentiation of performance at the LEA and school levels.

CAASPP Scores. As noted in the February 2016 information memorandum, there is currently only one year of results on the California Assessment of Student Progress and Performance (CAASPP). Staff anticipate that state-level data for the second year CAASPP results will be available in late July 2016. Preliminary analysis of the data from the first year results, however, show that there is a sufficient distribution of results to support differentiation. At the July 2016 Board meeting, staff anticipate presenting a recommendation for differentiating outcomes using the first year of CAASPP results. The recommendation will also identify a process for incorporating improvement into the analysis using the proposed methodology in Attachment 3, once the additional year of data becomes available. Staff will prioritize completing that analysis as soon as the second year of data becomes available.

Progress of English Learners Toward English Language Proficiency. There are several potential approaches for measuring progress of English learners toward English language proficiency, which staff are currently modeling. Staff anticipate presenting a final recommendation on which of those options to pursue at the July 2016 Board meeting.

Graduation Rate. Attachment 3 includes a proposed methodology for determining performance as a combination of outcome and improvement and demonstrates that the graduation rate data will support differentiation of performance at the LEA and school levels.

The remaining options for the additional key indicators are: (4) Grade 3 English Language Arts/Grade 8 Math CAASPP scores – Another K-8 academic indicator; and (5) suspension rates – Other K-12 indicator.

Grade 3 English Language Arts/Grade 8 Math CAASPP Scores. Staff can apply the same approach developed for the overall test score indicator and give each of the two scores in this indicator equal weight. Staff will incorporate this analysis as part of the analysis of the overall test score indicator and present the results and a proposed approach to using this indicator at the July 2016 Board meeting. But the limitations identified in the February 2016 information memorandum still apply, in that these scores are already included in the overall test score indicator and using this indicator would give more weight to test scores within the accountability system.

Although not currently available, the second year of CAASPP results will allow calculation of individual student growth (http://www.cde.ca.gov/be/pn/im/documents/memo-dsib-amard-feb16item01.doc). As soon as the data become available, staff intend to prioritize analysis of potential methodologies for calculating individual student growth and then aggregating those results to the LEA and school levels, in order to assess the viability of using student growth as an alternative key indicator.

Suspension Rate. Staff analyzed the data using several of the methodologies considered for graduation rate. This revealed a distribution of suspension rates across LEAs and schools that will support differentiation of performance based on the methodology recommended in Attachment 3. The analyses showed, however, that the rates vary significantly by grade span, with a much higher rate of suspension at the middle school level than the elementary school level.

The chart below summarizes the results of applying the methodology from the graduation rate analysis to school-level suspension rates. The chart focuses on the school level analysis because it illustrates the differences by grade span most clearly.

Table 1. Example Suspension Rate Analysis

	# of schools	BLUE*	GREEN**	YELLOW***	ORANGE****	RED^
ALL	8771	3765 (42.9%)	2702 (30.8%)	1099 (12.5%)	815 (9.3%)	390 (4.4%)
ELEM	5878	4207 (71.6%)	932 (15.9%)	405 (6.9%)	241 (4.1%)	93 (1.6%)
MIDDLE	1364	325 (23.8%)	400 (29.3%)	209 (15.3%)	234 (17.2%)	196 (14.4%)
HIGH	1529	605 (39.6%)	461 (30.2%)	188 (12.3%)	135 (8.8%)	140 (9.2%)

Note: *=Blue, **=Green, ***=Yellow, ****=Orange, ^=Red

Based on the analysis, staff recommend including suspension rate as the other K-12 indicator, but with separate distributions and bands of performance set for the three grade spans (K-5, 6-8, 9-12). This approach would account for the significant variation in suspension rates by grade level and is consistent with the approach recommended by some stakeholders.

College and Career Readiness. The February 2016 information memorandum also identified a college and career readiness measure as a possible candidate for a key indicator. A separate February information memorandum identified two potential approaches that rely on composites of multiple indicators to determine college and career readiness (http://www.cde.ca.gov/be/pn/im/documents/memo-dsib-amard-feb16item02.doc).

As with course taking patterns, these approaches are promising, but the proposals are in the formative stages and therefore require substantial additional analysis to determine if they are valid measures and should be used as key indicators. Especially given the novelty of relying on such a composite measure when identifying LEAs and schools for assistance, support and/or intervention, careful analysis and modeling is needed to understand the implications of using either approach (or alternatives). Because the required additional analysis is substantial, staff do not recommend focusing on this as a potential key indicator for inclusion in the first phase of the LCFF evaluation rubrics. This indicator, however, is a candidate for prioritization of further analysis under the annual review process proposed below.

In the meantime, the proposed key indicators measure aspects of college and career readiness, in light of changes that California has made to its academic content standards and assessment system. California's new academic content standards, not only in English Language Arts and math, but also in science, require students to think critically and analytically and to solve problems. Many, if not most, future jobs will require these skills, which also are important to success in college. Likewise, the new assessments for English Language Arts and math are computer adaptive, which will allow students, parents, schools and the state to better measure the achievement and growth of individual students and subgroups relative to the new standards.

Proposed Process for Annually Reviewing Key Indicators. There are many indicators, including those discussed above that staff do not recommend including as

key indicators at this time, that provide important information and contribute to a holistic understanding of performance. At present, however, state-level quantitative data are not available for those indicators. Rather, quantitative data are available, if at all, at the local level and/or there is no standard definition for the indicator that applies statewide and would support meaningful differentiation of performance.

Attachment 4 provides additional information around how the LCFF evaluation rubrics can support the use of local data, including the indicators that are not included as key indicators at this time. The SBE will have an opportunity to discuss how the LCFF evaluation rubrics can encourage and guide local reflection on outcomes across those indicators.

As noted in both the February 2016 and April 2016 information memoranda, however, certain data will become available at the state level in the near future, including chronic absence and science assessment results. The proposed design for the LCFF evaluation rubrics prototype is flexible. This flexibility supports inclusion of additional key indicators or the replacement of key indicators over time as additional data become available, as the definition of what is collected locally and reported to the state becomes more standardized, and/or as research emerges to support the use of an indicator that has state level data available.

Accordingly, the SBE can establish an annual process for assessing whether any of the indicators discussed above or others meet the four criteria for key indicators and, if so, whether that indicator should be included as a key indicator. Staff recommend the following annual process for reviewing the key indicators:

- March Board meeting: Staff present a preliminary analysis of any indicator that may now be a candidate for inclusion as a key indicator based on the four criteria for key indicators. If appropriate, staff recommend that the SBE to direct staff to complete a full analysis of the potential indicator.
- September Board meeting: Staff update the SBE on the results of the complete analysis. If appropriate, staff recommend that the SBE modify the LCFF evaluation rubrics to include the indicator as a key indicator.

In any given year, there may not be any viable candidates identified in March or there may be several candidates. And even if an indicator is identified, further analysis, including consultation with the Technical Design Group, may reveal that its use is not appropriate. But adopting such an approach creates certainty for regular review of the LCFF evaluation rubrics, and an opportunity for improving them over time. Additionally, the time between the two meetings is sufficient to allow staff to conduct the analysis of any indicators identified in March and recommend whether or not to modify the organization of key indicators within the LCFF evaluation rubrics by September.

Conclusion. In summary, staff have identified five potential key indicators that meet the four criteria and will allow meaningful differentiation of performance at the LEA and school levels: (1) student test scores; (2) progress of English learners toward English language proficiency; (3) high school graduation rate; (4) Grade 3 English Language Arts/Grade 8 Math CAASPP scores; and (5) suspension rates by grade span.

Staff therefore recommend that the SBE include those as key indicators in the LCFF evaluation rubrics.

Staff also recommend that the SBE approve the proposed annual process for the SBE to review the key indicators and determine whether newly available data and/or research support including a new key indicator or substituting an existing key indicator.

4-29-16 [California Department of Education and State Board of Education]

Determination of a Methodology to Set Standards of Performance and Expectations for Improvement to Differentiate Local Educational Agencies for Technical Assistance Based on Graduation Rate Example Scenarios

At the March 2016 State Board of Education (SBE) meeting, the Board directed staff to continue to model graduation rate across the distribution of performance for all local educational agencies (LEAs) and apply the modeling to the school and student subgroup levels. Staff from the California Department of Education (CDE) and WestEd consulted with the Technical Design Group (TDG)[1] to identify a range of potential methodologies differentiating performance. This differentiation incorporates the two dimensions of performance (improvement and outcome), and applies to the LEA, school and student subgroup levels.

Summary of Key Issues and Recommendation. As summarized in an April 2016 information memorandum (http://www.cde.ca.gov/be/pn/im/documents/memo-dsib-amard-apr16item04.doc), staff reviewed several potential methodologies for determining performance as a combination of improvement and outcome, using the example of graduation rate.

Staff recommend that the SBE approve the methodology identified in the April 2016 information memorandum. The proposed methodology supports differentiation of performance at the LEA and school level, for all students and student subgroups. It also supports development of assistance and support standards for the key indicators, which can be used to determine eligibility for technical assistance, support, and intervention consistent with the approved architecture for the single, coherent system (http://www.cde.ca.gov/be/ag/ag/yr16/documents/mar16item23.doc, Attachment 1).

If the SBE approves the methodology, staff will use it to finalize the bands of performance on key indicators for inclusion in the final LCFF evaluation rubrics prototype.

Overview of Data Analyses. The March analysis provided a descriptive overview of LEA and school performance (as a combination of outcome and improvement) on graduation rate based on four distinct points in the distribution (the 5th, 10th, 30th, and 60th percentiles). These percentile points were selected to illustrate the effect these selected points have on the number and types of schools and student subgroups that fall above and below each of these points. This analysis demonstrated the potential number and percentage of LEAs and subgroups that may be identified for technical assistance and intervention based on the different performance bands created by these thresholds (http://www.cde.ca.gov/be/pn/im/documents/memo-sbe-feb16item04.doc).

As summarized in an April 2016 information memorandum (http://www.cde.ca.gov/be/pn/im/documents/memo-dsib-amard-apr16item04.doc), following the March 2016 Board meeting, staff analyzed multiple alternate

[1] The Technical Design Group (TDG) is a group of experts in psychometric theory and education research that provide recommendations to the California Department of Education (CDE) on matters related to the state and federal accountability system.

methodologies for calculating performance as a combination of outcome and improvement. Staff presented these analyses to the TDG and based on their review, staff and the TDG made the following recommendations:

1. The TDG discussed the implications of setting the distribution at the LEA level versus the school level and determined that this decision should be based on the indicator. For example, using an LEA-level distribution to establish performance bands and applying those performance bands to the school and student subgroup level could work for an indicator like graduation rate, but this may not work for other indicators like suspension rate.
2. It is preferable to analyze the two dimensions of performance (improvement and outcome) separately and then combine the results on each dimension using an Alberta-like approach to establish different levels or bands of performance. While the March analysis of a composite score (e.g., calculating standardized improvement and outcome scores that can be combined or averaged) is also technically sound, the Alberta-like approach was judged to be a much more intuitive and flexible way to communicate improvement and outcome results.
3. The methodology should account for variances in improvement among LEAs. This can be accomplished by expanding the “maintained” category so that high-performing LEAs on the outcome dimension will not be penalized for minimal growth (e.g., LEA with a consistent graduation rate of 97% may have little to no growth each year).
4. Finally, staff and the TDG recommend a continued conversation on the implications of standard setting on identifying LEAs in need of technical assistance with the California Practitioners Advisory Group (CPAG). In particular, the TDG recommends that the CPAG weigh in on the proposed methodology’s use of “smoothing” and “adjustment” of the performance bands. The TDG also recommended changing the descriptors “improvement” and “outcome” to “change” and “status” and revising the terms used to designate the range of performance.

Based on these considerations, the April information memorandum identifies a proposed methodology for calculating performance as a combination of outcome and improvement. The memo then summarizes, for illustrative purposes, different options for setting bands of performance using that methodology and shows the potential impact that the different options have on the number and types of schools and student subgroups that fall above and below each of the selected points. Table 1 below provides an illustrative example of how the methodology can be applied to the graduation rate key indicator to establish these performance bands.

Table 1. Illustration of possible performance bands using the recommended methodology to set performance standards and expectations of improvement for graduation rate.

	Schools (1179)	**LEAs (428)**
	(5th, 25th, 75th, 95th percentile)	(5th, 25th, 75th, 95th percentile)
Blue	79 (6.7%)	17 (4.0%)
Green	386 (32.7%)	125 (29.2%)
Yellow	445 (37.7%)	191 (44.6%)
Orange	196 (16.6%)	73 (17.1%)
Red	73 (6.2%)	22 5.1%)

Staff will present additional details on the basis for this recommendation and answer any questions that Board members have about the analyses and process for setting standards.

4-29-16 [California Department of Education and State Board of Education]

Inclusion of Local Data Selection and Use in the Local Control Funding Formula Evaluation Rubrics

The role of local data relative to the state and federal key indicators is one important decision point for the State Board of Education (SBE) to deliberate on the final design of the evaluation rubrics.

Summary of Key Issues and Recommendation. As the SBE finalizes the concise set of key indicators for state and federal accountability purposes (Attachment 2), the remaining indicators and metrics that are required under the Local Control Funding Formula (LCFF) will be designated as associated or local indicators. Additionally, local educational agencies (LEAs) may opt to supplement their evaluation rubrics with other local data.

Staff recommend that the SBE approve inclusion of a method for incorporating local data into the LCFF evaluation rubrics, which may include criteria and recommended indicators for local selection. If the SBE approves the staff recommendation, staff will incorporate a local data analysis component as part of the complete rubrics prototype to be presented at the July 2016 Board meeting.

Overview. At its April 2016 meeting, the California Practitioners Advisory Group (CPAG) reviewed a draft of the LCFF evaluation rubrics local data and upload features (http://www.cde.ca.gov/be/cc/cp/documents/memo-cpag-apr16item01.doc). The CPAG completed a small group activity to review the local data options and reported out recommended changes to the larger group for discussion.

Following the small group activity and larger group discussion, the CPAG voted to recommend that the SBE include a method for incorporating local data into the LCFF evaluation rubrics and revisit, review, and update with the input from stakeholders, the potential local metrics on a yearly and/or as needed basis.

CPAG members also noted that criteria could be further developed and included as part of the use of the local data in the development of the LCFF evaluation rubrics and that stakeholders should be involved in the process to develop and refine the guidance for and use of local data measures and indicators for optional use by districts, charters, and counties.

The CPAG discussion and revisions to the draft local data metric selection options will be summarized and posted on the CPAG Web Page.

Based on the CPAG discussion and recommendations, staff recommend developing the LCFF evaluation rubrics to support the use of local data. If the SBE adopts this recommendation, staff will develop the complete evaluation rubrics prototype to be presented at the July 2016 Board meeting to support use and analysis of local data. This may include criteria and recommended indicators for local selection in the complete rubrics prototype

4-29-16 [California Department of Education and State Board of Education]

Identification of Additional Components in the LCFF Evaluation Rubrics

Beginning last fall, the State Board of Education (SBE) reviewed several early prototypes of proposed components of the Local Control Funding Formula (LCFF) evaluation rubrics. The SBE must decide what components will be included in the final design of the LCFF evaluation rubrics.

Summary of Key Issues and Recommendation. This attachment provides an update on components of the evaluation rubrics prototype that have not been addressed in the preceding attachments.

Additionally, staff recommend that the SBE include an additional component in the final LCFF evaluation rubrics design: a top-level data display for performance on the key indicators for LEAs and schools that prominently shows areas where there are significant disparities in performance for any student subgroups. If the SBE approves the staff recommendation, staff will present design concepts for a top-level data display as part of the complete rubrics prototype to be presented at the July 2016 Board meeting.

Overview. The SBE reviewed a preliminary sample structure for the evaluation rubrics beginning in July 2015. This included Practice Standards, which were defined as qualitative narrative statements that convey research supported practices, and a summary display of data.

Since introducing this sample structure, the SBE directed staff to proceed with a proposed design for a prototype of the LCFF evaluation rubrics that introduces an assistance and support standard (http://www.cde.ca.gov/be/pn/im/documents/memo-sbe-feb16item03.doc). The inclusion of the assistance and support standard is a necessary component to meet and align the statutory requirements of LCFF and the Every Student Succeeds Act (ESSA). Because of this revised prototype, the Practice Standards are now referred to as statements of model practices to clarify terminology and avoid confusion with the assistance and support standard.

Feedback from the CPAG. The California Practitioners Advisory Group (CPAG) was tasked to review the components of the early LCFF evaluation rubrics prototype. This included review of the draft practice standards, now referred to as statements of model practices (http://www.cde.ca.gov/be/cc/cp/documents/memo-cpag-apr16item02.doc).

Following the small group activity and larger group discussion, the CPAG voted to recommend that SBE staff to revise the draft statements of model practices and to include, as appropriate, feedback from members of the CPAG. The CPAG discussion and revisions to the statements of model practices will be summarized and posted on the CPAG Web Page. A revised version of the statement of model practices will be shared with the CPAG at the June 2016 CPAG meeting for their final review and recommendations.

Top-Level Data Display. The three statutory purposes for the LCFF evaluation rubrics identified in *Education Code* Section 52064.5—to support LEAs in identifying strengths,

weaknesses and areas for improvement; to assist in determining whether LEAs are eligible for technical assistance; and to assist the Superintendent of Public Instruction in determining whether LEAs are eligible for more intensive state support/intervention—suggest that staff at LEAs or state education agencies are the primary intended users of the evaluation rubrics.

Given the central role of the LCFF evaluation rubrics in the emerging local, state and federal accountability and continuous improvement system, a key question is whether the evaluation rubrics prototype should include a top-level data display that summarizes LEA- or school-level performance in a manner that is accessible to students, parents, and other stakeholders and the public. Users of the evaluation rubrics will analyze LEA- and school-level performance on the key indicators. Including a summary display within the evaluation rubrics prototype would ensure that stakeholders can quickly see how performance at the LEA and school levels compares to the bands of performance established for each key indicator and could also transparently reflect significant disparities in performance for student subgroups on those indicators, which would promote equity.

4-29-16 [California Department of Education and State Board of Education]

Timeline for the Integrated, Local, State, and Federal Accountability and Continuous Improvement System, Including Communication, Resources, and Outreach

	Proposed LCAP Template Revisions	Proposed Development of LCFF Evaluation Rubrics	Proposed Development of ESSA State Plan
January 2016		Present the State Board of Education (SBE) with an example of the Local Control Funding Formula (LCFF) evaluation rubrics quality standard and expectations for improvement using graduation rate as the example.	Public hearing on Every Student Succeeds Act (ESSA) on January 11, 2016, from 9 a.m. to 5 p.m.(EST) and January 19, 2016, from 9 a.m. to 5 p.m. (PT). California submits letter of recommendations to U.S. Department of Education (ED) http://www.cde.ca.gov/nr/el/le/yr16ltr0113.asp
February 2016	The California Department of Education (CDE) eTemplate roll-out for the 2016 -17 LCAP.	Series of Information Memoranda that provide an update on the LCFF evaluation rubrics/accountability system.	Announce application for the California Practitioners Advisory Group (CPAG)
Stakeholder Input (February 2016)		*Mid to Late February-* *Begin discussing concepts of the LCFF evaluation rubrics shared in the Information Memoranda:* • Conference Calls	
March 2016	Detail suggestions by stakeholders regarding proposed changes to the LCAP template (note this will be presented as an Information Memorandum after the March 2016 SBE meeting).	Present the SBE with preliminary design features of the LCFF evaluation rubrics based on User Acceptance Testing (UAT) and feedback from stakeholders.	The SBE Screening Committee recommendations for appointments to the CPAG. The CDE submits an assurance letter to ED concerning its transition plan for SES and public school choice in the 2016-17 school year.

	Proposed LCAP Template Revisions	**Proposed Development of LCFF Evaluation Rubrics**	**Proposed Development of ESSA State Plan**
Stakeholder Input (March 2016)	*Late March-* *Begin receiving feedback on proposed changes:* • Conference Calls • Other possible stakeholder input mechanisms	*Late March-* *Share latest version of the evaluation rubrics:* • Conference Calls • User Acceptance Testing • Policy Input Work Session	
April 2016	Proposed Information Memorandum on the draft LCAP template that incorporates preliminary feedback from stakeholder input.	Proposed Information Memorandum on revised LCFF evaluation rubrics.	Proposed orientation and first meeting for CPAG.
Stakeholder Input (April 2016)	*Early April-* *Continue receiving feedback:* • Conference Calls • Standing Meetings • Policy Input Sessions	*Early April-* *Continue receiving feedback:* • Conference Calls • Standing Meetings • Policy Input Sessions	
May 2016	Present the SBE with proposed changes to the LCAP template.	Present the SBE with update on use and evaluation of the LCFF evaluation rubrics prototype.	The CDE posts the one-year transition plan for SES and public school choice for the 2016-17 school year.
Stakeholder Input (May 2016)	*Late May-Continue receiving feedback on proposed changes:* • Conference Calls	*Late May-Continue receiving feedback on the draft rubrics:* • Conference Calls	Early May- CDE solicits input from stakeholders on select components of the ESSA State Plan.
June 2016	Proposed Information Memorandum on changes to the LCAP template based on stakeholder input.	Proposed Information Memorandum on draft prototype of the LCFF evaluation rubrics based on stakeholder input.	Early June- CPAG Meeting Proposed Information Memorandum on draft concepts of the ESSA State Plan.

	Proposed LCAP Template Revisions	**Proposed Development of LCFF Evaluation Rubrics**	**Proposed Development of ESSA State Plan**
Stakeholder Input (June 2016)	*Early June-Continue receiving feedback on proposed changes:* • Conference Calls • Standing Meetings • Policy Input Sessions	*Early June-Preview the final version of the rubrics:* • Conference Calls • Standing Meetings • Policy Input Sessions • User Acceptance Testing	
July 2016	Present SBE with an update on stakeholder input and status of the proposed changes to the LCAP template.	Present SBE with final design features for the evaluation rubrics based on feedback as described in the stakeholder input process.	CDE drafts ESSA State Plan to conform to rules and regulations. Propose concepts for integrating federal requirements with state accountability.
Stakeholder Input (July 2016)	*Late July-Continue receiving feedback:* • Conference Calls	*Late July-Continue receiving feedback:* • Conference Calls	
August 2016	Proposed Information Memorandum	Proposed Information Memorandum	
Stakeholder Input (August 2016)	*Early August-Continue receiving feedback:* • Conference Calls • Standing Meetings • Policy Input Sessions	*Early August-continue receiving feedback:* • Conference Calls • Standing Meetings • Policy Input Sessions	

	Proposed LCAP Template Revisions	Proposed Development of LCFF Evaluation Rubrics	Proposed Development of ESSA State Plan
September 2016	**Final changes to the LCAP template for SBE adoption.**	**Final Local Control Funding Formula (LCFF) Evaluation Rubrics for SBE Adoption.**	**CDE presents early draft of ESSA State Plan based on stakeholder input.**
Stakeholder Input (October 2016)			Proposed CPAG meeting.
November 2016			**Draft ESSA State Plan for SBE Review.**
December 2016			Proposed CPAG meeting.
January 2017			CDE revises ESSA State Plan based on stakeholder feedback and submits to SBE for approval at January meeting. CDE then submits approved ESSA State Plan to ED; ED has up to 120 days to review ESSA State Plan.
June 2017 (or earlier)			Accepted ESSA State Plan is published.
July 2017			**New Accountability System begins August 2017.** The ESSA State Plan takes effect 2017-18 and implements process to identify schools for assistance.
2018-19			**The new interventions under ESSA are implemented.**

Communication and Outreach

The communication and outreach sessions are described in the timeline. The following stakeholder group opportunities are also planned for June 2016:

- *California Practitioners Advisory Group* –The next CPAG meeting is scheduled for June 22, 2016. The CPAG will discuss the proposed methodology for determining performance on the key indicators and the implications for adjusting the performance bands, as reviewed in Attachment 3. Members of the CPAG will also review updated drafts of the statements of model practices.

- *Policy Stakeholder Input Working Session* – WestEd, on behalf of SBE and CDE, will convene representatives from statewide and community-based organizations to review the series of April 2016 information memoranda. Participants will also have an opportunity to provide feedback on the draft prototype of key indicators and the methodology to assess performance, will discuss the implications for adjusting the performance bands. If the SBE approves the staff recommendation to include a summary data display in the final evaluation rubrics design, participants will also have an opportunity to provide additional feedback on design of such a display.

Resources

- To support local planning and budgeting, the online posting of resources specific to LCFF information and implementation is located on the CDE LCFF Web page at http://www.cde.ca.gov/fg/aa/lc/index.asp.
- Information on the development of the LCFF evaluation rubrics and the new accountability and continuous improvement system is located on the WestEd LCFF Web site at http://lcff.wested.org/.
- Regular information updates are distributed to local educational agencies (LEAs) and interested stakeholders through the CDE LCFF listserv. To receive updates regarding the LCFF via e-mail notification, subscribe to the LCFF listserv by sending a "blank" message to join-LCFF-list@mlist.cde.ca.gov.
- Regular information updates are distributed to local educational agencies (LEAs) and interested stakeholders through the CDE California Practitioners Advisory Group (CPAG) listserv. To receive updates regarding the CPAG via e-mail notification, subscribe to the CPAG listserv by sending a "blank" message to join-CPAG-list@mlist.cde.ca.gov.
- Regular information updates are distributed to local educational agencies (LEAs) and interested stakeholders through the CDE ESSA listserv. To receive updates regarding the ESSA via e-mail notification, subscribe to the ESSA listserv by sending a "blank" message to join-ESSA-list@mlist.cde.ca.gov.

4-29-16 [California Department of Education and State Board of Education]

California Education Code Sections 52064.5, 47607.3, 52071, 52071.5, 52072, 52072.5, 52060, 52066, 52064, and 52052

Education Code Section 52064.5.
(a) On or before October 1, 2016, 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 expectations 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 the 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.

(F) Homeless 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 or homeless 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 the 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 the 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.

(i) For purposes of this section, “homeless youth” has the same meaning as in Section 11434a(2) of Title 42 of the United States Code.

California State Board of Education

Meeting Agenda Items for May 11-12, 2016

ITEM 03

CALIFORNIA STATE BOARD OF EDUCATION

May 2016 AGENDA

SUBJECT	
Proposed Revision of the Local Control and Accountability Plan Template, *California Code of Regulations,* Title 5, Section 15497.5.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

The local control funding formula (LCFF) was enacted in 2013–14, replacing the previous K–12 finance system, which had been in existence for roughly 40 years. As the culmination of more than a decade of research and policy work, the LCFF seeks to: fund schools more equitably; increase local-level decision making; evaluate school and district performance utilizing multiple measures, not just test scores; and support schools and districts so they improve rather than punishing them for failing.

As part of the LCFF, school districts, county offices of education, and charter schools are required to develop, adopt, and annually update a Local Control and Accountability Plan (LCAP) using a template adopted by the California State Board of Education (SBE). The LCAP must identify goals and measure progress for student groups across multiple performance indicators.

Currently, local education agencies (LEAs) throughout the state of California are engaged in the development of their 2016–17 LCAP utilizing the SBE-adopted second generation LCAP template, included as Attachment 1. While this version of the LCAP template is an improvement over its predecessor, the SBE and California Department of Education (CDE) have received significant feedback requesting further improvements to the design, format, and support of the LCAP template. In response to this input, which included an extensive stakeholder survey undertaken in March 2016 (see the April 2016 Memorandum, available at http://www.cde.ca.gov/be/pn/im/documents/memo-exec-lasso-apr16item01.doc), a review of relevant literature, and, as part of its own process of continuous improvement, the CDE seeks direction from the SBE related to potential design principles for LCAP template redesign and currently identified LCAP template revisions.

California *Education Code* (*EC*) Section 52064(e) provides the SBE with the opportunity to adopt a revised LCAP template using its regular meeting process in accordance with the Bagley-Keene Open Meeting Act, rather than through the regular rulemaking process for adoption of regulations. The SBE is required to present the LCAP template at a regular meeting, and take action to adopt the template at a subsequent meeting.

Revisions to the template must be approved by January 31 before the fiscal year during which it is to be used by the LEAs. A proposed timeline for revising the LCAP template is identified in Attachment 4 of Item 23 of the March 2016 SBE meeting (http://www.cde.ca.gov/be/ag/ag/yr16/documents/mar16item23.doc, Attachment 4). In summary, staff will: 1) Continue stakeholder engagement in this effort; 2) Bring a prototype LCAP Template to the July 2016 SBE meeting for feedback by the board; and 3) Present a new LCAP Template for review and approval by the SBE at the September 2016 meeting.

RECOMMENDATION

Analysis of the input for LCAP Template redesign received at SBE meetings, directly from stakeholders through the recently completed LCAP template redesign survey, and a review of relevant literature, provides the basis for CDE to recommend that the SBE take the following actions aimed at the development of a transparent, user-friendly LCAP Template for improved planning, accountability, and continuous improvement purposes:

- **Direct staff to proceed with developing a revised template** for the LCAP and the Annual Update using the following overarching design principles (***in bold italic)*** and to revise the LCAP template utilizing these design principles, which may include the revisions described below, and potentially others, taking into consideration the forthcoming stakeholder engagement process:

    - ***Maximize transparency and ease of use for stakeholders***

        - Revise the LCAP template such that the plans for school districts and county offices of education shall be developed, adopted by the local governing board, and be effective for a static period of three years and shall be updated, as required, annually [consistent with *EC* sections 52060(b) and 52066(b), and *EC* sections 52061(a) and 52067(a)].

        - Include instructions in the revised template for including an executive summary of the LCAP and the Annual Update.

    - ***Simplify, to the extent possible, structure and language***

        - Reorder the sections of the LCAP template to align with a typical LCAP planning cycle.

    - ***Provide clear instructions and support***

        - Reword and/or clarify instructions for completing each section of the LCAP and the Annual Update.

- Relocate the guiding questions and/or the instructions for completing the LCAP and the Annual Update to an appendix or a separate document.

- ***Support efficient and effective local planning, reporting, and implementation processes***

  - Allow a county superintendent of schools which has jurisdiction over a single school district to complete a single LCAP and Annual Update encompassing the educational programs and services of both the county office of education and the school district.

Upon receiving direction from the SBE, and in anticipation of providing the SBE with a proposed revised template for the LCAP and the Annual Update at the July SBE meeting, the CDE intends to partner with the California County Superintendents Educational Services Association (CCSESA) to engage with members of the Education Coalition, advocacy, and non-profit organizations, and other educational stakeholders to gain additional input to inform a redesign of the template for the LCAP and the Annual Update. This input will be used to ensure that the template for the LCAP and the Annual Update will, to the greatest extent possible, be aligned to meet the needs of both practitioners and stakeholders.

BRIEF HISTORY OF KEY ISSUES

An information memoranda was posted in April 2016 providing a summary of the results of a survey conducted by the CDE to inform the development of recommendations for design principles to guide a revision of the LCAP template (http://www.cde.ca.gov/be/pn/im/documents/memo-exec-lasso-apr16item01.doc).

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

As part of the LCFF, *EC* Section 52064 required the SBE to adopt on or before March 31, 2014, the LCAP templates for use by LEAs to support local adoption and annual review of the LCAP. On January 16, 2014, the SBE took action to approve emergency regulations governing the LCAP template; LEAs subsequently used this first LCAP template to complete their 2014–15 LCAPs. On November 14, 2014, following the regular rulemaking process, the SBE took action to approve permanent regulations governing the LCAP template. The CDE submitted the permanent regulations to the Office of Administrative Law (OAL) for approval. OAL approved the regulations on January 7, 2015, and LEAs used this second LCAP template to complete their 2015–16 LCAPs.

FISCAL ANALYSIS (AS APPROPRIATE)

The 2015 Budget Act provides an increase of $4.9 billion over the 2014 Budget Act level of $60.8 billion for a total of $65.7 billion in Proposition 98 funding for 2015–16. The budget appropriates an additional $4 billion of this Proposition 98 funding to school districts and charter schools and $109,000 for COEs to support a cost-of-living-adjustment for COEs, which are already funded at their LCFF target. The third-year investment in the LCFF is projected to close over 50 percent of the remaining funding gap for school districts and charter schools. COEs receive a county operations grant to cover the cost of county oversight of school districts, among other operational responsibilities (*EC* Section 2575 subdivision [l]).

ATTACHMENT(S)

Attachment 1: Current Local Control and Accountability Plan and Annual Update Template (16 pages)

Introduction:

LEA: _____ Contact (Name, Title, Email, Phone Number):_____ LCAP Year:_____

Local Control and Accountability Plan and Annual Update Template

The Local Control and Accountability Plan (LCAP) and Annual Update Template shall be used to provide details regarding local educational agencies' (LEAs) actions and expenditures to support pupil outcomes and overall performance pursuant to Education Code sections 52060, 52066, 47605, 47605.5, and 47606.5. The LCAP and Annual Update Template must be completed by all LEAs each year.

For school districts, pursuant to Education Code section 52060, the LCAP must describe, for the school district and each school within the district, goals and specific actions to achieve those goals for all pupils and each subgroup of pupils identified in Education Code section 52052, including pupils with disabilities, for each of the state priorities and any locally identified priorities.

For county offices of education, pursuant to Education Code section 52066, the LCAP must describe, for each county office of education-operated school and program, goals and specific actions to achieve those goals for all pupils and each subgroup of pupils identified in Education Code section 52052, including pupils with disabilities, who are funded through the county office of education Local Control Funding Formula as identified in Education Code section 2574 (pupils attending juvenile court schools, on probation or parole, or mandatorily expelled) for each of the state priorities and any locally identified priorities. School districts and county offices of education may additionally coordinate and describe in their LCAPs services provided to pupils funded by a school district but attending county-operated schools and programs, including special education programs.

Charter schools, pursuant to Education Code sections 47605, 47605.5, and 47606.5, must describe goals and specific actions to achieve those goals for all pupils and each subgroup of pupils identified in Education Code section 52052, including pupils with disabilities, for each of the state priorities as applicable and any locally identified priorities. For charter schools, the inclusion and description of goals for state priorities in the LCAP may be modified to meet the grade levels served and the nature of the programs provided, including modifications to reflect only the statutory requirements explicitly applicable to charter schools in the Education Code.

The LCAP is intended to be a comprehensive planning tool. Accordingly, in developing goals, specific actions, and expenditures, LEAs should carefully consider how to reflect the services and related expenses for their basic instructional program in relationship to the state priorities. LEAs may reference and describe actions and expenditures in other plans and funded by a variety of other fund sources when detailing goals, actions, and expenditures related to the state and local priorities. LCAPs must be consistent with school plans submitted pursuant to Education Code section 64001. The information contained in the LCAP, or annual update, may be supplemented by information contained in other plans (including the LEA plan pursuant to Section 1112 of Subpart 1 of Part A of Title I of Public Law 107-110) that are incorporated or referenced as relevant in this document.

For each section of the template, LEAs shall comply with instructions and should use the guiding questions as prompts (but not limits) for completing the information as required by statute. Guiding questions do not require separate narrative responses. However, the narrative response and goals and actions should demonstrate each guiding question was considered during the development of the plan. Data referenced in the LCAP must be consistent with the school accountability report card where appropriate. LEAs may resize pages or attach additional pages as necessary to facilitate completion of the LCAP.

State Priorities

The state priorities listed in Education Code sections 52060 and 52066 can be categorized as specified below for planning purposes, however, school districts and county offices of education must address each of the state priorities in their LCAP. Charter schools must address the priorities in Education Code section 52060(d) that apply to the grade levels served, or the nature of the program operated, by the charter school.

A. Conditions of Learning:

Basic: *degree to which teachers are appropriately assigned pursuant to Education Code 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 Education Code section 60119; and school facilities are maintained in good repair pursuant to Education Code 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. (Priority 2)*

Course access: *pupil enrollment in a broad course of study that includes all of the subject areas described in Education Code 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 Education Code 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)*

B. Pupil Outcomes:

Pupil achievement: *performance on standardized tests, score on Academic Performance Index, share of pupils that are college and career ready, share of English learners that become English proficient, English learner reclassification rate, share of pupils that pass Advanced Placement exams with 3 or higher, share of pupils determined prepared for college by the Early Assessment Program. (Priority 4)*

Other pupil outcomes: *pupil outcomes in the subject areas described in Education Code section 51210 and subdivisions (a) to (i), inclusive, of Education Code section 51220, as applicable. (Priority 8)*

C. 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)*

Section 1: Stakeholder Engagement

Meaningful engagement of parents, pupils, and other stakeholders, including those representing the subgroups identified in Education Code section 52052, is critical to the LCAP and budget process. Education Code sections 52060(g), 52062 and 52063 specify the minimum requirements for school districts; Education Code sections 52066(g), 52068 and 52069 specify the minimum requirements for county offices of education, and Education Code section 47606.5 specifies the minimum requirements for charter schools. In addition, Education Code section 48985 specifies the requirements for translation of documents.

Instructions: Describe the process used to consult with parents, pupils, school personnel, local bargaining units as applicable, and the community and how this consultation contributed to development of the LCAP or annual update. Note that the LEA's goals, actions, services and expenditures related to the state priority of parental involvement are to be described separately in Section 2. In the annual update boxes, describe the stakeholder involvement process for the review, and describe its impact on, the development of the annual update to LCAP goals, actions, services, and expenditures.

Guiding Questions:

1) How have applicable stakeholders (e.g., parents and pupils, including parents of unduplicated pupils and unduplicated pupils identified in Education Code section 42238.01; community members; local bargaining units; LEA personnel; county child welfare agencies; county office of education foster youth services programs, court-appointed special advocates, and other foster youth stakeholders; community organizations representing English learners; and others as appropriate) been engaged and involved in developing, reviewing, and supporting implementation of the LCAP?
2) How have stakeholders been included in the LEA's process in a timely manner to allow for engagement in the development of the LCAP?
3) What information (e.g., quantitative and qualitative data/metrics) was made available to stakeholders related to the state priorities and used by the LEA to inform the LCAP goal setting process? How was the information made available?
4) What changes, if any, were made in the LCAP prior to adoption as a result of written comments or other feedback received by the LEA through any of the LEA's engagement processes?
5) What specific actions were taken to meet statutory requirements for stakeholder engagement pursuant to Education Code sections 52062, 52068, and 47606.5, including engagement with representatives of parents and guardians of pupils identified in Education Code section 42238.01?
6) What specific actions were taken to consult with pupils to meet the requirements 5 CCR 15495(a)?
7) How has stakeholder involvement been continued and supported? How has the involvement of these stakeholders supported improved outcomes for pupils, including unduplicated pupils, related to the state priorities?

Involvement Process	**Impact on LCAP**
Annual Update:	**Annual Update:**

Section 2: Goals, Actions, Expenditures, and Progress Indicators

Instructions:

All LEAs must complete the LCAP and Annual Update Template each year. The LCAP is a three-year plan for the upcoming school year and the two years that follow. In this way, the program and goals contained in the LCAP align with the term of a school district and county office of

education budget and multiyear budget projections. The Annual Update section of the template reviews progress made for each stated goal in the school year that is coming to a close, assesses the effectiveness of actions and services provided, and describes the changes made in the LCAP for the next three years that are based on this review and assessment.

Charter schools may adjust the table below to align with the term of the charter school's budget that is submitted to the school's authorizer pursuant to Education Code section 47604.33.

For school districts, Education Code sections 52060 and 52061, for county offices of education, Education Code sections 52066 and 52067, and for charter schools, Education Code section 47606.5 require(s) the LCAP to include a description of the annual goals, for all pupils and each subgroup of pupils, to be achieved for each state priority as defined in 5 CCR 15495(i) and any local priorities; a description of the specific actions an LEA will take to meet the identified goals; a description of the expenditures required to implement the specific actions; and an annual update to include a review of progress towards the goals and describe any changes to the goals.

To facilitate alignment between the LCAP and school plans, the LCAP shall identify and incorporate school-specific goals related to the state and local priorities from the school plans submitted pursuant to Education Code section 64001. Furthermore, the LCAP should be shared with, and input requested from, schoolsite-level advisory groups, as applicable (e.g., schoolsite councils, English Learner Advisory Councils, pupil advisory groups, etc.) to facilitate alignment between school-site and district-level goals and actions. An LEA may incorporate or reference actions described in other plans that are being undertaken to meet the goal.

Using the following instructions and guiding questions, complete a goal table (see below) for each of the LEA's goals. Duplicate and expand the fields as necessary.

Goal: Describe the goal:

> When completing the goal tables, include goals for all pupils and specific goals for schoolsites and specific subgroups, including pupils with disabilities, both at the LEA level and, where applicable, at the schoolsite level. The LEA may identify which schoolsites and subgroups have the same goals, and group and describe those goals together. The LEA may also indicate those goals that are not applicable to a specific subgroup or schoolsite.

Related State and/or Local Priorities: Identify the state and/or local priorities addressed by the goal by placing a check mark next to the applicable priority or priorities. The LCAP must include goals that address each of the state priorities, as defined in 5 CCR 15495(i), and any additional local priorities; however, one goal may address multiple priorities.

Identified Need: Describe the need(s) identified by the LEA that this goal addresses, including a description of the supporting data used to identify the need(s).

Schools: Identify the schoolsites to which the goal applies. LEAs may indicate "all" for all schools, specify an individual school or a subset of schools, or specify grade spans (e.g., all high schools or grades K-5).

Applicable Pupil Subgroups: Identify the pupil subgroups as defined in Education Code section 52052 to which the goal applies, or indicate "all" for all pupils.

Expected Annual Measurable Outcomes: For each LCAP year, identify and describe specific expected measurable outcomes for all pupils using, at minimum, the applicable required metrics for the related state priorities. Where applicable, include descriptions of specific expected measurable outcomes for schoolsites and specific subgroups, including pupils with disabilities, both at the LEA level and at the schoolsite level.

> The metrics used to describe the expected measurable outcomes may be quantitative or qualitative, although the goal tables must address all required metrics for every state priority in each LCAP year. The required metrics are the specified measures and objectives for each state priority as set forth in Education Code sections 52060(d) and 52066(d). For the pupil engagement priority metrics, LEAs must calculate the rates specified in Education Code sections 52060(d)(5)(B), (C), (D) and (E) as described in the Local Control Accountability Plan and Annual Update Template Appendix, sections (a) through (d).

Actions/Services: For each LCAP year, identify all annual actions to be performed and services provided to meet the described goal. Actions may describe a group of services that are implemented to achieve the identified goal.

Scope of Service: Describe the scope of each action/service by identifying the schoolsites covered. LEAs may indicate "all" for all schools, specify an individual school or a subset of schools, or specify grade spans (e.g., all high schools or grades K-5). If supplemental and concentration funds are used to support the action/service, the LEA must identify if the scope of service is districtwide, schoolwide, countywide, or charterwide.

Pupils to be served within identified scope of service: For each action/service, identify the pupils to be served within the identified scope of service. If the action to be performed or the service to be provided is for all pupils, place a check mark next to "ALL."

For each action and/or service to be provided above what is being provided for all pupils, place a check mark next to the applicable unduplicated pupil subgroup(s) and/or other pupil subgroup(s) that will benefit from the additional action, and/or will receive the additional service. Identify, as applicable, additional actions and services for unduplicated pupil subgroup(s) as defined in Education Code section 42238.01, pupils redesignated fluent English proficient, and/or pupils subgroup(s) as defined in Education Code section 52052.

Budgeted Expenditures: For each action/service, list and describe budgeted expenditures for each school year to implement these actions, including where those expenditures can be found in the LEA's budget. The LEA must reference all fund sources for each proposed expenditure. Expenditures must be classified using the California School Accounting Manual as required by Education Code sections 52061, 52067, and 47606.5.

Guiding Questions:

1) What are the LEA's goal(s) to address state priorities related to "Conditions of Learning"?
2) What are the LEA's goal(s) to address state priorities related to "Pupil Outcomes"?
3) What are the LEA's goal(s) to address state priorities related to parent and pupil "Engagement" (e.g., parent involvement, pupil engagement, and school climate)?
4) What are the LEA's goal(s) to address any locally-identified priorities?
5) How have the unique needs of individual schoolsites been evaluated to inform the development of meaningful district and/or individual schoolsite goals (e.g., input from site level advisory groups, staff, parents, community, pupils; review of school level plans; in-depth school level data analysis, etc.)?
6) What are the unique goals for unduplicated pupils as defined in Education Code sections 42238.01 and subgroups as defined in section 52052 that are different from the LEA's goals for all pupils?
7) What are the specific expected measurable outcomes associated with each of the goals annually and over the term of the LCAP?
8) What information (e.g., quantitative and qualitative data/metrics) was considered/reviewed to develop goals to address each state or local priority?
9) What information was considered/reviewed for individual schoolsites?
10) What information was considered/reviewed for subgroups identified in Education Code section 52052?

11) What actions/services will be provided to all pupils, to subgroups of pupils identified pursuant to Education Code section 52052, to specific schoolsites, to English learners, to low-income pupils, and/or to foster youth to achieve goals identified in the LCAP?
12) How do these actions/services link to identified goals and expected measurable outcomes?
13) What expenditures support changes to actions/services as a result of the goal identified? Where can these expenditures be found in the LEA's budget?

GOAL:		Related State and/or Local Priorities: 1__ 2__ 3__ 4__ 5__ 6__ 7__ 8__ COE only: 9__ 10__ Local : Specify _____
Identified Need :		
Goal Applies to:	Schools:	
	Applicable Pupil Subgroups:	

LCAP Year 1: xxxx-xx

Expected Annual Measurable Outcomes:	

Actions/Services	Scope of Service	Pupils to be served within identified scope of service	Budgeted Expenditures
		__ALL OR: __Low Income pupils __English Learners __Foster Youth __Redesignated fluent English proficient __Other Subgroups:(Specify)_____	
		__ALL OR: __Low Income pupils __English Learners __Foster Youth __Redesignated fluent English proficient __Other Subgroups:(Specify)_____	

		__ALL OR: __Low Income pupils __English Learners __Foster Youth __Redesignated fluent English proficient __Other Subgroups:(Specify)_____	

LCAP Year 2: xxxx-xx

Expected Annual Measurable Outcomes:	

Actions/Services	Scope of Service	Pupils to be served within identified scope of service	Budgeted Expenditures
		__ALL OR: __Low Income pupils __English Learners __Foster Youth __Redesignated fluent English proficient __Other Subgroups:(Specify)_____	
		__ALL OR: __Low Income pupils __English Learners __Foster Youth __Redesignated fluent English proficient __Other Subgroups:(Specify)_____	
		__ALL OR: __Low Income pupils __English Learners __Foster Youth __Redesignated fluent English proficient __Other Subgroups:(Specify)_____	

LCAP Year 3: xxxx-xx

Expected Annual Measurable Outcomes:	

Actions/Services	Scope of Service	Pupils to be served within identified scope of service	Budgeted Expenditures
		__ALL OR: __Low Income pupils __English Learners __Foster Youth __Redesignated fluent English proficient __Other Subgroups: (Specify)_____	
		__ALL OR: __Low Income pupils __English Learners __Foster Youth __Redesignated fluent English proficient __Other Subgroups: (Specify)_____	
		__ALL OR: __Low Income pupils __English Learners __Foster Youth __Redesignated fluent English proficient __Other Subgroups: (Specify)_____	

Complete a copy of this table for each of the LEA's goals. Duplicate and expand the fields as necessary.

Annual Update

Annual Update Instructions: For each goal in the prior year LCAP, review the progress toward the expected annual outcome(s) based on, at a minimum, the required metrics pursuant to Education Code sections 52060 and 52066. The review must include an assessment of the effectiveness of the specific actions. Describe any changes to the actions or goals the LEA will take as a result of the review and assessment. In addition, review the applicability of each goal in the LCAP.

Guiding Questions:

1) How have the actions/services addressed the needs of all pupils and did the provisions of those services result in the desired outcomes?

2) How have the actions/services addressed the needs of all subgroups of pupils identified pursuant to Education Code section 52052, including, but not limited to, English learners, low-income pupils, and foster youth; and did the provision of those actions/services result in the desired outcomes?
3) How have the actions/services addressed the identified needs and goals of specific schoolsites and were these actions/services effective in achieving the desired outcomes?
4) What information (e.g., quantitative and qualitative data/metrics) was examined to review progress toward goals in the annual update?
5) What progress has been achieved toward the goal and expected measurable outcome(s)? How effective were the actions and services in making progress toward the goal? What changes to goals, actions, services, and expenditures are being made in the LCAP as a result of the review of progress and assessment of the effectiveness of the actions and services?
6) What differences are there between budgeted expenditures and estimated actual annual expenditures? What were the reasons for any differences?

Complete a copy of this table for each of the LEA's goals in the prior year LCAP. Duplicate and expand the fields as necessary.

Original GOAL from prior year LCAP:			Related State and/or Local Priorities: 1__ 2__ 3__ 4__ 5__ 6__ 7__ 8__ COE only: 9__ 10__ Local : Specify _____
Goal Applies to:	Schools:		
	Applicable Pupil Subgroups:		
Expected Annual Measurable Outcomes:		Actual Annual Measurable Outcomes:	
LCAP Year: xxxx-xx			
Planned Actions/Services		Actual Actions/Services	
	Budgeted Expenditures		Estimated Actual Annual Expenditures

Scope of service:		Scope of service:	
__ALL OR: __Low Income pupils __English Learners __Foster Youth __Redesignated fluent English proficient __Other Subgroups:(Specify)_____		__ALL OR: __Low Income pupils __English Learners __Foster Youth __Redesignated fluent English proficient __Other Subgroups:(Specify)_____	
Scope of service:		Scope of service:	
__ALL OR: __Low Income pupils __English Learners __Foster Youth __Redesignated fluent English proficient __Other Subgroups:(Specify)_____		__ALL OR: __Low Income pupils __English Learners __Foster Youth __Redesignated fluent English proficient __Other Subgroups:(Specify)_____	
What changes in actions, services, and expenditures will be made as a result of reviewing past progress and/or changes to goals?			

Complete a copy of this table for each of the LEA's goals in the prior year LCAP. Duplicate and expand the fields as necessary.

Section 3: Use of Supplemental and Concentration Grant funds and Proportionality

A. In the box below, identify the amount of funds in the LCAP year calculated on the basis of the number and concentration of low income, foster youth, and English learner pupils as determined pursuant to 5 CCR 15496(a)(5).

Describe how the LEA is expending these funds in the LCAP year. Include a description of, and justification for, the use of any funds in a districtwide, schoolwide, countywide, or charterwide manner as specified in 5 CCR 15496.

For school districts with below 55 percent of enrollment of unduplicated pupils in the district or below 40 percent of enrollment of unduplicated pupils at a schoolsite in the LCAP year, when using supplemental and concentration funds in a districtwide or schoolwide manner, the school district must additionally describe how the services provided are the most effective use of funds to meet the district's goals for unduplicated pupils in the state and any local priority areas. (See 5 CCR 15496(b) for guidance.)

Total amount of Supplemental and Concentration grant funds calculated:	$_____

B. In the box below, identify the percentage by which services for unduplicated pupils must be increased or improved as compared to the services provided to all pupils in the LCAP year as calculated pursuant to 5 CCR 15496(a).

Consistent with the requirements of 5 CCR 15496, demonstrate how the services provided in the LCAP year for low income pupils, foster youth, and English learners provide for increased or improved services for these pupils in proportion to the increase in funding provided for such pupils in that year as calculated pursuant to 5 CCR 15496(a)(7). An LEA shall describe how the proportionality percentage is met using a quantitative and/or qualitative description of the increased and/or improved services for unduplicated pupils as compared to the services provided to all pupils.

	%

LOCAL CONTROL AND ACCOUNTABILITY PLAN AND ANNUAL UPDATE APPENDIX

For the purposes of completing the LCAP in reference to the state priorities under Education Code sections 52060 and 52066, the following shall apply:

(a) "Chronic absenteeism rate" shall be calculated as follows:

(1) The number of pupils with a primary, secondary, or short-term enrollment during the academic year (July 1 – June 30) who are chronically absent where "chronic absentee" means a pupil who is absent 10 percent or more of the schooldays in the school year when the total number of days a pupil is absent is divided by the total number of days the pupil is enrolled and school was actually taught in the total number of days the pupil is enrolled and school was actually taught in the regular day schools of the district, exclusive of Saturdays and Sundays.

(2) The unduplicated count of pupils with a primary, secondary, or short-term enrollment during the academic year (July 1 – June 30).

(3) Divide (1) by (2).

(b) "Middle School dropout rate" shall be calculated as set forth in California Code of Regulations, title 5, section 1039.1.

(c) "High school dropout rate" shall be calculated as follows:

(1) The number of cohort members who dropout by the end of year 4 in the cohort where "cohort" is defined as the number of first-time grade 9 pupils in year 1 (starting cohort) plus pupils who transfer in, minus pupils who transfer out, emigrate, or die during school years 1, 2, 3, and 4.

(2) The total number of cohort members.

(3) Divide (1) by (2).

(d) “High school graduation rate” shall be calculated as follows:

(1) The number of cohort members who earned a regular high school diploma [or earned an adult education high school diploma or passed the California High School Proficiency Exam] by the end of year 4 in the cohort where “cohort” is defined as the number of first-time grade 9 pupils in year 1 (starting cohort) plus pupils who transfer in, minus pupils who transfer out, emigrate, or die during school years 1, 2, 3, and 4.

(2) The total number of cohort members.

(3) Divide (1) by (2).

(e) “Suspension rate” shall be calculated as follows:

(1) The unduplicated count of pupils involved in one or more incidents for which the pupil was suspended during the academic year (July 1 – June 30).

(2) The unduplicated count of pupils with a primary, secondary, or short-term enrollment during the academic year (July 1 – June 30).

(3) Divide (1) by (2).

(f) “Expulsion rate” shall be calculated as follows:

(1) The unduplicated count of pupils involved in one or more incidents for which the pupil was expelled during the academic year (July 1 – June 30).

(2) The unduplicated count of pupils with a primary, secondary, or short-term enrollment during the academic year (July 1 – June 30).

(3) Divide (1) by (2).

01-13-15 [California Department of Education]

California State Board of Education

Meeting Agenda Items for May 11-12, 2016

ITEM 04

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2016 AGENDA

SUBJECT	
School Improvement Grant: Approval of the State's Application for the Fiscal Years 2015 and 2016 School Improvement Grant Under Section 1003(g) of the Elementary and Secondary Education Act.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

Although the School Improvement Grant (SIG) is not one of the programs extended through the Every Student Succeeds Act (ESSA), the fiscal year (FY) 2015 and FY 2016 SIG funds that Congress appropriated remain available for obligation. Consequently, on March 29, 2016, the U.S. Department of Education (ED) released the School Improvement Grants Application for Fiscal years 2015 and 2016 New Awards Competition authorized under Section 1003(g) of the Elementary and Secondary Education Act (ESEA), as amended by the No Child Left Behind Act of 2001. California's plan is to combine its FY 2014 SIG funds with its allocations for FY 2015 and FY 2016 to make new awards for its Cohort 4 SIG program competition to begin implementation in the 2017–18 school year (SY). State educational agency (SEA) applications are due to the ED on or before May 27, 2016. The School Improvement Grants Application for Fiscal years 2015 and 2016 New Awards Competition can be accessed on the ED Web page at http://www2.ed.gov/programs/sif/2015-377a.doc.

When submitting the SEA application to the ED, California must include the following two attachments: (1) a copy of the Request for Applications (RFA) that will be provided to California local educational agencies (LEAs) to apply for funding; and (2) California's list of eligible schools for FYs 2014, 2015, and 2016 SIG funds. In addition, California must include the methodology it used to develop its list of eligible schools. However, due to the quick turnaround from the time that the ED released the SEA application on March 29, 2016, to its submission due date of May 27, 2016, the California Department of Education (CDE) is not able to provide the SEA application and its required attachments in this item.

While the ESEA has been reauthorized as the ESSA and signed into law by President Obama on December 10, 2015, the new accountability provisions of the ESSA will not take effect until the 2017–18 SY.

RECOMMENDATION

The CDE recommends that the State Board of Education (SBE) authorize SBE President Michael W. Kirst, in consultation with State Superintendent of Public Instruction Tom Torlakson, to grant authority to the Executive Director of the SBE to approve and release, when completed, California's SEA application, including the LEA RFA and list of eligible schools, and record of public comments to the ED, and to make technical changes as needed.

BRIEF HISTORY OF KEY ISSUES

On March 29, 2016, the ED released the School Improvement Grants Application for Fiscal years 2015 and 2016 New Awards Competition under Section 1003(g) of the ESEA, as amended by the No Child Left Behind Act of 2001, with a due date of May 27, 2016. The application incorporates policy changes from the Consolidated Appropriations Act, 2014. These changes are reflected in the FY 2014 SIG final requirements released in February 2015. Specifically, the changes introduce revisions to current SIG requirements that reflect federal lessons learned from four years of SIG implementation and stakeholder input to strengthen program implementation. In addition, the changes provide flexibility for rural LEAs; extend the grant implementation period from three to five years; and allow LEAs to select from three additional intervention models, which are the (1) Early Learning Model; (2) Evidence-based Whole-school Reform Model; and (3) State-determined Intervention Model (SDIM). States that opt to create an SDIM can include the model in the LEA RFA as an intervention option from which LEAs can select. The former four intervention models, namely the Turnaround, Transformation, Restart, and Closure models are still required as part of the School Improvement Grants Application for Fiscal years 2015 and 2016 New Awards Competition.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

California's FY 2014, 2015, and 2016 Cohort 4 SIG

At its November 2015 meeting, the SBE took action to approve the California SIG SDIM. The CDE submitted California's SDIM for approval to the ED on November 23, 2015. On March 18, 2016, the ED stated that it would provide final review and approval of California's SDIM with its School Improvement Grants Application for Fiscal years 2015 and 2016 New Awards Competition.
http://www.cde.ca.gov/be/ag/ag/yr15/documents/nov15item07.doc

California's FY 2014 SIG Funds

At its July 2015 meeting, the SBE took action to approve California's abbreviated SIG Application for FY 2014 funds and request for a waiver from the ED to allow California to carry over 100 percent of its FY 2014 SIG allocation to be awarded along with its FY

2015 SIG allocation for awards beginning in the 2016−17 SY.
http://www.cde.ca.gov/be/ag/ag/yr15/documents/jul15item10.doc

California's FY 2013 Cohort 3 SIG

At its January 2014 meeting, the SBE took action to approve funding for FY 2013 SIG sub-grants provided under Section 1003(g) of the ESEA. The FY 2013 SIG Cohort 3 sub-grants currently provide funding for 4 districts and 11 schools. California is currently using its FY 2013 SIG funds to provide a full three years of funding for the 2014–15, 2015–16, and 2016–17 SYs.
http://www.cde.ca.gov/be/ag/ag/yr14/documents/jan14item11.doc

California's FY 2010, 2011, and 2012 Cohort 2 SIG

At its January 2012 meeting, the SBE took action to approve funding for Cohort 2 SIG sub-grants. The FY 2010 SIG sub-grants were used to fund the first year of the three-year SIG program beginning in the 2012–13 SY with subsequent second and third years being funded using California's FY 2011 and FY 2012 SIG allocations. These awards provided funding to 14 districts and 39 schools. Currently, California is using its remaining FY 2012 SIG funds to fund Year 4 continuation grants for approved Cohort 2 subgrantees. http://www.cde.ca.gov/be/ag/ag/yr12/documents/jan12item05.doc

California's FY 2009 Cohort 1 SIG

At its August 2010 meeting, the SBE took action to approve funding for FY 2009 SIG sub-grants provided under Section 1003(g) of the ESEA and 2009–10 American Recovery and Reinvestment Act (ARRA). The FY 2009 SIG Cohort 1 sub-grants provided funding to 41 districts and 90 schools. The FY 2009 funds were used to provide a full three years of funding for the 2010–11, 2011–12, and 2012–13 SYs.
http://www.cde.ca.gov/be/ag/ag/yr10/documents/aug10item04.doc

FISCAL ANALYSIS (AS APPROPRIATE)

The FYs 2014, 2015, and 2016 SIG funds, totaling approximately $177 million, provide LEAs with grants ranging from $50,000 to $2 million per school per year. On September 8, 2015, the ED approved California's carry over request waiver for the FY 2014 SIG allocation of approximately $59 million until September 20, 2020. This approval allows California to combine its FY 2014 SIG award with its FY 2015 allocation of approximately $59 million and FY 2016 SIG allocation of approximately $59 million, to award sub-grants to a fourth cohort of LEAs up to a five-year grant period (2016−17, 2017−18, 2018−19, 2019−20, and 2020−21 SYs). All awards (FY 2014, FY 2015, and FY 2016) must be obligated by the State by September 30, 2016.

ATTACHMENT(S)

None.

California State Board of Education

Meeting Agenda Items for May 11-12, 2016

ITEM 05

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2016 AGENDA

SUBJECT	
Update on the Development of the California State Plan for the Every Student Succeeds Act.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

The Every Student Succeeds Act (ESSA) was signed into law by President Barack Obama on December 10, 2015, and goes into full effect in the 2017–18 school year. The ESSA reauthorizes the Elementary and Secondary Education Act (ESEA), the nation's federal education law, and replaces the No Child Left Behind Act (NCLB).

As part of California's transition to ESSA, California must submit an ESSA State Plan to the U.S. Department of Education (ED). The State Plan will describe the State's implementation of standards, assessment, accountability, and assistance programs. This agenda item provides an update to inform the State Board of Education (SBE) and the public regarding progress in the development of the ESSA State Plan.

RECOMMENDATION

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

BRIEF HISTORY OF KEY ISSUES

The ESEA of 1965, signed into law by President Lyndon B. Johnson, set forth a blueprint for the federal government's funding of elementary and secondary education with the intent of providing equal access to quality education. In 2001, President George W. Bush reauthorized ESEA making some fundamental policy changes and changing its name to NCLB. On December 10, 2015, President Obama signed ESSA, reauthorizing ESEA and replacing NCLB.

Overall, the new law provides a measure of flexibility but preserves the general structure of the ESEA funding formulas. The ESSA redefines the federal role in elementary and secondary education by enhancing the authority of states and local educational agencies (LEAs) to allow flexibility regarding Title I assessment and accountability, Title II professional development, Title III English learners and immigrant students, and Title IV 21st Century Schools.

ESSA State Plan

State plans must be developed in consultation with stakeholders. The plans are submitted to the ED and undergo a peer review process determined by the ED Secretary of Education. Plans must be approved by the Secretary within 120 days of submission unless the Secretary presents documentation that demonstrates the plan does not meet federal requirements. The ESSA outlines provisions for state plans that address challenging academic standards and academic assessments, the statewide accountability system, school support and improvement activities, and other provisions, which are described in further detail below.

Challenging Academic Standards and Academic Assessments

The plan must provide assurances that the State has adopted challenging academic content standards and aligned academic achievement standards for all public schools for, at a minimum, mathematics, language arts, and science, with no less than three levels of academic achievement. The State must demonstrate that the challenging state academic standards are aligned with entrance requirements for credit-bearing coursework in the state public higher education system and are aligned with the state career and technical education standards. The State may adopt alternate achievement standards for students with the most significant cognitive disabilities as long as they are aligned to the challenging state academic content standards, promote access to the general education curriculum, reflect professional judgment as to the highest possible standards achievable by students, are designated in the student's individualized education program, and are aligned to ensure the student who meets the alternate academic achievement standards is on track to pursue postsecondary education or employment. The State Plan must also demonstrate that the State has adopted English language proficiency standards.

Regarding assessments, the State Plan must demonstrate that the State, in consultation with LEAs, has implemented high-quality student academic assessments aligned to the state academic standards that are used to measure the achievement of all public school students. The ESSA requires that assessments provide coherent and timely information about student attainment of the standards and whether the student is performing at grade level. Further, the ESSA requires assessments be of adequate technical quality. The assessments should be administered for mathematics and language arts in each of grades three through eight and at least once in high school, and for science, not less than one time during grades three through five, grades six through nine, and grades ten through twelve. Additionally, the assessments should provide appropriate accommodations for students with disabilities and English learners. The results of the assessments must enable disaggregation at the state, LEA, and school site level by major racial and ethnic group, economically disadvantaged students, students with disabilities, English proficiency status, gender, and migrant status. The ESSA also lays out an exception for advanced mathematics assessment in middle school. It also describes requirements for alternate assessments for students

with the most significant cognitive disabilities that are aligned to the state academic standards for use by not more than one percent of the total number of students assessed in each subject. The ESSA details requirements for identifying languages other than English used by the population of students participating in the assessments. Additionally, it provides the requirements for English language proficiency assessments. Finally, the ESSA details the possibility of adopting a locally-selected, nationally-recognized high school academic assessment to be used in lieu of the state academic assessment and the requirements for using adaptive assessments.

Statewide Accountability System

The state plan must also describe the statewide accountability system. To design such a system, the State must establish long-term goals with measurements of interim progress toward meeting those goals. Further, each State must annually measure specific indicators: academic achievement as measured by proficiency on annual assessments, graduation rate, progress in achieving English language proficiency, an additional kindergarten through eighth grade academic indicator (could be a measure of growth or another valid, reliable statewide indicator), and not less than one indicator of school quality or student success (e.g. measures of student engagement, educator engagement, student access to and completion of advanced coursework, etc.). The State must also establish a system of annual meaningful differentiation using a state-determined methodology that affords substantial weight to the academic indicators. This system identifies schools for comprehensive support and improvement beginning in the 2017–18 school year and at least once every three years thereafter.

School Support and Improvement Activities

The ESSA denotes specific provisions to be included in the State Plan regarding school support and improvement activities that focus on comprehensive, targeted, and continued support for school and LEA improvement. For comprehensive support and improvement, the ESSA outlines requirements for state notifications to LEAs, LEA plans to improve student outcomes, State discretion to differentiate improvement activities for alternative schools, and public school choice. In regard to targeted support and improvement, which involves schools with consistently underperforming subgroups of students, the ESSA provides requirements for State notifications and LEA targeted support and improvement plans. To provide continued support for school and LEA improvement, the State must establish exit criteria for schools identified for comprehensive and targeted support and improvement, periodically review resource allocation for identified schools, and provide technical assistance to identified schools. The State may initiate additional evidence-based State determined improvement activities in any LEA with a significant number of identified schools.

Other Plan Provisions

The “Other Plan Provisions” subpart of the ESSA section on state plans requires that the State also describe in its state plan:

- how the State will provide support and assistance related to using ESSA funds for early childhood education programs;
- how the State will ensure low-income and minority children are not served disproportionately by ineffective, out-of-field, or inexperienced teachers;
- how the State will support LEAs in improving school conditions for student learning;
- how the State will support LEAs in decreasing the risk of students dropping out;
- how the State will ensure the educational stability of children in foster care;
- how the State will support LEAs in the identification, enrollment, attendance, and school stability of homeless children and youth; and
- other factors determined by the State that provide students the opportunity to achieve the knowledge and skills described in the challenging State academic standards.

Specific assurances that must be included in the state plan listed in the “Other Plan Provisions” subpart are related to:

- educator effectiveness;
- notifications to stakeholders regarding the state academic standards, assessments, and accountability system;
- LEA and school assistance from the state educational agency;
- state participation in the National Assessment of Educational Progress;
- the modification or removal of fiscal barriers to federal, state, and local funding source consolidation;
- state dissemination to LEAs and schools of effective parent and family engagement strategies;
- providing the least restrictive and burdensome regulations;
- ensuring LEAs work in consultation with outside intermediaries with practical expertise in improving teaching, learning, and schools;

- the validity of the assessment process;
- teacher and paraprofessional certification and licensure requirements;
- coordination with other federal activities;
- the involvement of a committee of practitioners in plan development and implementation monitoring;
- professional standards for paraprofessionals; and
- providing information to the public in an easily accessible and user-friendly manner.

Minimum requirements are also provided for the annual state report card and annual LEA report cards.

It is California's intention to align state and federal education policies to the greatest extent possible. At its March 2016 meeting, the SBE appointed 17 members to serve on a newly constituted advisory committee, the California Practitioners Advisory Group (CPAG), to provide input to the SBE on ongoing efforts to establish a single coherent local, state, and federal accountability system. The advisory group will also serve as the state's committee of practitioners under federal Title I requirements. More information regarding the first meeting the CPAG is available on the CDE CPAG Web page at http://www.cde.ca.gov/be/cc/cp/. More information about SBE and CDE outreach and stakeholder consultation activities to date is provided in Attachment 1.

In addition, the CDE has established a number of communication structures to promote dissemination of accurate and timely information regarding the ESSA and the development of the ESSA state plan. The CDE ESSA Web page, located at http://www.cde.ca.gov/essa, provides a link to the United States Department of Education (ED) ESSA Web page as well as communications from ED. In addition, links to SBE agenda items related to ESSA and California-specific communications are available. The CDE has also established a dedicated e-mail mailbox and phone line for inquiries and comments regarding the new law. Interested parties who would like to be notified when new ESSA-related information becomes available may join the CDE ESSA listserv by sending a blank e-mail message to join-essa@mlist.cde.ca.gov.

Attachment 2 is a draft timeline that displays the significant milestones associated with the ESSA State Plan development aligned with the development of the Local Control Funding Formula Evaluation Rubrics.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

March 2016: CDE and SBE staff presented to the SBE an update regarding development of a new accountability system including information regarding the Local Control Accountability Plan and annual update template, evaluation rubrics, the ESSA State Plan, and the revised timeline for transitioning to a new accountability and continuous improvement system. The SBE approved appointments to the California Practitioners Advisory Group.

January 2016: CDE staff presented to the SBE an update on issues related to California's implementation of the ESEA, including information regarding ESSA, and the implications for state accountability and state plans.

FISCAL ANALYSIS (AS APPROPRIATE)

No fiscal changes are projected for the 2016–17 school year. The new law will become effective for non-competitive formula grants in the 2017–18 school year. For 2017–18:

- For Title I, minor changes to the amount of Title I funds that flow through each of the four parts will be made, but the state grant formula overall is unchanged.
- For Title II, Part A, the state grant formula will be adjusted, gradually eliminating the hold harmless provision by 2023 and increasing the poverty factor and decreasing the population factor from the current 65/35 ratio to 80/20 in 2020. According to a November report by the Congressional Research Service, California's Title II, Part A funding is projected to increase by more than $25 million by 2023.
- For Title III, the state grant formula remains unchanged.

A number of competitive and non-competitive grant opportunities are outlined in ESSA, as are a variety of options for state and local uses of funds. For an in-depth analysis of the fiscal implications of ESSA, please see the Council of Chief State School Officers (CCSSO) document, "Summary of Significant Spending and Fiscal Rules in the Every Student Succeeds Act," available on the CCSSO Resources Web page at http://www.ccsso.org/Resources/Publications/Summary_of_Significant_Spending_and_Fiscal_Rules_in_the_Every_Student_Succeeds_Act.html.

ATTACHMENT(S)

Attachment 1: ESSA State Plan Development: Outreach and Consultation with Stakeholders: March—April 2016 (3 Pages)

Attachment 2: Draft ESSA State Plan Development Timeline Alignment with Local Control Funding Formula Evaluation Rubrics Development (2 Pages)

ESSA State Plan Development: Outreach and Consultation with Stakeholders: March–April 2016

Date: March 16, 2016
Meeting: Policy Input Session
Participants: Policy Work Group, California Comprehensive Center at WestEd, State Board of Education (SBE) staff, and California Department of Education (CDE) staff
Details:

Policy Work Group members, which include representatives from stakeholder groups identified and invited by the SBE, discussed and provided feedback to the SBE on the following topics:

1. The implications of setting standards for assistance and intervention based on the specific requirements in the Local Control Funding Formula (LCFF) and the Every Student Succeeds Act (ESSA).

2. The evaluation rubrics data display, including subgroup performance and local educational agency (LEA)- and school-level information, and how to reflect equity in the top level display.

Date: March 18, 2016
Meeting: State and Federal Programs Directors' Meeting
Participants: State and Federal Program Directors and CDE staff
Details:

Barbara Murchison, ESSA State Lead, provided an update on the coordination of California's development of the ESSA State Plan and the LCFF evaluation rubrics, the California Practitioners Advisory Group (CPAG), and the CDE communication efforts around ESSA.

Date: March 25, 2016
Meeting: Listening Session with Deputy Assistant Secretary from the U.S. Department of Education
Participants: Representatives from the CDE, the SBE, the California School Boards Association, the Association of California School Administrators, First 5 California, Education Trust–West, the California Association of School Business Officials, Children Now, and the California Federation of Teachers.
Details:

Ary Amerikaner, Deputy Assistant Secretary for Policy and Strategic Initiatives from the Office of Elementary and Secondary Education of the U.S. Department of Education, visited northern California to host the ESSA Listening Session. The Deputy Assistant Secretary engaged in a roundtable discussion with invitees to collect feedback

regarding how major areas of the law could impact the field. The conversation centered primarily on the assessment and accountability aspects of the law.

Date: April 6, 2016
Meeting: ESSA/LCFF Deep Dive: Session I
Participants: CDE staff representatives from all branches and the California Comprehensive Center at WestEd
Details:

Seventy CDE staff representing all branches and a majority of divisions came together for the first of three April ESSA/LCFF Deep Dive sessions facilitated by the California Comprehensive Center at WestEd. Participants engaged in a full day of learning and discussion, bringing to light questions about ESSA implementation as well as opportunities for the new federal law to support the California Way. In future sessions, participants will begin to develop a framework for an ESSA State Plan that recognizes and builds upon California's vision for a single, coherent local, state, and federal accountability system.

Date: April 13–14, 2016
Meeting: California Practitioners Advisory Group
Participants: CPAG members, SBE staff, and CDE staff
Details:

At this inaugural meeting of the CPAG, members engaged in orientation activities and were provided an overview and update on the development of California's new accountability and continuous improvement system and the ESSA. The CPAG also reviewed and discussed the following elements of the LCFF Evaluation Rubrics:

1. Options for key indicators that meet criteria for metric selection and statutory requirements of the LCFF and the ESSA
2. Options for local data criteria and selection
3. Draft statements of model practices

Date: April 15, 2016
Meeting: State and Federal Programs Directors' Meeting
Participants: State and Federal Program Directors and CDE staff
Details:

Barbara Murchison, ESSA State Lead, provided an update on the first meeting of the California Practitioners Advisory Group (CPAG).

Date: April 18, 2016
Meeting: ESSA/LCFF Deep Dive: Session II

Participants: CDE staff representatives from all branches and the California Comprehensive Center at WestEd
Details:

CDE staff representing all branches and a majority of divisions came together again for the second of three April ESSA/LCFF Deep Dive sessions facilitated by the California Comprehensive Center at WestEd. Participants engaged in a full day of exploration and investigation into the ESSA to identify key decisions the state will need to make in the development of its ESSA State Plan.

Date: April 27, 2016
Meeting: ESSA/LCFF Deep Dive: Session III
Participants: CDE staff representatives from all branches and the California Comprehensive Center at WestEd
Details:

CDE staff representing all branches and a majority of divisions came together again for the third of three April ESSA/LCFF Deep Dive sessions facilitated by the California Comprehensive Center at WestEd. Participants engaged in a full day of discussion and decision making that resulted in a framework for the ESSA State Plan that identifies roles and responsibilities and the general outline of the plan. The next set of ESSA/LCFF study sessions will take place in May and will focus on crosscutting topics that will ensure the ESSA State Plan represents the holistic and coherent vision for California's accountability system.

Draft ESSA State Plan Development Timeline Alignment with Local Control Funding Formula Evaluation Rubrics Development

	Proposed Transition to ESSA Requirements	Proposed Development of LCFF Evaluation Rubrics
January 2016	Solicit applications for the California Practitioners Advisory Group (CPAG). Anticipate U.S. Department of Education (ED) providing guidance with intent to publish rules and regulations within six months. Public hearing on Every Student Succeeds Act (ESSA) on January 11, 2016, from 9 a.m. to 5 p.m.(EST) and January 19, 2016, from 9 a.m. to 5 p.m. (PT).	Present example of quality standards and expectations for improvement using graduation rate as the example.
March 2016	The State Board of Education (SBE) Screening Committee makes recommendations for appointments to the CPAG.	Present the SBE with final design features of the evaluation rubrics based on User Acceptance Testing (UAT) and feedback.
May 2016	California Department of Education (CDE) solicits input from stakeholders on considerations for the ESSA State Plan.	Present the SBE with update on use and evaluation of the rubrics prototype.
July 2016	CDE drafts plans to conform to rules and regulations and continues to solicit input from stakeholders. Proposed concepts for integrating federal requirements with state accountability.	Finalize evaluation rubrics based on guidance from the SBE, feedback from local educational agencies (LEAs), county offices of education (COEs), and, as appropriate, input from stakeholders.
September 2016	CDE revises early draft of ESSA State Plan based on stakeholder input.	**Final Local Control Funding Formula (LCFF) Evaluation Rubrics for SBE Adoption.**

	Proposed Transition to ESSA Requirements	Proposed Development of LCFF Evaluation Rubrics
November 2016	**Draft ESSA State Plan presented to SBE for review.**	
January 2017	**ESSA State Plan presented to SBE for approval at January meeting.** CDE then submits approved ESSA State Plan to ED; ED has up to 120 days to review ESSA State Plan.	
June 2017 (or earlier)	Accepted ESSA State Plan is published.	
New Accountability System begins August 2017		

California State Board of Education

Meeting Agenda Items for May 11-12, 2016

ITEM 06

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2016 AGENDA

SUBJECT	
Every Student Succeeds Act: One-Year Transition Plan for Supplemental Educational Services and Public School Choice for the 2016–17 School Year.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

On December 10, 2015, President Barack Obama signed the Every Student Succeeds Act (ESSA), which reauthorized and updated the Elementary and Secondary Education Act (ESEA). The 2016–17 school year is a transition year for local educational agencies (LEAs), with most of the new provisions not taking effect until the 2017–18 school year.

On January 28, 2016, and February 5, 2016, the U.S. Department of Education (ED) sent guidance letters allowing states the flexibility of not requiring LEAs to provide Supplemental Educational Services (SES), Public School Choice (Choice), and the notice to parents for the 2016–17 school year. States that chose not to require LEAs to provide SES, Choice, and the related notice to parents must have sent an assurance letter to the ED by March 1, 2016, and publicly post a transition plan no later than Friday, May 6, 2016.

The California Department of Education (CDE) submitted an assurance letter to the ED on February 17, 2016 (Attachment 1). The CDE also developed a 2016–17 Transition Plan that includes what LEAs must do in lieu of SES, the requirements for Choice, the related notice to parents, and reporting requirements for the 2016–17 school year (Attachment 2). In order to ensure an orderly transition to ESSA, LEAs may include types of alternative supports and the criteria used to identify eligible students for such additional support in their Local Control and Accountability Plan (LCAP). Alternative supports referenced in the LCAP must be consistent and aligned with local priorities for the 2016–17 school year.

Due to the elimination of SES beginning in the 2016–17 school year, California will not be required to administer future SES applications, post a State Board of Education (SBE) Approved Provider List, process any pending application reviews or appeals from the 2016–18 SES application cycle, or reinstate previous terminations.

RECOMMENDATION

The CDE recommends that the SBE approve the Title I, Part A Transition Plan for SES, Choice, and the related notice to parents for the 2016–17 school year.

The CDE also recommends that the SBE approve to eliminate the SES application cycle, discontinue the SBE Approved Provider List for the 2016–18 school years, and start the process of repealing all *California Code of Regulations*, Title 5 (5 *CCR*) for SES. With this approval, all pending application reviews and appeals of the SES program, as defined in 5 *CCR* Section 13075.6, will no longer proceed and will be terminated.

BRIEF HISTORY OF KEY ISSUES

Section 1116(e) of the ESEA requires LEAs to provide low income students attending Title I schools in Program Improvement (PI) Year 2 and beyond with SES. LEAs that have Title I schools in PI Year 2 and beyond must spend an amount equal to 20 percent of their total Title I, Part A allocation on SES, choice-related transportation, or a combination of both (Title 34, *Code of Federal Regulations* [34 *CFR*] 200.48[a][2]). These funds are set aside for academic instruction that is provided outside of the regular school day and designed to increase the academic achievement of students.

Section 1111(d) of ESSA allows LEAs to provide Choice and set aside not more than 5 percent of Title I, Part A allocations for choice-related transportation beginning in the 2017–18 school year. The ESSA completely eliminates the SES and Choice required set aside amounts as previously required under ESEA. By eliminating the SES and Choice set aside requirement, the flexibility of allowing LEAs to design their own alternative supports and programs for students would align with ESSA.

The recent guidance from the ED states that California may choose not to require LEAs to offer SES, Choice, and the related notice to parents for the 2016–17 school year. In order for California to eliminate these requirements, a set of assurances was sent to the ED by March 1, 2016, including the requirement to post the transition plan no later than May 6, 2016. The CDE submitted an assurance letter on February 17, 2016, to the ED confirming California will do the following:

1. Engage in timely and meaningful consultation with relevant stakeholders, including parents, LEAs, teachers, and principals, when developing the transition plan.

2. Publicly post a transition plan no later than Friday, May 6, 2016, in the manner in which the State customarily provides such information to the public (*e.g.*, by posting the transition plan on its Web site).

3. Explain in the transition plan how California will provide or ensure that LEAs provide students eligible for SES in schools with the greatest need (*e.g.*, schools with large numbers or percentages of students eligible for SES, or as defined in the State's transition plan) with alternative support and improvement activities

intended to improve student outcomes, consistent with allowable uses of Title I funds and all applicable fiscal requirements.

4. Consistent with ESEA Section 1116(b)(13), California will require LEAs to permit a student who previously transferred to another public school under the No Child Left Behind (NCLB) Act of 2001 to remain in that school until the child has completed the highest grade in that school.

The Improvement and Accountability Division (IAD) of the CDE worked with relevant stakeholders representing large, small, urban, and rural districts to develop the following timeline and guide the work necessary to complete and post the transition plan by May 6, 2016:

- February 16, 2016 – Solicit LEA workgroup members to provide input on the transition plan (San Juan Unified School District, Los Angeles County Office of Education, Marysville Joint Unified School District, Los Angeles Unified School District, and Sacramento City Unified School District)

- February 19, 2016 – Obtain feedback from state and federal program directors at the State and Federal Program Directors Meeting

- February 24, 2016 – Request advice from Brustein and Manasevit[1] on developing a draft transition plan

- February 25, 2016 – Include guiding principles in the transition plan

- February 29, 2016 – Collaborate with LEA workgroup members and the CDE After School and Educational Data Management Divisions

- March 1–3, 2016 – Collect input at the 2016 California Title I Conference

- March 9, 2016 – Present an informational item to SBE regarding the guidance received from the ED about the requirements of a transition plan

- March 11, 2016 – Collect input on the transition plan from LEA workgroup members and the CDE After School and Educational Data Management Divisions

- March 18, 2016 – Meet and discuss final transition plan with LEA workgroup members

- April 29, 2016 – Post transition plan on the SBE Web page

- May 2016 – Present item to the SBE regarding transition plan

[1] Brustein and Manasevit, PLLC is a federal education regulatory and legislative practice that provides legal advice regarding federal education programs.

The feedback received from stakeholders prompted updates to the transition plan to ensure LEAs fully understand the requirements of alternative supports, Choice, and the related notice to parents. The feedback received from stakeholders recommended that the IAD include clear examples of alternative supports; address the amount of Title I, Part A funds set aside for alternative supports; describe the students eligible for alternative supports; and include which schools must provide alternative supports. In addition, stakeholders wanted the plan to include not only high-quality tutoring, but also interventions that could be administered during the regular school day for eligible students. They also highly recommended that alternative supports be locally defined and implemented in order to meet the needs of eligible students.

After multiple consultations with relevant stakeholders, a one-year transition plan for SES and Choice for the 2016–17 school year was developed to include the following:

- Purpose of alternative supports
- Eligibility to receive alternative supports
- Guiding principles that will be used by LEAs when developing and administering alternative supports
- Examples of alternative supports
- Title I, Part A set aside requirement for alternative supports
- Choice requirements for the 2016–17 school year
- Optional notice to parents template regarding alternative supports and Choice
- Reporting requirements for alternative supports and Choice for the 2016–17 school year

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The ED has granted five previous waivers of ESEA, Section 9401 of the 34 *CFR*, sections 200.47(b)(1)(iv)(A) and (B) to allow the CDE to recommend and allow LEAs identified for PI to apply for and serve as SBE-approved providers of SES.

In March 2016, the SBE was provided with the guidance letters that were sent from the ED on January 28, 2016, and February 5, 2016. These guidance letters allow California to not require LEA to provide SES and Choice for the 2016–17 school year and allow schools to offer alternative supports for eligible students.

In May 2015, the SBE approved the submission of a federal waiver to eliminate the provisions of Section 1116(e) of the ESEA. This waiver, which was denied by the ED, would have allowed LEAs that have Title I schools in PI Year 2 and beyond the

opportunity to offer extended day intervention strategies to low-income students who are academically deficient in English language arts, mathematics, and/or science using SES set aside funds.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no fiscal impact to state operations.

ATTACHMENT(S)

Attachment 1: Assurance Letter to the U.S. Department of Education dated February 17, 2016 (1 Page)

Attachment 2: Every Student Succeeds Act 2016–17 School Year Transition Plan (13 Pages)

CALIFORNIA
DEPARTMENT OF
EDUCATION

TOM TORLAKSON
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

February 17, 2016

Ann Whalen
Delegated the Authority to Perform the Functions and Duties of
Assistant Secretary for Elementary and Secondary Education
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Ms. Whalen:

California elects to develop and implement a transition plan to provide alternative supports in the 2016–2017 school year for students eligible for supplemental educational services (SES) in schools with the greatest need (*e.g.*, schools with large numbers or percentages of students eligible for SES, or as defined in California's transition plan).

California assures that:

1. It will engage in timely and meaningful consultation with relevant stakeholders, including parents, LEAs, teachers, and principals, when developing the transition plan;

2. It will publicly post its transition plan no later than Friday, May 6, 2016, in the manner in which the State customarily provides such information to the public (*e.g.*, by posting its transition plan on its Web site);

3. It will explain in the transition plan how it will provide or ensure that LEAs provide students eligible for SES in schools with the greatest need (*e.g.*, schools with large numbers or percentages of students eligible for SES, or as defined in the California's transition plan) with alternative support and improvement activities intended to improve student outcomes, consistent with allowable uses of Title I funds and all applicable fiscal requirements; and

4. Consistent with the Elementary and Secondary Education Act, Section 1116(b)(13), it will require LEAs to permit a student who previously transferred to another public school under the No Child Left Behind Act of 2001 (NCLB) to remain in that school until the child has completed the highest grade in that school.

Sincerely,

/ s /

Tom Torlakson

TT:ka

1430 N STREET, SACRAMENTO, CA 95814-5901 • 916-319-0800 • WWW.CDE.CA.GOV

Every Student Succeeds Act
2016–17 School Year Transition Plan

Prepared by:
California Department of Education

April 2016

Overview

On December 10, 2015, President Barack Obama signed the Every Student Succeeds Act (ESSA), which reauthorized and updated the Elementary and Secondary Education Act (ESEA). Overall, the new law provides states more authority on standards, assessments, accountability, supports, and interventions while preserving the general structure of the ESEA funding formulas. Most of the new provisions do not take effect until the 2017–18 school year, making the 2016–17 school year a transition year for local educational agencies (LEAs).

California has just started the process of engaging our education community and stakeholders in the development of the ESSA State Plan, which becomes operational in the 2017–18 school year. It is anticipated that the ESSA State Plan will be presented to the California State Board of Education (SBE) by January 2017. This Transition Plan outlines how California will facilitate an orderly transition during the 2016–17 school year to fully implement ESSA in the 2017–18 school year, when the ESSA State Plan becomes operational.

On July 1, 2013, Governor Jerry Brown signed Assembly Bill (AB) 97 (Chapter 47, Statutes of 2013) to establish the Local Control Funding Formula (LCFF) and the Local Control and Accountability Plan (LCAP). The law also requires the SBE to approve LCFF evaluation rubrics to assist LEAs to identify strengths and weaknesses of their LCFF implementation through the analysis of multiple measures. This analysis results in locally established goals, consistent with state performance standards, and the evaluation of those goals for the purpose of continuous improvement. The LCFF evaluation rubrics are an integral part of California's emerging accountability system. California has a unique opportunity, using the LCFF state priorities and three distinct parts of the LCFF—the LCAP and Annual Update, the LCFF evaluation rubrics, and the assistance and support system—to establish a single, integrated state and federal accountability system. California's new accountability system will build on the foundations of the LCFF, consisting of the LCAP, along with the Annual Update, the evaluation rubrics, and the California Collaborative for Educational Excellence (CCEE) support structure to meet both state law and the federal accountability requirements established in ESSA.

With the enactment of the ESSA, California has the opportunity to streamline local, state, and federal requirements into a single, coherent system for planning, accountability, and continuous improvement and support. Each part of the emerging system will align with the LCFF to support continuous learning and improvement, equity, and transparency. This Transition Plan describes how California will use the 2016–17 school year to transition from our current separate state and federal processes for planning, accountability, and support systems into a single, coherent system starting in the 2017–18 school year.

Assessment

English Language Arts/Literacy and Mathematics Summative Assessments

In 2016–17, California will continue to administer the Smarter Balanced Summative Assessments in English language arts/literacy (ELA) and mathematics in grades three through eight and eleven. Also, California is administering the California Alternate Assessments in ELA and mathematics to students with significant cognitive disabilities in grades three through eight and eleven (students whose Individualized Education Program [IEP] designates the use of an alternate assessment).

California English Language Development Test

In 2016–17, the California English Language Development Test (CELDT) will continue to be administered. In spring 2017, a sample of school districts will participate in the English Language Proficiency Assessments for California (ELPAC) Summative Assessment field test. The operational ELPAC will replace the CELDT in 2018–19.

Transition to the California Next Generation Science Standards Summative Assessments

Development of the California Next Generation Science Standards (CA NGSS) Summative Assessments is currently in progress, which will replace the California Standards Test, California Modified Assessment, and the California Alternate Performance Assessment in science. In 2016–17, all students in grades five and eight will participate in a full census pilot test. Because of the flexibility in grade administrations in high school, a sample of students in grades ten, eleven, and twelve will participate in the pilot test (sample size will approximate the grade twelve enrollment). The CA NGSS Alternate Summative Assessments are also currently being developed. Eligible students in grades five and eight, and a sample of students in grades ten, eleven, and twelve will participate in the pilot test in 2016–17 (sample size will approximate the grade twelve enrollment).

The 2016–17 student score reports for science will include assessment information for students, parents/guardians, and teachers but not produce individual scores for students. A participation rate will be calculated to include students tested in grades five and eight and a proxy calculation for high school participation will capture a snapshot of grade twelve enrollment for the denominator while including students tested (grades ten, eleven, and twelve) in the numerator. This approach provides universal exposure to innovative item types and provides students, parents/guardians, and teachers assessment information.

Accountability

California is in the process of establishing the LCFF evaluation rubrics, which are anticipated to be approved by the SBE in September 2016. The LCFF evaluation rubrics consist of more than 20 data elements to be analyzed by LEAs annually through their LCAP. The emerging unified state and federal accountability system will be composed of a concise set of indicators that comprise a selected subset of key indicators from the LCFF evaluation rubrics that will also satisfy the ESSA requirements. The accountability system will be described in the ESSA State Plan, which will be operational in the 2017–18 school year.

In the 2015–16 school year, California produced Adequate Yearly Progress (AYP) reports established under the No Child Left Behind (NCLB) Act of 2001 for the last time. Schools and districts identified for Program Improvement (PI) under Title I or Title III are revising their LEA Plan, as needed, to implement corrective actions throughout the 2016–17 school year. LEAs are required to implement these corrective actions or interventions in the 2016–17 school year, except for Supplemental Educational Services or Public School Choice (Choice) as described in the next section of this plan. The separate LEA Plan, as required under NCLB, will be transitioned out at the conclusion of the 2016–17 school year. Beginning with the 2017–18 school year, LEAs will meet state and federal planning requirements through the LCAP and the Consolidated Application Reporting System (CARS). LEAs that have previously addressed areas of improvement through a revised LEA Plan should address areas for improvement to be implemented in the 2017–18 school year using the LCAP.

Title I, Transition from Supplemental Educational Services to Alternative Supports

On January 28, 2016, the U.S. Department of Education (ED) sent a letter to each state with guidance concerning school interventions and supports for the 2016–17 school year. This letter gives states the flexibility of not requiring LEAs to provide SES, Choice, and the notice to parents during the 2016–17 school year. The ED provided additional guidance on February 5, 2016, that highlighted the requirements that California must meet in order to successfully transition to the ESSA.

LEAs are required by the transition provisions in ESSA to continue to implement the same interventions in the 2016–17 school year for schools identified for improvement, corrective action, or restructuring in the 2015–16 school year. However, California elects not to require LEAs to provide SES and Choice for the 2016–17 school year, as defined in Section 1116 of ESEA.

In order to ensure an orderly transition to ESSA, LEAs with schools identified in PI Year 2 and beyond must provide alternative supports to eligible students in the 2016–17 school year. LEAs may include types of alternative supports and the criteria used to identify eligible students for such additional support in their LCAP. Alternative supports

referenced in the LCAP must be consistent and aligned with local priorities for the 2016–17 school year.

The following guidance supersedes all state and federal laws and regulations beginning in the 2016–17 school year as they relate to SES, Choice, and the related notice to parents. Please note that all LEAs providing SES and Choice during the 2015–16 school year must follow current requirements outlined in ESEA and the *California Code of Regulations*, Title 5 for SES. This guidance is to provide clarity regarding the requirements for SES, Choice, and the related notice to parents for the 2016–17 school year only.

Socioeconomically disadvantaged students attending a Title I school that is in PI Year 2 and beyond are eligible to receive alternative supports for the 2016–17 school year. LEAs who have schools in PI Year 2 and beyond must set aside a reasonable amount of Title I, Part A funds for alternative supports. If an LEA does not have sufficient funds to serve all eligible students, the LEA may give priority to the lowest-achieving PI schools or the lowest-achieving students attending a PI school. An LEA may use assessment scores, grades, teacher evaluations, or another locally defined measure to identify the lowest-achieving eligible students.

Please note that the California Department of Education (CDE) will no longer be establishing or posting a per pupil amount (PPA) as previously done for SES. An LEA may establish its own PPA for alternative supports for the 2016–17 school year.

Alternative supports are supplemental activities designed to increase the academic achievement of socioeconomically disadvantaged students attending schools in PI Year 2 and beyond. Alternative supports shall be locally defined and administered by the LEA to provide a well-rounded program of instruction to meet the academic needs of students.

It is recommended that LEAs implement alternative supports consistent with the following guiding principles:

1. Ensure eligible students have access to research-based curriculum, supplemental materials, grade-level content, or supplemental enrichment services.

2. Align alternative supports to core instruction.

3. Ensure certificated staff members employed by each LEA administer or monitor alternative supports.

4. Design alternative supports that are based on state or local assessments and are tailored to the needs of eligible students.

5. Modify alternative supports based on each LEA’s monitoring and/or data results.

6. Enable all eligible students to participate regardless if the school is a targeted assisted program or a schoolwide program.

7. Leverage existing programs that currently provide successful expanded learning opportunities for students, such as the After School Education and Safety Program.

Alternative supports shall supplement, not supplant, the core instructional program. Expenditures of Title I, Part A funds for alternative supports must be reasonable and consistent with Title I, Part A of ESEA.

Alternative supports include, but are not limited to, any of the following:

1. Academic support offered during school hours, before school, after school, intercession, and/or during summer learning programs.

2. Small group instruction and/or pull out interventions offered during the regular school day.

3. Interventions offered during After School Education and Safety or 21st Century Community Learning Center programs.

4. High quality academic tutoring.

5. Purchasing supplemental materials to support alternative support services.

6. Personnel costs of a crisis, intervention, and/or academic counselor to meet with eligible students.

7. Services and programs that remove barriers to promote academic achievement of eligible students.

For LEAs choosing to contract with outside entities or community partners to provide alternative supports to eligible students, the following provisions apply:

1. No electronic device or other items of value shall be given, retained, or used as an incentive or achievement award.

2. Funds must only be expended on direct services to eligible students.

Please note that the CDE will not post an SES SBE-approved provider list for the 2016–17 school year nor establish a 2016–18 cohort of SES providers. If an LEA chooses to contract with outside entities or community partners to provide alternative supports, it will be at the LEA's discretion as to who it contracts with to provide such service. If LEAs choose to use a service provider, then they should establish a program design, monitor student progress, and evaluate its success for the 2016–17 school year.

Although LEAs will no longer need to submit SES information to the CDE through the CARS, the following information regarding alternative supports shall be collected in CARS for the 2016–17 school year:

1. Number of students eligible for alternative supports
2. Number of students who participated in alternative supports
3. Types of alternative supports offered to eligible students
4. Amount of Title I, Part A funds set aside for alternative supports
5. Amount of Title I, Part A funds spent on alternative supports

Title I, Public School Choice

LEAs must allow students who previously transferred to another public school under the NCLB Act to remain in that school until the child has completed the highest grade offered in that school. However, for the 2016–17 school year LEAs may, but will not be required to, offer the Title I, Part A Public School Choice to any additional eligible students.

LEAs that have students who previously transferred to another public school prior to the 2016–17 school year, must set aside Title I, Part A funds for Choice-related transportation.

LEAs shall continue to report the following information in CARS for the 2016–17 school year:

1. Number of students participating in Choice
2. Amount of funds set aside for Choice-related transportation
3. Amount of funds spent on Choice-related transportation

Title I, Parental Notification

For the 2016–17 school year, LEAs are not required to notify parents/guardians of Title I PI status or Title III improvement status; however, LEAs may notify parents/guardians about alternative supports and Choice.

The CDE will post a sample parental notification template on the CDE Title I, Part A – Accountability Parental Notification Templates Web page at http://www.cde.ca.gov/ta/ac/ti/parnotpi.asp, which LEAs may use for the 2016–17 school year.

Title I, Part C, Migrant Education Program

Information on the 2016–17 application process was sent to eligible LEAs in January 2016. In 2016–17, LEAs receiving Migrant Education Program (MEP) funds will continue to implement program activities per NCLB guidelines. In 2017–18, the MEP will make modifications to program activities including, but not limited to, identification and recruitment, and the supplement not supplant provision to incorporate the ESSA provisions. A committee of practitioners has been formed to develop the 2017–18 application process for the MEP.

Title II, Professional Development

The CDE plans to continue to provide support and technical assistance to LEAs during the 2016–17 transition year. The chart below provides information pertaining to changes that apply during the 2016–17 transition year. LEAs may use the chart below to better understand what will be required in the 2016–17 school year with Title II funds. ***It is important to note that hiring practices for the 2016–17 school year should be solely based upon state licensure requirements.***

Current Under the NCLB Act	Transitional Year 2016–17 Under ESSA
Subject Matter Competence	**Subject Matter Competence**
Section 1119 of the NCLB Act requires all teachers of core academic subjects in the state to be "highly qualified." This means that every teacher of a core academic subject must meet the following three requirements: • Hold a bachelor's or higher degree; • Hold an appropriate State authorization for the assignment; and • Demonstrate subject matter competence for each core academic subject assigned to teach. For the 2016–17 school year, States are not required to implement Section 1119. There are various ways under the NCLB Act that a teacher could demonstrate subject matter competence. One option was to complete a minimum of 32 semester units (48 quarter units) of non-	Since the latest guidance no longer requires Section 1119, the minimum unit requirement for verifying subject matter competence for the 2016–17 school year will be consistent with California state licensure which requires a minimum of 20 semester units of non-remedial coursework. This will assist with the teacher shortage by allowing individuals to demonstrate subject matter competence with only 20 semester units (equivalent to a supplementary authorization) rather than the 32 (equivalent to a subject matter authorization) required by the NCLB Act, increasing hiring flexibility for employers.

remedial coursework.	
Verification Process for Special Settings	**Verification Process for Special Settings**
The Verification Process for Special Settings (VPSS) is an advanced certification process that was developed as an alternative method for teachers assigned to special settings to demonstrate subject matter competence per the NCLB Act. Special settings include: • Home Teacher • Classes Organized Primarily for Adults • Hospital Classes • Necessary Small High Schools • Continuation Schools • Alternative Schools • Opportunity Schools • Juvenile Court Schools • County Community Schools • District Community Day Schools • Independent Study • Secondary Special Education	Since the latest guidance no longer requires Section 1119, the VPSS will no longer be necessary for teachers of special settings as these teachers will have demonstrated subject matter competence via state certification. An LEA or teacher may continue to use the VPSS certification process but it is not required during this transitional year.
Compliance Monitoring, Intervention, and Sanctions	**Compliance Monitoring, Intervention, and Sanctions**
To fulfill the requirements of Section 2141 of the NCLB Act, the Compliance Monitoring, Intervention, and Sanctions (CMIS) program provides oversight and monitoring requirements for LEAs that are unable to ensure that all schools have achieved 100 percent highly qualified teacher (HQT) status as mandated by the NCLB Act. There are four CMIS levels, Levels A, B, C, and Monitoring. Level A is not mandatory, however, technical assistance is provided to assist LEAs in Level A with the development of a Non-Compliant Teacher Action Plan if they choose to do so. Level B requires LEAs to develop a Non-Compliant Teacher Action Plan and Equitable Distribution Plan	Since the latest guidance no longer requires Section 2141, LEAs will not be required to participate in the CMIS program for the 2016–17 school year. However, the CDE does plan to update the CMIS program with the new guidelines included in the ESSA.

(EDP). Level C requires LEAs to develop a Memorandum of Understanding (MOU), Budget Agreement, and Non-Compliant Teacher Action Plan. Level B monitoring requires LEAs to annually update their data via the Equitable Distribution Monitoring System, which was created in 2009 to monitor LEA progress towards ensuring equitable access to HQTs.	
The 2015 California State Plan to Ensure Equitable Access to Excellent Educators	**The 2015 California State Plan to Ensure Equitable Access to Excellent Educators**
The 2015 California State Plan to Ensure Equitable Access to Excellent Educators includes the CMIS program.	All references to the CMIS program will be deleted from the 2015 California State Plan to Ensure Equitable Access to Excellent Educators. However, the CDE does plan to update the CMIS program with the new guidelines included in the ESSA.
The Improving Teacher Quality Program Instrument for Federal Monitoring	**The Improving Teacher Quality Program Instrument for Federal Monitoring**
Compliance monitoring of LEAs in regards to HQT is conducted through the federal program monitoring process and the Improving Teacher Quality (ITQ) Program instrument to ensure that LEAs meet federal program requirements, as well as follow appropriate regulatory requirements under HQT. Additional information regarding monitoring protocols and monitoring instruments is available on the CDE Compliance Monitoring Web page at http://www.cde.ca.gov/ta/cr/.	For the transitional 2016–17 school year, the ITQ Program instrument will remain the same with the exception of the following evidence which will **no longer be required**: • Approved Equitable Distribution Plans • Approved Equitable Distribution Tables • Memorandum of Understanding (Level C); and • Non-Compliant Teacher Action Plan
Local Education Agency Plan	**Local Education Agency Plan**
Goal 3 of the Local Education Agency Plan (LEAP) states that by 2005–06, all students will be taught by HQTs.	Goal 3 should be deleted or not required for transition year 2016–17.

California Code of Regulations	**California Code of Regulations**
California Code of Regulations, Title 5 (5 CCR), Division 1, Subchapter 7: No Child Left Behind Teacher Requirements.	5 CCR, Division 1, Subchapter 7: No Child Left Behind Teacher Requirements will need to be deleted.
California Certificate of Compliance	**California Certificate of Compliance**
The California Certificate of Compliance was developed as a uniform way to document and verify HQT status.	Since the latest guidance no longer requires Section 1119, the Certificate of Compliance is not applicable for the 2016–17 school year. This form will be removed from the CDE Web Site.
High Objective Uniform State Standard of Evaluation	**High Objective Uniform State Standard of Evaluation**
The California High Objective Uniform State Standard of Evaluation (HOUSSE) was developed in response to the NCLB Act as a way to provide veteran teachers additional options for demonstrating subject matter competence.	Since the latest guidance no longer requires Section 1119, the HOUSSE is not applicable for the 2016–17 school year. This form will be removed from the CDE Web Site.
Highly Qualified Teacher Guide	**Highly Qualified Teacher Guide**
The HQT Guide was developed to clarify both federal and state requirements set forth in the NCLB Act for providing all students with HQTs, and to provide practical guidance to California's LEAs as they implement these requirements.	Since the latest guidance no longer requires Section 1119, the HQT Guide is not applicable for the 2016–17 school year. This document will be removed from the CDE Web Site.
Consolidated Application	**Consolidated Application**
The ITQ Program legal and fiscal requirements are annually monitored via the Consolidated Application (ConApp). The ConApp is used by the CDE to distribute categorical funds from various state and federal programs to county offices, school districts, and direct-funded charter schools throughout California. Annually, in May, LEAs submit the spring release of the application to document participation in the ITQ Program. LEAs must annually complete the following reports:	For the transitional 2016–17 school year all ConApp accountability and fiscal monitoring reports will continue to be required including: • Title II, Part A LEA Allocations and Reservations • Title II, Part A Fiscal Year Expenditure Report, 12 Months • Title II, Part A Fiscal Year Expenditure Report, 24 Months • Title II, Part A Fiscal Year Expenditure Report, Closeout 27

• Title II, Part A LEA Allocations and Reservations • Title II, Part A Fiscal Year Expenditure Report, 12 Months • Title II, Part A Fiscal Year Expenditure Report, 24 Months • Title II, Part A Fiscal Year Expenditure Report, Closeout 27 Months • Title II, Part A School Class Size Reduction Report Additional information regarding the ConApp is available on the CDE Consolidated Application Web page at http://www.cde.ca.gov/fg/aa/co/.	Months • Title II, Part A School Class Size Reduction Report
California Longitudinal Pupil Achievement Data System	**California Longitudinal Pupil Achievement Data System**
The California Longitudinal Pupil Achievement Data System (CALPADS) is a statewide system that stores individual-level longitudinal data on students and district/school certificated staff. The CALPADS is used by LEAs to collect, maintain and report information on student assessments, enrollment, student and teacher assignments, courses and program participation data as well as data related to graduation and dropout rates for state and federal reporting. The ITQ Program utilizes teacher assignment and student course enrollment data to determine if teachers have been properly assigned to teach core academic subjects. The data are analyzed and CMIS sanctions are assigned if not all teachers are highly qualified. Additional information regarding the CALPADS is available on the CDE CALPADS Web page at http://www.cde.ca.gov/ds/sp/cl/.	For the transitional 2016–17 school year, all CALPADS teacher assignment data reports will continue to be required, however, CMIS sanctions will not be assigned.

Title III, English Learners and Immigrant Students

LEAs identified for improvement in the 2014–15 and 2015–16 school years will continue to implement improvement activities in the 2016–17 school year, consistent with the revised LEA plans. For areas of improvement to be implemented in the 2017–18 school year, LEAs should address any areas of improvement through the LCAP for local accountability purposes. There are no more Annual Measurable Achievement Objectives; however, beginning in the 2017–18 school year, accountability for Title III will be incorporated into the accountability system for Title I. The reporting requirements and other program components will continue to be administered by the CDE English Learner Support Division.

California State Board of Education

Meeting Agenda Items for May 11-12, 2016

ITEM 07

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2016 AGENDA

SUBJECT	
California Assessment of Student Performance and Progress: Approve California Alternate Assessment 2015–16 Student Score Report, Approve California Alternate Assessment Performance Level Descriptors, and Provide an Update on Program Activities Related to the California Assessment of Student Performance and Progress System.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

This agenda item reflects the collaborative efforts of several divisions within the Department to provide an update on the California Assessment of Student Performance and Progress (CAASPP) System, and is an action item to approve both the 2015–16 CAASPP California Alternate Assessment (CAA) Student Score Report (SSR) templates and the proposed CAA performance level descriptors (PLDs).

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the CAA PLDs (Attachment 2) and the 2015–16 CAASPP CAA SSR templates (Attachment 3) and authorize the CDE to make any necessary technical edits to the SSRs.

BRIEF HISTORY OF KEY ISSUES

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

Update on Smarter Balanced Summative Assessments

In May, the preliminary student scores and aggregate reports will be available on the Online Reporting System (ORS). ORS provides three main types of reports: preliminary SSRs, assessment target reports, and aggregate reports. The SSR provides the student's overall score and achievement level. Assessment target reports provide relative strengths and weaknesses at each assessment target for a group of students (e.g., roster, grade, school, or district). The aggregate reports provide a summary of the results organized by subgroup, roster, grade, school, or district). Local educational agency (LEA) CAASPP and test site coordinators and other authorized users (including

educators provisioned [i.e., allowed access to system] by LEA coordinators) have access to these reports in ORS.

Preliminary SSRs are available in the Test Operations Management System three to five weeks after a student has completed all testing. For example, a grade three student will have a preliminary SSR approximately available three weeks after completing all testing (i.e., Smarter Balanced English language arts/literacy [ELA] and mathematics assessments). Whereas, a grade five student will have a preliminary score report available approximately five weeks after completing testing (i.e., Smarter Balanced ELA and mathematics assessments and science assessments) due to time needed to process paper-pencil science assessments. Printing of the final SSRs will begin after an LEA's test administration reaches 90 percent of having its students complete all testing and their test scores are in ORS.

In order to assist parents and guardians in understanding his/her child's SSR, the following resources can be found on the CDE CAASPP SSR Information Web page at http://www.cde.ca.gov/ta/tg/ca/caasppssrinfo.asp. In addition, LEA personnel and other stakeholders can use these resources.

- Understanding the SSR: This document will be translated into Spanish and 10 other languages.

- Student Score Report Video: This 5-minute video explains the components of the individual student score report to parents/guardians and can be used for a variety of audiences, including teachers. This video will also be available in Spanish.

- Smarter Balanced Student Score Report Web page: This page is being developed to assist parents and guardians in understanding his/her child's results. It is anticipated that this resource will be available in summer 2016. This information will be found at http://www.testscoreguide.org/ca.

Peer Review Update

In September 2015, the U.S. Department of Education (ED) released guidance regarding the criteria and process for demonstrating that statewide assessment systems meet the requirements of the Elementary and Secondary Education Act of 1965 as amended. Assessment Development and Administration Division staff have been working in cooperation with Smarter Balanced to prepare evidence for submission to the ED for peer review. Evidence for peer review is divided into six major components for which evidence must be presented. Evidence submitted will include information compiled by Smarter Balanced, primarily in the areas of item and test development. CDE staff are compiling evidence for other components, including test administration, scoring and reporting, inclusion of English learners and students with disabilities, standards adoption, and test security. California will submit evidence for peer review by June 3, 2016. The ED will conduct a site visit during the summer of 2016.

Post-Test: Connecting Assessment to Instruction Training

In May and June, Educational Testing Service (ETS) will be conducting eight Post-Test Workshops throughout California (See Attachment 1 for locations and dates). In the past, the emphasis of these meetings has been on providing LEA CAASPP coordinators with information on overall CAASPP scoring, available reports, using ORS, timeline for reporting, and interpreting results. This year, ETS has expanded the training to include LEA CAASPP coordinators as well as LEA professional development staff and curriculum specialists. The focus of the meetings will be on developing LEAs' capacity to train others in accessing and using the available reports and data, including Assessment Target Reports, to improve classroom instruction.

Update on Smarter Balanced Digital Library of Formative Assessment Resources

The following resources were recently released by the CDE to highlight the important role of California educators who are members of the Digital Library State Network of Educators (SNE):

- The *Formative Assessment in Action* video series, featuring California members of the SNE as they demonstrate formative assessment practices in their classrooms. To date, two videos have been released on the CDE Formative Assessment in Action Video Series Web page at http://www.cde.ca.gov/ta/tg/sa/fainaction.asp. The first video, titled "Rhetorical Reading Review," features Leisa Machado, a middle school ELA and history teacher from the Turlock Unified School District. The second video, titled "Using Ratios to Solve Real-World Problems," features Travis Burke, an elementary school mathematics teacher on special assignment in the Santa Maria-Bonita School District.

- The CDE Digital Library SNE Web page, available at http://www.cde.ca.gov/ta/tg/sa/diglib-sneflyer.asp, describes the role and responsibilities of the SNE and highlights resources featuring California SNE members.

- The CDE "Meet an SNE Member" Web page, available at http://www.cde.ca.gov/ta/tg/sa/meetansne.asp, which provides a spotlight on a California SNE member each month, including a look at his or her teaching background, contributions to the Digital Library, and a favorite Digital Library resource and formative assessment strategy.

In addition to the above resources, the CDE will host a convening of California SNE members in June 2016. During this collaboration workshop, SNE members will focus on submitting and reviewing resources for inclusion in the Digital Library and will identify Digital Library resources that support educator use of interim assessments.

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, 70 sites have been completed, with data passing through the circuits. There are 13 sites with circuits installed waiting for equipment, and 85 sites with work in progress. Three sites are proceeding with solutions procured through BIIG 2.0.

Additional information about the status of the remaining sites receiving upgraded connections from BIIG 1.0 is available on 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 directly into a Web browser.)

The application deadline for BIIG 2.0 concluded on September 30, 2015, and 890 sites were evaluated. Fifty-four of the 58 counties had at least 1 site included in the application phase, representing approximately 600 sites. The bid process to solicit solutions for school sites in the application phase, in which 25 plus service providers submitted bids, closed on December 14, 2015. Bids were reviewed and recommendations were submitted in late January. Evaluations of the bids, which included a Technical Peer Review and Stakeholder Review, took place in January and February 2016. Two hundred unique sites were processed, 150 of which have accepted the terms of the memorandum of understanding and returned a signed agreement. Negotiation of final contract terms with service providers will conclude at the end of April 2016.

Twenty-nine sites were approved to use paper-based versions of the CAASPP for the 2016 administration. Sixty-one LEAs have requested braille paper-based versions of the Smarter Balanced Summative Assessments for the 2016 administration.

California Alternate Assessments

This item seeks approval of the CAA PLDs and the CAASPP CAA SSR template.

PLDs describe what students at each achievement level know and can do by grade and content area. The PLDs were developed in conjunction with California educators utilizing the CAA blueprints, the Core Content Connectors (Connectors) for ELA and mathematics, and PLDs previously developed by the National Center and State Collaborative. The April 2016 SBE Information Memorandum outlines the process used to develop the content-specific PLDs. The Memorandum is available at http://www.cde.ca.gov/be/pn/im/infomemoapr2016.asp.

The first operational administration of the CAAs began on April 11, 2016. To date, more than 5,800 students have begun testing, with more than 3,300 students completing testing. The 2016 window closes on June 17, with an expected 37,000 students tested.

In the April 2016 Information Memorandum, the CDE also shared the draft CAA version of the CAASPP SSR (Attachment 3) for eligible students taking the CAA in ELA and mathematics and California Alternate Performance Assessment in science. The SBE adopted the CAASPP SSR at the January 2016 meeting for all other students. The CAASPP SSR template was used as a basis to develop the CAA version of the CAASPP SSR and was modified as appropriate after consulting and receiving input from parents/guardians, educators, and stakeholders (e.g., the CAASPP Stakeholder Group, Regional Assessment Network, Capitol Regional Assessment Network, CAASPP Technical Advisory Group, educator focus groups). The CAASPP SSR template was modified for CAAs in the following ways:

- Change in the color scheme to be more easily identified as the CAA version
- Text changes on the front and back to describe the CAAs
- Removal of error bands

The CAA version of the CAASPP SSR has been produced to mirror the look and feel of the previously approved CAASPP SSR while also addressing the feedback of stakeholders.

California Next Generation Science Standards Assessments

Item 08 on the May 2016 SBE agenda seeks approval of a letter to the ED requesting a waiver under Title I, Part A, Section 8401 to waive double testing of the science requirement.

The approval by the SBE in March 2016 to develop three online California Next Generation Science Standards (CA NGSS) summative assessments to meet the requirements of the federal Every Student Succeeds Act (ESSA) and *EC* Section 60640(b)(2)(B), consistent with the proposed test design in grades five and eight and high school, allowed the CDE to initiate the assessment development process (http://www.cde.ca.gov/be/ag/ag/yr16/documents/mar16item02.doc).

On April 20 and 21, 2016, ETS, in collaboration with the CDE, held an initial item writer training for the CA NGSS general summative assessment in Sacramento. Participants at this training (science educators from across California) were trained by ETS science content and measurement experts on how to write CA NGSS test items and tasks.

Items developed by the trained writers will be used on the 2017 pilot tests and future tests. The CDE will report to the SBE the pilot results in the fall 2017.

For the CA NGSS alternate summative assessments, ETS, in collaboration with their subcontractor edCount (the developers of the National Center and State Collaborative Connectors for ELA and mathematics), are currently developing CA NGSS alternate summative assessment Content Core Connectors (Connectors). The Connectors provide learning goals aligned appropriately with the needs of students with significant cognitive disabilities, and serve as the basis for the state's CA NGSS alternate summative assessments for eligible students.

In November 2015, a group of 60 California educators (approximately 10 science educators and 50 special education educators who actively work with eligible students taking the CAAs) met in Sacramento to review and provide feedback to an initial draft of the Connectors.

In March 2016, a subgroup of the California educators from the November meeting gathered to review and edit a second draft of the Connectors. The CDE continues to have discussions with stakeholders (including California special education and science educators.) The Connectors will be presented to the SBE in July 2016 for adoption as the alternate achievement standards for the new CA NGSS alternate summative assessment.

Successor Assessment to the Standards-Based Test in Spanish

EC Section 60640(b)(5)(C) states that the State Superintendent of Public Instruction shall consult with stakeholders and English learner experts, to determine the content and purpose for the successor assessment to the Standards-based Tests in Spanish.

A design team, including national experts (who have agreed to partner with the CDE and ETS) have begun the development of a draft test design for the successor assessment to the primary language test. The high level test design will be presented at a SBE meeting in July 2016. The design team includes:

- Kathy Escamilla, Professor of Education in the Division of Social, Bilingual and Multicultural Foundations, at University of Colorado Boulder
- Kenji Hakuta, Lee L. Jacks Professor of Education at Stanford University
- Guadalupe Valdés, Bonnie Katz Tenenbaum Professor of Education at Stanford University
- Patricia Baron, Lead Research Project Manager at ETS
- Dr. Danielle Guzman-Orth, Research Scientist at ETS
- Dr. Alexis A. Lopez, Research Scientist at ETS
- Dr. Maurice Cogan Hauck, Assessment Development Strategic Advisor at ETS
- Dr. Joyce Wang, Senior Psychometrician at ETS
- Helen McMahon, Senior Director of K–12 Assessment at ETS
- Dr. Ralph Morris, Assessment Director at ETS
- Jason Gonzalez, Test Development Team Lead at ETS

- Zulma Torres, Program Director at ETS

CAASPP Independent Evaluation Update

At the September 2015 SBE meeting, the CAASPP Independent Evaluation Study Plan was approved. Five studies were included in the initial three-year plan. Two of the studies are being conducted this year: (1) evaluating the use of interim assessments and (2) investigating the use of accommodations and supports for students with disabilities and English learners. The three other studies approved by the SBE included: (1) the evaluation of scoring procedures; (2) the evaluation of the interpretation and use of assessment data and reporting tools; and (3) an alignment study for the new science assessments.

Because of changes in the schedule for test development, the alignment study for the new science assessments cannot be conducted through the current evaluation contract. The CDE is working with the evaluation contractor, Human Resources Research Organization to adapt the schedule and budget of the evaluation to change the focus of the alignment study to the CAAs which will be offered in its final form in the spring of 2017. This change would allow the contractor to complete all of the studies within the current timeline and budget. The NGSS science assessments alignment will be evaluated at a later date after the tests have been administered on an operational basis to students in California.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In March 2016, the SBE approved the development of three online CA NGSS summative assessments to meet the requirements of the federal ESSA and California *EC* Section 60640(b)(2)(B) consistent with the proposed test design in grades five and eight and high school (http://www.cde.ca.gov/be/ag/ag/yr16/documents/mar16item02.doc). In addition, the CDE provided the SBE with an update on the CAASPP activities (http://www.cde.ca.gov/be/ag/ag/yr16/documents/mar16item03.doc).

In January 2016, the CDE provided the SBE with an update on the CAASPP activities (http://www.cde.ca.gov/be/ag/ag/yr16/documents/jan16item03.doc). In addition, the CDE presented the CAASPP Student Score Reports for approval (http://www.cde.ca.gov/be/ag/ag/yr16/documents/jan16item04.doc and http://www.cde.ca.gov/be/ag/ag/yr16/documents/jan16item04a1.pdf). Lastly, the SBE approved the general performance level descriptors for the CAAs (http://www.cde.ca.gov/be/ag/ag/yr16/documents/jan16item06.doc).

In December 2015, the CDE provided the SBE with two Information Memoranda on the Conducted and Planned Studies of the Validity, Reliability, and Fairness of the CAASPP System (http://www.cde.ca.gov/be/pn/im/documents/memo-dsib-adad-dec15item01.doc) and an Update on the Successor Primary Language Test (http://www.cde.ca.gov/be/pn/im/documents/memo-dsib-adad-dec15item02.doc).

In November 2015, the CDE provided the SBE with an update on the various CAASPP activities on the enhancements to the test delivery system, regional trainings held throughout the state (http://www.cde.ca.gov/be/ag/ag/yr15/documents/nov15item03.doc) and an Early Assessment Program presentation by Carolina Cardenas, Director, Academic Outreach and Early Assessment (http://www.cde.ca.gov/be/ag/ag/yr15/documents/nov15item03a1.pdf).

In October 2015, the CDE provided the SBE with two Information Memoranda on the Summary of Post-Test Survey and Focus Group Results from the 2015 CAASPP Administration of the Smarter Balanced Online Assessments (http://www.cde.ca.gov/be/pn/im/documents/memodsibadad-oct15item02.doc) and the California Assessment of Student Performance and Progress: Annual Assessment Results for 2014–15 (http://www.cde.ca.gov/be/pn/im/documents/memodsibadad-oct15item03.doc).

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 ELA and mathematics assessments. The CDE also announced the posting of the *Parent Guide to the Smarter Balanced Summative Assessments, Overview and Sample Questions* for three grade spans (three through five, six through 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.
(http://www.cde.ca.gov/be/ag/ag/yr15/documents/sep15item01.doc)
(http://www.cde.ca.gov/be/ag/ag/yr15/documents/sep15item01a2.pdf)
(http://www.cde.ca.gov/be/ag/ag/yr15/documents/sep15item01addendum.doc)

FISCAL ANALYSIS (AS APPROPRIATE)

The costs for reporting CAASPP results to LEAs for the 2015–16 through 2017–18 test administrations, including the development and distribution of CAASPP Student Score Reports specific to each test administration, are included in the approved ETS CAASPP contract budget approved by the SBE, the CDE, and the Department of Finance in May 2015.

The 2015 Budget Act includes $76 million for the CAASPP ETS contract work in fiscal year 2015–16. Funding for 2016–17 and beyond will be contingent on an annual appropriation from the Legislature.

The 2015 Budget Act provides $50 million for the K12HSN for the BIIG program grants for LEAs and $10 million for the K12HSN professional development and technical assistance activities.

The 2015 Budget Act also 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 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 Human Resources Research Association ($774,117) for a multiyear independent evaluation of the CAASPP System per requirements in California *EC* Section 60649.

- A contract with the Sacramento County Office of Education ($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. The proposed Governor's budget for 2016–17 includes $93.03 million for ongoing costs for the CAASPP contracts listed above. However, the proposed budget does not include ongoing funding for the Senior Assessment Fellows services.

ATTACHMENT(S)

Attachment 1: California Assessment of Student Performance and Progress Outreach and Professional Development Activities (7 Pages)

Attachment 2: California Alternate Assessment Performance Level Descriptors (46 Pages)

Attachment 3: 2015–16 California Assessment of Student Performance and Progress California Alternate Assessments Student Score Report Templates (2 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, has provided a variety of outreach activities to prepare local educational agencies (LEAs) for the administration of the California Assessment of Student Performance and Progress (CAASPP) System. 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 March, April, and May 2016. In addition, the CDE continues to release information regarding the CAASPP System, including weekly updates, on its Web site and through listserv e-mail.

Advisory Panel/Review Committee Meetings				
Date	**Event Location**	**Assessment**	**Estimated Number of Attendees**	**Description**
4/18/16–4/20/16	Chicago	Smarter Balanced	50	Smarter Balanced Technical Advisory Committee and Collaboration Conference
4/20/16–4/21/16	Sacramento	CAASPP System	TBD	Advisory Commission on Special Education Meeting
5/5/16–5/6/16	Sacramento	CAASPP System	34	CAASPP Technical Advisory Group
5/14/16	Sacramento	CAASPP System	TBD	State Parent Advisory Council Meeting

Webcasts			
Date	**Assessment**	**Estimated Number of Attendees**	**Description**
3/9/16	CAASPP	104	Test security and appeals
3/28/16	CAASPP	61	CAASPP information for public information officers

In-Person Regional Trainings				
Date	**Event Location**	**Event Name**	**Estimated Number of Attendees**	**Description**
3/12/16–3/13/16	Davis	CAASPP Weekend Summative Hand Scoring Workshops	79	Weekend workshops spread over March, April, and May to provide hand scoring training to educators for operational English language arts/literacy and mathematics summative assessments in grades three through eight and grade eleven
3/19/16–3/20/16	Los Angeles		218	
4/2/16–4/3/16	Hayward		69	
4/9/16–4/10/16	Riverside		223	
4/23/16–4/24/16	San Diego		180	
4/30/16–5/1/16	Redding		23	
5/14/16–5/15/16	Fresno		239	
5/21/16–5/22/16	Irvine		208	
5/13/16	Sacramento	Post-Test Workshop: Connecting Assessments to Instruction	TBD	Educational Testing Services to conduct Post-test Workshops in May and June to provide information about the principles of scoring, understanding reports, using the Online Reporting System, a timeline for reporting; focus on using the available reports, including Assessment Target Reports, to improve classroom instruction
5/17/16	Fresno		TBD	
5/20/16	Shasta		TBD	
5/26/16	Monterey		TBD	
5/31/16	San Diego		TBD	
6/7/16	Riverside		TBD	
6/8/16	Ventura		TBD	
6/9/16	Los Angeles		TBD	
3/14/16	Riverside	CAASPP Institutes	37	Session two CAASPP Institutes; professional development for teams from LEAs and schools on how to best implement all
3/18/16	Sacramento		100	

In-Person Regional Trainings				
Date	**Event Location**	**Event Name**	**Estimated Number of Attendees**	**Description**
4/5/16	Marin		38	components of the CAASPP System (Session two began in February and will run through May 2016)
5/17/16	Alhambra		78	

Presentations by CDE Staff				
Date	**Event Location**	**Event Name**	**Estimated Number of Attendees**	**Description**
3/1/16	Los Angeles	2016 California Title I Conference	75	A 90–minute presentation sharing formative and interim assessment resources to support all students in improved learning outcomes
3/03/16	Sacramento	Special Education Local Plan Area Directors	37	Update on the California Alternate Assessments (CAAs)
3/17/16	Long Beach	23rd Annual California Charter Schools Conference	75	A 75–minute presentation sharing formative and interim assessment strategies to support increased student achievement for all students
3/17/16	Sacramento	Regional Assessment Network	25	General update on the CAASPP System

Presentations by CDE Staff

Date	Event Location	Event Name	Estimated Number of Attendees	Description
3/17/16	Sacramento	Special Education Administrators of County Offices	60	Update on the CAAs
3/17/16	Sacramento	CAASPP Stakeholders Meeting	10	WebEx presentation on CAASPP assessment development and transition activities including, but not limited to, summative assessments, Digital Library, California Next Generation Science Standards (CA NGSS), CAASPP expansion, and CAA
3/18/16	Sacramento	Bilingual Coordinators Network	100	General update on the CAASPP System
3/17/16	Sacramento	Capitol Regional Assessment Network	23	Update on the CAAs and CA NGSS assessments
3/23/16	San Francisco	California Association for Bilingual Education	40	Update on Smarter Balanced Assessment System
4/13/16	San Joaquin	NGSS Rollout III	TBD	Overview, for educators, of a comprehensive assessment system and an update on the development of CA NGSS summative science assessments
	Riverside / San Bernardino		TBD	Overview, for educators, of a comprehensive assessment system and an update on the development of CA NGSS summative science assessments

Presentations by CDE Staff				
Date	**Event Location**	**Event Name**	**Estimated Number of Attendees**	**Description**
4/21/16	Sacramento	CAASPP Stakeholders Meeting	10	WebEx presentation on CAASPP assessment development and transition activities including, but not limited to, summative assessments, Digital Library, CA NGSS, CAASPP expansion, and CAAs

CAASPP Presentations by Senior Assessment Fellows				
Dates	**Event Location**	**Estimated Number of Attendees**	**Target Audience**	**Topic**
3/1/16	Kern County Office of Education (COE)	20	COE staff	Planning/building capacity and CAASPP update
3/7/16	Butte COE	10	District assessment coordinators, small district superintendents, and principals	CAASPP update
3/9/16	ABC Unified School District (USD)	40	Test site coordinators and site administrators	CAASPP update

CAASPP Presentations by Senior Assessment Fellows				
Dates	**Event Location**	**Estimated Number of Attendees**	**Target Audience**	**Topic**
3/10/16	Small School District Association Spring Conference, McClellan Conference Center	5	Members of the Small School District Association	CAASPP update
3/11/16	Bear Valley USD	25	District administrators and teacher leaders	CAASPP update
3/18/16	Riverside COE	40	Assessment leaders from various Riverside county LEAs	CAASPP update
3/18/16	San Bernardino COE	8	San Bernardino county and district administrators	CAASPP update
3/18/16	Solano COE	20	District assessment coordinators	CAASPP update
3/22/16	Orange County Department of Education	30	District assessment leaders	CAASPP update
3/30/16	Sacramento	18	Regional System of District and School Support directors	Formative assessments and Digital Library
3/31/16	Los Angeles COE	4	New LEA CAASPP coordinators	CAASPP update

CAASPP Presentations by Senior Assessment Fellows				
Dates	**Event Location**	**Estimated Number of Attendees**	**Target Audience**	**Topic**
4/21/16	San Bernardino COE	45	LEA administrators	CAASPP update
4/29/16	Riverside COE	TBD	Assessment leaders from various Riverside county LEAs	CAASPP update
5/27/16	Riverside COE	60	Assessment and categorical program administrators from various LEAs throughout Riverside County	CAASPP update

California Alternate Assessment Performance Level Descriptors

California Alternate Assessment Performance Level Descriptors for English Language Arts

GRADE 3—ENGLISH LANGUAGE ARTS					
Category	**Core Content Connectors**	**Essential Understandings**	**Level 1—Limited Understanding**	**Level 2— Foundational Understanding**	**Level 3—Understanding**
Reading: Literary	**3.RL.h1** Answer questions related to the relationship between characters, setting, events, or conflicts (e.g., characters and events, characters and conflicts, setting and conflicts).	Identify a character, setting, event, or conflict.	Identify a character, setting, event, or conflict in a literary text.	**Moderate Text Complexity**	**Moderate Text Complexity**
				Describe the relationship between either characters, settings, events, or conflicts in a literary text.	Describe the relationship between characters, settings, events, and conflicts in a literary text (e.g., characters and events, characters and conflicts, setting and conflicts).
	3.RL.i2 Answer questions (literal and inferential) and refer to text to support your answer.	Recall information in a text (e.g., repeated story lines).	Identify a detail from a literary text.	**Low Text Complexity**	**Moderate Text Complexity**
				Use details from a literary text to answer literal questions.	Use details from a literary text to answer literal and inferential questions.
	3.RL.k2 Determine the central	Identify the topic of a text or of information presented	Identify the topic of a literary text or diverse	**Low Text Complexity**	**Moderate Text Complexity**

California Alternate Assessment Performance Level Descriptors for English Language Arts

GRADE 3—ENGLISH LANGUAGE ARTS					
Category	**Core Content Connectors**	**Essential Understandings**	**Level 1—Limited Understanding**	**Level 2— Foundational Understanding**	**Level 3—Understanding**
	message, lesson, moral, and key details of a text read aloud or of information presented in diverse media and formats, including visually, quantitatively, and orally.	in diverse media.	media.	Determine the central idea or message and supporting details in a literary text or diverse media.	Determine the central idea or message and supporting details in a literary text or diverse media.

California Alternate Assessment Performance Level Descriptors for English Language Arts

GRADE 3—ENGLISH LANGUAGE ARTS					
Category	**Core Content Connectors**	**Essential Understandings**	**Level 1—Limited Understanding**	**Level 2— Foundational Understanding**	**Level 3—Understanding**
Reading: Informational	**3.RI.h1** Identify the purpose of a variety of text features.	Identify the text feature (e.g., charts, illustrations, maps, titles).	Identify text features in an informational text.	**Low Text Complexity**	**Moderate Text Complexity**
				Explain the purpose of text features in an informational text.	Use information from text features in an informational text to answer questions.
Reading: Informational	**3.RI.i2** Determine the main idea of text read, text read aloud, or information presented in diverse media and formats, including visually, quantitatively, and orally.	Identify the topic of a text or of information presented in diverse media.	Identify the topic of a text presented by an illustration in an informational text or diverse media.	**Low Text Complexity**	**Moderate Text Complexity**
				Determine the main idea of an informational text or visually presented information.	Determine the main idea of an informational text or visually presented information.
	3.RI.h4 Use illustrations (e.g., maps, photographs, diagrams, timelines) in informational texts to answer questions.	Identify an illustration in text.	Identify an illustration in text.	Use illustrations (e.g., maps, photographs) in informational text to answer questions.	Use illustrations (e.g., maps, photographs, diagrams, timelines) in informational text to answer questions.
	3.RI.k5 Determine the main idea of a	Identify the topic of a text.	Identify the topic of an informational text.	**Low Text Complexity**	**Moderate Text Complexity**

California Alternate Assessment Performance Level Descriptors for English Language Arts

GRADE 3—ENGLISH LANGUAGE ARTS					
Category	**Core Content Connectors**	**Essential Understandings**	**Level 1—Limited Understanding**	**Level 2— Foundational Understanding**	**Level 3—Understanding**
	text; recount the key details and explain how they support the main idea.			Determine the main idea and supporting details in an informational text.	Identify how key details in an informational text support the main idea.

California Alternate Assessment Performance Level Descriptors for English Language Arts

GRADE 3—ENGLISH LANGUAGE ARTS					
Category	**Core Content Connectors**	**Essential Understandings**	**Level 1—Limited Understanding**	**Level 2— Foundational Understanding**	**Level 3—Understanding**
Reading: Vocabulary	**3.RWL.i2** Use sentence context as a clue to the meaning of a new word, phrase, or multiple meaning word.	Recall the meaning of frequently used nouns.	Identify the meanings of frequently used words.	**Low Text Complexity**	**Moderate Text Complexity**
				Use context to identify the meaning of a word.	Use context to identify the appropriate meaning of words or phrases.
Reading: Foundation	**3.RWL.h2** Identify grade-level words with accuracy.	Identify frequently used nouns.	Identify frequently used words.	**Low Text Complexity**	**Moderate Text Complexity**
				Identify less frequently used words.	Identify grade-level words.
Writing	**3.WI.l4** Sort evidence (e.g., graphic organizer) collected from print and/or digital sources into provided categories.	Identify information from print and digital sources on given topics (e.g., pictures of animals).	Identify information on given topics (from orally and visually presented information).	Identify the category related to a set of facts.	Sort information into categories.

California Alternate Assessment Performance Level Descriptors for English Language Arts

GRADE 3—ENGLISH LANGUAGE ARTS					
Category	**Core Content Connectors**	**Essential Understandings**	**Level 1—Limited Understanding**	**Level 2— Foundational Understanding**	**Level 3—Understanding**
Writing	**3.WI.p1** Include text features (e.g., numbers, labels, diagrams, charts, graphics) to enhance clarity and meaning.	Identify different types of text features found in informational text.	Identify text features.	Identify a text feature to present information on a given topic.	Select text features to enhance meaning.
	3.WL.o1 With guidance and support from adults, produce a clear, coherent, and permanent product that is appropriate to the specific task, purpose (e.g., to entertain), or audience.	Given a specific purpose, produce a permanent product (e.g., select text appropriate to the purpose, identify descriptive sentences, and select a concluding statement).	Identify descriptive sentences or select a concluding statement.	Select text, identify descriptive sentences, or select a concluding statement appropriate to the given purpose.	Produce a clear, coherent, and permanent product that is appropriate to the specific task, purpose, or audience.

California Alternate Assessment Performance Level Descriptors for English Language Arts

GRADE 4—ENGLISH LANGUAGE ARTS					
Category	**Core Content Connectors**	**Essential Understandings**	**Level 1—Limited Understanding**	**Level 2—Foundational Understanding**	**Level 3—Understanding**
Reading: Literary	**4.RL.i1** Refer to details and examples in a text when explaining what the text says explicitly.	Recall a detail in a text.	Recall a detail in a text.	**Low Text Complexity**	**Moderate Text Complexity**
				Use details from the text to explain text references.	Use examples and provide details from a text to explain text references.
	4.RL.k2 Determine the theme of a story, drama, or poem; refer to text to support answer.	Determine the topic of a story or poem.	Determine the topic of a story or poem.	**Low Text Complexity**	**Moderate Text Complexity**
				Determine the theme of a story, drama, or poem.	Determine the theme of a story, drama, or poem and refer to text details to support the answer.
	4.RL.l1 Describe character traits (e.g., actions, deeds, dialogue, description, motivation, interactions); use details from text to support description.	Identify a character in a text.	Identify a character in a text.	**Low Text Complexity**	**Moderate Text Complexity**
				Identify physical characteristics using details from a text.	Describe character traits based on details from a text.

California Alternate Assessment Performance Level Descriptors for English Language Arts

GRADE 4—ENGLISH LANGUAGE ARTS					
Category	**Core Content Connectors**	**Essential Understandings**	**Level 1—Limited Understanding**	**Level 2—Foundational Understanding**	**Level 3—Understanding**
Reading: Informational	**4.RI.h4** Use information presented visually, orally, or quantitatively (e.g., in charts, graphs, diagrams, timelines, animations, or interactive elements on Web pages) to answer questions.	Identify basic text features (e.g., charts, graphs, diagrams, timelines, maps).	Identify basic text features (e.g., charts, graphs, diagrams, timelines, maps).	**Low Text Complexity**	**Moderate Text Complexity**
				Locate information found in text features (e.g., charts, graphs, diagrams, timelines, maps).	Use information found in text features (e.g., charts, graphs, diagrams, timelines, maps) to answer questions.
	4.RI.i3 Determine the main idea of an informational text.	Identify the topic of a text.	Identify the topic of an informational text.	**Low Text Complexity**	**Moderate Text Complexity**
				Determine the main idea in an informational text.	Determine the main idea in an informational text.
Reading: Informational	**4.RI.l1** Interpret information presented visually, orally, or quantitatively (e.g., in charts, graphs, diagrams, timelines, animations, or interactive elements on Web pages) and explain how the information contributes to an understanding of the text in which it appears.	Locate information within a simplified chart, map, or graph.	Locate information in charts, graphs, diagrams, timelines, animations, or videos.	**Low Text Complexity**	**Moderate Text Complexity**
				Use information from charts, graphs, diagrams, timelines, animations, or videos to answer questions.	Interpret information from charts, graphs, diagrams, timelines, animations, or videos to explain how the information contributes to an understanding of the text.

California Alternate Assessment Performance Level Descriptors for English Language Arts

GRADE 4—ENGLISH LANGUAGE ARTS					
Category	**Core Content Connectors**	**Essential Understandings**	**Level 1—Limited Understanding**	**Level 2—Foundational Understanding**	**Level 3—Understanding**
Reading: Vocabulary	**4.RWL.i2** Use context as a clue to determine the meaning of unknown words, multiple meaning words, or words showing shades of meaning.	Understand that words can have more than one meaning.	Identify words that have more than one meaning.	**Low Text Complexity**	**Moderate Text Complexity**
				Use context as a clue to determine the meaning of unknown words and multiple meaning words.	Use context as a clue to determine the meaning of unknown words, multiple meaning words, or words describing shades of meaning.
	4.RWL.j1 Use general academic and domain-specific words and phrases accurately.	Identify general academic words (e.g., *EDL Core Vocabularies in Reading, Mathematics, Science, and Social Studies* [*EDL*] grade 2 or 3- map, character, equal, book, name, paper, etc.).	Identify general academic words.	**Low Text Complexity**	**Moderate Text Complexity**
				Use general academic words.	Use general academic and domain-specific words and phrases.
Reading: Foundation	**4.RWL.h2** Identify grade-level words with accuracy and on successive attempts.	Identify frequently used words (e.g., *EDL* grade 2 or 3).	Identify frequently used words.	**Low Text Complexity**	**Moderate Text Complexity**
				Identify frequently used words.	Identify grade-level words.

California Alternate Assessment Performance Level Descriptors for English Language Arts

GRADE 4—ENGLISH LANGUAGE ARTS					
Category	**Core Content Connectors**	**Essential Understandings**	**Level 1—Limited Understanding**	**Level 2—Foundational Understanding**	**Level 3—Understanding**
Writing	**4.WI.p1** Include formatting (e.g., headings, bulleted information), illustrations, and multimedia when useful to promote understanding.	Identify the purpose of using different formats, illustrations, or multimedia (e.g., bullets are used for listing items).	Identify the purpose of text features (e.g., bullets used for listing items, etc.).	Choose an appropriate text feature for given information (e.g. bullets, chart, timeline).	Include appropriate text features to organize information (e.g., choose either a bullet, a chart, or a timeline to organize dates from a person's life).
	4.WI.q1 Provide a concluding statement or section to support the information presented.	Identify a concluding sentence that signals a close of a paragraph (e.g., In conclusion…, As a result..., Finally…).	Identify words and/or phrases that signal conclusions in writing.	Choose a sentence that provides the best conclusion.	Provide a concluding statement or section to support the information presented.
	4.WL.o1 Produce a clear coherent permanent product that is appropriate to the specific task, purpose (e.g., to entertain), or audience.	Given a specific purpose, produce a permanent product (e.g., select text appropriate to the purpose, identify descriptive sentences, and select a concluding statement).	Identify descriptive sentences or select a concluding statement.	Select text appropriate to the purpose, identify descriptive sentences, or select a concluding statement.	Produce a clear, coherent, and permanent product that is appropriate to the specific task, purpose, or audience.

California Alternate Assessment Performance Level Descriptors for English Language Arts

GRADE 5—ENGLISH LANGUAGE ARTS					
Category	**Core Content Connectors**	**Essential Understandings**	**Level 1—Limited Understanding**	**Level 2— Foundational Understanding**	**Level 3—Understanding**
Reading: Literary	5.RL.b1 Refer to details and examples in a text when explaining what the text says explicitly.	Recall details in a text.	Recall details in a literary text.	**Low Text Complexity**	**Moderate Text Complexity**
				Identify details from a literary text to explain text references.	Identify examples in a literary text to support details.
	5.RL.c2 Summarize a text from beginning to end in a few sentences.	Identify what happens in the beginning of a story.	Identify an event from the beginning of a literary text.	**Low Text Complexity**	**Moderate Text Complexity**
				Order given events from a literary passage (e.g., beginning, middle, end).	Determine an appropriate summary for a literary text from beginning to end.
	5.RL.d1 Compare characters, settings, and events within a story; provide or identify specific details in the text to support the comparison.	Identify characters, setting, and events in a story.	Identify characters, setting, and events in a literary text.	**Low Text Complexity**	**Moderate Text Complexity**
				Identify details from an informational text that support the given topic or main idea.	Compare character, settings, and events in a literary text; identify details in the text that support the comparison.

California Alternate Assessment Performance Level Descriptors for English Language Arts

GRADE 5—ENGLISH LANGUAGE ARTS					
Category	**Core Content Connectors**	**Essential Understandings**	**Level 1—Limited Understanding**	**Level 2— Foundational Understanding**	**Level 3—Understanding**
Reading: Informational	5.RI.c4 Determine the main idea and identify key details to support the main idea.	Identify the topic of text.	Identify the topic of an informational text.	**Low Text Complexity** Identify details from an informational text that support the given topic or main idea.	**Moderate Text Complexity** Determine the main idea and identify details that support the main idea in an informational text.
	5.RI.d5 Compare and contrast the overall structure (e.g., chronology, comparison, cause/effect, problem/solution) of events, ideas, concepts, or information in two or more texts.	1: Identify a similarity between two pieces of information from a text. 2: Identify a difference between two pieces of information from a text.	Identify similarities and differences between two pieces of information.	**Moderate Text Complexity** Compare and contrast how events, ideas, concepts, or information are presented in two texts.	**High Text Complexity** Compare and contrast how events, ideas, concepts, or information are presented in two or more texts.
Reading: Informational	5.RI.e2 Explain how an author uses reasons and evidence to support particular points in a text.	Identify main/key ideas/points in a text.	Identify main idea or key points.	**Moderate Text Complexity** Use details from the text to support an author's point.	**High Text Complexity** Identify evidence to support the author's reasoning in an informational text.
Reading: Vocabulary	5.RWL.a2 Use context to determine the meaning of unknown or multiple meaning words or phrases.	Identify multiple meaning words (e.g., *EDL* grade 3 or 4).	Identify multiple meaning words.	**Low Text Complexity** Use context as a clue to determine the meaning of unknown words or multiple meaning words.	**Moderate Text Complexity** Use context as a clue to determine the meaning of unknown or multiple meaning words or phrases.

California Alternate Assessment Performance Level Descriptors for English Language Arts

GRADE 5—ENGLISH LANGUAGE ARTS					
Category	**Core Content Connectors**	**Essential Understandings**	**Level 1—Limited Understanding**	**Level 2— Foundational Understanding**	**Level 3—Understanding**
Writing	5.WI.b3 Organize ideas, concepts, and information (using definition, classification, comparison/ contrast, and cause/effect).	Identify relationship of set of items in various categories (definition, classification, compare/contrast, cause/effect).	Identify the relationship between given items in various categories.	Choose the correct organizer for given ideas, concepts, or information.	Organize ideas, concepts, and information using definition, classification, comparison/contrast, or cause/effect.
	5.WL.h1 Produce a clear coherent permanent product that is appropriate to the specific task, purpose (e.g., to entertain), or audience.	Given a specific purpose, produce a permanent product (e.g., select text appropriate to the purpose, identify descriptive sentences, and select a concluding statement).	Identify descriptive sentences and select a concluding statement.	Select text appropriate to the purpose, identify descriptive sentences, and select a concluding statement.	Produce a clear, coherent, and permanent product that is appropriate to the specific task, purpose, or audience.

California Alternate Assessment Performance Level Descriptors for English Language Arts

GRADE 6—ENGLISH LANGUAGE ARTS					
Category	**Core Content Connectors**	**Essential Understandings**	**Level 1—Limited Understanding**	**Level 2—Foundational Understanding**	**Level 3—Understanding**
Reading: Literary	6.RL.b2 Refer to details and examples in a text when explaining what the text says explicitly.	Recall details in a text.	Identify details in a text.	**Low Text Complexity**	**Moderate Text Complexity**
				Identify details from a text to explain text references.	Identify and use details and examples in a text to explain text references.
	6.RL.b3 Use specific details from the text (words, interactions, thoughts, motivations) to support inferences or conclusions about characters, including how they change during the course of the story.	Identify characters in a story.	Identify characters in a story.	**Moderate Text Complexity**	**High Text Complexity**
				Use text-based details to describe characters or support inferences.	Use text-based details from a story to support inferences or conclusions about characters, including how they change during the course of the story.
	6.RL.c3 Summarize a text from beginning to end in a few sentences without including personal opinions.	Identify what happens in the beginning and ending of a story.	Identify an event from the beginning and ending of a story.	**Low Text Complexity**	**Moderate Text Complexity**
				Summarize the beginning and ending of a story.	Summarize a text from beginning to end without including personal opinions.

California Alternate Assessment Performance Level Descriptors for English Language Arts

GRADE 6—ENGLISH LANGUAGE ARTS					
Category	**Core Content Connectors**	**Essential Understandings**	**Level 1—Limited Understanding**	**Level 2—Foundational Understanding**	**Level 3—Understanding**
Reading: Informational	6.RI.b4 Summarize information gained from a variety of sources, including media or texts.	Identify a description of an event or individual in a text.	Identify a topic from a single source.	**Low Text Complexity** Identify the topic of information from two sources presented in different formats (e.g., media, texts).	**Moderate Text Complexity** Summarize information gained from a variety of sources, including media or texts.
	6.RI.c2 Provide a summary of the text distinct from personal opinions or judgments.	Identify the main idea of a text.	Identify the main idea of an informational text.	**Low Text Complexity** Summarize an informational text.	**Moderate Text Complexity** Summarize informational text without including personal opinions or judgments.
Reading: Informational	6.RI.g4 Determine how key individuals, events, or ideas are elaborated or expanded on in a text.	Identify a description of an event or individual in a text.	Identify a description of an event or individual in an informational text.	**Moderate Text Complexity** Identify details that support descriptions of events or individuals in an informational text.	**High Text Complexity** Identify and use details from the text to elaborate or expand on a key individual, event, or idea in an informational text.
	6.RI.g6 Evaluate the claim or argument; determine if it is supported by evidence.	Identify a fact from the text.	Identify the main idea of an informational text.	**Low Text Complexity** Identify a claim or argument in an informational text.	**Moderate Text Complexity** Determine if a claim or argument is supported by text-based evidence.

California Alternate Assessment Performance Level Descriptors for English Language Arts

GRADE 6—ENGLISH LANGUAGE ARTS					
Category	**Core Content Connectors**	**Essential Understandings**	**Level 1—Limited Understanding**	**Level 2—Foundational Understanding**	**Level 3—Understanding**
Reading: Vocabulary	6.RWL.a1 Use context to determine the meaning of unknown or multiple meaning words or phrases.	Identify multiple meaning words (e.g., *EDL* grade 4 or 5).	Identify multiple meaning words.	**Low Text Complexity** Use context as a clue to determine the meaning of unknown words or multiple meaning words.	**Moderate Text Complexity** Use general academic and domain-specific words and phrases accurately.
	6.RWL.c1 Use general academic and domain-specific words and phrases accurately.	Identify general academic words (e.g., *EDL* grade 4 or 5).	Identify general academic words.	**Low Text Complexity** Use general academic and domain-specific words accurately.	**Moderate Text Complexity** Use general academic and domain-specific words and phrases accurately.
Writing	6.WL.c3 Use a variety of transition words, phrases, and clauses to convey sequence and signal shifts from one time frame or setting to another.	Match transition words, phrases, and clauses within a text.	Identify transition words within a text.	Identify transition words, phrases, and clauses within a text.	Use appropriate transition words, phrases, and clauses to signal shifts from one time frame or setting to another.
	6.WI.h2 Produce a clear coherent permanent product that is appropriate to the specific task (e.g., topic), purpose (e.g., to inform), and audience (e.g., reader).	Given a specific purpose, produce a permanent product (e.g., select text appropriate to the purpose, identify descriptive sentences, and select a concluding statement).	Identify descriptive sentences and select a concluding statement.	Select text appropriate to the purpose, identify descriptive sentences, and select a concluding statement.	Produce a clear, coherent, and permanent product that is appropriate to the specific task, purpose, or audience.

California Alternate Assessment Performance Level Descriptors for English Language Arts

GRADE 7—ENGLISH LANGUAGE ARTS					
Category	**Core Content Connectors**	**Essential Understandings**	**Level 1—Limited Understanding**	**Level 2—Foundational Understanding**	**Level 3—Understanding**
Reading: Literary	**7.RL.i2** Use two or more pieces of textual evidence to support inferences, conclusions, or summaries of text.	Make an inference from a literary text.	Select an inference from a literary text.	**Low Text Complexity** Identify a detail to support an inference, summary, or conclusion of a literary text.	**Moderate Text Complexity** Use evidence to support inferences, conclusions, or summaries of literary text.
	7.RL.j1 Analyze the development of the theme or central idea over the course of the text.	Identify the theme or central idea of the text.	Select the theme or central idea of a literary text.	**Moderate Text Complexity** Identify evidence within a literary text that supports the theme or central idea.	**High Text Complexity** Analyze the development of a theme or central idea in a literary text.
Reading: Informational	**7.RI.j1** Use two or more pieces of evidence to support inferences, conclusions, or summaries of text.	Identify a conclusion from an informational text.	Select a conclusion in an informational text.	**Low Text Complexity** Identify a detail to support inferences, conclusions, or summaries in an informational text.	**Moderate Text Complexity** Use evidence to support inferences, conclusions, or summaries of informational text.
	7.RI.j5 Analyze the interactions between individuals, events, and ideas in a text (e.g., how ideas influence individuals or events, or how individuals influence ideas or events).	Identify the relationship between people, events, or ideas in a text.	Select the relationship between people, events, or ideas in an informational text.	**Moderate Text Complexity** Identify the interactions between individuals, events, or ideas in an informational text.	**High Text Complexity** Use details to explain the interactions between individuals, events, or ideas in an informational text.

California Alternate Assessment Performance Level Descriptors for English Language Arts

GRADE 7—ENGLISH LANGUAGE ARTS					
Category	**Core Content Connectors**	**Essential Understandings**	**Level 1—Limited Understanding**	**Level 2—Foundational Understanding**	**Level 3—Understanding**
	7.RI.k4 Evaluate the claim or argument to determine if it is supported by evidence.	Identify a claim from the text.	Select a claim from an informational text.	**Low Text Complexity** Identify a claim or argument in an informational text.	**Moderate Text Complexity** Analyze if a claim or argument in an informational text is supported by evidence.
	7.RI.l1 Compare/contrast how two or more authors write about the same topic.	EU 1: Identify two texts on the same topic. EU 2: Compare/ contrast two statements related to a single detail within a topic.	Select two informational texts with the same topic.	**Low Text Complexity** Identify a similarity and a difference between two informational texts with the same topic.	**Moderate Text Complexity** Compare and contrast how two authors write about the same topic in informational text.
Reading: Vocabulary	**7.RWL.g1** Use context as a clue to determine the meaning of a grade-appropriate word or phrase.	Use context as a clue to determine the meaning of a word (e.g., *EDL* grade 5 or 6).	Use context as a clue to select the meaning of a word.	**Low Text Complexity** Use context as a clue to identify the meaning of words or multiple meaning words.	**Moderate Text Complexity** Use context as a clue to determine the meaning of unknown or multiple meaning words or phrases.

California Alternate Assessment Performance Level Descriptors for English Language Arts

GRADE 7—ENGLISH LANGUAGE ARTS					
Category	**Core Content Connectors**	**Essential Understandings**	**Level 1—Limited Understanding**	**Level 2—Foundational Understanding**	**Level 3—Understanding**
Writing	**7.WL.I1** Use precise words and phrases, relevant descriptive details, and sensory language to capture the action and convey experiences and events.	Identify a visual image to match provided text.	Select a visual image that matches provided text.	Identify precise words or phrases to describe the action, convey experiences or events.	Select/generate precise words or phrases to describe the action, convey experiences or events.
	7.WI.jo1 Produce a clear coherent permanent product (e.g., select/generate responses to form paragraph/essay) that is appropriate to the specific task (e.g., topic), purpose (e.g., to inform), or audience (e.g., reader).	Given a specific purpose, produce a permanent product (e.g., select text appropriate to the purpose, identify descriptive sentences, and select a concluding statement).	Select descriptive sentences or select a concluding statement.	Identify text appropriate to the purpose, identify descriptive sentences, or select a concluding statement.	Select/generate an appropriate, permanent product that is specific to the task, purpose, or audience.

California Alternate Assessment Performance Level Descriptors for English Language Arts

GRADE 8—ENGLISH LANGUAGE ARTS					
Category	**Core Content Connectors**	**Essential Understandings**	**Level 1—Limited Understanding**	**Level 2—Foundational Understanding**	**Level 3—Understanding**
Reading: Literary	**8.RL.i2** Use two or more pieces of evidence to support inferences, conclusions, or summaries of text.	Make an inference from a literary text.	Select an inference from a literary text.	**Low Text Complexity** Identify a detail to support an inference, summary, or conclusion of a literary text.	**Moderate Text Complexity** Use evidence to support inferences, conclusions, or summaries of literary text.
	8.RL.j2 Analyze the development of the theme or central idea over the course of the text, including its relationship to the characters, setting, and plot.	Identify the theme or central idea of the text.	Select a theme or central idea from a literary text.	**Moderate Text Complexity** Identify the relationship between the theme or central idea to characters, setting, or plot.	**High Text Complexity** Analyze the development of the theme or central idea, including its relationship to the characters, setting, or plot.

California Alternate Assessment Performance Level Descriptors for English Language Arts

GRADE 8—ENGLISH LANGUAGE ARTS					
Category	**Core Content Connectors**	**Essential Understandings**	**Level 1—Limited Understanding**	**Level 2—Foundational Understanding**	**Level 3—Understanding**
Reading: Informational	**8.RI.j1** Use two or more pieces of evidence to support inferences, conclusions, or summaries of text.	Make an inference from an informational text.	Select an inference from an informational text	**Low Text Complexity** Identify an inference, conclusion, or summary of an informational text.	**Moderate Text Complexity** Use evidence to support inferences, conclusions, or summaries of informational text.
	8.RI.k2 Determine how the information in each section contributes to the whole or to the development of ideas.	Identify supporting key details/key information within a paragraph.	Select key details or information within an informational passage to support the development of ideas.	**Moderate Text Complexity** Identify how the information in each section contributes to the whole or to the development of ideas.	**High Text Complexity** Identify how the information in each section contributes to the whole or to the development of ideas.
	8.RI.k4 Identify an argument or claim that the author makes.	Identify a fact from the text.	Select a fact from the text.	**Low Text Complexity** Identify an argument or claim presented in an informational text.	**Moderate Text Complexity** Identify an argument or claim that the author makes in an informational text.
	8.RI.l1 Analyze a case in which two or more texts provide conflicting information on the same topic and identify where the texts disagree on matters of fact or interpretation.	Identify a similar topic in two texts.	Select a similar topic in two informational texts.	**Low Text Complexity** Identify conflicting information on the same topic from two informational texts.	**Moderate Text Complexity** Identify where two informational texts disagree on matters of fact or interpretation.

California Alternate Assessment Performance Level Descriptors for English Language Arts

GRADE 8—ENGLISH LANGUAGE ARTS					
Category	**Core Content Connectors**	**Essential Understandings**	**Level 1—Limited Understanding**	**Level 2—Foundational Understanding**	**Level 3—Understanding**
Reading: Vocabulary	**8.RWL.g1** Use context as a clue to the meaning of a grade-appropriate word or phrase.	Use context as a clue to determine the meaning of a word (e.g., *EDL* grades 6 or 7).	Use context as a clue to select the meaning of a word.	**Low Text Complexity** Use context as a clue to identify the meaning of words or multiple meaning words.	**Moderate Text Complexity** Use context as a clue to determine the meaning of unknown or multiple meaning words or phrases.
Writing	**8.WI.o1** Produce a clear coherent permanent product (e.g. select/generate responses to form paragraph/essay) that is appropriate to the specific task (e.g., topic), purpose (e.g., to inform), or audience (e.g., reader).	Given a specific purpose, produce a permanent product (e.g., select text appropriate to the purpose, identify descriptive sentences, and select a concluding statement).	Select descriptive sentences or a concluding statement.	Identify text appropriate to the purpose, identify descriptive sentences, or select a concluding statement.	Select/generate an appropriate, permanent product that is specific to the task, purpose, or audience.
	8.WP.k2 Create an organizational structure in which ideas are logically grouped to support the writer's claim.	Given a writer's claims, identify the writer's perspective on the topic (e.g., pro or con).	Select a writer's point of view or claim in a text.	Identify an appropriate organizational structure to best present a writer's specific point of view or claim.	Select/generate an organizational structure in which ideas are logically grouped to support the writer's claim.

California Alternate Assessment Performance Level Descriptors for English Language Arts

GRADE 11—ENGLISH LANGUAGE ARTS					
Category	**Core Content Connectors**	**Essential Understandings**	**Level 1—Limited Understanding**	**Level 2—Foundational Understanding**	**Level 3—Understanding**
Reading: Literary	**11-12.RL.b1** Use two or more pieces of evidence to support inferences, conclusions, or summaries of the plot, purpose, or theme within a literary text.	Identify a summary of the plot of a literary text.	Select a summary of the plot in a literary text.	**Low Text Complexity** Identify evidence that supports a conclusion or summary of the plot within a literary text.	**Moderate Text Complexity** Use two or more pieces of evidence to support inferences, conclusions, or summaries of the plot, purpose, or theme within a literary text.
	11-12.RL.d1 Analyze how an author's choices concerning how to structure specific parts of a text (e.g., the choice of where to begin or end a story, the choice to provide a comedic or tragic resolution) contribute to its overall structure and meaning.	Identify elements of a story's plot (e.g., exposition, rising action, climax, falling action, resolution).	Select an element of a story's plot (e.g., exposition, rising action, climax, falling action, resolution).	**Moderate Text Complexity** Use text evidence to identify parts of a plot of a literary text (e.g., exposition, rising action, climax, falling action, resolution).	**High Text Complexity** Analyze how an author's use of details or structure contributes to the overall plot and meaning of a literary text.

California Alternate Assessment Performance Level Descriptors for English Language Arts

GRADE 11—ENGLISH LANGUAGE ARTS					
Category	**Core Content Connectors**	**Essential Understandings**	**Level 1—Limited Understanding**	**Level 2—Foundational Understanding**	**Level 3—Understanding**
Reading: Informational	**11-12.RI.b1** Use two or more pieces of evidence to support inferences, conclusions, or summaries of informational text.	Identify a conclusion from an informational text.	Select the conclusion of an informational text.	**Low Text Complexity** Use evidence to support an inference, summary, or conclusion of an informational text.	**Moderate Text Complexity** Use two or more pieces of evidence or details to support inferences, conclusions, or summaries of an informational text.
	11-12.RI.b5 Determine how key details support the development of the central idea of informational text.	Identify the central idea or key detail of an informational text.	Select the central idea or key detail of an informational text.	**Moderate Text Complexity** Identify key details that support the central idea of an informational text.	**High Text Complexity** Determine how key details support the development of the central idea of an informational text.
	11-12.RI.d1 Determine the author's point of view or purpose in an informational text.	Identify what an author tells about a topic.	Select what an author tells about a topic.	**Low Text Complexity** Identify an author's point of view in an informational text.	**Moderate Text Complexity** Use evidence to identify a point of view or purpose in an informational text.
	11-12.RI.e1 Integrate and evaluate multiple sources of information presented in different media or formats (e.g., visually, quantitatively) as well as in words in order to address a question or solve a problem.	Locate information within a text related to a given topic.	Locate information within a text related to a given topic.	**Low Text Complexity** Identify information from different media or formats to address a question or solve a problem.	**Moderate Text Complexity** Integrate and evaluate multiple sources of information in different media or formats in order to address a question or solve a problem.

California Alternate Assessment Performance Level Descriptors for English Language Arts

GRADE 11—ENGLISH LANGUAGE ARTS					
Category	**Core Content Connectors**	**Essential Understandings**	**Level 1—Limited Understanding**	**Level 2—Foundational Understanding**	**Level 3—Understanding**
Reading: Vocabulary	**11-12.RWL.b1** Use context (e.g., the overall meaning of a sentence, paragraph, or text; a word's position in a sentence) as a clue to the meaning of a word or phrase.	Use context as a clue to determine the meaning of a word in text (e.g., *EDL* grade 8 or 9).	Use context as a clue to select the meaning of a word.	**Low Text Complexity**	**Moderate Text Complexity**
				Use context as a clue to identify the meaning of a word or phrase.	Use context as a clue to determine the meaning of a word or phrase.
	11-12.RWL.c3 Develop and explain ideas for why authors made specific word choices within a text.	Identify a word or words used to describe a person, place, thing, action, or event in a text (e.g., *EDL* grade 8 or 9).	Select a word or words used to describe a person, place, thing, action, or event in a text.	**Low Text Complexity**	**Moderate Text Complexity**
				Identify words used to describe a person, place, thing, action, or event in a text.	Explain why an author made specific word choices within a text.

California Alternate Assessment Performance Level Descriptors for English Language Arts

GRADE 11—ENGLISH LANGUAGE ARTS					
Category	**Core Content Connectors**	**Essential Understandings**	**Level 1—Limited Understanding**	**Level 2—Foundational Understanding**	**Level 3—Understanding**
Writing	**11-12.WI.b2** Create an organizational structure for writing that groups information logically (e.g., cause/effect, compare/contrast, descriptions and examples) to support paragraph focus.	Identify information that doesn't belong in a paragraph based on an organizational structure (e.g., examples, descriptions, cause/ effect, compare/contrast).	Select information that does not belong in a paragraph based on an organizational structure (e.g., examples, descriptions, cause/effect, compare/contrast).	Identify an organizational structure to support paragraph focus (e.g., examples, descriptions, cause/effect, compare/contrast).	Select/generate an organizational structure for writing that groups information logically to support paragraph focus (e.g., examples, descriptions, cause/effect, compare/contrast).
	11-12.WP.f1 Produce a clear coherent permanent product that is appropriate to the specific task, purpose (to persuade), and audience.	Given a specific purpose, produce a permanent product (e.g., select text appropriate to the purpose, identify descriptive sentences, and select a concluding statement).	Select a descriptive sentence or a concluding statement appropriate to the specific task.	Identify descriptive sentences, a concluding statement, or text appropriate to the purpose (to persuade).	Select/generate a permanent product that is appropriate to the specific task, purpose (to persuade), or audience.
Writing	**11-12.WI.b4** Select the facts, extended definitions, concrete details, quotations, or other information and examples that are most relevant to the focus and appropriate for the audience.	Match details, facts, or examples to a topic.	Match details, facts, or examples to a topic.	Select the facts, extended definitions, details, or quotations relevant to the topic.	Select the facts, extended definitions, concrete details, quotations, or examples that are most appropriate for the audience.

California Alternate Assessment Performance Level Descriptors for Mathematics

GRADE 3—MATHEMATICS					
Domain	**Core Content Connectors**	**Essential Understandings**	**Level 1—Limited Understanding**	**Level 2—Foundational Understanding**	**Level 3—Understanding**
Operations & Algebraic Thinking	**3.NO.2d3** Solve multiplication problems with neither number greater than 5.	Create an array of sets (e.g., 3 rows of 2).	Identify an array of objects that represents factors in a problem with neither number greater than 5.	Solve multiplication equations with some context in which both numbers are equal to or less than 5.	Solve multiplication equations with limited or no context in which both numbers are equal to or less than 5.
Operations & Algebraic Thinking	**3.NO.2e1** Solve or solve and check one- or two-step word problems requiring addition, subtraction or multiplication with answers up to 100.	Combine (+), decompose (-), and multiply (x) with concrete objects; use counting to get the answers. Match the action of combining with vocabulary (i.e., in all; altogether) or the action of decomposing with vocabulary (i.e., have left; take away) in a word problem.	Count objects to match the action of combining, decomposing, or multiplying to solve word problems.	Solve addition, subtraction, or multiplication word problems with answers up to 50.	Solve addition, subtraction, or multiplication word problems with answers up to 100.
Operations & Algebraic Thinking	**3.PRF.2d1** Identify multiplication patterns in a real world setting.	Concrete understanding of a pattern as a set that repeats regularly or grows according to a rule; Ability to identify a pattern that grows (able to show a pattern) (shapes, symbols, objects).	Identify a pattern that repeats or grows according to a rule, using numbers, shapes, symbols, or objects.	Identify multiplication patterns with concrete representations.	Identify multiplication patterns in real world settings and limited concrete representations.

California Alternate Assessment Performance Level Descriptors for Mathematics

GRADE 3—MATHEMATICS					
Domain	**Core Content Connectors**	**Essential Understandings**	**Level 1—Limited Understanding**	**Level 2—Foundational Understanding**	**Level 3—Understanding**
Number & Operations in Base Ten	**3.NO.1j3** Use place value to round to the nearest 10 or 100.	Identify ones or tens in bundled sets – Similar/different with concrete representations [i.e., is this set of manipulatives (8 ones) closer to this set (a ten) or this set (a one)?].	Identify a set of objects that is closer to 1 or 10.	Use place value to round numbers to the nearest 10 with minimal representations.	Use place value to round numbers to the nearest 10 or 100.
Number & Operations in Base Ten	**3.NO.2c1** Solve multi-step addition and subtraction problems up to 100.	Combine (+) or decompose (-) with concrete objects; use counting to get the answers.	Solve addition and subtraction problems with single digits using concrete objects.	Solve multi-step addition and subtraction problems with solutions up to 50.	Solve multistep addition and subtraction problems with solutions up to 100.
Number & Operations—Fractions	**3.NO.1l3** Identify the fraction that matches the representation (rectangles and circles; halves, fourths, thirds, and eighths).	Identify part and whole when item is divided. Count the number of the parts selected (3 of the 4 parts; have fraction present but not required to read ¾).	Identify part and whole when item is divided. Count the number of the parts selected.	Identify a representation of fractional parts.	Identify the fraction that matches the representation.
Number & Operations—Fractions	**3.SE.1g1** Use =, <, or > to compare two fractions with the same numerator or denominator.	Concrete representation of a fractional part of a whole as greater than, less than, or equal to another.	Identify which representation of a fractional part of a whole is greater than, less than, or equal to another.	Use =, <, or > to compare representations of two fractions with same or different numerators and the same denominator.	Use =, <, or > to compare two fractions with same or different numerators and the same denominator.

California Alternate Assessment Performance Level Descriptors for Mathematics

GRADE 3—MATHEMATICS					
Domain	**Core Content Connectors**	**Essential Understandings**	**Level 1—Limited Understanding**	**Level 2—Foundational Understanding**	**Level 3—Understanding**
Measurement & Data	**3.DPS.1g1** Collect data, organize into picture or bar graph.	Organize data into a graph using objects (may have number symbols).	Organize data into a graph using objects.	Transfer data from a graphic to a bar graph or picture graph**.**	Transfer data from a graphic or organized list to a bar graph.
Measurement & Data	**3.ME.1d2** Measure area of rectangular figures by counting squares.	Ability to identify the area of a rectangular figure.	Identify a representation of the area of a rectangle.	Determine the area of rectangular figures by counting unit squares.	Measure the area of rectangular figures by counting unit squares.
Geometry	**3.GM.1i1** Partition rectangles into equal parts with equal area.	Concept of equal parts; Partitioning with concrete objects; Find the rectangle that is the same or match two congruent rectangles.	Find the rectangle that is the same or match two congruent rectangles.	Identify rectangles that are partitioned into parts to show equal areas.	Partition rectangles into equal parts with equal area.

California Alternate Assessment Performance Level Descriptors for Mathematics

GRADE 4—MATHEMATICS					
Domain	**Core Content Connectors**	**Essential Understandings**	**Level 1—Limited Understanding**	**Level 2—Foundational Understanding**	**Level 3—Understanding**
Operations & Algebraic Thinking	**4.NO.2d7** Determine how many objects go into each group when given the total number of objects and groups where the number in each group or number of groups is not > 10.	Create an array of objects given a specific number of rows and the total number, place one object in each group/row at a time.	Create an array of objects given a specific number of rows and the total number, and place one object in each group/row at a time.	Determine how many objects go equally into groups when given the total number of objects and groups, and when the number in each group or number of groups is not > 6.	Determine how many objects go equally into groups when given the total number of objects and groups, and when the number in each group or number of groups is not > 10.
Operations & Algebraic Thinking	**4.PRF.1e3** Solve multiplicative comparisons with an unknown using up to 2-digit numbers with information presented in a graph or word problem (e.g., an orange hat cost $3. A purple hat cost 2 times as much. How much does the purple hat cost? [3 x 2 = p]).	Identify visual multiplicative comparisons (e.g., which shows two times as many tiles as this set?).	Identify visual multiplicative comparisons (e.g., which shows two times as many tiles as this set?).	Solve multiplicative comparisons with an unknown using one-digit numbers with information presented in a graph or word problem.	Solve multiplicative comparisons with an unknown using up to two-digit numbers with information presented in a graph or word problem.

California Alternate Assessment Performance Level Descriptors for Mathematics

GRADE 4—MATHEMATICS					
Domain	**Core Content Connectors**	**Essential Understandings**	**Level 1—Limited Understanding**	**Level 2—Foundational Understanding**	**Level 3—Understanding**
Operations & Algebraic Thinking	**4.NO.2e2** Solve or solve and check one or two step word problems requiring addition, subtraction, or multiplication with answers up to 100.	Select the representation of manipulatives on a graphic organizer to show addition/multiplication equation; Match to same for representations of equations with equations provided (may be different objects but same configuration).	Match a model to addition/multiplication equations using two single-digit numbers.	Solve one-step addition, subtraction, or multiplication word problems up to 50.	Solve or solve and check addition, subtraction, or multiplication in one- or two-step word problems up to 100.
Number & Operations in Base Ten	**4.NO.1j5** Use place value to round to any place (i.e., ones, tens, hundreds, thousands).	Identify ones, tens, hundreds in bundled sets – Similar/different with concrete representations (i.e., is this set of manipulatives (8 tens) closer to this set (a hundred) or this set (a ten)?).	Identify ones, tens, hundreds in bundled sets – Similar/different with concrete representations.	Use place value to round numbers to the nearest ten or hundred.	Use place value to round numbers to the nearest hundred or thousand.

California Alternate Assessment Performance Level Descriptors for Mathematics

GRADE 4—MATHEMATICS					
Domain	**Core Content Connectors**	**Essential Understandings**	**Level 1—Limited Understanding**	**Level 2—Foundational Understanding**	**Level 3—Understanding**
Number & Operations in Base Ten	**4.NO.1m1** Determine equivalent fractions.	Equivalency: what is and what is not equivalent; this may begin with numbers/sets of objects: e.g., 3=3 or two fraction representations that are identical (two pies showing 2/3).	Identify equivalent representations of a number/set or two identical fraction representations.	Identify equivalent representations of a fraction (e.g., shaded diagram).	Identify or determine equivalent fractions.
Number & Operations—Fractions	**4.NO.1n2** Compare up to 2 given fractions that have different denominators.	Differentiate between parts and a whole.	Differentiate between parts and a whole.	Compare representations of two fractions with different denominators.	Compare two fractions with different denominators.
Number & Operations—Fractions	**4.SE.1g2** Use =, <, or > to compare fractions (fractions with a denominator of 10 or less).	Concrete representation of a fractional part of a whole as greater than, less than, or equal to another.	Compare representations of two fractional parts of a whole as less than, greater than, or equal to another.	Use =, <, or > to compare two fractions or fraction representations with denominators less than 10.	Use =, <, or > to compare two fractions with denominators of 10 or less.
Measurement & Data	**4.ME.1g2** Solve word problems using perimeter and area where changes occur to the dimensions of a rectilinear figure.	Identify the perimeter; Identify the area; Show each when size of figure changes.	Identify a rectangle with the smaller or larger perimeter or area.	Compute the perimeter or area of a rectangle.	Solve word problems using perimeter and area where changes occur to the dimensions of a rectangular figure.

California Alternate Assessment Performance Level Descriptors for Mathematics

GRADE 4—MATHEMATICS					
Domain	**Core Content Connectors**	**Essential Understandings**	**Level 1—Limited Understanding**	**Level 2—Foundational Understanding**	**Level 3—Understanding**
Measurement & Data	**4.DPS.1g3** Collect data, organize in graph (e.g. picture graph, line plot, bar graph).	Identify data sent based on a single attribute (e.g., pencils vs. markers); Identify data set with more or less (e.g., this bar represents a set with more); Organize the data into a graph using objects (may have number symbols).	Identify data set based on a single attribute; Identify data set with more or less; organize the data into a graph using objects.	Transfer data from a representation to a graph.	Collect data, organize in graph.
Geometry	**4GM.1h2** Classify two-dimensional shapes based on attributes (# of angles).	Identify attributes within a 2-dimensional figure (e.g., rectangles have sides – student identifies sides of rectangle – and angles – student identifies angles in rectangle).	Identify given attributes of 2 – two-dimensional shapes.	Sort a set of two-dimensional shapes based on attributes.	Classify two-dimensional shapes based on attributes.

California Alternate Assessment Performance Level Descriptors for Mathematics

GRADE 5—MATHEMATICS					
Domain	**Core Content Connectors**	**Essential Understandings**	**Level 1—Limited Understanding**	**Level 2—Foundational Understanding**	**Level 3—Understanding**
Operations & Algebraic Thinking	**5.PRF.2b1** Generate or select a comparison between two graphs from a similar situation.	Compare two pieces of information provided in a single display.	Make comparisons between two pieces of data shown.	Make quantitative comparisons between two data sets shown.	Make quantitative comparisons between data sets shown on two graphs.
Number & Operations in Base Ten	**5.NO.1b1** Read, write, or select a decimal to the hundredths place.	Recognize part whole using materials divided into tenths – Count tenths to determine how many (e.g.,4 tenths) (.4 have the decimal present but not required to read).	Identify and count graphic representations of tenths.	Identify place values to the hundredths place.	Identify place values to the hundredths place in various forms.
Number & Operations in Base Ten	**5.NO.1b4** Round decimals to the next whole number.	Identify place value to the ones, tens, hundreds, thousands.	Identify a number in the ones, tens, or hundreds place.	Round decimals up to the hundredths place to nearest whole number.	Round decimals up to the thousandths place to nearest whole number.
Number & Operations in Base Ten	**5.NO.2a5** Solve word problems that require multiplication or division.	Combine (x) or decompose (÷) with concrete objects; use counting to get the answers.	Use objects to multiply with products up to 100 or divide numbers under 100.	Identify solutions up to 100 in multiplication and division word problems.	Solve multiplication and division word problems.

California Alternate Assessment Performance Level Descriptors for Mathematics

GRADE 5—MATHEMATICS					
Domain	**Core Content Connectors**	**Essential Understandings**	**Level 1—Limited Understanding**	**Level 2—Foundational Understanding**	**Level 3—Understanding**
Number & Operations in Base Ten	**5.NO.2c1** Solve step problems using decimals.	Combine (+) or decompose (-) with concrete objects; use counting to get the answers; Match the action of combining with vocabulary (i.e., in all; altogether) or the action of decomposing with vocabulary (i.e., have left; take away) in a word problem.	Solve one-step addition and subtraction problems.	Perform one-step addition and subtraction operations with decimals.	Solve one-step problems with decimals using any of the four operations.
Number & Operations—Fractions	**5.NO.2c2** Solve word problems involving the addition, subtraction, multiplication, or division of fractions.	Identify what to do with the parts when given the key word (using the fractional parts).	Divide sets into two equal parts.	Solve addition and subtraction word problems involving fractions with like denominators.	Solve word problems involving fractions with like denominators using any operation.
Number & Operations—Fractions	**5.PRF.1a1** Determine whether the product will increase or decrease based on the multiplier.	Limit to whole numbers and 1 or more; Show what happens to set when one of these (1x) versus some other number (e.g., 2x).	Identify graphic set when a multiplier of 2 or more is applied.	Determine if the value of the product increases or decreases based upon the multiplier.	Determine in a word problem if the value of the product increases or decreases based upon the multiplier.

California Alternate Assessment Performance Level Descriptors for Mathematics

GRADE 5—MATHEMATICS					
Domain	**Core Content Connectors**	**Essential Understandings**	**Level 1—Limited Understanding**	**Level 2—Foundational Understanding**	**Level 3—Understanding**
Measurement & Data	**5.ME.1b2** Convert standard measurements of length.	To measure an object or quantity using 2 different units to show they mean the same thing (e.g., 12 inches and 1 foot). If larger unit, there are less; smaller units, you need more.	Match quantity of measurement of length needed using different measuring tools to a model.	Identify converted standard lengths of measurement.	Convert standard lengths of measurement.
Measurement & Data	**5.ME.2a1** Solve problems involving conversions of standard measurement units when finding area, volume, time lapse, or mass.	Identify what measures time (clock used to measure time; calendar used to measure days); identify past/present (for lapsed time).	Identify tool used to calculate elapsed time (e.g., years, days, hours).	Convert standard measurements when solving for time lapse (e.g., 14 days to 2 weeks).	Convert standard measurements when finding area, volume, or mass (inches, feet, gallons, pounds, etc., not metric measurement units).
Geometry	**5.GM.1c3** Use ordered pairs to graph given points.	Identify the x- and y-axis or concept of intersection.	Identify a given axis of a coordinate plane.	Locate a given point on a coordinate plane when given an ordered pair.	Plot a point on a coordinate plane when given an ordered pair.

California Alternate Assessment Performance Level Descriptors for Mathematics

GRADE 6—MATHEMATICS					
Domain	**Core Content Connectors**	**Essential Understandings**	**Level 1—Limited Understanding**	**Level 2—Foundational Understanding**	**Level 3—Understanding**
Ratios & Proportional Relationships	**6.PRF.1c1** Describe the ratio relationship between two quantities for a given situation.	Match/identify a simple ratio (1:X) to the relationship between two quantities.	Match a given unit rate to a model.	Identify the ratio relationship between two quantities.	Describe the ratio relationship between two quantities.
Ratios & Proportional Relationships	**6.NO.1f1** Find a percent of a quantity as rate per 100.	State a relationship to a quantity out of 100.	Select a relationship to a quantity out of 100.	Select a percentage of a quantity as rate per 100, when the given quantity is a factor of 100.	Calculate a percentage of a quantity as a rate per 100.
The Number System	**6.NO.2c3** Solve one-step, addition, subtraction, multiplication, or division problems with fractions or decimals.	Concept of +, -, x, ÷. Concept of fraction and decimal. Use concrete object to represent the removal (subtraction) or addition of one-half from/to a whole object.	Match a model which represents the addition or subtraction of one-half to/from a whole.	Solve a one-step addition or subtraction problem using fractions with like denominators or decimals.	Solve a one-step multiplication or division problem using fractions or decimals.
The Number System	**6.NO.1d4** Select the appropriate meaning of a negative number in a real-world situation.	Ability to select the appropriate representation of more than or less than 0 in a real-world situation.	Identify a graphic representation of a value less than zero in a real-world situation.	Select the appropriate meaning of a negative number in a real-world situation when given a graphical aid.	Select the appropriate meaning of a negative number in a real-world situation.
The Number System	**6.NO.1d2** Locate positive and negative numbers on a number line.	Recognize how values/numbers lie on either side of zero.	Identify a number less than zero on a number line.	Identify a representation of positive and negative values on a number line.	Identify the location of positive and negative values on a number line.

California Alternate Assessment Performance Level Descriptors for Mathematics

GRADE 6—MATHEMATICS					
Domain	**Core Content Connectors**	**Essential Understandings**	**Level 1—Limited Understanding**	**Level 2—Foundational Understanding**	**Level 3—Understanding**
Expressions & Equations	**6.PRF.1d1** Solve real world single-step linear equations.	Recognize the intended outcome of a word problem based on a linear equation.	Identify the intended solution of a word problem based on a linear equation.	Solve real real-world, single-step linear equations requiring addition or subtraction.	Solve real-world, single-step linear equations requiring multiplication or division.
Expressions & Equations	**6.ME.2a2** Solve one-step, real- world measurement problems involving unit rates with ratios of whole numbers when given the unit rate (3 inches of snow falls per hour, how much in 6 hours).	Identify a familiar unit rate.	Identify a familiar unit rate. (e.g., 4 quarters: 1 dollar is 4:1).	Solve a one-step, real-world measurement problem involving unit rates, where no value exceeds 50.	Solve a one-step, real-world measurement problem involving unit rates.
Expressions & Equations	**6.NO.2a6** Solve problems or word problems using up to three digit numbers and any of the four operations.	Decompose (÷) with concrete objects; use counting to get the answer.	Decompose (÷) with concrete objects; use counting to get the answer.	Solve a word problem with graphic support which has numbers up to three digits using addition or subtraction.	Solve a word problem which has numbers up to three digits using multiplication or division.
Geometry	**6.GM.1d1** Find the area of quadrilaterals.	Use manipulatives to measure the area of a rectangle (e.g., tiling).	Count the number of grids or tiles inside a rectangle to find the area of a rectangle.	Determine the area of a rectangle when it has been gridded (tiled).	Determine the area of a quadrilateral.

California Alternate Assessment Performance Level Descriptors for Mathematics

GRADE 6—MATHEMATICS					
Domain	**Core Content Connectors**	**Essential Understandings**	**Level 1—Limited Understanding**	**Level 2—Foundational Understanding**	**Level 3—Understanding**
Statistics & Probability	**6.DPS.1d3** Select statement that matches mean, mode, and spread of data for 1 measure of central tendency for given data set.	Identify the highest and lowest value in a data set given a number line and matching symbols; Identify the representation (Plastic snap cubes, wiki sticks) of the mode; Use concrete materials to produce the mean (leveled plastic snap cubes).	Identify the mean, mode, lowest value, and highest value of a graphical data set.	Identify the mean, median, or spread of a set of data which contains either three or five values.	Identify the mean, median, or spread of an odd number set which contains at least five values.

California Alternate Assessment Performance Level Descriptors for Mathematics

GRADE 7—MATHEMATICS					
Domain	**Core Content Connectors**	**Essential Understandings**	**Level 1—Limited Understanding**	**Level 2—Foundational Understanding**	**Level 3—Understanding**
Ratios & Proportional Relationships	**7.NO.2f1** Identify the proportional relationship between two quantities (use rules or symbols to show quantitative relationships).	Recognize the constancy of one object to its parts (i.e., one face, two eyes).	Recognize the constancy of one object to its parts.	Match a given ratio to a model.	Identify unit rate (constant of proportionality) in tables or graphs of proportional relationships.
Ratios & Proportional Relationships	**7.NO.2f2** Determine if two quantities are in a proportional relationship using a table of equivalent ratios or points graphed on a coordinate plane.	Use a table to recognize the quantity of two entries, without counting, to determine which is relatively larger.	Recognize qualitative comparisons of a data set presented in a table.	Identify proportional relationships between quantities represented in a table or a bar graph.	Identify proportional relationships between quantities represented in a table or a graph.
Ratios & Proportional Relationships	**7.PRF.1f1** Use proportional relationships to solve multistep percent problems in real-world situations.	Identify how one variable changes in relation to another variable in a directly proportional relationship (e.g., a/b = c/d, if a increases, what will happen to c?).	Identify how one variable changes in relation to another variable given a directly proportional relationship.	Solve problems in real-world situations involving finding the percentage of a whole.	Solve multistep problems in real-world situations involving the addition or subtraction of percentages.

California Alternate Assessment Performance Level Descriptors for Mathematics

GRADE 7—MATHEMATICS					
Domain	**Core Content Connectors**	**Essential Understandings**	**Level 1—Limited Understanding**	**Level 2—Foundational Understanding**	**Level 3—Understanding**
Ratios & Proportional Relationships	**7.NO.2f6** Solve word problems involving ratios.	Show rate when asked; Show proportion when asked; Select a set for the ratio given (Maria stamps three letters every minute which we write as 3:1. Show me the letters she stamps in a minute).	Identify a rate or proportion given a set of data, or identify a set for a given ratio.	Solve word problems involving ratios, with no value in the given ratio greater than 12.	Solve word problems involving ratios.
The Number System	**7.NO.2i1** Solve multiplication problems with positive or negative numbers.	Create an array of objects for the mathematical equation and match answer symbol (+ or -) following multiplication rules for an equation.	Identify an array that represents multiplication between numbers of like or different signs.	Solve multiplication problems with positive or negative whole numbers less than or equal to 10.	Solve multiplication problems with positive or negative whole numbers.
The Number System	**7.NO.2i2** Solve division problems with positive or negative numbers.	Create an array of objects for the mathematical equation and match answer symbol (+ or -) following division rules for an equation.	Identify an array that represents division of numbers of like or different signs.	Solve division problems with positive or negative whole numbers less than or equal to 10.	Solve division problems with positive or negative whole numbers.

California Alternate Assessment Performance Level Descriptors for Mathematics

GRADE 7—MATHEMATICS					
Domain	**Core Content Connectors**	**Essential Understandings**	**Level 1—Limited Understanding**	**Level 2—Foundational Understanding**	**Level 3—Understanding**
Expressions & Equations	**7.PRF.1g2** Use variables to represent quantities in a real-world or mathematical problem, and construct simple equations and inequalities to solve problems by reasoning about the quantities.	Record/replace a variable in an equation with a fact from a story on a graphic organizer.	Identify what the variable represents in a modeled equation from a story on a graphic organizer.	Identify or create a variable equation to model a given real-world situation.	Identify or create a variable equation or inequality to model a real-world situation.
Geometry	**7.ME.2d1** Apply formula to measure area and circumference of circles.	Recognize the area of a circle and the circumference when shown a graphic representation.	Identify graphical representations of area and circumference of a circle.	Identify or compute the area and/or circumference of a circle using 3 as the value of pi.	Identify or compute the area and/or circumference of a circle using 3.14 as the value of pi.
Geometry	**7.GM.1h2** Find the surface area of three-dimensional figures using nets of rectangles or triangles.	Demonstrate the concept of the surface area of a rectangular prism; rectangular prism.	Identify representations of the surface area or volume of a rectangular prism.	Identify or compute the surface area of a rectangular prism.	Identify or compute the surface area of a triangular prism.
Statistics & Probability	**7.DPS.1k1** Analyze graphs to determine or select appropriate comparative inferences about two samples or populations.	Understand basic information from simple graphs (e.g., interpret a bar graph using the understanding that the taller column on a graph has a higher frequency, the shorter column on a graph has a lower frequency).	Identify basic information from simple graphs.	Analyze graphs to select appropriate comparative inferences about two samples or populations.	Analyze graphs to determine appropriate comparative inferences about two samples or populations.

California Alternate Assessment Performance Level Descriptors for Mathematics

GRADE 8—MATHEMATICS					
Domain	**Core Content Connectors**	**Essential Understandings**	**Level 1—Limited Understanding**	**Level 2—Foundational Understanding**	**Level 3—Understanding**
The Number System	**8.NO.1k3** Use approximations of irrational numbers to locate them on a number line.	Recognize how values/numbers can lie between whole number values on a number line.	Locate a given nonrepeating, rational decimal number on a number line.	Locate approximate placement of an irrational number on a number line spaced in whole number increments.	Locate approximate placement of an irrational number on a number line.
Expressions & Equations	**8.PRF.1e2** Represent proportional relationships on a line graph.	Recognize a positive relationship between two variables.	Recognize a positive relationship between two variables.	Match a provided proportional relationship to its line graph.	Plot provided data representing a proportional relationship on a line graph.
Expressions & Equations	**8.PRF.1g3** Solve linear equations with variable.	Use manipulatives or graphic organizer to solve a problem.	Identify the solution to an equation by using manipulatives or a graphic organizer.	Identify the solution to a linear equation that contains one variable.	Solve a linear equation that contains one variable.
Functions	**8.PRF.2e2** Identify the rate of change (slope) and initial value (y-intercept) from graphs.	Indicate the point on a line that crosses the y-axis.	Identify the y-intercept of a linear graph.	Identify the slope and/or y-intercept of a positive linear graph.	Identify the slope and/or y-intercept of a linear graph.
Functions	**8.PRF.1f2** Describe or select the relationship between the two quantities given a line graph of the situation.	Use a graph to recognize the quantity in two sets, without counting, to determine which is relatively larger.	Identify the relatively larger data set when given two data sets presented in a graph.	Identify the relationship shown on a positive linear graph with whole number values.	Identify the relationship shown on a linear graph.

California Alternate Assessment Performance Level Descriptors for Mathematics

GRADE 8—MATHEMATICS					
Domain	**Core Content Connectors**	**Essential Understandings**	**Level 1—Limited Understanding**	**Level 2—Foundational Understanding**	**Level 3—Understanding**
Geometry	**8.GM.1g1** Recognize congruent and similar figures.	Demonstrate the concept of congruent and similar (e.g., match concrete examples of congruent shapes, match concrete examples of similar shapes).	Match a concrete example of a shape to a similar or congruent concrete example of a shape.	Identify congruent or similar figures when given common geometric figures.	Identify congruent or similar figures.
Geometry	**8.ME.1e1** Describe the changes in surface area, area, and volume when the figure is changed in some way (e.g., scale drawings).	Recognize how the space inside a figure increases when the sides are lengthened.	Identify the figure with a larger area or volume when given a pair of figures.	Describe the change in area, surface area, or volume when a single attribute is changed.	Describe the change in area, surface area, or volume when one or more attributes are changed.
Geometry	**8.ME.2d2** Apply the formula to find the volume of three-dimensional shapes (i.e., cubes, spheres, and cylinders).	Ability to recognize attributes of a three-dimensional shape.	Identify an attribute of a three-dimensional shape.	Identify the volume of a cube or rectangular prism.	Compute the volume of three-dimensional shapes.
Statistics & Probability	**8.DPS.1h1** Graph bivariate data using scatter plots and identify possible associations between the variable.	Locate points on the x-axis and y-axis of an adapted grid (not necessarily numeric).	Identify or place a point on the x or y-axis of a numeric or non-numeric grid.	Identify associations between variables in graphs with no more than 5 data points.	Plot provided data on a graph and/or identify associations between variables in graphs.
Statistics & Probability	**8.DPS.1k2** Analyze displays of bivariate data to develop or select appropriate claims about those data.	Use graphic supports (e.g., highlighted transparency of an association) to identify the appropriate statement when given a relationship between two variables.	Identify the appropriate statement when given a relationship between two variables using graphic support.	Select appropriate claims given displays of bivariate data with no more than 5 data points.	Select or develop appropriate claims given displays of bivariate data.

California Alternate Assessment Performance Level Descriptors for Mathematics

GRADE 11—Mathematics					
Domain	**Core Content Connectors**	**Essential Understandings**	**Level 1—Limited Understanding**	**Level 2—Foundational Understanding**	**Level 3—Understanding**
Number and Quantity: The Real Number System	**HS.NO.1a1** Simplify expressions that include exponents.	Create an array with a number multiplied by itself (Show me 3 rows of 3).	Identify the array that represents a square number.	Simplify an expression that includes an exponent of 2.	Simplify an expression that includes an exponent of 3.
Number and Quantity: Quantities	**H.ME.1a2** Solve real-world problems involving units of measurement.	Ability to solve real-world measurement problems that require interpretation and use of a table.	Solve real-world measurement problems using a single extension of a table.	Solve real-world measurement problems without unit conversions.	Solve real-world measurement problems that require a single unit conversion.
Algebra: Creating Equations	**H.PRF.2b1** Translate a real-world problem into a one-variable linear equation.	Match an equation with one variable to the real-world context.	Match an equation with one variable to a real-world situation.	Identify the linear representation of a real-world situation.	Complete a partial linear equation that represents a real-world situation.
Algebra: Creating Equations	**H.PRF.2b2** Solve equations with one or two variables using equations or graphs.	Count and arrange a given number of objects into two sets in multiple combinations.	Count and arrange a given number of objects into two sets in multiple combinations.	Solve a one-variable word problem using an equation or a linear graphical representation with values not exceeding 1,000.	Solve a one- or two-variable word problem using an equation or a linear graphical representation.
Algebra: Creating Equations	**H.ME.1b2** Solve a linear equation to find a missing attribute given the area, surface area, or volume and the other attribute.	Identify the unknown quantity when given an equation and labeled figure.	Identify the unknown quantity when given an equation and two-dimensional labeled figure	Solve a linear equation to find a missing attribute of a figure given the area or volume.	Solve a linear equation to find a missing attribute given the area, surface area, or volume and the other attribute.

California Alternate Assessment Performance Level Descriptors for Mathematics

GRADE 11—Mathematics					
Domain	**Core Content Connectors**	**Essential Understandings**	**Level 1—Limited Understanding**	**Level 2—Foundational Understanding**	**Level 3—Understanding**
Functions: Interpreting Functions	**H.PRF.1c1** Select the appropriate graphical representation of a linear model based on real world events.	Match a point not on a line as not being part of a data set for a given line.	Determine whether a given point is or is not part of a data set shown on a graph.	Identify the linear representation of a real-world situation.	Select information to complete the graphical linear representation of a real-world situation.
Functions: Interpreting Functions	**H.PRF. 2c1** Make predictions based on a given model (for example, a weather model, data for athletes over years).	Extend a graph when provided a relationship and two choices.	Identify an extension of a graph.	Make predictions from data tables and graphs to solve problems, when the prediction is no more than a single increment from the given information.	Make predictions from data tables and graphs to solve problems.
Geometry: Similarity, Right Triangles, & Trigonometry	**H.GM.1b1** Use definitions to demonstrate congruency and similarity in figures.	Identify the right angle within a given triangle; sides and/or hypotenuse of a right triangle.	Identify the hypotenuse, sides, or right angle of a right triangle.	Determine if given geometric shapes are congruent, similar but not congruent, or neither.	Determine if given figures are congruent, similar but not congruent, or neither.
Statistics & Probability: Interpreting Categorical & Quantitative Data	**H.DPS.1b1** Complete a graph given the data, using dot plots, histograms, or box plots	Make a connection between categories in a data table to the appropriate axis of a graph.	Identify the missing axis labels on a graph.	Identify multiple missing labels on a graph using a given data table.	Plot data on dot plots, histograms, or box plots given data.
Statistics & Probability: Interpreting Categorical & Quantitative Data	**H.DPS.1c1** Use descriptive stats; range, median, mode, mean, outliers/gaps to describe data set.	Identify the highest and lowest value in a data set given a number line and matching symbols (concept of range).	Identify the greatest or least value in a set of data shown on a number line or graph.	Calculate the mean, median, or range of a set of data.	Calculate the mean, median, mode, range, and/or outliers of a set of data.

California Assessment of Student Performance and Progress

STUDENT SCORE REPORT | 2016

Matthew Martin

Creation Date: Month DD, YYYY

MATTHEW'S RESULTS ON THE

California Alternate Assessments (CAAs)

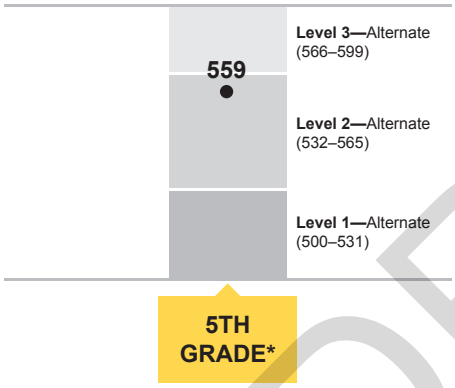
The new California Alternate Assessments are based on alternate achievement standards and give students the opportunity to demonstrate their learning by taking a test commensurate with their abilities. Working with a teacher, Matthew was encouraged to complete items as independently as possible. Matthew had an opportunity to answer questions representing different levels of complexity, which helps all students demonstrate what they know and can do.

These results are one measure of Matthew's academic performance and provide limited information. Like any important measure of your child's performance, they should be viewed with other available information—such as progress on individualized education program (IEP) goals, assignments, and teacher conferences—and they can be used to help inform a conversation with Matthew's teachers about how to help him progress in English language arts/literacy and mathematics.

CAA ENGLISH LANGUAGE ARTS/LITERACY

Matthew's overall score for 2016 is:

559 | Level 2—Alternate



Matthew showed **foundational understanding** of core concepts in English language arts/literacy, such as identifying the main idea of a story. For a detailed description of performance level descriptors (PLDs), please visit the CAA PLD Web site at http://www.cde.ca.gov/ta/tg/ca/caapld.asp.

We encourage you to review the results of this assessment with your child's teacher, and to work together to set individual learning goals for your child. Consider IEP goals when reviewing results, keeping in mind those goals do not always align with the alternate achievement standards in core content areas.

Please note that this is a new assessment and should not be compared with prior assessment results.

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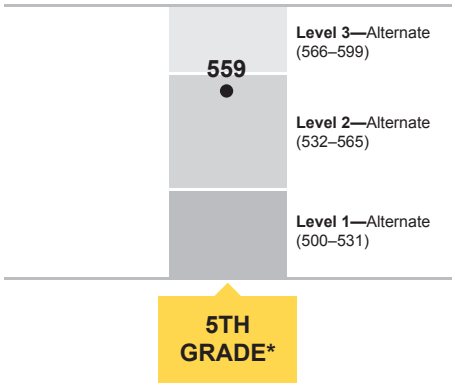
CAA MATHEMATICS

Matthew's overall score for 2016 is:

559 | Level 2—Alternate



Matthew showed **foundational understanding** of core concepts in mathematics, such as solving addition, subtraction or multiplication word problems. For a detailed description of PLDs, please visit the CAA PLD Web site at http://www.cde.ca.gov/ta/tg/ca/caapld.asp.

We encourage you to review the results of this assessment with your child's teacher, and to work together to set individual learning goals for your child. Consider IEP goals when reviewing results, keeping in mind those goals do not always align with the alternate achievement standards in core content areas.

Please note that this is a new assessment and should not be compared with prior assessment results.

[Placeholder text. This area will only contain text if a condition code applies.]

DRAFT

* Students in ungraded programs are assigned a grade for testing purposes based on the student's date of birth.

To see scale score ranges for all grades or for complete results for schools, districts, or across the state, visit the CDE CAASPP Results Web pages at http://caaspp.cde.ca.gov/.

Your Guide to Matthew's California Assessment of Student Performance and Progress (CAASPP) Score Report

CALIFORNIA DEPARTMENT OF EDUCATION (CDE)

LOCAL ID #: **9999999999**
STUDENT #: **9999999999** DATE OF BIRTH: **04/01/2005**
GRADE: **5** TEST DATE: **Spring 2016**

FOR THE PARENT/GUARDIAN OF:
MATTHEW MARTIN
1234 MAIN STREET
YOUR CITY, CA 12345

SCHOOL: **California Elementary School**
LEA: **California Unified**

Dear Parent/Guardian of Matthew Martin:

This report shows how Matthew scored on the California Alternate Assessments (CAAs) for English language arts/literacy and mathematics. These tests are based on alternate achievement standards, which make them more accessible for students with signif cant cognitive disabilities. These new tests are part of the California Assessment of Student Performance and Progress (CAASPP) System.

As a f fth-grader, Matthew also took a science test. His results on California's science assessment can be found on the bottom of this report.

While tests are just one way to measure Matthew's progress, the results can help teachers and the school focus on areas in which students need more help. I encourage you to be involved in your child's learning, and discuss these results with Matthew's teacher(s).

Sincerely,

Tom Torlakson

Tom Torlakson
State Superintendent of Public Instruction

Statewide Assessments: One Measure of Matthew's Progress

What are the Californa Alternate Assessments?

The California Alternate Assessments (CAAs) are online tests for students with individualized education programs (IEPs) that designate the use of alternate assessment to measure student progress on alternate achievement standards. This alternate assessment is part of the California Assessment of Student Performance and Progress (CAASPP) System, and replaces the California Alternate Performance Assessment (CAPA) for English language arts and mathematics. In the coming years, a new science component aligned with new standards will be incorporated into CAASPP and will replace the current CAPA for science assessment at grades 5, 8, and 10.

The CAAs give students the opportunity to demonstrate their learning by taking a test commensurate with their abilities. The CAAs use alternate achievement standards, called Core Content Connectors ("Connectors"), to make the test more accessible for student with significant cognitive disabilities. Visit the CDE CAA Web page at: **http://www.cde.ca.gov/ta/tg/ca/altassessment.asp** for more information and resources intended for parents about the CAAs, including sample questions and a parent brochure.

The CAAs are administered to each student individually. CAA items and tasks represent three different levels of complexity, and student's responses to the f rst set of test questions determine the complexity of the items that follow.

Students are encouraged to complete items as independently as possible. If they are able, students can respond to test questions by using a mouse or keyboard. If needed, the test examiner will select the response indicated by the student by gesture, eye gaze, alternative communication device, or other means. Like other CAASPP assessments, the CAAs offer universal tools, designated supports, and accommodations according to the needs of each student. To learn more about these tests, visit the CDE Web site at **http://www.cde.ca.gov**.

What are the score ranges for each level?

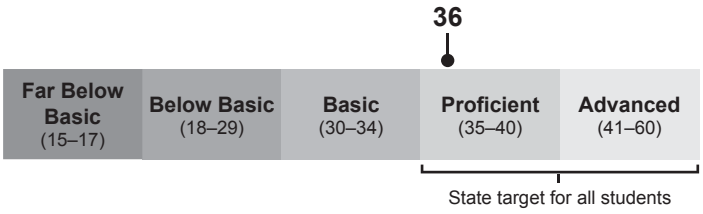
There are three levels of scores for English language arts/literacy and mathematics:

	Level 1—Alternate	**Level 2**—Alternate	**Level 3**—Alternate
CAA ENGLISH LANGUAGE ARTS/LITERACY	500–531	532–565	566–599
CAA MATHEMATICS	500–531	532–565	566–599

Matthew's Results on the California Alternate Performance Assessment for Grade 5 Science

SCIENCE

Matthew's score is **36 — Proficient**



Matthew's score of 36 is in the Prof cient level on the California Alternate Performance Assessment for science.

To meet federal test requirements, California administered a science assessment to all students in grades 5, 8, and 10; these tests are not aligned with California's new standards. As part of California's transition to these new standards, tests aligned to the new standards are under development.

DRAFT

California State Board of Education

Meeting Agenda Items for May 11-12, 2016

ITEM 08

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2016 AGENDA

SUBJECT	
Every Student Succeeds Act: Request a Waiver Under Title I, Part A, Section 8401 to Waive Double Testing of Science Requirement.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

Requesting approval of a federal waiver request to not double test or report individual scores for the new California Next Generation Science Standards (CA NGSS) summative assessments while conducting pilot and field testing of the CA NGSS general and alternate assessments (Attachment 1).

RECOMMENDATION

The California Department of Education (CDE) recommends the State Board of Education (SBE) approve the elimination of assessments based on the 1998 Science Content Standards assessments which includes the California Standards Tests (CSTs), California Modified Assessment (CMA), and California Alternate Performance Assessment (CAPA) and delegate authority to the SBE President, in consultation with the State Superintendent of Public Instruction (SSPI), to submit a letter (Attachment 1) to the U.S. Department of Education (ED) requesting federal waiver authority to not double test or report individual student scores for the new CA NGSS summative assessments while conducting pilot testing and field testing, which is consistent with previous authority granted to California when implementing the new English language arts/literacy and mathematics assessments.

Furthermore, the CDE recommends the SBE authorize the CDE, with approval of the SBE Executive Director, to make necessary changes to the current California Assessment of Student Performance and Progress (CAASPP) contract with Educational Testing Service (ETS), without a change to the total contract amount to implement the transition to CA NGSS, as outlined in Attachment 1.

BRIEF HISTORY OF KEY ISSUES

In March 2016, the SBE approved a test design plan for developing the CA NGSS summative assessments. The attached ED letter requests federal waiver authority to not double test or report individual student scores for the new CA NGSS summative assessments while pilot testing and field testing. The request stipulates that the CDE

would continue to report participation in the new assessments to meet federal requirements on the state reporting site and on the student score reports.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In March 2016, the SBE approved the development of three online CA NGSS summative assessments to meet the requirements of the federal Every Student Succeeds Act (ESSA) and California *Education Code* (*EC*) Section 60640(b)(2)(B) consistent with the proposed test design in grades five and eight and high school. (http://www.cde.ca.gov/be/ag/ag/yr16/documents/mar16item02.doc)

In September and November 2015 and January 2016, the CDE provided the SBE with updates on the CA NGSS assessments.
(http://www.cde.ca.gov/be/ag/ag/yr15/documents/sep15item01.doc)
(http://www.cde.ca.gov/be/ag/ag/yr15/documents/nov15item03.doc)
(http://www.cde.ca.gov/be/ag/ag/yr16/documents/jan16item03.doc)

In May, June, and July 2015, the CDE provided the SBE with updates on the CA NGSS assessments.
(http://www.cde.ca.gov/be/ag/ag/yr15/documents/may15item02.doc)
(http://www.cde.ca.gov/be/pn/im/documents/memo-dsib-adad-jun15item03.doc)
(http://www.cde.ca.gov/be/ag/ag/yr15/documents/jul15item03.doc)

In May 2015, the SBE designated ETS as the CAASPP contractor for the 2015–16, 2016–17, and 2017–18 test administrations, including the development, pilot testing, and field testing of three new CA NGSS science assessments (including the CA NGSS alternate assessment for students with significant cognitive disabilities) in the grades and content areas to be approved by the SBE.

In November 2014, the SBE was provided with updates regarding science stakeholder meetings that were conducted in July 2014.
(http://www.cde.ca.gov/be/ag/ag/yr14/documents/nov14item02.doc)

In May and September 2014, the CDE provided the SBE with updates regarding the *NGSS Systems Implementation Plan for California* (*The Plan*). Updates included the format, elements, and development process covered by *The Plan*.
(http://www.cde.ca.gov/be/ag/ag/yr14/documents/may14item05.doc)

In September 2013, the SBE adopted the *Next Generation Science Standards for California Public Schools, Kindergarten Through Grade Twelve*, as required by *EC* Section 60605.85. (http://www.cde.ca.gov/be/ag/ag/yr13/documents/sep13item10.doc)

In January 2013, the State Superintendent of Public Instruction (SSPI) provided the SBE with comprehensive recommendations for transitioning California to a future assessment system as required by *EC* Section 60604.5.
(http://www.cde.ca.gov/be/ag/ag/yr13/documents/jan13item08.doc) The SSPI's recommendations report can be found on the CDE Statewide Pupil Assessment System Web page at http://www.cde.ca.gov/ta/tg/sa/ab250.asp.

FISCAL ANALYSIS (AS APPROPRIATE)

The 2015 Budget Act provided $94 million in funding for the various CAASPP contract activities in 2015–16, including the CAASPP ETS contract. The Governor's proposed Budget Act for 2016–17 includes approximately $93 million for CAASPP contract activities in 2016–17. Funding for 2017–18 and beyond will be contingent upon an annual appropriation being made available from the Legislature in future fiscal years.

The approved Scope of Work for the CAASPP ETS contract stipulates that ETS will develop CA NGSS science assessments, inclusive of the CA NGSS alternate science assessments, upon SBE approval of a test design plan. The approved budget for the ETS contract is $239,998,122. Of that amount, a total of $10,074,061 is budgeted for the development ($2,422,809), pilot testing ($1,381,009), and field testing ($6,270,243) for the new CA NGSS science assessments and CA NGSS alternate science assessments. The approved budget also includes a total of $4,220,404 for the administration of the CST and CMA for Science and $447,123 for the administration of the CAPA for Science in school year 2016–17. The current contract ends December 31, 2018.

This transition would require a change to the current contract Scope of Work and budget without a change to the total contract amount by eliminating the administration of the CST, CMA, and CAPA for Science assessments in school year 2016–17 (one year earlier than budgeted for elimination) and proposes to expand the previously budgeted CA NGSS pilot test to a full census pilot test of the CA NGSS general assessments, as well as to extend the census pilot testing of the alternate assessment for science from one year to two consecutive years through school year 2017–18.

ETS will provide the CDE a revised Scope of Work and budget to align to the plan for approval by the CDE and the Executive Director of the SBE. Per *EC* Section 60643, the CDE, in consultation with the SBE, may make material amendments to the contract that do not increase the contract cost.

ATTACHMENT(S)

Attachment 1: Letter to the U.S. Department of Education Requesting a Federal Waiver Authority to not Double Test or Report Individual Student Scores for the New CA NGSS Summative Assessments While Conducting Pilot Testing and Field Testing (4 Pages)

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

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

1430 N Street Sacramento, CA 95814-5901

DRAFTMay 16, 2016

John B. King, Jr., Secretary
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Secretary King:

California continues its development of a new, landmark statewide assessment system aligned with college- and career-ready standards. In September 2013, the California State Board of Education (SBE) adopted the California Next Generation Science Standards (CA NGSS), as required by California *Education Code* (*EC*) Section 60605.85. The CA NGSS have the potential to revolutionize science education in California, as well as the rest of the nation, because they require a different way of thinking about teaching and learning science. What differentiates the CA NGSS from the 1998 California Science Content Standards is the way in which they weave together three dimensions—"disciplinary core ideas," "science and engineering practices," and "crosscutting concepts"—into performance expectations (PEs) across four scientific disciplines (life sciences, earth and space sciences, physical sciences, and engineering design) and provide practical applications of science.

In the 2013–14 school year, California received a waiver from the U.S. Department of Education (ED) to field-test 100 percent of eligible general education students in English language arts/literacy (ELA) and mathematics using assessments aligned with college- and career-ready standards developed by the Smarter Balanced Assessment Consortium in lieu of the existing state assessments in grades three through eight and grade eleven. As a result, California field-tested more than 3.2 million students. Schools reported that this opportunity for students and teachers to experience computer-based testing for the first time was extremely valuable in developing their readiness for this different testing mode prior to the first operational tests. A similar waiver request for the 2014–2015 test administration of the California Alternate Assessment (CAA) for ELA and mathematics was granted by the ED at the end of 2014 for students with significant cognitive disabilities.
In March 2016, the SBE adopted a high-level test design plan for the development of the CA NGSS summative assessments as required by the Every Student Succeeds Act (ESSA) and *EC* Section 60640(b)(2)(B). The CDE has developed a transition plan for

these assessments that involves the elimination of double testing of students on former science standards to focus time and attention and signal this as a priority for school districts as the state continues its work for item and test design development of aligning new assessments to the current science standards.

In the 2016–17 and the 2017–18 school years, California will develop and implement new, computer-based general and alternate assessments for science that are aligned with and linked to the CA NGSS. This will be done with the intent of conducting full-census pilot testing of all eligible students. This plan is in the best interest of our students, teachers, and schools and is consistent with the successful implementation of Smarter Balanced Summative Assessments and CAAs for ELA and mathematics of all students statewide.

California is requesting a waiver, under requests for academic assessments and accountability (Section 8401 of ESSA), for states that participate in full-census pilot testing and field testing of new state assessments during the 2016–17 and 2017–18 school years. It is important to support states as they make the transition to new assessments aligned with the state-adopted science standards. Specifically, it is important to avoid the double testing of students while new assessments are being piloted and field-tested to all students, and evaluated with regard to their validity, reliability, and fairness. Additionally, this approach will provide a signal to California educators to transition their instruction from the previous science content standards to the new CA NGSS in an effort to support success on future CA NGSS summative assessments and to improve teaching and learning. Furthermore, California is requesting a waiver, under Section 1204(j)(3) of the ESSA, of the requirements in Title I, Part A, as listed below. This waiver will allow California to improve how our state, districts, and schools effectively serve students with significant cognitive disabilities and allow us to properly pilot and field-test new alternate assessments without creating an unduly burdensome double testing situation in grades five, eight, and high school for eligible students.

This letter serves as our request for such a waiver under Section 1204(j)(3) of the ESSA.

California's plan for CA NGSS test development will:

- Meet the needs of schools and districts to gain exposure to the CA NGSS general and the alternate assessments for science.

- Meet the federally required 95 percent participation rate for the state in grades five, eight, and high school.

- Provide a model of high quality test items for CA NGSS general and alternate assessments for science.

- Provide valuable feedback for the CA NGSS general assessments and alternate assessment for science in terms of item types and functionality.

California's timeline:

Year	CA NGSS general assessment	CA NGSS alternate assessment
2017	Pilot test	Pilot test
2018	Field test	Pilot test
2019	Operational test	Field test
2020	Operational test	Operational test

In the 2016–17 school year, California will pilot the new CA NGSS general assessment in grades five and eight and high school. The pilot testing for the alternate assessment for science will occur in the 2016–17 and the 2017–18 school years in elementary, middle, and high school. The additional pilot test year for the alternate is necessary to ensure a valid and fair measure of the complex three dimensional CA NGSS for students with significant cognitive disabilities. This process is in the best interest of our students, teachers, and schools as we transition to a system of assessments that will provide us with more and better information about how we can continue to increase the quality of education provided to all our students and help boost student achievement. California respectfully requests that all eligible students who take the pilot test and field test of the CA NGSS general and the alternate assessments for science be waived from taking the California Standards Tests and the California Alternate Performance Assessment (CAPA) for science to avoid double testing and minimize unnecessary, irrelevant testing of our students.

- ESSA section 1204(e)(2)(A) requires a state educational agency (SEA) to apply the same academic achievement standards, and to use the same academic assessments, for all public schoolchildren in the state. California requests this waiver so that any eligible student within California will be permitted to take only the CA NGSS pilots. A waiver of this requirement will allow California to pilot test new assessment items in a large number and variety of schools to ensure validity and fairness without overloading students and taking excessive time away from academic instruction. Such a pilot test is essential in developing new assessments, as it allows both the state and the test developer to ensure that the assessment items represent an accurate measurement of student achievement.

- ESSA sections 1111(b)(1)(E), 1111(b)(2)(D), and 1204(e)(2)(B)(vii) require an SEA to apply the same academic achievement standards and to use the same academic assessments for all schools and students in the state. California requests this waiver so that any individual student with significant cognitive disabilities who is currently required, per his or her individualized education

program (IEP) or Section 504 plan, in elementary, middle, or high school is permitted to take only the alternate assessment for science pilot, field, or operational test, with no less than 95 percent of students participating.

California hereby assures that if it is granted the requested waiver:

- California and its local educational agencies (LEAs) will ensure that a minimum number of students will participate in the CA NGSS general and alternate assessments pilot and field tests.

- California will properly notify all LEAs and schools that they will participate in the pilot and field tests.

- The field test for the CA NGSS alternate assessment for science will be administered in 2018–19.

California provided all LEAs in the state and the public with notice and an opportunity to comment on the proposed waiver. California provided such notice by posting a public item on the May 2016 Agenda for the SBE ten days before the item was presented to the SBE. Refer to Item 08 on the SBE Agenda for May 2016 on the Web at http://www.cde.ca.gov/be/ag/ag/index.asp. California received XX public comments regarding this issue.

If you have any questions regarding this request, please contact Keric Ashley, Deputy Superintendent, District, School, and Innovation Branch, by phone at 916-319-0637 or by e-mail at kashley@cde.ca.gov. Thank you for your consideration.

Sincerely,

Tom Torlakson
State Superintendent of Public Instruction
California Department of Education

Michael W. Kirst
President
California State Board of Education

TT/MK:fl

California State Board of Education

Meeting Agenda Items for May 11-12, 2016

ITEM 09

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2016 AGENDA

SUBJECT	
Appeal from the action of the Santa Clara County Committee on School District Organization to disapprove a transfer of territory from the Campbell Union School District and the Campbell Union High School District to the Santa Clara Unified School District.	☒ Action ☒ Information ☒ Public Hearing

SUMMARY OF THE ISSUE(S)

The Santa Clara County Committee on School District Organization (County Committee)[1] took action to disapprove a voter petition to transfer territory from the Campbell Union School District (SD) and the Campbell Union High SD to the Santa Clara Unified SD. The chief petitioners appealed the action to the California State Board of Education (SBE). Pursuant to California *Education Code* (*EC*) Section 35710.5(c), the SBE "may review the appeal either solely on the administrative record or in conjunction with a public hearing." The SBE also "may reverse or modify the action of the County Committee in any manner consistent with law." If the SBE reverses the action of the County Committee, it must set the area in which the local election to approve the territory transfer will be conducted.

RECOMMENDATION

The California Department of Education recommends that the SBE: (1) review the appeal in conjunction with a public hearing and (2) affirm the action of the County Committee to disapprove the transfer of territory from the Campbell Union SD and the Campbell Union High SD to the Santa Clara Unified SD.

BRIEF HISTORY OF KEY ISSUES

The territory proposed for transfer (Pruneridge neighborhood) contains 599 parcels and is located in the Campbell Union SD and the Campbell Union High SD, although it is part of the city of Santa Clara. Voters from the neighborhood submitted a signed petition to the County Committee requesting that their neighborhood be transferred to the Santa Clara Unified SD. The petition cited the following two reasons to support the transfer:

[1] The Santa Clara County Committee comprises 11 members who are elected by representatives of the governing boards of each school district and community college district in the county. Two members are elected from each county supervisorial district and one member is elected at-large.

- Desire for full access to, and participation in, city of Santa Clara youth programs that are aligned with the Santa Clara Unified SD; and

- Concerns about the distance between the Pruneridge neighborhood and Campbell schools and safety of students going to and from the schools.

The governing boards of the Campbell school districts adopted resolutions in opposition to the transfer primarily due to potential funding losses, loss of assessed valuation (AV) that could threaten the districts' basic aid status, and the lack of any verifiable reasons to support the transfer. Although the administration of the Santa Clara Unified SD recommended that the governing board of the district adopt a similar resolution opposing the transfer, the board voted against the recommendation and expressed support for the transfer during public meetings on the proposal.

The County Committee is required to examine nine minimum threshold conditions (pursuant to *EC* Section 35753) before it takes action on a territory transfer proposal. The County Committee may not approve a territory transfer if it finds that any of these minimum conditions are not substantially met (*EC* Section 35710). The County Committee has the discretion, but not the obligation, to approve a transfer if it finds that all nine conditions are substantially met. Under these circumstances, it must find a local educational need or concern (*EC* Section 35500) to justify approval of the transfer.

The County Committee determined that three of the nine conditions were not substantially met: (1) "Community identity" because the Pruneridge neighborhood does not have any unique community identity issues that justify the transfer, (2) "Increased State Costs" because the transfer would remove property tax revenue from the Campbell districts, thus potentially moving the districts out of basic aid status and require the state to increase state aid funding to the districts, and (3) "Fiscal Status" because the transfer would result in a significant loss of funding for the Campbell districts. Since the County Committee found at least one of the conditions not substantially met, it was required to disapprove the territory transfer and did so on a unanimous vote.

The petitioners, under the provisions of *EC* Section 35710.5, are appealing this disapproval to the SBE. In their appeal, petitioners argue that the three conditions that the County Committee determined were not met are, in fact, substantially met.

The CDE agrees with petitioners that all nine *EC* Section 35753 conditions are substantially met. However, the CDE does not find a compelling reason to overturn the County Committee's action to disapprove the transfer. The reasons provided in the petition (full participation in city of Santa Clara activities, increased distances and decreased safety in traveling to Campbell schools) were directly refuted by County Committee members during their deliberations. The County Committee made it clear that there were no compelling reasons to approve the transfer. The CDE agrees with the County Committee on this point.

Moreover, the CDE has two other concerns regarding the circumstances surrounding the transfer. First, the general issue raised by the petitioners reflects concern with the

fact that school district boundaries and city boundaries do not match. The CDE does not believe that it is appropriate to address a general issue like this through “piecemeal” action. If this boundary mismatch is truly a local concern, then local agencies should take actions to examine the overall impact of addressing the concern.

Second, the CDE questions the appropriateness of state involvement at this time when it appears that local alternatives exist for addressing specific concerns of the Pruneridge neighborhood and the affected school districts. The Santa Clara Unified SD governing board supports the concept of students from the Pruneridge neighborhood attending the district’s schools but, since the district is basic aid, it does not approve interdistrict transfer agreements, which would allow students to attend the schools.

A primary concern of the Campbell school districts (also basic aid districts) is a loss of property tax revenue due to the transfer of AV. However, since the districts are basic aid, *Revenue and Taxation Code* Section 99(i) allows the affected districts to enter into an agreement under which all or part of the property tax revenue from the transferred territory stays with the Campbell school districts. Thus, the governing boards of the affected school districts have options to address the issues involved in this appeal—either individually or through negotiation with one other.

The CDE finds no reason in the appeal, the county administrative record, or its own analysis of the issues, to overturn the action of the County Committee to disapprove the transfer of the territory from the Campbell Union SD and the Campbell Union High SD to the Santa Clara Unified SD.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has not considered any matters related to this territory transfer proposal.

FISCAL ANALYSIS (AS APPROPRIATE)

If the SBE reverses the County Committee’s action, the Santa Clara County Office of Education will incur the cost of the election held to approve the transfer.

ATTACHMENT(S)

Attachment 1: Analysis and Recommendations (22 pages)

Review of the Administrative Record

Appeal from a Decision of the Santa Clara County Committee on School District Organization to Disapprove a Transfer of Territory from the Campbell Union School District and the Campbell Union High School District to the Santa Clara Unified School District

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1.0 RECOMMENDATION

The California Department of Education (CDE) recommends that the California State Board of Education (SBE) (1) review the appeal on the administrative record in conjunction with a public hearing and (2) affirm the action of the Santa Clara County Committee on School District Organization (County Committee) to disapprove a territory transfer from the Campbell Union School District (SD) and the Campbell Union High SD to the Santa Clara Unified SD.

2.0 BACKGROUND

The territory proposed for transfer (Pruneridge neighborhood) contains 599 parcels and is located in the Campbell Union SD and the Campbell Union High SD, although it is part of the city of Santa Clara. This neighborhood, in addition to being in the Campbell school districts and adjacent to Santa Clara Unified SD, is in close proximity to the Cupertino Union SD, the Fremont Union High SD, and the San Jose Unified SD (see Figure 1).

The mismatch between city and school district boundaries is a common occurrence in Santa Clara County, as well as statewide. Campbell Union SD, in addition to serving portions of the cities of Campbell and Santa Clara, also serves students from the Los Gatos, Monte Sereno, San Jose, and Saratoga communities. The Santa Clara Unified SD, which contains a majority of the city of Santa Clara, also contains portions of the cities of Cupertino, San Jose, and Sunnyvale (see Figure 2).

A petition to transfer the Pruneridge neighborhood from the Campbell Union SD and the Campbell Union High SD to the Santa Clara Unified SD was signed by at least 25 percent of the registered voters residing in that neighborhood. The Santa Clara County Superintendent of Schools (County Superintendent) determined that the petition was “sufficient and signed as required by law” and transmitted it to the County Committee (California *Education Code* [*EC*] Section 35704).[1]

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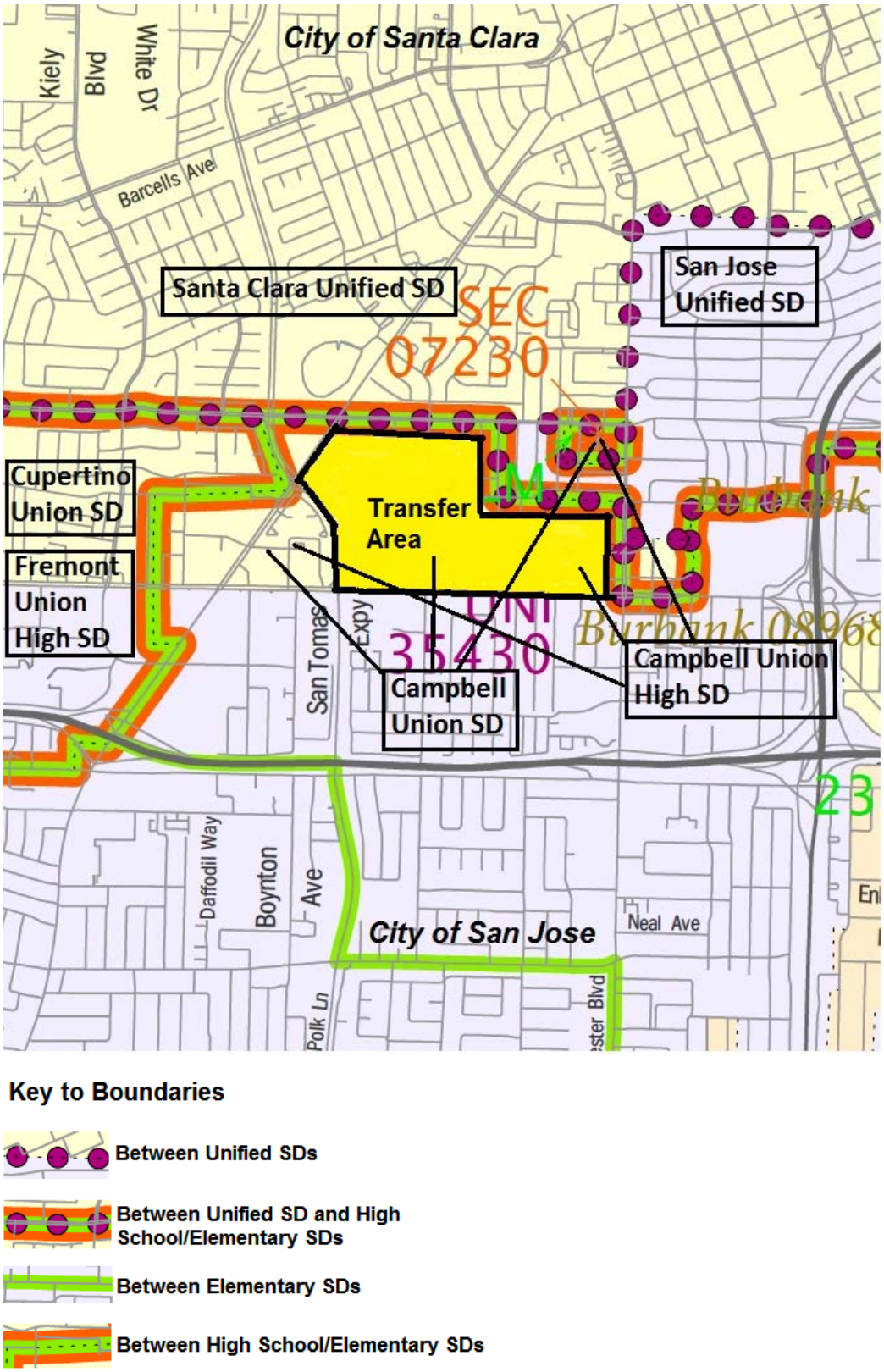
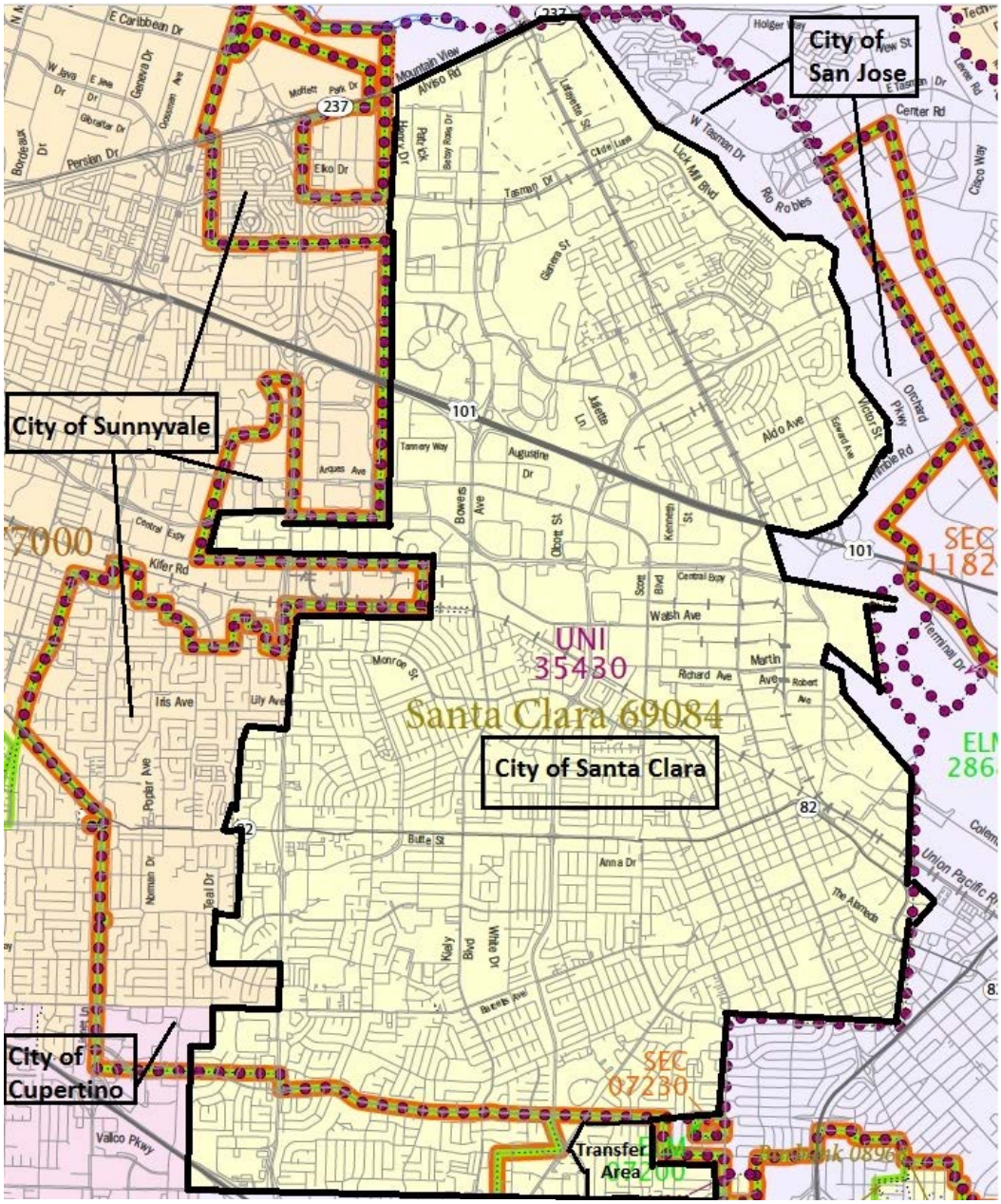
[1] A similar petition to transfer this territory was considered by the County Committee in 2010. The County Committee also voted to disapprove that request. However, petitioners did not appeal that action to the SBE.

Figure 1: School Districts near the Pruneridge Neighborhood



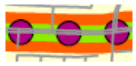
Source: United States Census Bureau, California 2010 Census School District Reference Maps
http://www.census.gov/geo/maps-data/maps/2010ref/st06_sch_dist.html

Figure 2: Cities in Santa Clara Unified SD

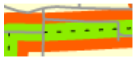


Key to Boundaries

Between Unified SDs


Between Unified SD and High School/Elementary SDs

Between Elementary SDs


Between High School/Elementary SDs

Source: United States Census Bureau, California 2010 Census School District Reference Maps
http://www.census.gov/geo/maps-data/maps/2010ref/st06_sch_dist.html

3.0 ACTIONS OF THE COUNTY COMMITTEE

The County Committee held two public hearings for the proposed transfer of territory—one on January 30, 2013, within the boundaries of the Santa Clara Unified SD, and one on March 6, 2013, within the boundaries of the Campbell Union SD and the Campbell Union High SD. The County Committee also considered information from the affected school districts and petitioners at a special meeting held on May 20, 2013.

Under the California *Education Code*, the County Committee had the following options after holding the public hearings:

- If the County Committee determined that all nine conditions of *EC* Section 35753(a) are substantially met, it could approve the petition (though not required to do so), and would then notify the County Superintendent to call an election on the proposed transfer (an election is required when an affected district opposes an approved transfer of territory petition).

- The County Committee could disapprove the petition to transfer territory for other concerns even if it determines that all conditions in subdivision (a) of *EC* Section 35753 have been met.

- If the County Committee determined that all nine conditions of EC Section 35753(a) are not substantially met, it would be required to disapprove the petition to transfer territory.

The County Committee found that three of nine *EC* Section 35753(a) conditions were not substantially met and voted unanimously to disapprove the territory transfer.

Chief petitioners or affected school districts may appeal County Committee actions on territory transfers for issues of noncompliance with the provisions of *EC* sections 35705, 35706, 35709, 35710, and 35753(a). The chief petitioners submitted such an appeal to the County Superintendent. The County Superintendent subsequently transmitted the appeal, along with the complete administrative record of the County Committee action, to the SBE.

4.0 PETITIONERS REASONS FOR TERRITORY TRANSFER

Petitioners primarily cite community identity issues as reasons for requesting the territory transfer. The petition identified the following two reasons:

- The petitioners desire full access to, and participation in, city of Santa Clara youth programs that are aligned with the Santa Clara Unified SD. Although all city of Santa Clara youth are eligible to participate in the programs, the petitioners note that students in the Pruneridge neighborhood are less likely to participate because most of their school friends do not live in Santa Clara, the Campbell schools do not promote

the city of Santa Clara programs, and Campbell school identification cards sometimes are not sufficient for participation.

- Santa Clara Unified SD schools are closer to the neighborhood and the routes used to travel to and from the schools are safer.

5.0 POSITIONS OF AFFECTED SCHOOL DISTRICTS

The governing boards of the Campbell Union SD and the Campbell Union High SD oppose the proposed transfer of territory. Although administrative staff of the Santa Clara Unified SD recommended that the governing board oppose the transfer, members of the board voted not to accept that recommendation.

5.1 Campbell Union SD

Staff for the Campbell Union SD provided the following reasons for district opposition to the transfer:

- The district serves multiple municipalities, including the city of Santa Clara, which is common for districts in the area.
- The transfer of the territory and the students will result in a loss of $1.7 million to the district.
- Funding losses could move the district out of basic aid status.
- The loss of the assessed valuation (AV) of the territory will have a negative effect on repayment of the district's general obligation bonds.

5.2 Campbell Union High SD

Staff for the Campbell Union High SD provided the following reasons for district opposition to the transfer:

- The district serves six municipalities, including the city of Santa Clara, which is common for districts in the area.
- The transfer of the territory and the students will result in a loss of $800,000 to the district.
- Approval of the transfer could set a precedent for removing other territory from the district.
- The transfer may significantly increase the property values of the petitioners.
- A piecemeal approach to resolving boundary issues is not

appropriate and is an obstacle to the district's long-range planning.

- While the district hears the concerns of the petitioners regarding travel and safety, it is unaware of any injuries sustained by students traveling to and from its schools.

5.3 Santa Clara Unified SD

Administrative staff for the Santa Clara Unified SD recommended that the governing board adopt a resolution opposing the transfer, citing the following concerns:

- The district's schools are overcrowded and cannot house the students without incurring significant costs.
- Approval of the transfer could set a precedent for other communities seeking transfers into the district.
- The transfer is designed to significantly increase the property values of the petitioners.
- The transfer may have negative effects on the basic aid status of the district.

Although district administration recommended that the governing board oppose the transfer, the board did not adopt the resolution. The board president, during public hearings on the proposed transfer, noted the following reasons for the board's six to one vote to not adopt the resolution:

- Board members, who live in the city of Santa Clara and understand the petitioners' situation, view the transfer as a way to "right a wrong."
- Board members believe there is a safety issue in travelling to schools in the Campbell districts.
- The board values having school district boundaries aligned with city boundaries.
- The district has the facilities to handle the additional students.

6.0 REASONS FOR THE APPEAL

Chief petitioners or school districts, pursuant to *EC* Section 35710.5, may appeal a County Committee decision on territory transfers for issues of noncompliance with the provisions of *EC* sections 35705, 35706, 35709, and 35710.

The chief petitioners base their appeal on the claim that the County Committee improperly applied *EC* Section 35753 criteria, specifically as they relate to the "Community Identity," "Increased State Costs," and "Fiscal Impact" conditions. Specific concerns from the appeal regarding these conditions will be addressed as part of the discussion in Section 7.0.

7.0 CDE RESPONSES TO THE APPEAL

The issues raised by the appellants are discussed below. County Committee findings as well as the CDE responses to these issues are included.

7.1 *EC* Section 35753(a)(2): The districts are each organized on the basis of a substantial community identity.

County Office of Education/County Committee Findings

The study prepared for the County Committee by the Santa Clara County Office of Education (COE) finds that this "Community Identity" condition is substantially met. Specifically, the study notes that:

- The area proposed for transfer from the Campbell school districts to the Santa Clara Unified SD is within the city of Santa Clara and homes within the proposed transfer area are similar in "size and architecture" to homes in adjacent Santa Clara Unified SD neighborhoods.

- The area proposed for transfer is separated from the Campbell school districts by a heavily commercial street (Stevens Creek Boulevard) and an expressway (San Tomas Expressway).

- Schools of the affected districts are relatively equidistant from the area proposed for transfer. Following is a table, prepared by the COE, showing distance and driving times from the transfer area to relevant schools of the affected districts.

Distances from Pruneridge Neighborhood to Schools

Schools	Distance (miles)	Driving Time (minutes
Elementary School		
Lynhaven (Campbell)	1.7	5
Westwood (Santa Clara)[2]	0.9	4
Bowers (Santa Clara)	3.5	9
Middle Schools		
Monroe (Campbell)	1.8	6
Buchser (Santa Clara)	2.3	7
High Schools		
Del Mar (Campbell)	2.9	9
Santa Clara (Santa Clara)	2.8	9

Source: Santa Clara County Office of Education

The Santa Clara COE recommended that this "Community Identity" condition is met by the proposed transfer of territory. Despite this recommendation, eight of the 11 County Committee members voted that the condition is not substantially met.

Individually, the County Committee members expressed numerous concerns, including the following, to justify their votes.

- There is no requirement that city boundaries match school district boundaries. Like most districts in the county, Santa Clara Unified SD serves multiple communities. The argument that residency in a particular city justifies attendance in the corresponding school district serves to marginalize students in the district who reside in other communities.

- Both the Campbell and the Santa Clara districts are crisscrossed with highways and major arterial streets. Every area of Santa Clara Unified SD is separated from other district territory by these roads, so the argument that the transfer area is separated (and, thus, isolated) from the Campbell school districts does not make sense when the larger picture is considered.

- Both the Campbell Union SD and the Santa Clara Unified SD provide busing services. However, the annual cost for two students to be bused in Campbell Union SD is $280 while the annual cost in Santa Clara Unified SD is $660. Transferring the territory would significantly increase costs for those families dependent upon school busing.

- Students in the neighborhood are not prohibited from participating in city of Santa Clara recreational activities or community events, or

[2] Westwood Elementary School is the closest school to the transfer area—however, the Santa Clara Unified SD indicated that school suffers from overcrowding and students from the Pruneridge neighborhood would be assigned to Bowers Elementary School if the transfer is approved. Thus, information for both schools is included in the table.

using city facilities (e.g., library). The majority of their school friends are from the Campbell school districts so students make a choice to participate with their friends.

Because of these concerns, the County Committee voted to find that this "community identity" condition is not substantially met.

Petitioner Appeal

The petitioners state the following regarding community identity in their appeal of the County Committee's action:

- Petitioners previously had submitted a territory transfer petition (in 2010). At that time, the County Committee determined that the "Community Identity" condition was substantially met (although the County Committee subsequently disapproved the petition).

- Families in the community, who can afford it, enroll their students in private schools in part because the Campbell school districts provide no sense of community identity for the Pruneridge neighborhood.

- Although it is true that the districts serve residents from multiple cities, the Pruneridge neighborhood represents a unique situation because (1) the neighborhood was annexed to the city of Santa Clara in 1961; (2) traffic on the commercial thoroughfares and highways in the vicinity has increased; and (3) the Campbell school districts closed nearby schools between 1972 and 1991.

- Students residing in the city of Santa Clara represent less than one percent of the student population in the Campbell schools. There is no city of Santa Clara resident on either Campbell school district governing board.

- There is no outreach from the Campbell school districts to the residents of the city of Santa Clara regarding youth-related activities and concerns.

- Because city and school district boundaries do not match, political campaigns are confused regarding the Pruneridge neighborhood's identity.

- Schools of Santa Clara Unified SD are closer to the Pruneridge neighborhood—and travel to and from these schools is safer.

CDE Response

The CDE agrees with the Santa Clara COE findings and recommendation that the "Community Identity" condition is substantially met regarding the proposed transfer of the Pruneridge neighborhood. Thus, the CDE disagrees with the County Committee vote that the condition "is not substantially met."

EC Section 35753(a)(2) requires the County Committee to determine if, after a proposed reorganization, affected districts would be "organized on the basis of a substantial community identity." Based on a review of the meeting transcripts, it appears to the CDE that most, if not all, of the County Committee stated reasons for voting as they did represent a rejection of the petitioners' community identity rationale for proposing the territory transfer (see Section 4.0 above). Petitioners argue that the Pruneridge neighborhood lacks a sense of community identity with the Campbell districts—the County Committee focus in its deliberations was on rejecting those arguments and not on determining if community identity would be maintained if the transfer would be approved. Thus, the County Committee vote reflects a finding that community identity is not a compelling reason for the territory transfer rather than a finding that the territory transfer will negatively affect the community identity of the districts (which is the basis of the "Community Identity" condition).

In summary, the CDE agrees with the Santa Clara COE recommendation that all affected districts will be organized based on a substantial community identity if that transfer of the Pruneridge neighborhood is approved. However, the CDE also agrees with the County Committee that the issues of community identity raised by the petitioners do not constitute a compelling reason to approve the transfer. Additional discussion of this "compelling reason" issue will be provided later (in Section 7.5).

7.2 *EC* Section 35753(a)(5): Any increase in costs to the state as a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization.

County Office of Education/County Committee Findings

The study prepared for the County Committee by the Santa Clara COE contains the recommendation that this "Increased State Costs" condition is not substantially met. The Santa Clara COE's rationale for this recommendation is that the proposed territory transfer would remove approximately two percent of the assessed valuation (AV) from the Campbell Union SD, which is significant enough to threaten that district's

basic aid status.[3] If the district did move from basic aid status, the state would be required to provide state aid funding for the district. Although not directly stated in the Santa Clara COE study, the implication is that Campbell Union SD's loss of basic aid status would significantly increase state costs. The Santa Clara COE study did not have a similar concern for the Campbell Union High SD since that district was more strongly in basic aid status.

The County Committee unanimously voted that this condition was not substantially met.

Petitioner Appeal

The petitioners note, in their appeal, that the Campbell Union SD's basic aid status is (and has been) tenuous. In recent years, the district has not been solidly in basic aid status and actually reverted to revenue limit funding for the 2010–11 and 2011–12 fiscal years. Petitioners further argue that the state actually would save money if the Campbell Union SD did drop out of basic aid status since the students from the Pruneridge neighborhood would attend Santa Clara Unified SD (also a basic aid district) and the state would not have to provide per student state-funding for them.

CDE Response

The COE has calculated that the Campbell Union SD will lose approximately 2.4 percent of its AV (and, subsequently, 2.4 percent of its property tax revenue) if the Pruneridge neighborhood is transferred (the Campbell Union High SD would lose slightly more than one percent). In the 2014–15 fiscal year (the most recent year that data is available), local property tax revenue for the Campbell Union SD had increased almost 12 percent since the time the County Committee considered this territory transfer—student enrollment level in the district has remained relatively flat over this period (declining by 61 students). Analysis by the CDE indicates that the projected loss of AV from the Pruneridge neighborhood coupled with the recent growth in AV districtwide would not move either Campbell district out of basic aid status.

Moreover, there is no certainty at this time that the territory transfer would result in the loss of all or any of the property tax revenue for the Campbell districts. *EC* Section 35566 states that "exchanges of property tax revenues between school districts as a result of reorganization shall be determined pursuant to subdivision (i) of Section 99 of the *Revenue and Taxation Code*" if at least one of the affected districts is a basic aid district. This subdivision provides that the affected governing boards negotiate the exchange in tax

[3] A basic aid district is one whose local property taxes meet or exceed its calculated funding allocation. When a district moves out of basic aid status, the state provides state aid funding that, combined with local property tax funding, brings total funding to the level of the calculated allocation.

revenue, and, if they are unable to do so, the county board of education determines the amount of property tax revenue to be exchanged (if any). Thus, exchanges of property tax revenue involving basic aid districts are matters for local consideration and determination. If the affected districts are unable to negotiate a mutually agreeable exchange, the county board of education will determine an exchange that is in the best interests of the affected districts and all students in those districts. Neither the SBE nor the CDE has any role to play in determining this exchange.

Regardless, even if the district was moved out of basic aid status by the territory transfer and all property tax revenue transferred to the Santa Clara Unified SD, a 2.4 percent loss of AV for the Campbell Union SD would not translate into a significant increase in state costs.

The CDE determines that this "Increased State Costs" condition is substantially met by the proposed transfer of territory.

7.3 *EC* Section 35753(a)(9): The proposed reorganization will continue to promote sound fiscal management and not cause a substantial negative effect on the fiscal status of the proposed district or any existing district affected by the proposed reorganization.

County Office of Education/County Committee Findings

The study prepared for the County Committee by the Santa Clara COE finds that this "Fiscal Status" condition is not substantially met due to:

- Loss of approximately $1 million in supplemental charter school funding for Campbell Union SD due to a loss of average daily attendance (ADA) from the students of the Pruneridge neighborhood.

- Campbell Union SD tax revenue loss of approximately $935,000 (2012–13 year), which is expected to move the district out of basic aid status.

The County Committee agreed with the Santa Clara COE recommendation, voting 10 to one that this condition is not substantially met.

Petitioner Appeal

Petitioners question the accuracy of the $1 million loss in supplemental charter school funding for Campbell Union SD, noting that this value reflects funding over $15,000 per student and is much higher than values cited by the district previously. In addition to previous claims (Section 7.2) that the Campbell Union SD's basic aid status is (and has been) tenuous, petitioners note that the two percent loss in AV to the district as a result of the transfer

of the Pruneridge neighborhood would not be the factor that would move the Campbell Union SD out of basic aid status.

CDE Response

According to current year Fiscal Interim Status Report, none of the three affected school districts have received a “Qualified” or “Negative” certification. Thus, the County Superintendent has determined that the districts will meet their financial obligations for the current and two subsequent fiscal years. Within that context, the CDE reviewed the concerns raised by the Santa Clara COE and the County Committee regarding the fiscal effect of the proposed territory transfer on the Campbell school districts (particularly the Campbell Union SD).

The Santa Clara COE found that the Campbell Union SD would lose approximately $1 million in supplemental charter school funding due to a loss of ADA.[4] Due to changes in laws governing supplemental charter funding, the Campbell Union SD no longer receives funding for its charter students that reside within the district; nor will it receive supplemental charter funding if the students become residents of the Santa Clara Unified SD, as that district also is basic aid. Thus, this proposal will not have a substantive effect on the district’s supplemental charter school funding.

The Santa Clara COE further determined that the loss of property tax revenue from the Pruneridge neighborhood could have a negative effect on the basic aid status of the Campbell Union SD (no similar concern was cited for the Campbell Union High SD). According to 2015–16 First Principal (P-1) LCFF calculations for the Campbell Union SD, the district still is in basic aid status by well over $5 million and, in the opinion of the CDE, the transfer of the Pruneridge neighborhood will not have a substantive negative effect on that status. The CDE finds that the Campbell Union High SD is similarly secure in its basic aid status.

Further, as noted in Section 7.2, exchanges of property tax revenue involving basic aid districts are matters for local consideration and determination. If the affected districts are unable to negotiate a mutually agreeable exchange, the county board of education will determine an exchange that is in the best interests of the districts and all students. Neither the SBE nor the CDE has any role to play in such determination.

Regardless, even if all property taxes collected from the Pruneridge neighborhood did accrue to the Santa Clara Unified SD, the CDE does not see a substantial negative fiscal effect on either Campbell school district. From CDE’s analysis, neither district would move out of basic aid status.

[4] Calculations by the Santa Clara COE were prior to LCFF and the changes to statute related to supplemental charter school funding.

Because the Local Control Funding Formula (LCFF) was enacted subsequent to County Committee review of territory transfer proposal, the CDE also analyzed the effects of the proposed transfer on LCFF funding.

The public school students from the Pruneridge neighborhood attend Campbell Union SD's Lynhaven Elementary and Monroe Middle schools, which are both charter schools. The CDE calculates that, if the Pruneridge neighborhood became part of the Santa Clara Unified SD, the charter school LCFF Target Entitlement for the two Campbell Union SD schools would be reduced by about $450,000 (based on 2015–16 funding levels). Additionally, transfer of the territory would result in an annual loss to the Campbell Union SD of approximately $30,000 in parcel tax revenue (due to a $49 per parcel tax approved by voters in 2015).

CDE notes that the Santa Clara COE, in its analysis, only considered the loss of funding to the districts and did not consider the reduction of expenses to educate the transferred students. *EC* Section 41372 requires that a "current expense of education" for each school district be calculated based on information submitted to the CDE by the district.[5] The most recent "current expense" data available (2014–15) for the Campbell Union SD (which includes expenditures of its charter schools) is $9,978 per ADA. The district provided information indicating that 57 kindergarten through eighth grade students from the Pruneridge neighborhood attended Campbell Union SD schools in the 2014–15 school-year. Thus, there is an estimated annual expense of educating these students of almost $570,000 for the Campbell Union SD.

The CDE does not see any support for the argument that the potential annual loss of funding, coupled with the reduction in the expenses of education, will result in a substantial negative effect on a financially healthy district like the Campbell Union SD. Although the Santa Clara COE did not note any significant financial concerns for the Campbell Union High SD, the CDE completed a similar analysis for that district and came to an identical conclusion ($280,000 loss in LCFF Transition Entitlement as of 2015–16 P1; $51,000 annual reduction in parcel tax revenue [$85 per parcel]; and reduction in "current expense" to educate the 31 high school students in the transferred territory of approximately $330,000 [at $10,641 per ADA]).

Given the above considerations, the CDE disagrees with the finding of the County Committee that the proposed transfer of territory will have substantial negative fiscal effects on the Campbell Union SD. The CDE determines that this fiscal condition is substantially met.

[5] Background information and annual reports for the "current expense for education" of school districts are available on the CDE Web page at http://www.cde.ca.gov/ds/fd/ec/currentexpense.asp.

7.4 Comparisons of Students in Affected Districts and Schools

Other than a concern raised by the Campbell Union High SD regarding petitioner motivation for the transfer due to a higher percentage of Hispanic/Latino students at Del Mar High School as compared to Santa Clara High School, the characteristics of the student populations in the districts and the respective schools in those districts were not a subject of much discussion during local consideration of the territory transfer. The CDE did not fully analyze these issues since they were not concerns raised by the County Committee during local review or by the petitioners in the appeal. However, the CDE believes that understanding the characteristics of the student populations often is helpful to SBE members when considering district reorganization issues. Select comparisons are provided in the tables below.

The first table (provided below) depicts the percentages of students in racial/ethnic categories for the affected school districts and schools. As noted previously in Section 7.1, two elementary schools are listed for the Santa Clara Unified SD—Westwood School, which is the geographically closest school to the Pruneridge neighborhood, and Bowers School, which is the school that Santa Clara Unified has indicated students from the neighborhood would attend due to overcrowding conditions at Westwood.

*2014–15 Percentages in Racial/Ethnic Groups**

Districts	**Asian**	**Filipino**	**Hispanic/ Latino**	**White**	**Other**
Campbell Union SD	12.4%	2.5%	49.6%	26.4%	9.1%
Campbell Union High SD	12.6%	2.3%	35.2%	40.6%	9.3%
Santa Clara Unified SD	25.1%	7.7%	36.5%	21.5%	9.1%
Elementary Schools					
Lynhaven (Campbell)	9.0%	4.6%	58.7%	16.1%	11.5%
Westwood (Santa Clara)	11.3%	4.3%	42.6%	28.6%	13.2%
Bowers (Santa Clara)	20.5%	7.0%	49.8%	14.4%	8.3%
Middle Schools					
Monroe (Campbell)	7.0%	3.0%	64.7%	17.4%	7.9%
Buchser (Santa Clara)	11.2%	14.0%	39.5%	25.7%	9.7%
High Schools					
Del Mar (Campbell)	6.2%	3.2%	63.5%	18.3%	8.8%
Santa Clara (Santa Clara)	15.9%	12.2%	35.3%	26.1%	10.4%

Source: California Longitudinal Pupil Achievement Data System (CALPADS)
* Percentages calculated after removing “No response” data

The next table provides the percentages of students in the affected school districts and schools who are English Learners and also the percentages of students who are enrolled in the Free/Reduced Price Meal (FRPM) program, which often is used as a proxy measure for socio-economic status.

2014–15 Percentages of FRPM Participants and English Learners

Districts	**Free/Reduced Price Meal Program**	**English Learners**
Campbell Union SD	46.8%	29.1%
Campbell Union High SD	20.7%	10.0%
Santa Clara Unified SD	40.6%	28.2%
Elementary Schools		
Lynhaven (Campbell)	58.0%	41.8%
Westwood (Santa Clara)	38.6%	24.2%
Bowers (Santa Clara)	62.1%	49.8%
Middle Schools		
Monroe (Campbell)	58.9%	18.4%
Buchser (Santa Clara)	48.4%	18.9%
High Schools		
Del Mar (Campbell)	34.2%	18.4%
Santa Clara (Santa Clara)	40.0%	12.5%

Source: California Longitudinal Pupil Achievement Data System (CALPADS)

Finally, the most recent (2013) Academic Performance Index (API) Growth scores are displayed in the table below:

2013 API Growth Scores

Districts/Schools	**API**
Campbell Union SD	843
Lynhaven Elementary	808
Monroe Middle	784
Campbell Union High SD	784
Del Mar High	694
Santa Clara Unified SD	813
Bowers Elementary	788
Westwood Elementary	814
Buchser Middle	804
Santa Clara High	782

Source: California Longitudinal Pupil Achievement Data System (CALPADS)

As noted previously, two Santa Clara Unified SD elementary schools are included: Westwood, which is the school geographically closest to the Pruneridge neighborhood, and Bowers, which is the school elementary students from the neighborhood would be assigned because Westwood is overcrowded.

7.5 Summary

After reviewing the appellants' claims, transcripts of public meetings, the Santa Clara COE study, and County Committee actions; and conducting its own analyses of the issues, the CDE recommends that all nine of the threshold conditions contained in *EC* Section 35753(a) are substantially met. Thus, if the SBE agrees with this recommendation, it can consider overturning the County Committee's action to disapprove the transfer of the Pruneridge neighborhood if it determines that a compelling "local educational need or concern" (*EC* Section 35500) to transfer the territory exists.

The only local educational needs or concerns cited by the petitioners to support that transfer are related to "community identity" issues. Specifically, the petitioners noted the following reasons to request the transfer:

- Desire for full access to, and participation in, city of Santa Clara youth programs that are aligned with the Santa Clara Unified SD; and

- Concerns about the distance between the Pruneridge neighborhood and Campbell schools and safety of students going to and from the schools.

However, the County Committee found no support for these concerns. The County Committee noted that all city of Santa Clara youth (regardless of school district) are eligible to participate in the city of Santa Clara programs. The petitioners do not dispute this observation but note that students in the Pruneridge neighborhood are less likely to participate because most of their school friends attend schools in the Campbell districts and do not live in the city of Santa Clara. Thus, in the opinion of the CDE, there is nothing to prevent students from fully participating in the city of Santa Clara programs.

Regarding the petitioners' concern that schools in the Santa Clara Unified SD are closer to the Pruneridge neighborhood (see Section 7.1), information presented by the Santa Clara COE provides no support for this claim—nor was there any evidence provided by petitioners, the Santa Clara COE, or the County Committee to document safety concerns with travel to and from schools in the Campbell districts.

Moreover, County Committee actions and discussions by its members directly refute the notion that community identity is a compelling reason to approve the territory transfer. The County Committee notes that the "community identity" issues raised by petitioners are not unique to other cities and school districts in the county, specifically noting that:

- All portions of Santa Clara Unified SD are separated from other areas of the district by busy commercial streets, state highways, and expressways…that is the nature of residing in an urban area.

- School district boundaries and city boundaries do not match anywhere in the county. The Campbell school districts serve multiple municipalities and the Santa Clara Unified SD serves many students from the cities of San Jose and Sunnyvale.

As noted previously (Section 7.1), the CDE agrees with the County Committee that the issues of "community identity" raised by the petitioners do not constitute a compelling reason to approve the transfer. Furthermore, the CDE does not find any other compelling "local educational need or concern" (*EC* Section 35500) to transfer the territory from the Campbell Union SD and the Campbell Union High SD to the Santa Clara Unified SD.

The CDE also agrees with the Campbell school districts' concerns that approval of the transfer would establish a precedent for addressing a general issue (i.e., the alignment of school district and city boundaries) in a "piecemeal" fashion. A systematic approach that takes into account the long-term effects on school districts in the area should be employed when addressing any such general concern.[6]

Finally, the CDE questions the appropriateness of state involvement with this matter at the present time when local alternatives still exist for addressing the specific concerns of the Pruneridge neighborhood and the affected school districts. Specifically, the CDE notes the following:

- Although the Santa Clara Unified SD administration recommended that the governing board adopt a resolution in opposition to the transfer, the board voted to reject the staff recommendation and stated in public testimony that, in doing so, it wanted to "right a wrong" by allowing students in the neighborhood to attend schools in the district. These statements indicated that the board (1) agreed with petitioners that there was a safety issue involved in traveling to the Campbell districts' schools and (2) the board valued having school district boundaries align with city boundaries. However, since Santa Clara Unified SD is a basic aid district, the governing board will not approve interdistrict transfers to allow the students in the area to attend schools in the district.

- *Revenue and Taxation Code* Section 99(i) allows the affected districts to enter into an agreement under which all or part of the property tax revenue from the transferred territory stays with the Campbell school districts. Under such an agreement, the transferred

[6] The County Committee conducted such a study in 1997 when considering the effects of aligning school district boundaries along the entire west side of the county.

area would add parcel tax revenue to the Santa Clara Unified SD while addressing a primary concern of the Campbell districts—the loss of property tax revenue.

Given the above issues, the governing boards of the affected school districts have options to address the issues involved in this appeal—either individually or through negotiation with one another.

The CDE finds no reason in the appeal, the county administrative record, or its own analysis of the issues, to overturn the action of the County Committee to disapprove the transfer of the territory from the Campbell Union SD and the Campbell Union High SD to the Santa Clara Unified SD.

8.0 PLANS AND RECOMMENDATIONS FOR THE PROPOSAL

EC Sections 35730 to 35738 describe certain provisions that must either be included by the SBE in a proposal to reorganize school districts or that may be included or amended by the SBE. The provisions only need to be included if the SBE reverses the County Committee action to disapprove the territory transfer. The following subsections address these provisions in the event the territory transfer is approved through SBE action.

8.1 Election Area

Determination of the area in which the election for a reorganization proposal will be held is one of the provisions under *EC* Article 3 (commencing with Section 35730) of Chapter 4 of Part 21 of Division 3 that the SBE may add or amend. *EC* Section 35710.5(c) also indicates that, following the review of an appeal, if the petition will be sent to an election, the SBE must determine the area of election.

The plans and recommendations to reorganize districts may specify an area of election, but specification of an election area is not required (*EC* Section 35732). If a plan does not specify the area of election, the statute specifies that "the election shall be held only in the territory proposed for reorganization." The County Committee did not take any action to establish the area of election since it disapproved the proposed transfer of the Pruneridge neighborhood.

In establishing the area of election, the CDE and SBE follow the legal precedent set by the California Supreme Court in *Board of Supervisors of Sacramento County, et al. v. Local Agency Formation Commission* (1992) 3 Cal. 4th 903 (the *"LAFCO"* decision). *LAFCO* holds that elections may be confined to within the boundaries of the territory proposed for reorganization (the "default" area), provided there is a *rational basis* for doing so. *LAFCO* requires we examine: (1) the public policy reasons for holding a reorganization election within the boundaries specified, and (2) whether

there is a genuine difference in the relevant interests of the groups that the election plan creates (in the current reorganization, the analysis examines the interests of voters in the territory to be transferred from the Campbell school district, those that will remain in the Campbell school districts, and those in the districts that would receive the territory—the Santa Clara Unified SD).

The reduced voting area must have a fair relationship to a legitimate public purpose. State policy favors procedures that promote orderly school district reorganization statewide in a manner that allows for planned, orderly community-based school systems that adequately address transportation, curriculum, faculty, and administration.

The primary issue (other than the issues of community identity and financial effect, for which the CDE already has determined there exists no significant effect on any affected district) is the loss of AV from the Campbell school districts and the resultant increase in the obligations of existing bonded indebtedness to property owners in the remaining territory of the districts should the Pruneridge neighborhood transfer be approved. According to information provided by the Santa Clara COE, the AV of the Pruneridge neighborhood represents approximately 2.4 percent of the AV of the Campbell Union SD and 1.1 percent of the AV of the Campbell Union High SD. Loss of the AV of the Pruneridge neighborhood would result in shifting the bond obligation of the property owners from the Pruneridge neighborhood to property owners remaining in the Campbell districts (See Section 8.3 for SBE options to address such a shift in bond obligation).

The Campbell school districts argue that shifting this financial responsibility to the remaining property owners will be a financial burden on these owners. However, voters in the elections for the bond measures were aware of the estimated tax rates that would be levied to fund the bond, as well as factors that could affect future tax rates. Election statements provided the expected tax rates along with the estimated highest tax rate. The proposed transfer, with the relatively small percentage loss of the districts' AV, would not significantly increase tax rates for remaining property owners in the districts or cause the tax rate in either district to exceed the highest rate estimated for the voters on the bond issues. Furthermore, voters were provided no expectation that they had veto authority over these allowed variations in the reported tax rates. The tax rate statements described factors that could affect the tax rate, including actual future assessed valuation of property in the district. The statements noted that this assessed valuation will depend upon "the amount and value of taxable property" within the districts. Finally, as noted in Section 7.3, AV in the Campbell districts has increased significantly over the past few years.

The proposed transfer, in the opinion of the CDE, does not reflect any genuinely different interests between voters in the transfer area and voters

in any of the affected school districts. A reduced voting area has a fair relationship to a legitimate public purpose. State policy favors procedures that promote orderly school district reorganization statewide in a manner that allows for planned, orderly, community-based school systems that adequately address transportation, curriculum, faculty, and administration.

Finally, discussion of other judicial activity in this area is warranted. In a case that preceded *LAFCO,* the California Supreme Court invalidated an SBE reorganization decision that approved an area of election that was limited to the newly unified district. As a result, electors in the entire high school district were entitled to vote (*Fullerton Joint Union High School District v. State Board of Education* [1982] 32 Cal. 3d 779 [*Fullerton*]). The *Fullerton* court applied strict scrutiny and required demonstration of a compelling state interest to justify the exclusion of those portions of the district from which the newly unified district would be formed.

The *Fullerton* case does not require that the SBE conduct a different analysis than that described above. The *LAFCO* decision disapproved the *Fullerton* case, and held that absent invidious discrimination, the rational basis approach to defining the election area applied. In this matter, no discrimination, segregation, or racial impacts are identified. Accordingly, the *LAFCO* standard and analysis applies.

The Santa Clara COE noted no concerns regarding bonded indebtedness in its report to the County Committee. Nor did the County Committee note any such concerns in its consideration of the *EC* Section 35753 condition addressing “equitable distribution of obligations,” voting unanimously that the condition was substantially met. The CDE determines that the transfer would not significantly affect the voters outside the Pruneridge neighborhood. Therefore, the CDE recommends that the SBE, should it overturn the County Committee’s action to disapprove the transfer, establish the Pruneridge neighborhood as the election area.

8.2 Local Control Funding Formula Entitlement

EC Section 35735 requires each school district reorganization proposal to contain a computation of the LCFF entitlement for each reorganized school district. Because of the uncertainty of the effective date of the territory transfer if approved and the fact that two of the three affected districts (the Campbell Union High SD and the Santa Clara Unified SD) still are transitioning to their LCFF funding targets, the actual LCFF entitlements for the potential reorganized districts cannot be provided at this time. If the territory transfer is approved and an election is called, the most current information regarding LCFF entitlements will be provided by the County Superintendent in the election “statement of official information and statistics” pursuant to *EC* Section 35757.

However, the CDE notes that all districts will receive the same LCFF target funding adjusted for student demographic characteristics once LCFF is fully implemented. If approved, the transfer of the Pruneridge neighborhood would require no other special LCFF funding adjustments.

8.3 Division of Property, Funds, and Obligations

A proposal may include a provision for the division of property and obligations of any district whose territory is being partially included in one or more districts (*EC* Section 35736). The County Committee included no proposal, thus requiring that existing provisions of the *EC* apply. The CDE recommends that the SBE similarly allow the division of property and obligations to be guided by existing provisions of the *EC*, which includes the following:

- The transferred territory will drop any liability for the outstanding bonded indebtedness of the Campbell Union SD and the Campbell Union High SD and assume its proportionate share of any bonded indebtedness of the Santa Clara Unified SD (*EC* Section 35575). Pursuant to *EC* Section 35738, the SBE may provide for a different method of dividing bonded indebtedness "for the purpose of providing greater equity."

- Any assets and liabilities (other than real property) shall be divided pro rata based on AV (*EC* Section 35560).

- Disputes arising from any division of property, funds, or obligations shall be resolved by the affected school districts and the county superintendent of schools through a board of arbitrators. The board shall consist of one person appointed by each district and one by the county superintendent of schools. The written findings and determination of the majority of the board of arbitrators is final, binding, and may not be appealed (*EC* Section 35565).

9.0 RECOMMENDED ACTION

The CDE recommends that the SBE: (1) review the appeal in conjunction with a public hearing and (2) affirm the action of the County Committee to disapprove the transfer of territory from the Campbell Union SD and the Campbell Union High SD to the Santa Clara Unified SD.

If the SBE decides against the CDE recommendation and reverses the action of the County Committee, the CDE recommends that it establish the Pruneridge neighborhood as the area of election. The CDE further recommends that, if the SBE reverses the County Committee's action, it adopt the provisions for division of bonded indebtedness, property, funds, and obligations listed in section 8.3 of this attachment.

California State Board of Education

Meeting Agenda Items for May 11-12, 2016

WAIVER ITEM W-01

California Department of Education
Executive Office
SBE-007 Federal (REV. 02/2014)

ITEM #W-01

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2016 AGENDA

☒ **Federal Waiver**

SUBJECT Request by three 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: Hamilton Unified School District Fed-1-2016 Princeton Joint Unified School District Fed-4-2016 Willows Unified School District Fed-2-2016	☒ **Action** ☒ **Consent**

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 194 to 1,436. 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:

Hamilton Unified School District has a student population of 723 and is located in a Rural: Distant (42) area in Glenn County.

Princeton Joint Unified School District has a student population of 194 and is located in a Rural: Distant (42) area in Colusa County.

Willows Unified School District has a student population of 1,436 and is located in a Town: Distant (32) area in Glenn 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: Hamilton Unified School District Federal Waiver Request Fed-1-2016 for Hamilton Unified School District (1 page) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Princeton Joint Unified School District Federal Waiver Request Fed-4-2016 for Princeton Junior Senior High School (1 page) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Willows Unified School District Federal Waiver Request Fed-2-2016 for Willows Unified School District (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-1-2016	Hamilton Unified School District for Hamilton Unified School District	**Requested:** July 1, 2016, to June 30, 2020 **Recommended:** July 1, 2016, to June 30, 2020	January 21, 2016	42	Student population of 723 located in Glenn County	$6,326.00
Fed-4-2016	Princeton Joint Unified School District for Princeton Junior Senior High School	**Requested:** July 1, 2016, to July 1, 2020 **Recommended:** July 1, 2016, to June 30, 2020	February 11, 2016	42	Student population of 194 in Colusa County	$1,185.00
Fed-2-2016	Willows Unified School District for Willows Unified School District	**Requested:** July 10, 2016, to June 30, 2020 **Recommended:** July 1, 2016, to June 30, 2020	January 14, 2016	32	Student population of 1,436 located in Glenn County	$13,374.00

Created by California Department of Education
March 10, 2016

California Department of Education
WAIVER SUBMISSION - Federal

CD Code: 1176562 Waiver Number: Fed-1-2016 Active Year: 2016

Date In: 1/22/2016 3:00:56 PM

Local Education Agency: Hamilton Unified School District
Address: 620 Canal St.
Hamilton City, CA 95951

Start: 7/1/2016 End: 6/30/2020

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: Section 131(c)(1) of the Carl D. Perkins and Technical Education Improvement Act of 2006. (Public Law 109-270)

Outcome Rationale: The elimination of the Regional Occupational Funding System resulted in the discussion of our countywide consortium. School districts in Glenn County range in enrollments of 95 to 2,208 with Hamilton Unified School District having a total enrollment of 772. Area schools have opted out of the consortium with the Glenn County Office of Education for Career Education and are seeking waivers to function independently in order to meet the specific needs of students in their respective districts.

Student Population: 772

City Type: Rural

NCES Code: 42

Local Board Approval Date: 1/21/2016

Submitted by: Ms. Jolene Towne
Position: District Executive Assistant
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Telephone: 530-826-3261 x6004
Fax: 530-826-0440

California Department of Education
WAIVER SUBMISSION - Federal

CD Code: 1162646 Waiver Number: Fed-4-2016 Active Year: 2016

Date In: 2/16/2016 4:28:38 PM

Local Education Agency: Princeton Joint Unified School District
Address: 473 State St.
Princeton, CA 95970

Start: 7/1/2016 End: 7/1/2020

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: Section 131(c)(1) of the Carl D. Perkins and Technical Education Improvement Act of 2006 (Public Law 109270)

Outcome Rationale: The elimination of the Regional Occupational Funding system resulted in the dissolution of our countywide ROP / Perkins / CTE Consortium. School districts in Glenn County range in enrollment from 95 to 2208. Area schools have opted out of the consortium with the Glenn County Office of Education for Career Technical Education and are seeking waivers to function independently in order to meet the specific needs of students in their respective districts.

Student Population: 172

City Type: Rural

NCES Code: 42

Local Board Approval Date: 2/11/2016

Submitted by: Mr. Cody Walker
Position: Superintendent / Principal
E-mail: cwalker@glenncoe.org
Telephone: 530-439-2261
Fax: 530-439-2113

California Department of Education
WAIVER SUBMISSION - Federal

CD Code: 1162661 Waiver Number: Fed-2-2016 Active Year: 2016

Date In: 1/28/2016 11:48:43 AM

Local Education Agency: Willows Unified School District
Address: 823 West Laurel St.
Willows, CA 95988

Start: 7/10/2016 End: 6/30/2020

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: Section 131(c)(1) of the Carl D. Perkins and Technical Education Improvement Act of 2006 (Public Law 109-270).

Outcome Rationale: The elimination of the Regional Occupational Funding system resulted in the dissolution of our countywide consortium. School districts in Glenn County range in enrollments of 95 to 2,208 with Willows Unified being the second largest at 1,435. Area schools have opted out of the consortium with the Glenn County Office of Education for Career Education and are seeking waivers to function independently in order to meet the specific needs of students in their respective districts.

Student Population: 1435

City Type: Rural

NCES Code: 32

Local Board Approval Date: 1/14/2016

Submitted by: Ms. Debby Beymer
Position: Director of Business Services
E-mail: dbeymer@willowsunified.org
Telephone: 530-934-6600 x5
Fax:

California State Board of Education

Meeting Agenda Items for May 11-12, 2016

WAIVER ITEM W-02

ITEM #W-02

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2016 AGENDA

☒ **General Waiver**

SUBJECT Request by five local educational agencies to waive *California Code of Regulations,* Title 5, Section 3043(d), which requires a minimum of 20 school days of attendance of four hours each for an extended school year (summer school) for special education students. Waiver Numbers: Kings County Office of Education 3-2-2016 National Elementary School District 5-2-2016 Oceanside Unified School District 23-2-2016 Paradise Unified School District 7-1-2016 San Diego County Office of Education 1-1-2016	☒ **Action** ☒ **Consent**

SUMMARY OF THE ISSUES

Five local educational agencies (LEAs) request to be allowed to provide instruction in fewer than the 20 days required by law for extended school year (ESY). Each LEA proposes an alternate schedule that will allow them to provide the minimum number of hours required, but in fewer days.

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

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the request from five LEAs to provide ESY services for fewer than 20 days with the condition that instructional hours are consistent with those provided to the general education enrollment at the same grade level unless the individualized education program (IEP) specifies otherwise. Also, special education and related services offered during the ESY period must be comparable in standards, scope, and quality to the special education program offered during the regular academic year as required by *California Code of Regulations,* Title 5, (5 *CCR*), Section 3043.

SUMMARY OF KEY ISSUES

The Kings County Office of Education (KCOE) proposes to provide ESY services utilizing a 16-day model of five hours of instruction per day. This proposal provides the same number of instructional hours equal to the traditional 20-day summer school

calendar, and an opportunity for special education staff to participate in staff development which occurs during the summer. It will also facilitate the completion of a construction project that will result in increased safety on campus. Finally, it will provide financial savings in energy, transportation, and maintenance.

The National Elementary School District has requested a renewal of the previous waiver, and proposes to continue to provide ESY services utilizing a 15-day model of five and one-half hours of instruction per day. The lengthened ESY day is more closely aligned to the school day of the regular school year which provides consistency for students. The proposed shortened schedule takes into consideration that the summer break is approximately six weeks, and will help to provide more family time for students and their families. Historically, student attendance decreased significantly after the fourth week of ESY instruction. Last year's attendance remained consistent throughout the duration of the ESY program due to the shortened schedule. Special education staff are also more willing to teach a longer day for a shorter period of time, which will help the LEA to hire quality ESY staff. The conditions of the previous waiver were met.

The Oceanside Unified School District proposes to provide ESY services utilizing a 16-day model over a four week period of four and three-quarter hours per day, providing the same number of instructional hours equal to the traditional 20-day summer school calendar, including holidays. The Oceanside Unified School District believes that an increase in daily instructional time over a period of 16 days will result in educational benefit for students. The District is committed to providing rigorous, high-quality instruction and integrated service delivery for the identified students to meet their IEP goals.

Paradise Unified School District proposes to provide ESY services to identified special education students utilizing a 15-day, five and one-half hour instruction day summer school model rather than the traditional 20-day, four hour instructional summer school day model. Students would receive the same or greater number of instructional minutes. Parents, students, and staff supported the longer, more intense instructional days last year. Fewer ESY days will result in savings in transportation, utilities, janitorial, food services, administrative, and clerical costs. The conditions of the previous waiver were met.

The San Diego County Office of Education (SDCOE) Davila Day School, which is a School for the Deaf/Hard of Hearing, has approximately 42 students with individualized education programs (IEPs) who qualify for ESY. There is no summer school program for any other students in the Special Education Local Plan Area. The Davila Day School resides on the same property of the main campus, Vista Square Elementary, which is part of the Chula Vista Elementary School District. A modernization of both Davila Day School and Vista Square Elementary was completed this past summer. This work took place over the months of June, July, and August. The Davila Day School is aligned with the host District's school calendar, which is normally a modified year-round calendar. Because of the modernization, Davila and Vista Square had to transition into a special modernization calendar for the 2015–16 school year. Because of the modernization calendar, the last day of the host District's calendar for the 2015–16 school year is June 17 for students and teachers; the first day of the 2016–17 school year is July 19. The period between the school years provides only 20 week days to hold an ESY session.

Because of these unusual, extenuating circumstances, the CDE is recommending approval.

A 10-day ESY program, consisting of a seven hour instructional day, will still allow the SDCOE to address the regression and recoupment needs of identified students, and would also allow a summer break of 10 non-teaching days. Because teaching during ESY is voluntary, the shortened ESY schedule would guarantee that the school's specialized Deaf/Hard of Hearing (DHH) teaching and classified staff will choose to work the ESY session, if it allows for a small break prior to the start of the school year. If the waiver is denied, teachers would be faced with no break and most likely choose not to work the ESY session. The school would have to fill each slot with a non-DHH credentialed substitute that would have no experience working with the DHH population and who would not be able to communicate with the American Sign Language student population.

In addition, with this shortened ESY, students will be guaranteed the following:

- Continuation of curriculum
- Student learning will be maximized by modifying the ESY schedule to a seven hour day schedule versus four hours per day
- Breakfast and lunch will be provided free of charge

Approving this waiver would be in agreement with the two SDCOE represented groups, which were in favor of the waiver submission and its detail. The SDCOE received positive feedback from the parent forums. They felt there would be more participation and higher attendance throughout the modified ESY program. The duration and timing of the ESY is specified in each student's IEP.

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&sectionNum=33051.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In the past, the SBE approved waivers to allow school districts to provide the required minimum amount of instruction in fewer days during the ESY for special education students.

Extended school year is the term for the education of special education students "between the close of one academic year and the beginning of the next," similar to a summer school. It must be provided for each individual with exceptional needs whose IEP requires it. LEAs may request a waiver to provide an ESY program for fewer days than the traditional model.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval.

ATTACHMENT(S)

Attachment 1: Extended School Year Summary Table (3 pages)

Attachment 2: Kings County Office of Education General Waiver Request 3-2-2016 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: National Elementary School District General Waiver Request 5-2-2016 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Oceanside Unified School District General Waiver Request 23-2-2016 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Paradise Unified School District General Waiver Request 7-1-2016 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 6: San Diego County Office of Education General Waiver Request 1-1-2016 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Extended School Year Summary Table

Waiver Number	District	Period of Request	Demographics	Local Board and Public Hearing Approval Date	Bargaining Unit, Representative Consulted, Date, and Position	Public Hearing Advertised	Advisory Committee or Site Council Consulted/ Date
3-2-2016	Kings County Office of Education	**Requested:** June 9, 2016 to June 30, 2016 **Recommended:** June 9, 2016 to June 30, 2016 16 days at 5 hours/day 80 hours tota l	**Student population:** 294 **Area:** Rural **County:** Kings	12/9/2015	Classified School Employees, Rebekah Thompson President 11/17/2015 **Support** Kings Teachers Association, Yolanda Bell President 11/2/2015 **Support**	Notice posted at in a newspaper, at each school, and on the LEA web site	Special Education Local Plan Area (SELPA) Operations Committee and the SELPA Community Advisory Committee 12/9/2015 **No objection**
5-2-2016	National Elementary School District	**Requested:** June 10, 2016 to July 10, 2016 **Recommended:** June 10, 2016 to July 10, 2016 15 days at 5 ½ hours/day 82.5 hours total	**Student population:** 5,779 **Area:** Urban **County:** San Diego	**Local Board** 1/27/2016 **Public Hearing** 12/5/2015	National City Elementary Teachers Association MaryKay Rosinski Special Education Unit Representative 12/18/2015 **Support**	Notice posted at each school, Community Library, and the Testing Center	National City School Board 1/25/2016 **No objection**

Waiver Number	District	Period of Request	Demographics	Local Board and Public Hearing Approval Date	Bargaining Unit, Representative Consulted, Date, and Position	Public Hearing Advertised	Advisory Committee or Site Council Consulted/ Date
23-2-2016	Oceanside Unified School District	**Requested:** June 20, 2016 to July 14, 2016 **Recommended:** June 20, 2016 to July 14, 2016 16 days at 4 3/4 hours/day 76 hours total	**Student population:** 19,296 **Area:** Suburban **County:** San Diego	1/12/2016	California School Employee Association, Collette Leyva President 1/5/2016 **Support** Oceanside Teachers Association, Jennifer Skellet President 1/5/2016 **Support**	Notice posted at all schools, District buildings, and local public libraries	Extended Cabinet 01/11/2016 **No objection**
7-1-2016	Paradise Unified School District	**Requested:** January 7, 2016 to July 31, 2016 **Recommended:** January 7, 2016 to July 31, 2016 15 days at 5 ½ hours/day 82.5 hours total	**Student population:** 598 **Area:** Rural **County:** Butte	11/17/2015	Paradise Classified Employees Association, Kristin Mundy President 11/12/2015 **Support** Teachers Association of Paradise, Cris Dunlap President 11/10/2015 **Support**	Notice posted at the District Office, Pearson Center, Paradise Public Library, and on the District Web site	Paradise Unified Governing Board 11/17/2015 **No objection**

Waiver Number	District	Period of Request	Demographics	Local Board and Public Hearing Approval Date	Bargaining Unit, Representative Consulted, Date, and Position	Public Hearing Advertised	Advisory Committee or Site Council Consulted/ Date
1-1-2016	San Diego County Office of Education, Davila Day School	**Requested:** June 20, 2016 to July 1, 2016 **Recommended:** June 20, 2016 to July 1, 2016 10 days at 7 hours/day 70 hours total	**Student population:** 44 **Area:** Suburban **County:** San Diego	11/18/2015	California School Employees Association, 568 Candida Hammond-Bothel President 9/24/2015 **Support** Association of Educators, Tammy Reina President 9/24/2015 **Support**	Notice posted at each school and at the San Diego County Office of Education	Special Education Local Plan Area (SELPA) Operations Committee and the SELPA Community Advisory Committee 11/12/2015 **No objection**

Created by California Department of Education
January 11, 2016

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 1610165 Waiver Number: 3-2-2016 Active Year: 2016

Date In: 2/3/2016 12:54:43 PM

Local Education Agency: Kings County Office of Education
Address: 1144 West Lacey Blvd.
Hanford, CA 93230

Start: 6/9/2016 End: 6/30/2016

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

Waiver Topic: Special Education Program
Ed Code Title: Extended School Year (Summer School)
Ed Code Section: 5 *CCR* 3043(d)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: (d) [An extended year program shall be provided for a minimum of 20 instructional days, including holidays.]

Outcome Rationale: The Kings County Office of Education proposes to provide Extended School Year services to identified special education students as agreed to in their IEP for sixteen (16) days at five (5) hours of instruction per day (Total of 80 hours instruction) in place of the traditional model of twenty (20) days with four (4) hours of instruction (Total 80 hours instruction). This model will provide us time to have our staff participate in professional development opportunities. In addition it will allow us more time to complete a construction project on campus that will result in increased safety for our campus. Last, it will provide financial savings in energy, transportation, and maintenance.

Student Population: 294

City Type: Rural

Local Board Approval Date: 12/9/2015

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Lisa Horne
Position: Program Director Special Education
E-mail: lisa.horne@kingscoe.org
Telephone: 559-589-7092
Fax: 559-589-7004

Bargaining Unit Date: 11/17/2015
Name: Classified School Employees
Representative: Rebekah Thompson
Title: Preseident CSEA
Position: Support
Comments:

Bargaining Unit Date: 11/02/2015
Name: Kings Teachers Association
Representative: Yolanda Bell
Title: President KTA
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3768221 Waiver Number: 5-2-2016 Active Year: 2016

Date In: 2/4/2016 2:41:30 PM

Local Education Agency: National Elementary School District
Address: 1500 N Ave.
National City, CA 91950

Start: 6/10/2016 End: 7/10/2016

Waiver Renewal: Y
Previous Waiver Number: 17-12-2014-W-04 Previous SBE Approval Date: 5/7/2015

Waiver Topic: Special Education Program
Ed Code Title: Extended School Year (Summer School)
Ed Code Section: *CCR*, Title 5, Section 3043(d)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: *California Code of Regulations* (*CCR*), Title 5, Section 3043(d) requires that a District provide extended school year services (between the close of one academic year and the beginning of the next) to a student who has unique needs and requires special education and related services in excess of the regular academic year. *CCR*, Title 5 Section 3043(d) requires that the program be provided for a minimum of 20 instructional days, typically for four hours each day for a total of 80 hours of instruction. Students who participate, in Extended School Year benefit from having consistent time of instructional day as it supports the structure of their programs, maintains educational benefit and provides a learning environment that address regression and recoupment of identified students with disabilities. The National City School District calendar provides approximately six weeks of summer break. A four week extended school year only provides families and staff two weeks summer break. Historically it has been difficult to find quality staff that are specialized to meet the instructional needs of these students and on the fourth week of instruction student attendance has historically decreased significantly. During the 2013-14 Extended School Year, of (15)-5.35 hour days enrollment stayed consistent throughout.

Outcome Rationale: Students who participate, in Extended School Year benefit from having consistent time of instructional day as it supports the structure of their programs, maintains educational benefit and provides a learning environment that address regression and recoupment of identified students with disabilities. Historically, it has been difficult to find quality staff that are specialized to meet the instructional needs of these students for four weeks at 4 hour days and students do not transition well into a minimum day as they are accustomed to their regular schedule of 6 hours. The lengthened day helps provide a day that is more closely aligned to the regular school day during the normal school calendar.

Student Population: 5779

City Type: Urban

Public Hearing Date: 12/5/2014
Public Hearing Advertised: Schools, Community Library, and Testing Center

Local Board Approval Date: 1/27/2016

Community Council Reviewed By: National City School Board
Community Council Reviewed Date: 1/25/2016
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Meghann O'Connor
Position: Director of Student Support Services
E-mail: meghann.oconnor@national.k12.ca.us
Telephone: 619-336-7740
Fax: 619-336-7551

Bargaining Unit Date: 12/18/2015
Name: National City Elementary Teachers Association
Representative: MaryKay Rosinski
Title: Special Education Unit Representative
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3773569 Waiver Number: 23-2-2016 Active Year: 2016

Date In: 2/23/2016 11:23:17 AM

Local Education Agency: Oceanside Unified School District
Address: 2080 Mission Ave.
Oceanside, CA 92058

Start: 6/20/2016 End: 7/14/2016

Waiver Renewal: Y
Previous Waiver Number: 13-4-2015-W-05 Previous SBE Approval Date: 7/8/2015

Waiver Topic: Special Education Program
Ed Code Title: Extended School Year (Summer School)
Ed Code Section: *CCR*, Title 5, Section 3043(d)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: *CCR*, Title 5, Section 3043(d) - To waive the minimum 20 days for an extended school year (ESY) for special education students.

Outcome Rationale: The district is interested in continuing to modify the traditional model of 20 days of 4 hours each,equaling 80 hours of Extended School Year instruction to a model of 16 days of 5 hours each, equaling 80 hours of instruction. The District is committed to providing rigorous, high-quality instruction and integrated service delivery for the identified students to meet their IEP goals.

Student Population: 19296

City Type: Suburban

Public Hearing Date: 1/12/2016
Public Hearing Advertised: Notice posted at each school, District Website, All District Buildings, Local Public Libraries

Local Board Approval Date: 1/12/2016

Community Council Reviewed By: Extended Cabinet
Community Council Reviewed Date: 1/11/2016
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Courtney Cook
Position: Director of Special Education
E-mail: courtney.cook@oside.us
Telephone: 760-966-7864
Fax:

Bargaining Unit Date: 01/05/2016
Name: California School Employee Association
Representative: Collette Leyva
Title: President
Position: Support
Comments:

Bargaining Unit Date: 01/05/2016
Name: Oceanside Teachers Association
Representative: Jennifer Skellet
Title: President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 0461531 Waiver Number: 7-1-2016 Active Year: 2016

Date In: 1/7/2016 3:34:25 PM

Local Education Agency: Paradise Unified School District
Address: 6696 Clark Rd
Paradise, CA 95969

Start: 1/7/2016 End: 7/31/2016

Waiver Renewal: Y
Previous Waiver Number: 19-11-2014-W-08 Previous SBE Approval Date: 3/17/2015

Waiver Topic: Special Education Program
Ed Code Title: Extended School Year (Summer School)
Ed Code Section: 5 *CCR* 3043
Ed Code Authority: 33050-33053

Ed Code or *CCR* to Waive: 5 *CCR* 3043 – Extended School Year. Extended school year services shall be provided for each individual with exceptional needs who has unique needs and requires special education and related services in excess of the regular academic year. Such individuals shall have handicaps which are likely to continue indefinitely or for a prolonged period, and interruption of the pupil's educational programming may cause regression, when coupled with limited recoupment capacity, rendering it impossible or unlikely that the pupil will attain the level of self-sufficiency and independence that would otherwise be expected in view of his or her handicapping condition. The lack of clear evidence of such factors may not be used to deny an individual an extended school year program if the individualized education program team determines the need for such a program and includes extended school year in the individualized education program pursuant to subsection [(f). (d) An extended year program shall be provided for a minimum of 20 instructional days, including holidays.]

Outcome Rationale: Paradise Unified School District proposes to provide Extended School Year (ESY) services to identified special education students utilizing a fifteen (15) day, five and one half (5.5) hours of instructional model rather than the traditional model of twenty (20) day with four (4) hours of instruction. Students would receive the same or greater number of instructional minutes. Parents, students, and staff supported the longer more intense instructional days last year. Fewer ESY days will result in savings in transportation, utilities, janitorial, food services, administration and clerical costs.

Student Population: 598

City Type: Rural

Public Hearing Date: 11/17/2015
Public Hearing Advertised: The board meeting agenda gets posted at the Paradise Public Library, all Paradise Unified School Sites, District Office, Paradise Unified School District

Webpage, and the Pearson Center.
Local Board Approval Date: 11/17/2015

Community Council Reviewed By: Paradise Unified Governing Board Members present at the 11/17/2015 meeting.
Community Council Reviewed Date: 11/17/2015
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Mary Ficcardi
Position: Director of Special Services
E-mail: mficcardi@pusdk12.org
Telephone: 530-872-6400 x242
Fax: 530-877-5073

Bargaining Unit Date: 11/12/2015
Name: Paradise Classified Employee Association (PCEA)
Representative: Kristin Mundy
Title: PCEA President
Position: Support
Comments:

Bargaining Unit Date: 11/10/2015
Name: Teachers Association of Paradise (TAP)
Representative: Cris Dunlap
Title: TAP President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3710371 Waiver Number: 1-1-2016 Active Year: 2016

Date In: 1/4/2016 1:51:03 PM

Local Education Agency: San Diego County Office of Education
Address: 6401 Linda Vista Rd.
San Diego, CA 92111

Start: 6/20/2016 End: 7/1/2016

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

Waiver Topic: Special Education Program
Ed Code Title: Extended School Year (Summer School)
Ed Code Section: Title 5, Section 3043 (d)
Ed Code Authority: Section 33050

Ed Code or *CCR* to Waive: 3043 Extended school year services shall be provided for each individual with exceptional needs who has unique needs and requires special education and related services in excess of the regular academic year. Such individuals shall have handicaps which are likely to continue indefinitely or for a prolonged period, and interruption of the pupil's educational programming may cause regression, when coupled with limited recoupment capacity, rendering it impossible or unlikely that the pupil will attain the level of self-sufficiency and independence that would otherwise be expected in view of his or her handicapping condition. The lack of clear evidence of such factors may not be used to deny an individual an extended school year program if the individualized education program team determines the need for such a program and includes extended school year in the individualized education program pursuant to subsection (f).
(a) Extended year special education and related services shall be provided by a school district, special education local plan area, or county office offering programs during the regular academic year.
(b) Individuals with exceptional needs who may require an extended school year are those who: (1) Are placed in special classes or centers; or (2) Are individuals with exceptional needs whose individualized education programs specify an extended year program as determined by the individualized education program team.
(c) The term "extended year" as used in this section means the period of time between the close of one academic year and the beginning of the succeeding academic year. The term "academic year" as used in this section means that portion of the school year during which the regular day school is maintained, which period must include not less than the number of days required to entitle the district, special education services region, or county office to apportionments of state funds.
[(d) An extended year program shall be provided for a minimum of 20 instructional days, including holidays]

Outcome Rationale: *Education Code* Section *California Code of Regulations*, Title 5, Section

3043(d) requires that the District provide a minimum of 20 days of Extended School Year (ESY-summer school) to students with disabilities. South County Special Education Local Plan Area's (SELPA) Davila Day School requests authorization from the California State Board of Education to submit a waiver to the California Department of Education (*Education Code* 33050-33053) to reduce the ESY from 20 days to 10 days.

South County SELPA's Davila Day School, which is a School for the Deaf/Hard of Hearing, has approximately 42 students with IEPs who qualify for ESY. There is no summer school program for any other students in the SELPA. The Davila Day School resides on the same property of the main campus, Vista Square Elementary, which is part of the Chula Vista Elementary School District. A modernization of both Davila Day School and Vista Square Elementary was completed this past summer. This work took place over the months of June, July and August. The Davila Day School is aligned with the host District's school calendar, which is normally a modified year round. Because of the modernization, Davila and Vista Square had to transition into a special modernization calendar for the 15-16 school year. Because of modernization calendar, the last day of the host District's calendar for the 2015-16 school year is June 17th for students and teachers; the first day of the 2016-17 school year is July 19. The period between the school years provides only 20-week days to hold an ESY session.

A 10-day ESY program, consisting of a 7 hour instructional day, would still allow the County to address the regression and recoupment needs of identified students, and would also allow a summer break of 10 non-teaching days. Because teaching during ESY is voluntary, the shortened ESY schedule would guarantee that the school's specialized Deaf/Hard of Hearing (DHH) teaching and classified staff will choose to work the ESY session, if it allows for a small break prior to the start of the school year. If the waiver is denied, teachers would be faced with no break and most likely choose not to work the ESY session and the school would have to fill each slot with a non DHH credentialed substitute that would have no experience working with the Deaf/Hard of Hearing population and who would not be able to communicate with the ASL student population.

In addition, with this shortened ESY, students will be guaranteed the following:

- Continuation of curriculum
- Student learning will be maximized by modifying the ESY schedule to a 7 hour day schedule vs. 4 hours per day
- Breakfast and lunch will be provided free of charge

By approving this waiver, the State Board of Education would be in agreement with the two SDCOE represented groups, which were in favor of the waiver submission and its detail. They would also be in agreement with the positive feedback from the parent forums, where they felt that there would be more participation and higher attendance throughout the modified ESY program.

Student Population: 44

City Type: Suburban

Public Hearing Date: 11/18/2015
Public Hearing Advertised: Posted at the School Stie and at the San Diego County Office of Education

Local Board Approval Date: 11/18/2015

Community Council Reviewed By: SELPA Operations Committee, SELPA Community Advisory Committee, SELPA Regional Directors
Community Council Reviewed Date: 11/12/2015
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Russell Coronado
Position: Senior Director
E-mail: rcoronado@sdcoe.net
Telephone: 619-470-5224
Fax:

Bargaining Unit Date: 09/24/2015
Name: California School Employee Association, 568
Representative: Candida Hammond-Bothel
Title: President
Position: Support
Comments:

Bargaining Unit Date: 09/24/2015
Name: Association of Educators
Representative: Tammy Reina
Title: President
Position: Support
Comments

California State Board of Education

Meeting Agenda Items for May 11-12, 2016

WAIVER ITEM W-03

ITEM #W-03

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2016 AGENDA

☒ **General Waiver**

SUBJECT Request by **Folsom-Cordova Unified School District** to waive portions of California *Education Code* Section 48661(a), relating to the collocation of a community day school with other types of schools. Waiver Number: 9-2-2016	☒ **Action** ☒ **Consent**

SUMMARY OF THE ISSUES

Request by **Folsom-Cordova Unified School District** (USD) for a waiver of portions of California *Education Code* (*EC*) Section 48661(a) to permit collocation of Mather Youth Academy, a community day school (CDS), on the same site as Kinney Continuation High School, a continuation high school.

Authority for Waiver: *EC* Section 33050

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

The California Department of Education (CDE) recommends approval of the waiver request for this CDS, with the individual conditions and period of approval noted in Attachment 1.

SUMMARY OF KEY ISSUES

Education Code 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 this waiver, the governing board for the Folsom-Cordova USD is asking for similar authority as the board of a smaller district. Folsom-Cordova USD enrolls approximately 20,013 total students. The local board voted unanimously to request the waiver.

The Mather Youth Academy, Folsom-Cordova USD's CDS, which serves students in grades seven through twelve, has shared its original site with Mather Youth Opportunity, under the authorization of a State Board of Education (SBE) waiver approved for January 1, 2013, through June 30, 2015. During that time, there were no significant negative interactions between students from the two schools. The Opportunity Program was moved to another site at the end of the 2014–15 school year.

A significant drop in Mather Youth Academy enrollment and overcrowding in other schools necessitated relocating the CDS to the same site as Kinney Continuation High School, which serves students in grades seven through twelve. Separation of students in the two schools will be maintained through a number of means: Strong administrative support and supervision, including a shared principal and vice principal, counseling staff, psychologist, therapist, behaviorist, office staff, campus supervisors, and outside support agencies. Physical separation will be maintained through separate buildings divided by a fence and open space. This open space will be monitored by staff to ensure that students are stopped and stay in their assigned school. This provides both schools with two separate and distinct locations. Each school has its own restrooms. Students arrive and depart at the different times, and ride separate buses. The administration and campus monitors ensure that the students do not intermingle, especially during arrival and departure times.

The Folsom-Cordova USD believes their preventive measures, including the separation of facilities, a strong administrative team, and a full-time campus monitor can ensure a high level of safety and security. The local school board voted unanimously to approve the waiver request. The Folsom Cordova Education Association President, Michael Itkoff, supports the waiver. A special district level committee comprised of comprehensive and alternative school district administrators and the school site council representatives also approved the waiver request.

Demographic Information:

Folsom-Cordova USD has a student population of 20,013 and is located in an urban area in Sacramento County.

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

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has approved several previous waiver 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.

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 Waiver (1 page)

Attachment 2: Folsom-Cordova Unified School District General Waiver Request 9-2-2016 (3 pages). (Original Waiver request is signed and on file in the Waiver Office.)

Summary Table of Community Day School State Board of Education Waiver

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/School Site Council Name, Date of Review and Any Objections
9-2-2016	Folsom-Cordova Unified School District (USD) 20,013 Total Students 45 Students in Mather Youth Academy (a Community Day School [CDS]) 150 Students in Kinney Continuation High School February 4, 2016	Mather Youth Academy Grades Seven through Twelve Kinney Continuation High School Grades Seven through Twelve	Continuation High School	**Requested:** July 1, 2016 through June 30, 2017 **Recommended:** July 1, 2016 through June 30, 2017	NO	NO	Folsom Cordova Education Association Michael Itkoff President February 4, 2016 **Support**	Mather Youth Academy and Kinney Continuation High School Site Council and the Alternative Education Committee January 27, 2016 **Support**
	Conditions: This waiver provides for Mather Youth Academy, a CDS operated by the Folsom-Cordova USD, to be located on the same campus as Kinney 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).							

Created by California Department of Education
March 11, 2016

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3467330 Waiver Number: 9-2-2016 Active Year: 2016

Date In: 2/11/2016 9:24:47 AM

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

Start: 7/1/2016 End: 6/30/2017

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: 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: The Folsom Cordova Unified School District is requesting a waiver of California *Education Code* (*EC*) Section 48661(a), which provides that a CDS shall not be situated on the same site as other types of schools. The Folsom Cordova USD is seeking the SBE approval to permit the Mather Youth Academy, a CDS for students in grades seven through twelve with an enrollment of 45, to operate on the same site with the Kinney Continuation High School, a Continuation High school with an enrollment of 150, for students requiring high staff to student ratio in a highly structured environment. *Education Code* Section 48661(a)(1) 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. This waiver, if approved, would provide the Folsom Cordova USD the same local determination option as a smaller district.

A waiver for Mather Youth Academy CDS and Mather Youth Opportunity collocation on the Mather Youth Academy site was granted on January 15, 2014 waiver #:21-10-2013-W-05. At the end of the 2014-2015 school year Mather Youth Opportunity program was relocated to other sites within the Folsom Cordova Unified School District eliminating the collocation at Mather Youth Academy CDS. Only Mather Youth Academy CDS will be collocated onto the Kinney Continuation High School site.

For the 2016-2017 school year, the Folsom Cordova USD, as part of a greater district wide review of specialized schools, needs a waiver to fully authorize the collocation of the Mather

Youth Academy on the Kinney Continuation High School campus. The district is finding that it does not have the resources to operate our CDS at a fully separate location. Mather Youth Academy enrollment has dropped below fifty students and housing Mather Youth Academy on its current site does not maximize the use of that facility. The district needs to move another school into this location in order to avoid over - crowding. Mather Youth Academy and Kinney Continuation High School will share resources including a joint Principal and Vice Principal, counseling staff, psychologist, therapist, behaviorist, office staff, campus supervisors, and outside support agencies. Separation will be maintained through separate buildings divided by a fence and open space. This open space will be monitored by staff to ensure that students are stopped and stay in their assigned school. This provides both schools with separate and distinct locations. Each school has its own restrooms. Students arrive and depart at the different times, and ride separate buses. The administration and campus monitors ensure that the students do not intermingle, especially during arrival and departure times. The Folsom Cordova Unified School District believes our preventive measures including the separation of facilities, a strong administrative team and a full-time campus monitor can ensure a high level of safety and security. The local school board voted to approve the waiver request. The Folsom Cordova Education Association, through its president, Michael Itkoff, supports the waiver. A special district level committee comprised of comprehensive and alternative school district administrators and the school site council representatives also approved the waiver request. The Folsom Cordova Unified School District is requesting this waiver for the July 1, 2016 through June 30, 2017 school year.

Student Population: 20,013

City Type: Urban

Public Hearing Date: 2/4/2016
Public Hearing Advertised: Posted at each school site,at the District office, and on the District's web page.

Local Board Approval Date: 2/4/2016

Community Council Reviewed By: MYA and Kinney Continuation High School site council. The Alternative Education Committee.
Community Council Reviewed Date: 1/27/2016
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

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

Bargaining Unit Date: 02/04/2016
Name: Folsom Cordova Education Association
Representative: Michael Itkoff
Title: President
Position: Support
Comments:

California State Board of Education

Meeting Agenda Items for May 11-12, 2016

WAIVER ITEM W-04

ITEM #W-04

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2016 AGENDA

☒ **General Waiver**

SUBJECT

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

Waiver Numbers: Capistrano Unified School District 26-2-2016
Dry Creek Joint Elementary School District 20-1-2016
Golden Valley Unified School District 4-1-2016
Mountain View Whisman School District 18-1-2016
San Luis Coastal Unified School District 16-12-2015
Santee School District 17-12-2015
Shandon Joint Unified School District 10-1-2016
Solvang Elementary School District 23-1-2016
Soulsbyville Elementary School District 16-1-2016

☒ **Action**

☒ **Consent**

SUMMARY OF THE ISSUES

Capistrano Unified School District (CUSD), Dry Creek Joint Elementary School District (DCJESD), Golden Valley Unified School District (GVUSD), Mountain View Whisman School District (MVWSD), San Luis Coastal Unified School District (SLCUSD), Santee School District (SSD), Shandon Joint Unified School District (SJUSD), Solvang Elementary School District (SESD), and Soulsbyville Elementary School District (SESD) seek waivers of the California *Education Code* (*EC*) Section 37202(a), 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 California Department of Education recommends approval of the waivers with conditions. The CUSD, DCJESD, GVUSD, MVWSD, SLCUSD, SSD, SJUSD, SESD, and SESD will provide information to CUSD, DCJESD, GVUSD, MVWSD, SLCUSD, SSD, SJUSD, SESD, and SESD families by July 14, 2016, 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 CUSD, DCJESD, GVUSD, MVWSD, SLCUSD, SSD, SJUSD, SESD, and SESD 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 CUSD, DCJESD, GVUSD, MVWSD, SLCUSD, SSD, SJUSD, SESD, and SESD currently offer extended-day (full day) kindergarten programs which exceed the maximum four-hour school day (*EC* 46111 [a]). The CUSD, DCJESD, GVUSD, MVWSD, SLCUSD, SSD, SJUSD, SESD, and SESD 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 CUSD, DCJESD, GVUSD, MVWSD, SLCUSD, SSD, SJUSD, SESD, and SESD 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:

CUSD has a student population of 662, and is located in an urban area in Orange County.

DCJESD has a student population of 6,780, and is located in a suburban area in Placer County.

GVUSD has a student population of 1,891, and is located in a rural area in Madera County.

MVWSD has a student population of 5,083, and is located in a suburban area in Santa Clara County.

SLCUSD has a student population of 7,482, and is located in a suburban area in San Luis Obispo County.

SSD has a student population of 111, and is located in a suburban area in San Diego County.

SJUSD has a student population of 307, and is located in a rural area in San Luis Obispo County.

SESD has a student population of 570, and is located in a suburban area in Santa Barbara County.

SESD has a student population of 506 and is located in a rural area in Tuolumne 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&sectionNum=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: Summary Table (4 pages).

Attachment 2: CUSD General Waiver Request 26-2-2016 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: DCJESD General Waiver Request 20-1-2016 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: GVUSD General Waiver Request 4-1-2016 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: MVWSD General Waiver Request 18-1-2016 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 6: SLCUSD General Waiver Request 16-12-2015 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 7: SSD General Waiver Request 17-12-2015 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 8: SJUSD General Waiver Request 10-1-2016 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 9: SESD General Waiver Request 23-1-2016 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 10: SESD General Waiver Request 16-1-2016 (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
26-2-2016	Capistrano Unified School District	**Requested:** August 15, 2016 to May 31, 2017 **Recommended:** August 15, 2016 to May 29, 2017	Capistrano Unified Education Association, Sally White President 2/18/2016 **Support**	February 24, 2016	The public hearing notice was posted on the district Web site and copies sent to all elementary school campuses.	Kinoshita Elementary School Site Council February 10, 2016 **No Objection**
20-1-2016	Dry Creek Joint Elementary School District	**Requested:** July 1, 2016 to June 30, 2018 **Recommended:** July 1, 2016 to June 28, 2018	Dry Creek Teachers Association, Gary Edwards President 12/16/2015 **Support**	January 21, 2016	The public hearing notice was posted at all schoolsites, district offices, and the district Web site.	School Site Council, Antelope Meadows Elementary and Coyote Ridge Elementary January 12, 2016 **No Objection**

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
4-1-2016	Golden Valley Unified School District	**Requested:** July 1, 2015 to June 30, 2016 **Recommended:** July 1, 2015 to June 28, 2016	Golden Valley Teacher's Association, Teri Malmstrom President 11/02/2015 **Support**	**Public Hearing Date**: November 17, 2015 **Board Approval Date**: December 1, 2015	The public hearing notice was posted at the Madera Ranchos Chamber of Commerce, Madera Ranchos Public Library, and the Madera Ranchos Market Community Bulletin Board.	District Advisory Committee October 28, 2015 **No Objection**
18-1-2016	Mountain View Whisman School District	**Requested:** August 17, 2015 to June 30, 2017 **Recommended:** August 17, 2015 to June 28, 2017	Mountain View Educators Association, Jonathan Pharazyn President 10/30/2015 **Support**	January 7, 2016	The public hearing notice was posted at each schoolsite.	District Advisory Committee November 18, 2015 **No Objection**
16-12-2015	San Luis Coastal Unified School District	**Requested:** August 24, 2015 to June 9, 2017 **Recommended:** August 24, 2015 to June 7, 2017	San Luis Coastal Teachers Association, Craig Stewart President 2/19/2016 **Support**	**Public Hearing Date**: November 17, 2015 **Board Approval Date**: December 15, 2015	The public hearing notice was advertised online and through the media and posted at the district office and three libraries.	Board of Education November 17, 2015 **No Objection**

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
17-12-2015	Santee School District	**Requested:** September 2, 2015 to June 30, 2017 **Recommended:** September 2, 2015 to June 28, 2017	Santee Teachers Association, Lori Meaux President 1/4/2016 **Support**	December 15, 2015	The public hearing notice was posted at community locations and in the board of education packet.	District Advisory Council November 12, 2015 **No Objection**
10-1-2016	Shandon Joint Unified School District	**Requested:** August 20, 2015 to June 8, 2016 **Recommended:** August 20, 2015 to June 6, 2016	Shandon Teachers' Association, Jill Smith President 11/3/2015 **Support**	December 8, 2015	The public hearing notice was posted at all schoolsites, the post office, district office, and district maintenance and operations office.	School Site Council January 12, 2016 **No Objection**
23-1-2016	Solvang Elementary School District	**Requested:** August 19, 2015 to June 2, 2016 **Recommended:** August 19, 2015 to May 31, 2016	Solvang Federation of Teachers, Jennifer Pedersen President 10/25/2015 **Approve**	November 17, 2015	The public hearing was posted at two locations on campus, the public library, on the school Web site, and included in the board agenda.	All-staff Advisory Committee November 12, 2015 **No Objection**

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
16-1-2016	Soulsbyville Elementary School District	**Requested:** August 19, 2015 to June 30, 2016 **Recommended:** August 19, 2015 to June 28, 2016	Soulsbyville Teacher Association and California Teachers Association, Karen Jaco President 12/09/2015 **Support**	January 14, 2016	The public hearing was posted at Soulsbyville School, the district office, and Soulsbyville Post Office.	Soulsbyville School District Board January 14, 2016 **No Objection**

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3066464 Waiver Number: 26-2-2016 Active Year: 2016

Date In: 2/25/2016 1:27:08 PM

Local Education Agency: Capistrano Unified School District
Address: 33122 Valle Rd.
San Juan Capistrano, CA 92675

Start: 8/15/2016 End: 5/31/2017

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: (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: The District would like to continue having the Kinoshita Elementary school transitional kindergarten (TK) day be shorter than the length of the regular kindergarten day at this school covering the 2015-2016 and 2016-2017 school years with a total of 359 days. Under the current structure, kindergarten students at Kinoshita Elementary School are in school from 7:45 a.m. to 2:05 p.m. on Monday, Wednesday, Thursday, and Friday; and, from 7:45 a.m. – 12:45 p.m. on Tuesday for a full school day and a teacher student ratio of 1 to 24. The standard TK hours across the district consist of an early start time of 8:00 a.m. – 11:53 a.m., and a late start time of 9:30 a.m. – 1:23 p.m. Monday through Friday for a half day schedule and a teacher student ratio for half the session of 1 to 15. The waiver would allow for TK at Kinoshita Elementary School have a varied schedule from kindergarten starting at 7:45 a.m. to 11:38 a.m., Monday through Friday; and, the late group is in school from 9:15 a.m. – 1:08 p.m. on Monday, Wednesday, Thursday, and Friday for a half day schedule. Tuesday's schedule would be a half day from 7:45 a.m. to 11:38 a.m. for all children. The reason for the varied schedule is to maintain a TK program that is similar to the other TK classrooms at 11 elementary schools within the district. This early and late start schedule also provides continuity of services with lower teacher to child ratios for half of the session.

Student Population: 662

City Type: Urban

Public Hearing Date: 2/24/2016
Public Hearing Advertised: Posted on the district website and copies sent to all Elementary School Campuses

Local Board Approval Date: 2/24/2016

Community Council Reviewed By: Kinoshita Elementary School Site Council
Community Council Reviewed Date: 2/10/2016
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Susan Holliday
Position: Assistant Superintendent, Education Services
E-mail: seholliday@capousd.org
Telephone: 949-234-9203
Fax: 949-488-8136

Bargaining Unit Date: 02/18/2016
Name: Capistrano Unified Education Association
Representative: Sally White
Title: President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3166803 Waiver Number: 20-1-2016 Active Year: 2016

Date In: 1/25/2016 2:19:08 PM

Local Education Agency: Dry Creek Joint Elementary School District
Address: 9707 Cook Riolo Rd.
Roseville, CA 95747

Start: 7/1/2016 End: 6/30/2018

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: *EC* 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 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: Dry Creek Joint Elementary School District (DCJESD) is requesting to waive *EC* Section 37202, the equity length of time requirement for transitional and traditional kindergarten programs. *EC* Section 37202 requires that all students at a given grade level in a district receive an equal length of instructional time.

As part of Goal 1: Increase Time to Learn in our Local Control Accountability Plan (LCAP), DCJESD is planning to implement an extended-day kindergarten program which will exceed the maximum four-hour school day (*EC* 46110). This decision was made after piloting full day and extended-day programs. Our kindergarten pilot team, administration and Educational Services feel that extended day offers the additional learning time needed to serve our students best. Our district is comprised of six K-5 elementary schools, one K-8 school and two 6-8 middle schools. We currently serve 107 TK students in our district. TK students currently follow our traditional AM/PM kindergarten schedule for a total of 205 instructional minutes per day.

With the current structure of the school day, TK students attend for a length of time that is developmentally appropriate. The TK students participate in a language rich and rigorous standards-based curriculum, meeting their social and emotional needs. Students are well prepared for their second year of this two year kindergarten program.

Dry Creek Joint Elementary School District is requesting this waiver in order to keep our TK program on the current instructional schedule of 3 hours, 25 minutes while our kindergarten students move to an extended-day of 5 hours next school year.

Student Population: 6780

City Type: Suburban

Public Hearing Date: 1/21/2016
Public Hearing Advertised: Posted at all school sites/District Office and the District website

Local Board Approval Date: 1/21/2016

Community Council Reviewed By: School Site Council, Antelope Meadows Elementary and Coyote Ridge Elementary
Community Council Reviewed Date: 1/12/2016
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Sara Wegner
Position: Assistant Superintendent, Ed Services
E-mail: swegner@dcjesd.us
Telephone: 916-770-8855
Fax: 916-771-0650

Bargaining Unit Date: 12/16/2015
Name: Dry Creek Teachers Association
Representative: Gary Edwards
Title: President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 2075580 Waiver Number: 4-1-2016 Active Year: 2016

Date In: 1/5/2016 3:23:05 PM

Local Education Agency: Golden Valley Unified School District
Address: 37479 Avenue 12
Madera, CA 93636

Start: 7/1/2015 End: 6/30/2016

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: 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.

Outcome Rationale: The Kindergarten Readiness Act of 2010 established Transitional Kindergarten (TK), the first of a two year Kindergarten Program across the state of California for those students turning 5 years old between September 1 and December 2 of the current school year. In GVUSD, the TK program meets the required number of instructional minutes for Kindergarten, as established by *Education Code* sections 46117 and 46201, which is 180 instructional minutes per day, or a half day. *Education Code* Section 37202 requires that an "Equity of Time" waiver be submitted by school districts annually in which TK meets for fewer instructional minutes than the traditional Kindergarten program. GVUSD provides TK students with a half-day program to facilitate smaller student to teacher ratios during this developmental year of their two year Kindergarten experience.

Student Population: 1891

City Type: Rural

Public Hearing Date: 11/17/2015
Public Hearing Advertised: Public Hearing Notices were posted at the Madera Ranchos Chamber of Commerce, Madera Ranchos Public Library, and the Madera Ranchos Market Community Bulletin Board.

Local Board Approval Date: 12/1/2015

Community Council Reviewed By: District Advisory Committee
Community Council Reviewed Date: 10/28/2015
Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Kevin Hatch
Position: Assistant Superintendent
E-mail: khatch@gvusd.org
Telephone: 559-645-7533
Fax: 559-645-7144

Bargaining Unit Date: 11/02/15
Name: Golden Valley Teacher's Association (GVTA)
Representative's Name: Teri Malmstrom
Title: GVTA President
Position: Support
Comments: None

California Department of Education
WAIVER SUBMISSION - General

CD Code: 4369591 Waiver Number: 18-1-2016 Active Year: 2016

Date In: 1/25/2016 9:48:36 AM

Local Education Agency: Mountain View Whisman School District
Address: 750 San Pierre Way, Ste. A
Mountain View, CA 94043

Start: 8/17/2015 End: 6/30/2017

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: 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: MVWSD offers extended day for Kindergarten at all school sites (285 instructional minutes per day) and a regular day for Transitional Kindergarten students (200 minutes) at three school sites. The District feels that having Transitional Kindergarten students attend an extended day is not in their best educational interest and that our program provides students with developmentally appropriate experiential and academic activities that will prepare them for the more academically rigorous second year of our kindergarten program.

In addition, the shortened day allows MVWSD to stagger the start times for students and provide targeted small group instruction. With this schedule half of the students in the class (group 1) arrive in the morning and have small group instruction with the classroom teacher. The other half of the students in the class (group 2) arrives 1 hour and 25 minutes later and the teacher has the entire class for two hours of large group activities with the support of an instructional assistant. At that time, group 1 is dismissed for the day and group 2 stays for lunch and small group instruction in the afternoon. On Thursday, all students attend class together all day.

Student Population: 5083

City Type: Suburban

Public Hearing Date: 1/7/2016
Public Hearing Advertised: Posted public notice at each site.

Local Board Approval Date: 1/7/2016

Community Council Reviewed By: District Advisory Committee
Community Council Reviewed Date: 11/18/2015
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Cathy Baur
Position: Assistant Superintendent
E-mail: cbaur@mvwsd.org
Telephone: 650-526-3545
Fax: 650-968-2284

Bargaining Unit Date: 10/30/2015
Name: Mountain View Educators Association
Representative: Jonathan Pharazyn
Title: President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 4068809 Waiver Number: 16-12-2015 Active Year: 2015

Date In: 12/16/2015 9:11:09 AM

Local Education Agency: San Luis Coastal Unified School District
Address: 1500 Lizzie St.
San Luis Obispo, CA 93401

Start: 8/24/2015 End: 6/9/2017

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(a)
Ed Code Authority: 33050(a)

Ed Code or *CCR* to Waive: 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: As part of our early primary program, we maintain kindergarten and Transitional Kindergarten classes at the same school site within the district for different lengths of time during the school day. Our extended day kindergarten classes at all elementary schools have at least 240 instructional minutes per day. Our Transitional Kindergartens at those same schools have an average of 228 instructional minutes per day. We feel that, at this time, requiring our Transitional Kindergarten students to attend school for an extended day would not be in their best educational interest. Our Transitional Kindergarten program provides students with developmentally appropriate, experiential activities and is preparing them for the more academically rigorous second year of our kindergarten program.

Student Population: 7482

City Type: Small

Public Hearing Date: 11/17/2015
Public Hearing Advertised: Online, through the media, and posted at the District Office and three libraries

Local Board Approval Date: 12/15/2015

Community Council Reviewed By: Board of Education
Community Council Reviewed Date: 11/17/2015
Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Rick Robinett
Position: Assistant Superintendent
E-mail: rrobinett@slcusd.org
Telephone: 805-549-1205
Fax: 805-546-0331

Bargaining Unit Date: February 19, 2016
Name: San Luis Coastal Teachers Association (SLCTA)
Representative: Craig Stewart
Title: President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3768361 Waiver Number: 17-12-2015 Active Year: 2015

Date In: 12/16/2015 11:11:24 AM

Local Education Agency: Santee School District
Address: 9625 Cuyamaca St.
Santee, CA 92071

Start: 9/2/2015 End: 6/30/2017

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: Pursuant to *EC* Section 37202 any TK programs operated by a district must be of equal length to any kindergarten programs operated by the same district. If TK program instructional minutes are a different length than the kindergarten program instructional minutes, then a waiver must be submitted to the State Board of Education.

Outcome Rationale: As a true transition for our students with birthdates between September 1 - December 1, we have elected to hold Transitional Kindergarten for 210 minutes daily versus the 307 minutes our kindergarten students receive daily. The community appreciates the instructional minutes for this program and our students have continued to flourish as they transition from TK to kindergarten.

Student Population: 111

City Type: Suburban

Public Hearing Date: 12/15/2015
Public Hearing Advertised: Notices at community locations and in the Board of Education packet

Local Board Approval Date: 12/15/2015

Community Council Reviewed By: District Advisory Council (DAC)
Community Council Reviewed Date: 11/12/2015
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Kristin Baranski
Position: Director of Curriculum and Assessment
E-mail: kristin.baranski@santeesd.net
Telephone: 619-258-2357
Fax: 619-258-2230

Bargaining Unit Date: 1/4/2016
Name: Santee Teachers Association
Representative: Lori Meaux
Title: Association President
Position: Support
Comments: The submission of the TK instructional minutes waiver is positive for students and teachers.

California Department of Education
WAIVER SUBMISSION - General

CD Code: 4068833 Waiver Number: 10-1-2016 Active Year: 2016

Date In: 1/13/2016 3:09:24 PM

Local Education Agency: Shandon Joint Unified School District
Address: 101 South First St.
Shandon, CA 93461

Start: 8/20/2015 End: 6/8/2016

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: 37202 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.

Outcome Rationale: Given the small number of students eligible for Transitional Kindergarten (currently 7) and considering the small size of our district (307 students), we have extended our Transitional Kindergarten to include students who turn 5 after the December 2nd cutoff. Compliance with *EC* 37202 would require very young, Transitional Kindergarten students to attend an instructional day in excess of four hours. The current structure of our Transitional Kindergarten program is to provide instruction for the first half of the instructional day where students participate in intensive reading and mathematics curriculum along with social-emotional development. This structure ensures that our Transitional Kindergarten students are fully prepared to meet the academic rigor in the second year of the Kindergarten sequence. Our Transitional Kindergarten teacher is utilized the second half of the day to provide reading intervention to struggling readers in grades k-8th. Maintaining a full day Instructional Kindergarten class would result in the loss of our reading intervention teacher and be at the detriment of other students who need support.

Student Population: 307

City Type: Rural

Public Hearing Date: 12/8/2015

Public Hearing Advertised: The hearing was posted at all school sites, the post office, district office, and district Maintenance and Operations office.

Local Board Approval Date: 12/8/2015

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 1/12/2016
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Shannon Kepins
Position: Principal
E-mail: skepins@shandonschools.org
Telephone: 805-238-1782
Fax:

Bargaining Unit Date: 11/03/2015
Name: Shandon Teachers' Association
Representative: Jill Smith
Title: Union President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 4269336 Waiver Number: 23-1-2016 Active Year: 2016

Date In: 1/27/2016 3:24:11 PM

Local Education Agency: Solvang Elementary School District
Address: 565 Atterdag Rd.
Solvang, CA 93463

Start: 8/19/2015 End: 6/2/2016

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: 37202(b) Notwithstanding subdivision(a), a school district that is implementing and 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: For the last 10 years, Solvang Elementary School (SES) had maintained a Gift of Time program for what are now considered Transitional Kindergartners (TK). The program lasts for four hours per day. At SES, Kindergarten is a 5.5 hour per day program, which exceeds the maximum four hour school day (*EC* 46111[1]). The District was previously unaware of the need to submit a waiver to address the inequity between TK and K hours, and now requests a retroactive waiver for the 2015-16 school year to support the District's belief that holding TK students in excess of the four-hour day minimum is not in the best educational interests of our TK students.

Student Population: 570

City Type: Small

Public Hearing Date: 11/17/2015
Public Hearing Advertised: The public hearing was posted at two locations on campus, the public library, on the school website, and included on the board agenda.

Local Board Approval Date: 11/17/2015

Community Council Reviewed By: All-staff Advisory Committee
Community Council Reviewed Date: 11/12/2015
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Steve Seaford
Position: Superintendent
E-mail: steves@solvangschool.org
Telephone: 805-697-4453
Fax: 805-688-7012

Bargaining Unit Date: 10/25/15
Name: Solvang Federation of Teachers
Representative: Jennifer Pedersen
Title: President
Position: Approve
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 5572397 Waiver Number: 16-1-2016 Active Year: 2016

Date In: 1/22/2016 4:27:24 PM

Local Education Agency: Soulsbyville Elementary School District
Address: 20300 Soulsbyville Rd.
Soulsbyville, CA 95372

Start: 8/19/2015 End: 6/30/2016

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: Ed Code 37202 to Waive: a.) Except if a school has been closed by order of 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 another 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.

Outcome Rationale: While expanding our Kindergarten classes to an extended day schedule, we would like to reserve the right to not have our TK classes on the same schedule. Per Ed Code LEAs must also keep in mind that (pursuant to *EC* Section 37202) any TK programs operated by a district must be equal length to any kindergarten programs operated by the same district. If TK program instructional minutes are a different length than the kindergarten program then a waiver must be submitted to the State Board of Education. We will provide our TK students with a half day program AM/PM model to facilitate smaller students to teacher ratios during this developmental year of their two year Kindergarten experience.

Student Population: 506

City Type: Rural

Public Hearing Date: 1/14/2016
Public Hearing Advertised: Posted on 12/31/2015 at Soulsbyville School, District Office, and Soulsbyville Post Office

Local Board Approval Date: 1/14/2016

Community Council Reviewed By: Soulsbyville School District Board
Community Council Reviewed Date: 1/14/2016
Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Michele Harper
Position: Administrative Assistant
E-mail: mharper@soulsbyvilleschool.com
Telephone: 209-532-1419 x201
Fax: 209-532-4371

Bargaining Unit Date: 12/09/2015
Name: Soulsbyville Teacher Association and California Teachers Associations
Representative: Karen Jaco
Title: President STA/CTA
Position: Support
Comments:

California State Board of Education

Meeting Agenda Items for May 11-12, 2016

WAIVER ITEM W-05

ITEM #W-05

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2016 AGENDA

☒ **Specific Waiver**

SUBJECT Request by **Vallejo City Unified School District** under the authority of the California *Education Code* Section 46206(a), to waive *Education Code* Section 46201(a), the audit penalty for offering less instructional time in the 2011–12 fiscal year for students in grades four and five (shortfall of 129 minutes) at district schools. Waiver Number: 2-2-2016	☒ **Action** ☒ **Consent**

SUMMARY OF THE ISSUE(S)

The Vallejo City Unified School District (VCUSD) is requesting that the California State Board of Education (SBE) waive the instructional time requirement audit penalty for VCUSD. VCUSD was short instructional minutes for the 2011–12 school year. Per *Education Code (EC)* Section 46206(a), the SBE may waive the fiscal penalties set forth in this article for a school district or county office of education that fails to maintain the prescribed minimum length of instruction, upon the condition that the school or schools in which the minutes were lost maintain minutes of instruction equal to those lost, in addition to the minimum amount required, for twice the number of years that it failed to maintain the required minimum length of time.

Authority for Waiver: *EC* Section 46206(a)

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

The California Department of Education (CDE) recommends that the SBE approve this waiver on the condition that the VCUSD maintains increased instructional minutes at Elsa Widenmann Elementary School for grades four and five of at least the amount required by law plus 129 minutes for grades four and five for a period of two years beginning in 2013–14 through 2014–15. As an additional condition of the waiver approval, the district must report the annual instructional minutes offered by the district in grades four and five in its annual audit report.

SUMMARY OF KEY ISSUES

During an audit of instructional minutes for 2011–12 it was discovered that the VCUSD failed to offer the required number of minutes for grades four and five at Elsa

Widenmann Elementary School due to the addition of a furlough day negotiated late in the school year.

The VCUSD used school years 2013–14 and 2014–15 to make up the shortfall of instructional minutes at Elsa Widenmann Elementary School. The minimum number of required annual instructional minutes for grades four and five in 2013–14 and 2014–15 was 52,500. The minimum number of required annual instructional minutes for grades four and five in 2011–12 was 50,400. At this point, the CDE has not received the audit reports for VCUSD for the 2013–14 or 2014–15 school years. Once the audit reports for 2013–14 and 2014–15 are received, the CDE will verify that conditions of the waiver were met.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has approved similar requests with conditions. *EC* Section 42606 authorizes waivers to be granted for fiscal penalties due to a shortfall in instructional time. A waiver may be granted upon the condition that the school or schools, in which the minutes were lost, maintain minutes of instruction equal to those lost, in addition to the minimum amount required for twice the number of years that it failed to maintain the required minimum length of time.

Demographic Information: VCUSD has a student population of 14,996 and is located in a suburban area in Solano County.

FISCAL ANALYSIS (AS APPROPRIATE)

The 2011–12 penalty amount of $23,992.54 is calculated as follows (some differences due to rounding):

2,254.33 Average Daily Attendance (ADA) for all students in grades four and five multiplied by $5,155.56 (base revenue limit) is equal to $11,622,333.57.

$11,622,333.57 multiplied by the deficit factor of 0.79398 is equal to $9,227,900.41.

A shortfall of 129 instructional minutes divided by the 50,400 minute requirement is equal to .26 percent of minutes not offered.

$9,227,900.41 multiplied by the percentage of minutes not offered is equal to $23,992.54.

ATTACHMENT(S)

Attachment 1: Summary Table (1 page)

Attachment 2: Vallejo City Unified School District Specific Waiver Request 2-2-2016 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

Summary Table

Waiver Number	District	Period of Request	District's Request	CDE Recommendation	Bargaining Unit Representatives Consulted Date, and Position	Local Board and Public Hearing Approval Date	Potential Annual Penalty Without Waiver
2-2-2016	Vallejo City Unified School District	**Requested:** 7/1/2011 to 6/30/2012 **Recommended:** 7/1/2011 to 6/30/2012	District requests waiving *Education Code* (*EC*) Section 46201(a) to avoid the audit penalty in exchange for offering increased instructional minutes in 2013–14 and 2014–15, consistent with *EC* Section 46206.	**Approval** of waiver, consistent with *EC* Section 46206 with the following conditions: District: (1) maintains increased instructional minutes for grades four and five of at least the amount required by law plus 129 minutes, for a period of two years beginning in 2013–14 through 2014–15, and (2) reports the annual instructional minutes offered in grades four and five in its annual audit report.	Vallejo Education Association, Sheila Gradwohl President 11/20/2014 **Neutral**	9/16/2015	$23,992.54

Created by California Department of Education
March 10, 2016

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 4870581 Waiver Number: 2-2-2016 Active Year: 2016

Date In: 2/3/2016 9:55:21 AM

Local Education Agency: Vallejo City Unified School District
Address: 665 Walnut Ave.
Vallejo, CA 94592

Start: 7/1/2011 End: 6/30/2012

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

Waiver Topic: Instructional Time Requirement Audit Penalty
Ed Code Title: Below 1982-83 Base Minimum Minutes
Ed Code Section: *EC*46206(a)
Ed Code Authority: *EC*46201(d)

Ed Code or *CCR* to Waive: *EC*46201(d) Penalty - required number of minutes

[(d) For each school district that receives an apportionment pursuant to subdivision (a) in the 1986-87 fiscal year and that reduces the amount of instructional time offered below the minimum amounts specified in either paragraph (3) of subdivision (a) or paragraph (1) of subdivision (b), whichever is applicable, in the 2001-02 fiscal year, or any fiscal year thereafter, the Superintendent of Public Instruction shall withhold from the district's revenue limit apportionment for the average daily attendance of each affected grade level, the sum of that apportionment multiplied by the percentage of the minimum offered minutes at that grade level that the district failed to offer.]

Outcome Rationale: During the 2011-2012 school year a furlough day was negotiated late in the school year that caused a shortage of 129 instructional minutes for 4th and 5th grade students at Elsa Widenmann Elementary School. Due to the late date of the negotiations it was impossible to modify the site schedule without significant disruption to families and district programs.

During the following years District staff worked with State auditors to determine which schools and grade levels were impacted by the furlough days, and what allowances would be made for districts impacted by the furlough days. As of August 17, 2015, we are able to confirm all information related to this request.

Elsa Widenmann Elementary School exceeded their instructional minutes in 2013-2014 by 60 minutes for the impacted grade levels and by 220 minutes in the 2014-2015 for the impacted grade levels for a total of 280 minutes. This corrects the instructional minutes for the impacted grade levels.

Student Population: 434

City Type: Rural

Local Board Approval Date: 9/16/2015

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Ramona Bishop
Position: Superintendent
E-mail: rbishop@vallejo.k12.ca.us
Telephone: 707-556-8921 x50002
Fax:

Bargaining Unit Date: 11/20/2014
Name: Vallejo Education Association
Representative: Sheila Gradwohl
Title: President
Position: Neutral
Comments:

California State Board of Education

Meeting Agenda Items for May 11-12, 2016

WAIVER ITEM W-06

ITEM #W-06

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2016 AGENDA

☒ **General Waiver**

SUBJECT Request by **Janesville Union Elementary School District** to waive a portion of California *Education Code* Section 35330(b)(3), to authorize expenditures of school district funds for students to attend curricular and extracurricular activities. Waiver Number: 2-1-2016	☒ **Action** ☒ **Consent**

SUMMARY OF THE ISSUES

Janesville Union Elementary School District (JUESD) requests a waiver of California *Education Code* (*EC*) Section 35330(b)(3), to allow its students to travel to Nevada to attend economically prudent curricular and extracurricular trips and events.

The California Department of Education (CDE) recommends that the California State Board of Education (SBE) approve this waiver request.

Authority for Waiver: *EC* Section 33050

RECOMMENDATION

☒ **Approval** ☐ **Approval with conditions** ☐ **Denial**

The CDE recommends approval to waive a portion of *EC* Section 35330(b)(3), to authorize expenditures of school district funds for JUESD students to travel to Nevada to attend economically prudent curricular and extracurricular trips and events.

EC Section 33051(b) will apply, and the district is not required to reapply annually if the information contained on the request remains current.

SUMMARY OF KEY ISSUES

EC Section 35330(b)(3) states, "…no expenses of pupils participating in a field trip or excursion to other state, the District of Columbia, or a foreign country authorized by this section shall be paid with school district funds."

The JUESD requests a waiver of *EC* Section 35330(b)(3). The JUESD is located in the far northern part of California, approximately 75 miles from Reno, Nevada, and is a geographically rural and isolated area.

The JUESD would like to go to educational venues in Nevada. Many locations in Nevada are considerably closer and more economical than other similar venues in California.

Based on the reason provided by the district for traveling to Nevada, the CDE recommends approval of this waiver to attend economically prudent curricular and extracurricular trips and events in Nevada.

Demographic Information: The JUESD has a student population of 350 and is located in the town of Janesville in rural Lassen 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&sectionNum=33051.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has approved all similar waivers in the past. Most recently, at the July 2014 SBE meeting, waivers for out-of-state travel to Oregon for Junction Elementary School District and Seiad Elementary School District were approved.

FISCAL ANALYSIS (AS APPROPRIATE)

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

ATTACHMENT(S)

Attachment 1: Summary Table (1 page)

Attachment 2: Janesville Union Elementary School District General Waiver Request 2-1-2016 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Summary Table

Education Code Section 35330(b)(3)

Waiver Number	District	Period of Request	District's Request	CDE Recommended Action	Local Board Approval Date	Bargaining Unit, Representative(s) Consulted, Date, and Position	Previous Waivers
2-1-2016	Janesville Union Elementary School District	**Requested:** July 1, 2015 to June 30, 2017 **Recommended:** July 1, 2015 to July 1, 2017	To allow its students to travel to Nevada to attend economically prudent curricular and extracurricular trips and events.	Approval	10/20/2015	Janesville Teachers Association, Jonelle Kanavel President 11/12/2015 **Support**	No

Created by California Department of Education
March 1, 2016

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1864105 Waiver Number: 2-1-2016 Active Year: 2016

Date In: 1/4/2016 3:04:51 PM

Local Education Agency: Janesville Union Elementary School District
Address: 464-555 Main St.
Janesville, CA 96114

Start: 7/1/2015 End: 6/30/2017

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

Waiver Topic: Out-of-State Use of Funds and Transportation Allowances
Ed Code Title: Out-of-State Use of Funds and Transportation Allowances
Ed Code Section: 35330
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: *EC* 35330 - In conducting field trips and excursions, governing boards may NOT...use school funds to pay the expense of pupils participating in a field trip or excursion to another state.

Outcome Rationale: Janesville Elementary School would like to be able to pay for student admissions and transportation costs to educational venues in Nevada. Many locations in Nevada are considerably closer and more economical than other similar venues in California. The District is located only 75 miles from Reno, Nevada.

Student Population: 350

City Type: Rural

Public Hearing Date: 10/20/2015
Public Hearing Advertised: A public notice was posted at the distict and three other locations within the district (gas station, coffee shop, store) 10 days prior to the meeting.

Local Board Approval Date: 10/20/2015

Community Council Reviewed By: SITE Council
Community Council Reviewed Date: 11/12/2015
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Zach Thurman
Position: Superintendent/Principal
E-mail: zthurman@janesvilleschool.org
Telephone: 530-253-3660 x4535
Fax: 530-253-3891

Bargaining Unit Date: 11/12/2015
Name: Janesville Teachers Association (JTA)
Representative: Jonelle Kanavel
Title: JTA President
Position: Support
Comments:

California State Board of Education

Meeting Agenda Items for May 11-12, 2016

WAIVER ITEM W-07

ITEM #W-07

CALIFORNIA STATE BOARD OF EDUCATION
MAY 2016 AGENDA

☒ **General Waiver**

SUBJECT Request by two school districts to waive California *Education Code* sections specific to statutory provisions for the sale or lease of surplus property. Waiver Numbers: Conejo Valley Unified School District, 24-2-2016 Santa Barbara Unified School District 17-2-2016	☒ **Action** ☒ **Consent**

SUMMARY OF THE ISSUES

The Conejo Valley Unified School District (USD) is requesting a waiver of California *Education Code* (*EC*) sections 17473 and 17474, and portions of *EC* sections 17455, 17466, 17468, 17469, 17470, 17472, and 17475, which will allow the district to sell one piece of property using a broker and a "request for proposal" process, maximizing the proceeds from the sale.

The Santa Barbara Unified School District (USD) is requesting a waiver of *EC* sections 17468, 17470, 17473, and 17474, and portions of *EC* sections 17455, 17466, 17469, 17472, 17475, 17476, and 17478, which will allow the district to lease one piece of property using a "request for proposal" process, maximizing the proceeds from the lease.

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

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

The California Department of Education recommends approval with the following conditions: that the proposals the Conejo Valley USD and Santa Barbara USD governing boards determine to be most desirable shall be selected within 30 to 60 days of the public meeting when the proposals are received, and the reasons for those determinations shall be discussed in public session and included in the minutes of the meeting.

SUMMARY OF KEY ISSUES

Under provisions of *EC* sections 33050 through 33053, the district is requesting that specific portions of the *EC* relating to the sale or lease of surplus property be waived.

The Conejo Valley USD is requesting the requirement of sealed proposals and the oral bidding process be waived allowing the district to market the property based on the brokerage process, selling at the highest possible value on the most advantageous terms for the district.

The Conejo Valley USD is requesting to sell one piece of real property located at the northwest of the intersection of Conejo Center Drive and Lawrence Drive in Newbury Park. The district wishes to sell the 10.7 acre vacant site. The deed to the property was transferred to the district from the City of Thousand Oaks in the fall of 2000. The intent of the transfer was to provide a site to relocate and construct the district maintenance facility. The district has located an existing industrial building that would better support the relocation of the maintenance facility without the need for new construction. The district states that three previous attempts have been made to sell the property but have failed.

The Santa Barbara USD is requesting the requirement of sealed proposals and the oral bidding process be waived allowing the district to negotiate a conventional lease with a highly qualified lessee who was selected by a “request for proposal” process, thereby maximizing revenues.

The Santa Barbara USD is requesting to lease one piece of real property known as the “Tatum site”. The district acquired approximately 23 acres of undeveloped land in 1965. The district board has determined that the property is not needed for school purposes and has been rezoned which will allow the site to be used for a senior housing development.

In 2004, the district sought and obtained a State Board of Education waiver for this property, known as the “Tatum site”, for the development of workforce housing (Waiver Number 7-11-2004, Santa Barbara High School District). This project never came to fruition because of economic and other issues. The district has been seeking other opportunities since.

Demographic Information

Conejo Valley USD has a student population of 19,727 and is located in a suburban area of Ventura County.

Santa Barbara Unified School District has a student population of 14,150 and is located in a suburban area of Santa Barbara 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&sectionNum=33051.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education has approved all previous waivers regarding the bidding process and the sale or lease of surplus property. The district is requesting to waive the same or similar provisions for the sale or lease of surplus property.

FISCAL ANALYSIS (AS APPROPRIATE)

The flexibility in property disposition requested herein will allow the Conejo Valley USD and Santa Barbara USD to maximize revenue. The applicant districts will financially benefit from the sale or lease of the properties.

ATTACHMENT(S)

Attachment 1: Summary Table (1 page)

Attachment 2: Conejo Valley USD General Waiver Request 24-2-2016 (5 pages).
(Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Santa Barbara USD General Waiver Request 17-2-2016 (7 pages).
(Original waiver request is signed and on file in the Waiver Office.)

Information from District Requesting Waiver of Sale or Lease of Surplus Property

Waiver Number	School District	Property	Period of Request	Local Board Approval Date	Public Hearing Date	Bargaining Unit, Representatives Consulted, Date, and Position	Advisory Committee Consulted
24-2-2016	Conejo Valley Unified	2498 Conejo Center Drive, Newbury Park, CA	**Requested:** March 1, 2016 to March 1, 2018 **Recommended:** March 1, 2016 to February 28, 2018	February 16, 2016	February 16, 2016 **Public Hearing Advertised:** Newspaper, District's Website, posted at District office, and at other sites where Board agenda is regularly posted	Conejo Valley Pupil Personnel Association Susan Kunz President February 2, 2016 **Neutral** California School Employees Association, Conejo Chapter 260 Matt Waldman President February 1, 2016 **Neutral** Unified Association of Conejo Teachers Colleen Briner-Schmidt President February 2, 2016 **Neutral**	Budget Committee, February 3, 2016 **No objections**
17-2-2016	Santa Barbara Unified	Tatum Site	**Requested:** May 13, 2016 to May 13, 2018 **Recommended:** May 13, 2016 to May 12, 2018	March 24, 2015	March 24, 2015 **Public Hearing Advertised:** Posted at the district office, and on the District's Website.	California School Employees Association, Paul Rooney President March 19, 2015 **Support** Santa Barbara Teachers Association, John Houchin President March 19, 2015 **Support**	Measure Q Citizens' Bond Oversight Committee March 7, 2016 **No objections**

Created by the California Department of Education
March 15, 2016

California Department of Education
WAIVER SUBMISSION - General

CD Code: 5673759 Waiver Number: 24-2-2016 Active Year: 2016

Date In: 2/24/2016 1:07:07 PM

Local Education Agency: Conejo Valley Unified School District
Address: 1400 East Janss Rd.
Thousand Oaks, CA 91362

Start: 3/1/2016 End: 3/1/2018

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

Waiver Topic: Sale or Lease of Surplus Property
Ed Code Title: Sale of Surplus Property
Ed Code Section: Ed Code Waiver 17472 / 17473 / 17474 & portions of 17455, 17466, 17468, 17469, 17470 and 17475
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: The Conejo Valley Unified School District desires to waive the following sections and portions of the *Education Code* lined out below:

17455. The governing board of any school district may sell any real property belonging to the school district or may lease for a term not exceeding 99 years, any real property, together with any personal property located thereon, belonging to the school district which is not or will not be needed by the district for school classroom buildings at the time of delivery of title or possession. The sale or lease may be made without first taking a vote of the electors of the district, [and shall be made in the manner provided by this article.]

Rationale: The District requests the stricken language be waived because the District is asking for several provisions of the law relating to surplus property be waived. The Conejo Valley Unified School District requests the specified *Education Code* sections be waived in order to allow the District to maximize the return on the sale or lease of one of its sites in a manner that best serves our schools and community. The District would like to offer the property for sale or lease through Requests for Proposals followed by further negotiations using the services of a broker who will advertise and solicit proposals from potential buyers. The article referenced by *Education Code* Section 17455 consists of sections 17455 through 17484, which contain provisions regarding the sale or lease of real property that are inconsistent with the manner in which the District hopes to market the property.

The District will work closely with consultants to ensure that the process by which the property is sold or leased is fair, open, and competitive. The process the District will use will be designed to get the best result for the District, the schools, and the community.

17466. Before ordering the sale or lease of any property the governing board, in a regular open meeting, by a two-thirds votes of all its members, shall adopt a resolution, declaring its intention

to sell or lease the property, as the case may be. The resolution shall describe the property proposed to be sold or leased in such manner as to identify it [and shall specify the minimum price or rental and the terms upon which it will be sold or leased] and the commission, or rate thereof, if any, which the board will pay to a licensed real estate broker [out of the minimum price or rental. The resolution shall fix a time not less than three weeks thereafter for a public meeting of the governing board to be held at its regular place of meeting, at which sealed proposals to purchase or lease will be received and considered.]

Rationale: The language to be waived provides for a minimum price or rental and requires sealed proposals to purchase or lease the property. The District requests that the process of sealed proposals and oral bids be waived, allowing the District to negotiate the sale of the property with an interested purchaser through a more direct process. The requirement restricts the District's flexibility in negotiating price, payments, and other terms that may yield greater economic and other benefits to the District than a sealed bid process. Once an interested party is confirmed, the District's governing board will consider approval of the sale at an open session of a regularly scheduled board meeting.

17468. If, in the discretion of the board, it is advisable to offer to pay a commission to a licensed real estate broker who is instrumental in obtaining any proposal, the commission shall be specified in the resolution. No commission shall be paid unless there is contained in or with the [sealed] proposal [or stated in or with the oral bid], which is finally accepted, the name of the licensed real estate broker to whom it is to be paid, and the amount or rate thereof. Any commission shall, however, be paid only out of money received by the board from the sale or rental of the real property.

Rationale: The stricken language to be waived provides for the District to include information about a broker's commission in sealed proposals and oral bids. As stated above, the District is requesting that the requirement of sealed proposals and oral bidding to purchase the property be waived, allowing the District to use the services of a broker but waiving the requirement of a "sealed" proposal or "oral bid." If the District uses a licensed real estate broker, the commission shall be specified in documents required through a brokered sale.

17469. Notice of the adoption of the resolution [and of the time and place of holding the meeting] shall be given by posting copies of the resolution signed by the board or by a majority thereof in three public places in the district, [not less than 15 days before the date of the meeting,] and by publishing the notice not less than once a week for three successive weeks [before the meeting] in a newspaper of general circulation published in the county in which the district or any part thereof is situated, if any such newspaper is published therein.

Rationale: The stricken language to be waived assumes that the governing board would be following the process of opening proposals and hearing oral bids at a specific meeting. Such a requirement, however, would be removed pursuant to the language requested to be stricken in *Education Code* Section 17466. As modified, the District would still provide notice of its adoption of a resolution to sell the property, but the posting of that resolution and notice in a newspaper would not be connected to the process of opening proposals and hearing oral bids.

17470. (a)The governing board of a school district that intends to sell real property pursuant to this article shall take reasonable steps to ensure that the former owner from whom the district acquired the property receives notice [of the public meeting prescribed by Section 17466,] in

writing, by certified mail[, at least 60 days prior to the meeting]. (b) The governing board of a school district shall not be required to accord the former owner the right to purchase the property at the tentatively accepted highest bid price nor to offer to sell the property to the former owner at the tentatively accepted highest bid price.

Rationale: The stricken language to be waived assumes that the governing board would be following the process of opening proposals and hearing oral bids at a specific meeting. Such a requirement, however, would be removed pursuant to the language requested to be stricken in *Education Code* Section 17466. As modified, the District would still take reasonable steps to provide notice to the former owner, but the provision of such notice would no longer be connected to the process of opening proposals and hearing oral bids.

17472. [At the time and place fixed in the resolution for the meeting of the governing body, all sealed] proposals which have been received shall, in public session, be [opened], examined, and declared by the board. [Of the proposals submitted which conform to all terms and conditions specified in the resolution of intention to sell or to lease and which are made by responsible bidders, the proposal which is the highest, after deducting therefrom the commission, if any, to be paid a licensed real estate broker in connection therewith, shall be finally accepted, unless a higher oral bid is accepted or the board rejects all bids.]

Rationale: With a waiver of the requirement that sealed proposals be received, and that the highest bidder be awarded the contract, the District will be able to sell or lease the property to the party that presents the most favorable proposal to the District. The Board would, therefore, be able to sell or lease to the party submitting the proposal that best meets the District's needs. By removing the requirement that an oral bid be accepted, the District would be able to determine what constitutes the most desirable bid.

[17473. Before accepting any written proposal, the board shall call for oral bids. If, upon the call for oral bidding, any responsible person offers to purchase the property or to lease the property, as the case may be, upon the terms and conditions specified in the resolution, for a price or rental exceeding by at least 5 percent, the highest written proposal, after deducting the commission, if any, to be paid a licensed real estate broker in connection therewith, then the oral bid which is the highest after deducting any commission to be paid a licensed real estate broker, in connection therewith, which is made by a responsible person, shall be finally accepted. Final acceptance shall not be made, however, until the oral bid is reduced to writing and signed by the offeror.]

Rationale: The District asks that this entire section be waived because the District, in negotiating an agreement to sell or lease the property, will not be accepting oral bids in addition to sealed bids.

[17474. In the event of a sale on a higher oral bid to a purchaser procured by a licensed real estate broker, other than the broker who submitted the highest written proposal, and who is qualified as provided in Section 17468 of this code, the board shall allow a commission on the full amount for which the sale is confirmed. One-half of the commission on the amount of the highest written proposal shall be paid to the broker who submitted it, and the balance of the commission on the purchase price to the broker who procured the purchaser to whom the sale was confirmed.]

Rationale: The District asks that this entire section to be waived because the District, in negotiating an agreement to sell or lease the property, will not be accepting oral bids.

17475. The final acceptance by the governing body may be made [either at the same session or at any adjourned session of the same meeting] held within the 10 days next following.

Rationale: Rather than specifying a certain number of days or a timeframe, the District seeks flexibility in disposing of the property disposal process. The District will ensure a public process whereby the reasons for the determination of the most desirable proposal is shared openly. Prior to the decision to sell or lease a site, a Property Advisory Committee, whose purpose is to advise the District's Governing Board in the development of District-wide policies and procedures governing the use or disposition of school buildings, space, or property which is not used for school purposes, establishes a priority list of use of surplus space and real property, provides for hearings of community input on acceptable uses of space and real property, and makes a recommendation to the Board regarding the uses of surplus space and real property. (See, Ed. Code, § 17388.)

Outcome Rationale: The CVUSD is requesting that the requirement of sealed proposals and the oral bidding process be waived allowing the district to market the property based on the brokerage process as three previous attempts to sell the property going through the *Education Code* process have failed. The district is requesting that it be allowed to sell the property by taking it directly to the market place and, through a direct negotiation process, selling it at the highest value on the most advantageous terms to the district. Waiver of the statutory provisions will allow the district to maximize the value of the property.

See Attachments (Resolution adopted by the Board for more specific detail)

Student Population: 19727

City Type: Suburban

Public Hearing Date: 2/16/2016
Public Hearing Advertised: Newspaper, District Website, posted at District Office, and at other sites where Board agenda is regularly posted.

Local Board Approval Date: 2/16/2016

Community Council Reviewed By: Budget Committee
Community Council Reviewed Date: 2/3/2016
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Jon Sand
Position: Assistant Superintendent, Business Services
E-mail: Sand@conejousd.org
Telephone: 805-497-9511 x205
Fax:

Bargaining Unit Date: 02/02/2016
Name: Conejo Valley Pupil Personnel Association
Representative: Susan Kunz
Title: President
Position: Neutral
Comments:

Bargaining Unit Date: 02/01/2016
Name: CSEA, Conejo Chapter 260
Representative: Matt Waldman
Title: President
Position: Neutral
Comments:

Bargaining Unit Date: 02/02/2016
Name: Unified Association of Conejo Teachers
Representative: Colleen Briner-Schmidt
Title: President
Position: Neutral
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 4276786 Waiver Number: 17-2-2016 Active Year: 2016

Date In: 2/19/2016 9:38:55 AM

Local Education Agency: Santa Barbara Unified School District
Address: 720 Santa Barbara St.
Santa Barbara, CA 93101

Start: 5/13/2016 End: 5/13/2018

Waiver Renewal: Y
Previous Waiver Number: 7-11-2004 Previous SBE Approval Date: 3/10/2005

Waiver Topic: Sale or Lease of Surplus Property
Ed Code Title: Lease of Surplus Property
Ed Code Section: [17455] [17466] [17468] [17469] [17470] [17472] [17473] [17474] [17475] [17476] [17478]
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: See Insert A

Outcome Rationale: See Insert B

Student Population: 14150

City Type: Suburban

Public Hearing Date: 3/24/2015
Public Hearing Advertised: On District's website and posting at District's office.

Local Board Approval Date: 3/24/2015

Community Council Reviewed By: Measure Q Citizens' Bond Oversight Committee
Community Council Reviewed Date: 3/7/2016
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Craig Price
Position: General Counsel
E-mail: price@g-tlaw.com
Telephone: 805-965-5131 x116
Fax: 805-965-6751

Bargaining Unit Date: 03/19/2015
Name: California School Employees Association
Representative: Paul Rooney
Title: President
Position: Support
Comments:

Bargaining Unit Date: 03/19/2015
Name: Santa Barbara Teachers Association
Representative: John Houchin
Title: President
Position: Support
Comments:

Attachment A

Waiver Topic: Sale or Lease of Surplus Property
Ed Code Title: Lease of Surplus Property
Ed Code Section: [17455] [17466] [17468] [17469] [17470] [17472] [17473] [17474] [17475] [17476] [17478]
Ed Code Authority: 33050-33053

Ed Code or CCR to Waive: Education Code § [17455].
The governing board of any school district may sell any real property belonging to the school district or may lease for a term not exceeding 99 years, any real property, together with any personal property located thereon, belonging to the school district which is not or will not be needed by the district for school classroom buildings at the time of delivery of title or possession. The sale or lease may be made without first taking a vote of the electors of the district, [and shall be made in the manner provided by this article].

Rationale: The language indicating that the lease of the property is to be made in the manner provided by this article is to be waived since the District is asking that several provisions of the article be waived and consequently, the lease will not be made in the manner provided in Article 4.

Education Code § [17466].
Before ordering the sale or lease of any property the governing board, in a regular open meeting, by a two-thirds vote of all its members, shall adopt a resolution, declaring its intention to sell or lease the property, as the case may be. The resolution shall describe the property proposed to be sold or leased in such manner as to identify it [and shall specify the price or rental and the terms upon which it will be sold or leased and the commission, or rate thereof, if any, which the board will pay to a licensed real estate broker out of the minimum price or rental. The resolution shall fix a time not less than three weeks thereafter for a public meeting of the governing board to be held at its regular place of meeting, at which sealed proposals to purchase or lease will be received and considered].

Rationale: The District is negotiating the terms of a lease with a prospective lessee selected through a Request for Proposals process because the complex nature of the transaction is not susceptible to traditional competitive bidding and would not result in the best terms for the District. Accordingly, the District is requesting that the language be waived that calls for the governing board to establish a minimum price and receive sealed proposals for the lease of the property at an identified meeting of the District's governing board. As the District cannot predict in advance the timing of negotiations with the prospective lessee, it cannot at the time of adopting the resolution contemplated by this Section 17466 know when proposals must be brought back to the governing board for consideration. Also, the District has not and will not use a real estate broker so no commission will be paid in connection with the proposed lease.

Education Code § [17468].
[If, in the discretion of the board, it is advisable to offer to pay a commission to a licensed real estate broker who is instrumental in obtaining any proposal, the commission shall be specified in the resolution. No commission shall be paid unless there is contained in or with the sealed proposal or stated in or with the oral bid, which is finally accepted, the name of the licensed real estate broker to whom it is to be paid, and the amount or rate thereof. Any commission shall,

however, be paid only out of money received by the board from the sale or rental of the real property.]

Rationale: The entire section is stricken because the District will not be paying a commission in connection with the proposed transaction.

Education Code § [17469].
Notice of the adoption of the resolution [and of the time and place of holding the meeting] shall be given by posting copies of the resolution signed by the board or by a majority thereof in three public places in the district [, not less than 15 days before the date of the meeting and by publishing the notice not less than once a week for three successive weeks before the meeting in a newspaper of general circulation published in the county in which the district or any part thereof is situated, if any such newspaper is published therein.]

Rationale: The stricken language is to be waived because under the process to be followed the governing board would not be setting a specific meeting to receive sealed proposals for the lease. Instead, pursuant to the language stricken within Education Code § 17466, the board would still be required to adopt a resolution of intent to lease and to post notice of its adoption of a resolution of intent to lease but there would be no need to post notice in a newspaper about receiving proposals and to incur the associated expense.

Education Code § [17470].
[(a) The governing board of a school district that intends to sell real property pursuant to this article shall take reasonable steps to ensure that the former owner from whom the district acquired the property receives notice of the public meeting prescribed by Section 17466, in writing, by certified mail, at least 60 days prior to the meeting.
(b) The governing board of a school district shall not be required to accord the former owner the right to purchase the property at the tentatively accepted highest bid price nor to offer to sell the property to the former owner at the tentatively accepted highest bid price.]

Rationale: The stricken language is to be waived because the District acquired the site more than fifty years ago—making notification unrealistic—and, because the property is not being sold, there would be no meaningful opportunity for the former owner

Education Code § [17472].
[At the time and place fixed in the resolution for the meeting of the governing body, all sealed] proposals which have been received shall [, in public session,] be [opened,] examined [, and declared] by the board. [Of the proposals submitted which conform to all terms and conditions specified in the resolution of intention to sell or to lease and which are made by responsible bidders,] the proposal which is the highest [, after deducting therefrom the commission, if any, to be paid a licensed real estate broker in connection therewith,] shall be finally accepted, unless [a higher oral bid is accepted or] the board rejects all [bids].

Rationale: The language proposed to be waived requires the District to receive and open sealed proposals and oral bids at an identified meeting of the board. The District is requesting that the requirement of sealed proposals and oral bidding be waived, allowing the District to negotiate the lease with a prospective lessee. As modified, the District would be allowed to consider and accept/reject any resulting proposal through an open or closed session meeting, as the District may do for any normal real property transaction under the Ralph M. Brown Act

(Government Code sections 54950-54963.)

Education Code § [17473].
[Before accepting any written proposal, the board shall call for oral bids. If, upon the call for oral bidding, any responsible person offers to purchase the property or to lease the property, as the case may be, upon the terms and conditions specified in the resolution, for a price or rental exceeding by at least 5 percent, the highest written proposal, after deducting the commission, if any, to be paid a licensed real estate broker in connection therewith, then the oral bid which is the highest after deducting any commission to be paid a licensed real estate broker, in connection therewith, which is made by a responsible person, shall be finally accepted. Final acceptance shall not be made, however, until the oral bid is reduced to writing and signed by the offeror].

Rationale: The entire section is to be waived because the District, in negotiating the lease, will not be accepting sealed or oral bids.

Education Code § [17474].
[In the event of a sale on a higher oral bid to a purchaser procured by a licensed real estate broker, other than the broker who submitted the highest written proposal, and who is qualified as provided in Section 17468 of this code, the board shall allow a commission on the full amount for which the sale is confirmed. One-half of the commission on the amount of the highest written proposal shall be paid to the broker who submitted it, and the balance of the commission on the purchase price to the broker who procured the purchaser to whom the sale was confirmed.]

This waiver is being requested because there will be no oral bidding and no real estate commission.

Education Code § [17475].
The final acceptance by the governing body may be made [either at the same session or] at any [adjourned] session [of the same meeting held within the 10 days next following].”

Modification of Section 17475 would remove the requirement that the board accept a proposal at the same meeting received, and would instead allow the board to consider proposals received and, as desired and appropriate, direct further negotiation.

Education Code § [17476].
The governing body may [at the session], if it deems such action to be for the best public interest, [reject any and all bids, either written or oral, and] withdraw the property from sale or lease.

This waiver is being requested so that it may enter into direct lease negotiations. The waiver retains the board’s right to reject the lease, if necessary.

Education Code § [17478].
Any resolution of acceptance [of any bid] made by the governing body authorizes and directs the president of the governing body, or other presiding officer, or the members thereof, to execute a deed or lease and to deliver it upon performance and compliance by the purchaser or lessee of all the terms or conditions of his or her contract to be performed concurrently

therewith.

This waiver removes references to bidding.

Outcome Rationale: Lease of Tatum Site
Rationale: The waiver of certain Education Code sections will allow the District to negotiate a conventional lease instead of a joint occupancy lease with a highly qualified lessee who was selected by a RFP process, thereby maximizing revenues. The Tatum Site has been owned by the District for over 50 years but has never been put to productive use or generated revenue for the District. The District will work closely with legal counsel to ensure that the process by which the property is leased is fair and open. As indicated, such a process will produce the best result for both the District and the community.

NOTE: Due to the uncertainty of the timing and need for final negotiations, the District is requesting that no time limit be set for the board to take final action to approve the proposal.

Attachment B

PURPOSE

The purpose of this waiver request is to streamline the Education Code's surplus property disposition procedures to facilitate a conventional long-term ground lease of surplus Santa Barbara Unified School District property — the "Tatum site" — in order to maximize the District's return on the lease. The Tatum site has remained undeveloped and the District has received no revenue from it for the 50 years it has owned the site. For most of that time, there was no interest by third parties in developing the Tatum site due to zoning and economic issues. The sole development prospect happened in 2004 and involved a workforce housing project for which this Board approved a waiver. That project was subsequently cancelled. Now, the District is working with a prospective lessee, selected through a RFP process, for the development of a 260 unit mixed senior housing facility. The District commenced the process now underway following the statutory RFP joint occupancy lease procedures. It has become apparent that the District's joint occupancy of the leased site is not essential and that a conventional lease would be more advantageous. Accordingly, the District is now seeking a waiver of specified Education Code sections to allow the District to enter into a lease with its prospective lessee, who has the knowledge, ability and financial strength to obtain the required entitlements and successfully build and operate the project, and who best can meet the needs of the District and the community. The development of the proposed lease—and the resulting revenues to the District— requires direct negotiations, involving many variables including entitlement contingencies, and is not amenable to traditional competitive bidding, sealed proposals or overbids. In addition, the success of the project, from obtaining entitlements through construction, lease-out, management and operation, is highly dependent upon unique skillsets of the lessee.

BACKGROUND

The Santa Barbara Unified School District acquired the Tatum site in 1965. It is a 23-acre undeveloped property, which is not needed for school purposes. In 2004, the District sought and obtained a SBE waiver for the development of workforce housing (Waiver Number 7-11-2004) but that project never came to fruition because of economic and other issues, and the District has been seeking other opportunities ever since. The District's prospects for realizing revenue from the Tatum site were recently enhanced when the Tatum site was up-zoned from 3 units/acre to 20 units/acre. This new zoning will accommodate the proposed project. As a result, it is now feasible for the District to lease the Tatum site for use as a senior housing facility on terms not requiring a rezone. After the District's board approved the selection of the prospective lessee through a competitive RFP process it subsequently entered into an Exclusive Negotiating Agreement during 2015. Following the county's approval of the rezoning later in 2015, the parties have been conducting economic analyses, appraisals and negotiating the terms of a long term ground lease.

The District's Real Property Advisory Board (formed under Education Code section 17387 et seq. evaluated the Tatum site in October 2004 in connection with a then being considered workforce housing project. During that review, the Committee recommended to the District's board that the Tatum site be used in a manner which will assist the District in meeting large, unmet capital facility and other financial needs, with a preference for retaining ownership of the property for the foreseeable future. The Committee also determined that the Tatum site did not meet the needs of the District for a new school site. There have been no material changes in the District's financial or operational needs during the intervening period that is contrary to those conclusions.

California State Board of Education

Meeting Agenda Items for May 11-12, 2016

WAIVER ITEM W-08

ITEM #W-08

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2016 AGENDA

☒ **General Waiver**

SUBJECT Request by **Greenfield Union Elementary School District** to waive California *Education Code* section 15102, to allow the district to exceed its bonded limit of 1.25 percent of the taxable assessed value of property. (Requesting 3.50 percent) Waiver Number: 18-3-2016	☒ **Action** ☒ **Consent**

SUMMARY OF THE ISSUES

The Greenfield Union Elementary School District's bonded indebtedness ratio is 1.96 percent and is unable to issue $13.8 million in bonds authorized in November 2014 and June 2010. Therefore, the district is requesting to increase the limit to 3.5 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 limited 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 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

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.

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* Section 15268 limits the tax rate levy authorized in each election to $30 per $100,000 of taxable property for high school and elementary 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 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

Greenfield Union Elementary School District requests that its outstanding bonded indebtedness limit be increased to an amount not to exceed 3.50 percent through August 1, 2025. The district seeks to issue the remaining $3.8 million of the $8.3 million authorized by voters in the 2010 Measure L, the remaining $5 million of the $10 million of 2014 Measure C, and the remaining $5 million of the $10 million of 2014 Measure D. The district is unable to issue the remaining $13.8 million as their current outstanding bonded indebtedness of $18.6 million equates to a 1.96 percent ratio. With the addition of the proposed $13.8 million, total indebtedness would be $32.4 million and represents 3.42 percent of assessed valuation. The district has stated in the event that the district elects to issue any CABs, all CABs will be compliant with AB 182.

The waiver will allow the district to complete the following voter approved projects:

- Health and safety improvements
- Modernize classrooms and renovate restrooms
- Upgrade computers and technology
- Improve energy efficiency
- Replace old plumbing and windows
- Modernize Greenfield Elementary School

In 2015, the district was approved for a debt limit waiver (16-2-2015-W-09) related to 2014 Measure C and 2014 Measure D bonds. The waiver allowed the district to increase the debt limit to 2.5 percent for $10 million in issuance.

Demographic Information

Greenfield Union Elementary School District has a student population of 3,448 and is located in a small city in Monterey 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&sectionNum=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: Greenfield Union Elementary School District General Waiver Request 18-3-2016 (8 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	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
18-3-2016	Greenfield Union Elementary School District	**Requested:** June 1, 2016 To August 1, 2025 **Recommended:** June 1, 2016 to August 1, 2025	Debt Limit 1.25% Tax Rate $30.00	Debt Limit 3.5% Tax Rate $30.00	Debt Limit 3.5% Limited to Sale of Bonds Approved by Voters on June 2010 (Measure L) and November 2014 (Measure C and D) Elections Tax Rate $30.00	California School Employees Association Bertha Gonzales President 2/11/2016 **Neutral** Greenfield Teachers Association Phillip Ellrott President **Neutral**	Local Board Approval 2/18/2016 Public Hearing 2/18/2016 District Website, e-mails, and other forms of communication	District Board of Trustees 2/12/2016 **No Objections**	Yes. District may issue CABs

Created by California Department of Education
March 16, 2016

California Department of Education
WAIVER SUBMISSION - General

CD Code: 2766035 Waiver Number: 18-3-2016 Active Year: 2016

Date In: 3/15/2016 3:51:03 PM

Local Education Agency: Greenfield Union Elementary School District
Address: 493 El Camino Real
Greenfield, CA 93927

Start: 6/1/2016 End: 8/1/2025

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: 15102
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: *EC* 15102: The total amount of bonds issued pursuant to this Chapter and Chapter 1.5 (commencing with Section 15264) [shall not exceed 1.25 percent of the taxable property of the school district] or community college district, or the school facilities improvement district, if applicable, as shown by the last equalized assessment of the county of counties in which the district is located.

Outcome Rationale: In 2015, the District requested and received a debt limit waiver for 2.50% through June 2018. However, with increased need for new facilities and rehabilitation of existing facilities, the District needs to accelerate their financing schedule. Over the next year, the District expects to issue three series of bonds across three elections. The aggregate amount of bonds expected to be issued is approximately $13.8 million, as described below. The District does not expect to issue bonds that would increase the tax rate above the legal requirement of $30.00 per $100,000 of assessed valuation. If applicable, the District will comply with AB 182 requirements related to capital appreciation bonds.

Measure L. The District anticipates approximately $3.8 million of general obligation bonds in June 2016; the bonds will be issued pursuant to the District's 2010 Election (Measure L) in which more than 55% of the District's voters authorized the sale of not to exceed $8.3 million of GO Bonds. Measure L was authorized pursuant to Prop 39 and the maximum tax rate is not expected to be greater than $30.00 per $100,000 of assessed valuation. Proceeds will be used to make health and safety improvements, modernize classrooms and renovate restrooms, upgrade computers and technology, improve energy efficiency throughout the District including solar panel installation, replace old plumbing and windows, and modernize Greenfield Elementary School. The District currently has $18.57 million of general obligation bonds outstanding and current bonding capacity does not allow the District to issue the necessary $4 million in general obligation bonds at this time to finance the much needed projects.

This sale is expected to be the final sale for Measure L and will complete the authorization.

Measure C. In addition to the Measure L-related bond sale, the District anticipates issuing the remaining authorization of its Measure C Bonds. Measure C authorized a sale of up to $10 million in par amount of general obligation bonds. The District issued $5 million in 2015 and expects to issue the remaining $5 million in 2017. The District is requesting that this waiver cover the expected Measure C bond sale.

Measure D. The District also plans to sell the remaining $5 million of authorization related to its Measure D election bonds. Measure D authorized a sale of up to $10 million in par amount of general obligation bonds. The District issued $5 million in 2015 and expects to issue the remaining $5 million in 2017. The District is requesting that this waiver cover the expected Measure D bond sale.

After the expected Measure C and Measure D bond sale as described above, the District will have no remaining authorization but unissued bonds.

Further detail on the expected plan of finance will be uploaded and included as part of this submission. The District is asking that the waiver cover the sale of the three authorizations (Measures L, C and D) and that the waiver be increased for the legal limit of 1.25% to 3.50%, which is higher than the projected debt ratio shown uploaded document. In the case of a lower assessed valuation for fiscal year 2016-17 (AV growth does not meet current projections), the District is requesting a waiver of up to 3.5% of its then outstanding assessed valuation. This is to account for a potential decrease in assessed valuation.

Student Population: 3448

City Type: Small

Public Hearing Date: 2/18/2016
Public Hearing Advertised: February 18, 2016 Board meeting; public notified through District website, emails, and other forms of communication.

Local Board Approval Date: 2/18/2016

Community Council Reviewed By: District Board of Trustees, finance department, employee groups
Community Council Reviewed Date: 2/12/2016
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Scott Smith
Position: Assistant Superintendent Administrative Services
E-mail: ssmith@greenfield.k12.ca.us
Telephone: 831-674-2840 x2018
Fax:

Bargaining Unit Date: 02/11/2016
Name: California School Employees Association
Representative: Bertha Gonzales
Title: President
Position: Neutral
Comments:

Bargaining Unit Date: 02/11/2016
Name: Greenfield Teachers Association
Representative: Phillip Ellrott
Title: President
Position: Neutral
Comments:

GREENFIELD UNION SCHOOL DISTRICT
2016 Debt Limit Waiver Request – Follow-up Information
March 14, 2016

1. Outstanding Debt & Expected Future Debt Sales

In 2015, the District requested and received a debt limit waiver for 2.50% through June 2018. However, with increased need for new facilities and rehabilitation of existing facilities, the District needs to accelerate their financing schedule. Over the next year, the District expects to issue three series of bonds across three elections. The aggregate amount of bonds expected to be issued is approximately $13.8 million, as described below. The District does not expect to issue bonds that would increase the tax rate above the legal requirement of $30.00 per $100,000 of assessed valuation. If applicable, the District will comply with AB 182 requirements related to capital appreciation bonds.

Measure L. The District anticipates approximately $3.8 million of general obligation bonds in June 2016; the bonds will be issued pursuant to the District's 2010 Election (Measure L) in which more than 55% of the District's voters authorized the sale of not to exceed $8.3 million of GO Bonds. Measure L was authorized pursuant to Prop 39 and the maximum tax rate is not expected to be greater than $30.00 per $100,000 of assessed valuation. Proceeds will be used to make health and safety improvements, modernize classrooms and renovate restrooms, upgrade computers and technology, improve energy efficiency throughout the District including solar panel installation, replace old plumbing and windows, and modernize Greenfield Elementary School. The District currently has $18.57 million of general obligation bonds outstanding and current bonding capacity does not allow the District to issue the necessary $4 million in general obligation bonds at this time to finance the much needed projects.

This sale is expected to be the final sale for Measure L and will complete the authorization.

Measure C. In addition to the Measure L-related bond sale, the District anticipates issuing the remaining authorization of its Measure C Bonds. Measure C authorized a sale of up to $10 million in par amount of general obligation bonds. The District issued $5 million in 2015 and expects to issue the remaining $5 million in 2017. The District is requesting that this waiver cover the expected Measure C bond sale.

Measure D. The District also plans to sell the remaining $5 million of authorization related to its Measure D election bonds. Measure D authorized a sale of up to $10 million in par amount of general obligation bonds. The District issued $5 million in 2015 and expects to issue the remaining $5 million in 2017. The District is requesting that this waiver cover the expected Measure D bond sale.

After the expected Measure C and Measure D bond sale as described above, the District will have no remaining authorization but unissued bonds.

Further detail on the expected plan of finance is shown in the table below. The District

is asking that the waiver cover the sale of the three authorizations (Measures L, C and D) and that the waiver be increased for the legal limit of 1.25% to 3.50%, which is higher than the projected debt ratio shown below. In the case of a lower assessed valuation for fiscal year 2016-17 (AV growth does not meet current projections), *the District is requesting a waiver of up to 3.5%* of its then outstanding assessed valuation. This is t*o account for a potential decrease in assessed valuation.*

				Measure L	Measures C & D	
Year	**Assessed Valuation**	**Total Bonding Capacity** *(@1.25% of A.V.)*	**Current Outstanding Debt** *(par amount)*	**Expected 2016 Bonds** *(par amount)*	**Expected 2017 Bonds** *(par amount)*	**Projected Debt Ratio**
8/1/2016	$946,611,307	$11,832,641	$18,573,943			2.37%
8/1/2017	$989,208,816	$12,305,947	$17,912,542	$0		3.23%
8/1/2018	$1,033,723,213	$12,798,185	$17,476,984	$30,000	$0	3.06%
8/1/2019	$1,080,240,757	$13,310,112	$17,143,979	$10,000	$19,338	2.91%
8/1/2020	$1,128,851,591	$13,842,517	$16,798,114	$0	$47,370	2.76%
8/1/2021	$1,179,649,913	$14,396,217	$16,393,068	$0	$64,721	2.62%
8/1/2022	$1,232,734,159	$14,972,066	$15,943,691	$9,127	$89,876	2.47%
8/1/2023	$1,288,207,196	$15,570,949	$15,396,804	$22,248	$113,129	2.33%
8/1/2024	$1,346,176,520	$16,193,787	$14,815,683	$25,851	$134,283	2.18%
8/1/2025	$1,406,754,463	$16,841,538	$14,197,636	$33,305	$153,184	2.04%
8/1/2026	$1,470,058,414	$17,515,200	$13,732,636	$40,019	$171,318	1.91%
8/1/2027	$1,536,211,043	$18,215,808	$13,228,636	$46,178	$195,174	1.79%
8/1/2028	$1,605,340,540	$18,944,440	$12,922,272	$48,124	$185,658	1.69%
8/1/2029	$1,677,580,864	$19,702,218	$12,567,513	$52,391	$196,211	1.58%
8/1/2030	$1,753,072,003	$20,490,306	$12,185,000	$56,327	$191,574	1.48%
8/1/2031	$1,831,960,243	$21,309,919	$11,870,000	$59,931	$192,112	1.39%
8/1/2032	$1,914,398,454	$22,162,315	$11,510,000	$62,898	$191,151	1.31%
8/1/2033	$2,000,546,384	$23,048,808	$11,105,000	$64,209	$191,884	1.22%
8/1/2034	$2,090,570,972	$23,970,760	$10,640,000	$66,436	$196,689	1.14%
8/1/2035	$2,184,646,665	$24,929,591	$10,125,000	$70,973	$198,842	1.05%
8/1/2036	$2,282,955,765	$25,926,774	$9,545,000	$72,584	$200,543	
8/1/2037	$2,385,688,775	$26,963,845	$9,065,000	$157,846	$201,821	
8/1/2038	$2,493,044,769	$28,042,399	$8,520,000	$159,765	$207,019	
8/1/2039	$2,605,231,784	$29,164,095	$7,910,000	$161,024	$211,517	
8/1/2040	$2,722,467,214	$30,330,659	$7,570,000	$303,987	$211,380	
8/1/2041	$2,844,978,239	$31,543,885	$7,180,000	$304,631	$218,612	
8/1/2042	$2,973,002,260	$32,805,641	$6,750,000	$304,456	$221,292	
8/1/2043	$3,106,787,361	$34,117,866	$6,260,000	$840,000	$0	
8/1/2044	$3,246,592,793	$35,482,581	$5,710,000	$235,000	$0	
8/1/2045	$3,392,689,468	$36,901,884	$5,100,000	$200,000	$0	
8/1/2046	$3,545,360,494	$38,377,959	$4,430,000	$200,000	$0	
8/1/2047	$3,193,046,226	$39,913,078	$3,690,000	$200,000	$0	
8/1/2048	$3,320,768,075	$41,509,601	$2,880,000		$330,000	
8/1/2049	$3,453,598,798	$43,169,985	$2,000,000		$0	
8/1/2050	$3,591,742,750	$44,896,784	$1,040,000		$0	
8/1/2051	$3,735,412,460	$46,692,656	$0		$2,060,000	
8/1/2052	$3,884,828,959	$48,560,362	$0	$0	$3,610,000	

2. Tax Rate Projections

Measure L. The table below provides the expected tax rate for the Measure L GO Bonds. The

District does not expect to exceed the $30.00 per $100,000 of assessed valuation as presented to District taxpayers at the 2010 election. Please note that Series 2010A and 2013B show actual debt service figures, while Series 2016C is estimated debt service figures.

Total Debt Service

Year	Election of 2010, Series 2010A $3,386,771	Election of 2010, Series 2013B $1,090,000	Election of 2010, Series 2016C $3,825,000	Total Combined $8,396,771	Est/Act Tax Rate
2016	$205,525	$54,500	---	$260,025	$27.47
2017	$210,525	$54,500	$30,000	$295,025	$29.82
2018	$215,525	$54,500	$60,663	$330,688	$30.00
2019	$220,525	$54,500	$77,463	$352,488	$30.00
2020	$230,525	$54,500	$77,463	$362,488	$30.00
2021	$235,525	$54,500	$87,463	$377,488	$30.00
2022	$240,525	$54,500	$102,463	$397,488	$30.00
2023	$251,325	$54,500	$107,463	$413,288	$30.00
2024	$256,525	$54,500	$117,463	$428,488	$30.00
2025	$266,325	$54,500	$127,463	$448,288	$30.00
2026	$275,525	$54,500	$137,463	$467,488	$30.00
2027	$279,125	$64,500	$142,463	$486,088	$30.00
2028	$292,325	$64,000	$152,463	$508,788	$30.00
2029	$299,250	$68,500	$162,463	$530,213	$30.00
2030	$309,000	$72,750	$172,463	$554,213	$30.00
2031	$317,750	$76,750	$182,463	$576,963	$30.00
2032	$325,500	$80,500	$192,463	$598,463	$30.00
2033	$337,250	$84,000	$202,463	$623,713	$30.00
2034	$347,750	$87,250	$217,463	$652,463	$30.00
2035	$357,000	$95,250	$227,463	$679,713	$30.00
2036		$302,750	$407,463	$710,213	$30.00
2037		$314,750	$427,463	$742,213	$30.00
2038		$325,500	$447,463	$772,963	$30.00
2039			$807,463	$807,463	$30.00
2040			$842,463	$842,463	$30.00
2041			$877,463	$877,463	$30.00
2042			$917,463	$917,463	$30.00
2043			$274,663	$274,663	$8.84
2044			$228,500	$228,500	$7.04
2045			$219,000	$219,000	$6.46
2046			$209,500	$209,500	$5.91

Measure C. The table below provides the expected tax rate for the Measure C GO Bonds. The District does not expect to exceed the $30.00 per $100,000 of assessed valuation legal limit for Prop 39 elections. Please note that Series 2015A shows actual debt service figures, while Series 2017B is estimated debt service figures.

Year	Election of 2014, Series 2015A $5,000,000	Election of 2014, Series 2017B $5,000,000	Total Combined $10,000,000	Est/Act Tax Rate
2016	$205,525			
2017	$210,525			
2018	$215,525	$92,781	$260,221	$27.49
2019	$220,525	$105,068	$276,775	$28.11
2020	$230,525	$117,845	$307,156	$30.00
2021	$235,525	$131,134	$319,443	$30.00

Year	Election of 2014, Series 2015A $5,000,000	Election of 2014, Series 2017B $5,000,000	Total Combined $10,000,000	Est/Act Tax Rate
2022	$240,525	$144,955	$332,220	$30.00
2023	$251,325	$159,328	$345,509	$30.00
2024	$256,525	$174,276	$359,330	$30.00
2025	$266,325	$189,822	$373,703	$30.00
2026	$275,525	$205,990	$388,651	$30.00
2027	$279,125	$222,804	$404,197	$30.00
2028	$292,325	$225,292	$420,365	$30.00
2029	$299,250	$238,928	$437,179	$30.00
2030	$309,000	$243,442	$454,667	$30.00
2031	$317,750	$254,207	$472,853	$30.00
2032	$325,500	$266,127	$491,767	$30.00
2033	$337,250	$274,259	$511,438	$30.00
2034	$347,750	$288,748	$531,896	$30.00
2035	$357,000	$299,560	$553,171	$30.00
2036		$311,818	$575,298	$30.00
2037		$322,482	$598,310	$30.00
2038		$335,193	$622,243	$30.00
2039		$349,988	$647,132	$30.00
2040		$361,911	$673,018	$30.00
2041		$381,266	$699,938	$30.00
2042		$392,835	$727,936	$30.00
2043		$407,191	$757,053	$30.00
2044		$424,382	$787,335	$30.00
2045		$444,458	$818,829	$30.00
2046		$462,471	$851,582	$30.00
2047		$479,114	$885,645	$30.00
2048		$498,630	$921,071	$30.00
2049		$516,080	$957,914	$30.00
2050		$536,723	$996,230	$30.00
2051		$1,120,624	$1,036,080	$30.00
2052		$1,165,449	$1,077,523	$30.00

Measure D. The table below provides the expected tax rate for the Measure D GO Bonds. The District does not expect to exceed the $30.00 per $100,000 of assessed valuation legal limit for Prop 39 elections. Please note that Series 2015A1 shows actual debt service figures, while Series 2017B1 is estimated debt service figures.

Year	Election of 2014, Series 2015A1 $5,000,000	Election of 2014, Series 2017B $5,000,000	Total Combined $10,000,000	Est/Act Tax Rate
2016	$205,525			
2017	$210,525			
2018	$215,525	$92,781	$260,221	$27.49
2019	$220,525	$105,068	$276,775	$28.11
2020	$230,525	$117,845	$307,156	$30.00
2021	$235,525	$131,134	$319,443	$30.00
2022	$240,525	$144,955	$332,220	$30.00
2023	$251,325	$159,328	$345,509	$30.00
2024	$256,525	$174,276	$359,330	$30.00
2025	$266,325	$189,822	$373,703	$30.00
2026	$275,525	$205,990	$388,651	$30.00
2027	$279,125	$222,804	$404,197	$30.00
2028	$292,325	$225,292	$420,365	$30.00
2029	$299,250	$238,928	$437,179	$30.00

Year	Election of 2014, Series 2015A1 $5,000,000	Election of 2014, Series 2017B $5,000,000	Total Combined $10,000,000	Est/Act Tax Rate
2030	$309,000	$243,442	$454,667	$30.00
2031	$317,750	$254,207	$472,853	$30.00
2032	$325,500	$266,127	$491,767	$30.00
2033	$337,250	$274,259	$511,438	$30.00
2034	$347,750	$288,748	$531,896	$30.00
2035	$357,000	$299,560	$553,171	$30.00
2036		$311,818	$575,298	$30.00
2037		$322,482	$598,310	$30.00
2038		$335,193	$622,243	$30.00
2039		$349,988	$647,132	$30.00
2040		$361,911	$673,018	$30.00
2041		$381,266	$699,938	$30.00
2042		$392,835	$727,936	$30.00
2043		$407,191	$757,053	$30.00
2044		$424,382	$787,335	$30.00
2045		$444,458	$818,829	$30.00
2046		$462,471	$851,582	$30.00
2047		$479,114	$885,645	$30.00
2048		$498,630	$921,071	$30.00
2049		$516,080	$957,914	$30.00
2050		$536,723	$996,230	$30.00
2051		$1,120,624	$1,036,080	$30.00
2052		$1,165,449	$1,077,523	$30.00

3. Compliance with AB 182 related to Capital Appreciation Bonds, if sold.

Per California AB 182, the District, if it sells capital appreciation bonds, will do so only if necessary to remain under the tax rate limit of $30.00 per $100,000. If capital appreciation bonds are sold, the District will hold two board meetings to first present the rationale for the use of capital appreciation bonds prior to holding a second board meeting to ask for approval for the sale of capital appreciation bonds. Further, the District will comply with the maximum 25-year maturity for capital appreciation bonds and it will not exceed a debt ratio of 4 to 1. Further, District staff will provide to the Board for information and consideration the cost of the capital appreciation bonds versus other alternatives, including bond anticipation notes and current interest bonds.

California State Board of Education

Meeting Agenda Items for May 11-12, 2016

WAIVER ITEM W-09

ITEM #W-09

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2016 AGENDA

☒ **General Waiver**

SUBJECT Request by **Allensworth Elementary School District** to waive California *Education Code* Section 5020, that requires a districtwide election to reduce the number of governing board members from five to three. Waiver Number: 11-3-2016	☒ **Action** ☒ **Consent**

SUMMARY OF THE ISSUES

Pursuant to California *Education Code* (*EC*) sections 5019 and 5020, a school district may reduce the size of its governing board from five to three members if the reduction is approved by both the County Committee on School District Organization (County Committee) and voters at a districtwide election. The Allensworth Elementary School District (ESD), in Tulare County, is a small school district (85 students) with a five-member board. The district historically has had difficulty finding candidates for the five board seats and has proposed reducing the number of members to three. The Tulare County Superintendent of Schools (County Superintendent) supports this proposal.

To expedite this reduction and to reduce costs, the Allensworth ESD requests that the California State Board of Education (SBE) waive the requirement that the reduction be approved at a districtwide election—allowing a three-member board to be adopted with the review and approval of the Tulare County Committee.

Authority for Waiver: *EC* Section 33050

RECOMMENDATION

☒ **Approval** ☐ **Approval with conditions** ☐ **Denial**

The California Department of Education (CDE) recommends the SBE approve the request by the Allensworth ESD to waive *EC* Section 5020, which requires a districtwide election to approve a reduction in the size of the governing board.

SUMMARY OF KEY ISSUES

Approval of this waiver request would eliminate the election requirement for approval of the reduction in the number of members (from five to three) on the Allensworth ESD governing board. The County Superintendent supports this request and the County

Committee is scheduled to act on the request prior to the May 2016 meeting of the SBE. Pursuant to *EC* Section 5020, County Committee approval will constitute an order of election unless this waiver is approved.

The Allensworth ESD is a small rural community that historically has had difficulty maintaining a five-member board. There currently is one vacant seat on the board that the district has been unable to fill[1] and only three members regularly attend board meetings. The district expects to have a second vacant seat in a few months.

Subdivision (c) of *EC* Section 35012 requires that an elementary school district with an average daily attendance of less than 300 have a three-member board—however, the governing board of any such district may take action to increase the size of the board to five members without approval by the district's electorate (*EC* Section 5018). There is no corresponding statute to allow the governing board to return to three members without an election. SBE approval of the Allensworth ESD waiver request will allow that district to return to a three-member governing board upon review and approval by the County Committee.

The CDE has reviewed the waiver request and has determined that there was no significant opposition to the waiver at the public hearing held by the governing board. The CDE also has determined that none of the findings specified in *EC* Section 33051, which authorize denial of a waiver, exist. Thus, the CDE recommends the SBE approve the request by the Allensworth ESD to waive *EC* Section 5020, which requires a districtwide election to approve a reduction in the size of the governing board.

Demographic Information:

The Allensworth ESD has a student population of 85 and is located in a rural area in Tulare County.

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

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has approved similar waiver requests—for the Bass Lake Joint Union ESD in Madera County (July 2011), the Gateway Unified School District (USD) in Shasta County (May 2012), the Patterson Joint USD in Stanislaus County (May 2013), the Humboldt County Office of Education (May 2014), the Redwoods Community College District in Humboldt County (March 2015), and the Southern Humboldt Joint USD in Humboldt County (March 2016).

[1] The district was unable to find any candidate to appoint to the board (*EC* Section 5091[a][1]). The County Superintendent then called an election (as required by *EC* Section 5091[a][2]), but the election was cancelled when no candidate applied.

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of the waiver request will not have negative fiscal effects on any local or state agency. Failure to approve the request will result in an additional cost to the Allensworth ESD for a districtwide election.

ATTACHMENT(S)

Attachment 1: Summary Table (1 page)

Attachment 2: Allensworth Elementary School District General Waiver Request 11-3-2016 (4 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
11-3-2016	Allensworth Elementary School District	**Requested:** May 10, 2016 to December 31, 2018 **Recommended:** May 10, 2016 to December 31, 2016	The district has no bargaining unit for certificated staff. California School Employees Association, Albert Ontiveros President 2/20/2016 **Support**	3/8/2016	The public hearing notice was posted at the school site and at three additional public places in the district.	Reviewed by the English Language Advisory Committee 2/26/2016 **No objections**

Created by California Department of Education
March 17, 2016

California Department of Education
WAIVER SUBMISSION - General

CD Code: 5471795 Waiver Number: 11-3-2016 Active Year: 2016

Date In: 3/11/2016 2:00:48 PM

Local Education Agency: Allensworth Elementary School District
Address: 3320 Young Rd.
Allensworth, CA 93219

Start: 5/10/2016 End: 12/31/2018

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

Waiver Topic: School District Reorganization
Ed Code Title: Elimination of Election Requirement
Ed Code Section: 5020
Ed Code Authority: 33050-33053

Ed Code or *CCR* to Waive: see attachment #1

Outcome Rationale: The Allensworth Elementary School District ("District") Board of Trustees ("Board") seeks a waiver of *Education Code* section 5020's election requirement to expedite its effort to reduce Board membership from five to three. Allensworth is a small rural community that has historically experienced difficulties filling and maintaining its five member board. Currently the Board has one vacant seat and only three members that regularly attend meetings. The Board has been unable to find a single qualified individual interested in filling the vacancy either by appointment or through election. In addition, a second Board vacancy is expected in the coming months. In light of the District's current and historical struggles to fill and maintain its five member Board, the Board has determined that it is in the best interests of its students, employees, and community to reduce the Board membership to three. By granting this waiver, the District will be able to implement a three member board on an expedited basis, and therefore ensure that the Board can continue to properly fulfill its duties to the District.

Student Population: 85

City Type: Rural

Public Hearing Date: 3/8/2016
Public Hearing Advertised: a notice was posted at the school site of the district and at three aditional public places at the district

Local Board Approval Date: 3/8/2016

Community Council Reviewed By: ELAC
Community Council Reviewed Date: 2/26/2016
Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Roel Marroquin
Position: Principal/Superintendent
E-mail: rmarro112272@yahoo.com
Telephone: 661-849-2401
Fax:

Bargaining Unit Date: 02/20/2016
Name: Allensworth Elemntary School District Chapter #847
Representative: Albert Ontiveros
Title: President
Position: Support
Comments:

Attachment #1
California *Education Code* sections to be waived

Request to waive the following sections and portions of the *Education Code* lined out below:

[§ 5020. Presentation of proposal to electors

(a) The resolution of the county committee approving a proposal to establish or abolish trustee areas, to adopt one of the alternative methods of electing governing board members specified in Section 5030, or to increase or decrease the number of members of the governing board shall constitute an order of election, and the proposal shall be presented to the electors of the district not later than the next succeeding election for members of the governing board.

(b) If a petition requesting an election on a proposal to rearrange trustee area boundaries is filed, containing at least 5 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.

(c) If a petition requesting an election on a proposal to establish or abolish trustee areas, to increase or decrease the number of members of the board, or to adopt one of the alternative methods of electing governing board members specified in Section 5030 is filed, containing at least 10 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot. Before the proposal is presented to the electors, the county committee on school district organization may call and conduct one or more public hearings on the proposal.

(d) The resolution of the county committee approving a proposal to establish or abolish a common governing board for a high school and an elementary school district within the boundaries of the high school district shall constitute an order of election. The proposal shall be presented to the electors of the district at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.

(e) For each proposal there shall be a separate proposition on the ballot. The ballot shall contain the following words:

"For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District --Yes" and "For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District--No."

"For increasing the number of members of the governing board of ____ (insert name) School

District from five to seven--Yes" and "For increasing the number of members of the governing board of ____ (insert name) School District from five to seven--No."

"For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--Yes" and "For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--No."

"For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--No."

"For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--Yes" and "For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--No."

"For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--No."

"For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--Yes" and "For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--No."

If more than one proposal appears on the ballot, all must carry in order for any to become effective, except that a proposal to adopt one of the methods of election of board members specified in Section 5030 which is approved by the voters shall become effective unless a proposal which is inconsistent with that proposal has been approved by a greater number of voters. An inconsistent proposal approved by a lesser number of voters than the number which have approved a proposal to adopt one of the methods of election of board members specified in Section 5030 shall not be effective.]

California State Board of Education

Meeting Agenda Items for May 11-12, 2016

WAIVER ITEM W-10

ITEM #W-10

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2016 AGENDA

☒ **General Waiver**

SUBJECT Request by **Magnolia Elementary School District** to waive California *Education Code* Section 5020, and portions of sections 5019, 5021, and 5030, that require a districtwide election to establish a by-trustee-area method of election. Waiver Number: 10-2-2016	☒ **Action** ☒ **Consent**

SUMMARY OF THE ISSUES

School districts that elect board members at-large face existing or potential litigation under the California Voting Rights Act of 2001 (CVRA). Pursuant to the California *Education Code* (*EC*), a district can change from at-large elections to by-trustee-area elections only if the change is approved by both the County Committee on School District Organization (County Committee) and voters at a districtwide election.

To reduce the potential for litigation and to establish by-trustee-area elections as expeditiously as possible, the Magnolia Elementary School District (ESD) requests that the California State Board of Education (SBE) waive the requirement that a by-trustee-area election method be approved at a districtwide election—allowing by-trustee-area elections to be adopted upon review and approval of the County Committee.

Authority for Waiver: *EC* Section 33050

RECOMMENDATION

☒ **Approval** ☐ **Approval with conditions** ☐ **Denial**

The California Department of Education (CDE) recommends the SBE approve the request by the Magnolia ESD to waive *EC* Section 5020, and portions of sections 5019, 5021, and 5030, which require a districtwide election to approve a by-trustee-area method of election.

SUMMARY OF KEY ISSUES

Approval of the waiver request would eliminate the election requirement for approval of trustee areas and a by-trustee-area method of election for future board elections in the Magnolia ESD. Voters in the district will continue to elect all board members—however,

if the waiver request is approved, all board members will be elected by trustee areas, beginning with the next board election.

The County Committee has the authority to approve or disapprove the adoption of trustee areas and the method of election for school district governing board elections. Pursuant to *EC* Section 5020, County Committee approval of trustee areas and election method constitutes an order of election; thus, voters in the district have final approval.

Many districts in California are facing existing or potential litigation under the CVRA because of their at-large election methods. To help avoid potential litigation, the Magnolia ESD is taking action to establish trustee areas and adopt a by-trustee-area election method. In order to establish the trustee areas and the method of election as expeditiously as possible, the district is requesting that the SBE waive the requirement that the trustee areas and the election method be approved at a districtwide election. If the SBE approves the waiver request, a by-trustee-area election method can be adopted in the district upon review and approval of the County Committee without a subsequent local election to approve the change.

Only the election to establish trustee areas and the election method will be eliminated by approval of the waiver request—voters in the school district will continue to elect all governing board members. Moreover, approval of the waiver request will not eliminate any existing legal rights of currently seated board members.

The waiver request has been reviewed by the CDE and it has been determined that there was no significant public opposition to the waiver at the public hearing held by the governing board of the district. 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 the SBE approve the request by the Magnolia ESD to waive *EC* Section 5020, and portions of sections 5019, 5021, and 5030, which require a districtwide election to approve a by-trustee-area method of election.

Demographic Information:

The Magnolia ESD has a student population of 6,465 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&sectionNum=33051.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has approved more than 125 similar waivers—most recently at the March 2016 SBE meeting for the Anaheim City School District (SD) in Orange County and the Fullerton Elementary SD, also in Orange County.

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of the waiver request will not have negative fiscal effects on any local or state agency. Failure to approve the request will result in additional costs to the Magnolia ESD for a districtwide election.

ATTACHMENT(S)

Attachment 1: Summary Table (1 page)

Attachment 2: Magnolia Elementary School District General Waiver Request 10-2-2016 (6 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
10-2-2016	Magnolia Elementary School District	**Requested:** January 1, 2016 to December 31, 2017 **Recommended:** January 2, 2016 to December 31, 2017	Magnolia Educators Association, Jodi Brown President 1/8/2016 **Support** California School Employees Association, Matt Sumner President 1/8/2016 **Support**	2/4/2016	The public hearing notice was posted at all nine schools, three public locations, and in a local newspaper—the Anaheim Bulletin.	Reviewed by all schoolsite councils, the District English Learner Advisory Committee, and the Parent Teacher Association 1/8/2016 **No objections**

Created by California Department of Education
April 4, 2016

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3066589 Waiver Number: 10-2-2016 Active Year: 2016

Date In: 2/11/2016 1:43:11 PM

Local Education Agency: Magnolia Elementary School District
Address: 2705 West Orange Ave.
Anaheim, CA 92804

Start: 1/1/2016 End: 12/31/2017

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 5019, 5021, 5030, and all of 5020
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: *Education Code* § 5019. Trustee areas and size of school district governing boards; powers of county committee; proposal and hearing

(a) Except in a school district governed by a board of education provided for in the charter of a city or city and county, in any school district or community college district, the county committee on school district organization may establish trustee areas, rearrange the boundaries of trustee areas, abolish trustee areas, and increase to seven or decrease to five the number of members of the governing board, or adopt one of the alternative methods of electing governing board members specified in Section 5030.

(b) The county committee on school district organization may establish or abolish a common governing board for a high school district and an elementary school district within the boundaries of the high school district. The resolution of the county committee on school district organization approving the establishment or abolition of a common governing board shall be presented to the electors of the school districts as specified in Section 5020.

(c) (1) A proposal to make the changes described in subdivision (a) or (b) may be initiated by the county committee on school district organization or made to the county committee on school district organization either by a petition signed by 5 percent or 50, whichever is less, of the qualified registered voters residing in a district in which there are 2,500 or fewer qualified registered voters, by 3 percent or 100, whichever is less, of the qualified registered voters residing in a district in which there are 2,501 to 10,000 qualified registered voters, by 1 percent or 250, whichever is less, of the qualified registered voters residing in a district in which there are 10,001 to 50,000 qualified registered voters, by 500 or more of the qualified registered voters residing in a district in which there are 50,001 to 100,000 qualified registered voters, by 750 or more of the qualified registered voters residing in a district in which there are 100,001 to 250,000 qualified registered voters, or by 1,000 or more of the qualified registered voters residing in a district in which there are 250,001 or more qualified registered voters or by

resolution of the governing board of the district. For this purpose, the necessary signatures for a petition shall be obtained within a period of 180 days before the submission of the petition to the county committee on school district organization and the number of qualified registered voters in the district shall be determined pursuant to the most recent report submitted by the county elections official to the Secretary of State under Section 2187 of the Elections Code.

(2) When a proposal is made pursuant to paragraph (1), the county committee on school district organization shall call and conduct at least one hearing in the district on the matter. At the conclusion of the hearing, the county committee on school district organization shall approve or disapprove the proposal.

(d) If the county committee on school district organization approves pursuant to subdivision (a) [the rearrangement of] the boundaries of trustee areas for a particular district, then [the rearrangement of] the trustee areas shall be effectuated for the next district election occurring at least 120 days after [its] approval[, unless at least 5 percent of the registered voters of the district sign a petition requesting an election on the proposed rearrangement of trustee area boundaries. The petition for an election shall be submitted to the county elections official within 60 days of the proposal's adoption by the county committee on school district organization. If the qualified registered voters approve pursuant to subdivision (b) or (c) the rearrangement of the boundaries to the trustee areas for a particular district, the rearrangement of the trustee areas shall be effective for the next district election occurring at least 120 days after its approval by the voters].

[§ 5020. Presentation of proposal to electors

(a) The resolution of the county committee approving a proposal to establish or abolish trustee areas, to adopt one of the alternative methods of electing governing board members specified in Section 5030, or to increase or decrease the number of members of the governing board shall constitute an order of election, and the proposal shall be presented to the electors of the district not later than the next succeeding election for members of the governing board.

(b) If a petition requesting an election on a proposal to rearrange trustee area boundaries is filed, containing at least 5 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.

(c) If a petition requesting an election on a proposal to establish or abolish trustee areas, to increase or decrease the number of members of the board, or to adopt one of the alternative methods of electing governing board members specified in Section 5030 is filed, containing at least 10 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot. Before the proposal is presented to the electors, the county committee on school district organization may call and conduct one or more public hearings on

the proposal.

(d) The resolution of the county committee approving a proposal to establish or abolish a common governing board for a high school and an elementary school district within the boundaries of the high school district shall constitute an order of election. The proposal shall be presented to the electors of the district at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.

(e) For each proposal there shall be a separate proposition on the ballot. The ballot shall contain the following words:

“For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District --Yes” and “For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District--No.”

"For increasing the number of members of the governing board of ____ (insert name) School District from five to seven--Yes" and "For increasing the number of members of the governing board of ____ (insert name) School District from five to seven--No."

"For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--Yes" and "For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--No."

"For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--No."

"For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--Yes" and "For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--No."

"For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--No."

"For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--Yes" and "For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--No."

If more than one proposal appears on the ballot, all must carry in order for any to become effective, except that a proposal to adopt one of the methods of election of board members

specified in Section 5030 which is approved by the voters shall become effective unless a proposal which is inconsistent with that proposal has been approved by a greater number of voters. An inconsistent proposal approved by a lesser number of voters than the number which have approved a proposal to adopt one of the methods of election of board members specified in Section 5030 shall not be effective.]

§ 5021. Incumbents to serve out terms despite approval of change

(a) If a proposal for the establishment of trustee areas formulated under Section[s] 5019 [and 5020] is approved [by a majority of the voters voting at the election], any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030. In the event two or more trustee areas are established [at such election] which are not represented in the membership of the governing board of the school district, or community college district the county committee shall determine by lot the trustee area from which the nomination and election for the next vacancy on the governing board shall be made.

(b) If a proposal for rearrangement of boundaries is approved [by a majority of the voters voting on the measure, or] by the county committee on school district organization [when no election is required], and if the boundary changes affect the board membership, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030.

(c) If a proposal for abolishing trustee areas is approved [by a majority of the voters voting at the election], the incumbent board members shall serve out their terms of office and succeeding board members shall be nominated and elected at large from the district.

§ 5030. Alternate method of election

Except as provided in Sections 5027 and 5028, in any school district or community college district having trustee areas, the county committee on school district organization and the registered voters of a district, pursuant to Section[s] 5019 [and 5020], [respectively,] may at any time recommend one of the following alternate methods of electing governing board members:

(a) That each member of the governing board be elected by the registered voters of the entire district.

(b) That one or more members residing in each trustee area be elected by the registered voters of that particular trustee area.

(c) That each governing board member be elected by the registered voters of the entire school district or community college district, but reside in the trustee area which he or she represents.

The recommendation shall provide that any affected incumbent member shall serve out his or her term of office and that succeeding board members shall be nominated and elected in accordance with the method recommended by the county committee.

Whenever trustee areas are established in a district, provision shall be made for one of the alternative methods of electing governing board members.

[In counties with a population of less than 25,000,] the county committee on school district organization or the county board of education, if it has succeeded to the duties of the county committee, may at any time, by resolution, with respect to trustee areas established for any school district, other than a community college district, amend the provision required by this

section without additional approval by the electors, to require one of the alternate methods for electing board members to be utilized.

Outcome Rationale: The Magnolia Elementary School District desires to have the requested *Education Code* sections waived because the waiver of these sections will allow the District to successfully adopt trustee areas and establish a by-trustee election process as expeditiously as possible, thereby enabling the District to avoid litigation resulting out of its current at-large election process for electing its governing board members.

It is imperative that the District adopt these areas and establish this process without delay and without interference because like many of the school districts that have been threatened with lawsuits under the California Voting Rights Act of 2001 ("CVRA"), the District currently utilizes an at-large election process to elect its governing board members. The District's failure to successfully adopt and implement trustee areas and a by-trustee area election process leaves it vulnerable to such litigation in which the District would be exposed to potentially having to pay significant attorneys' fees to plaintiffs, which would pose an undue hardship and extreme detriment to the District and its students.

CVRA History

The California Legislature enacted the California Voting Rights Act of 2001. (See California Elections Code §§ 14025-14032). This legislation makes all at-large election systems in California for cities, school districts and special districts vulnerable to legal attack, largely on proof of racially polarized voting, regardless of whether a majority district can be formed and, under the interpretation adopted by plaintiffs in other pending CVRA cases, without regard to the electoral success of minority candidates or the need to prove actual racial injury exists. The CVRA purports to alter several requirements that plaintiffs would have to prove under the Federal Voting Rights Act, thereby making it easier to challenge at-large election systems.

The first suit under the CVRA was filed against the City of Modesto in 2004. Modesto challenged the facial constitutionality of the CVRA on the basis that, by using race as the sole criterion of liability, the CVRA contains a suspect racial classification that California was required to justify under equal protection strict scrutiny standards. The trial court struck down the statute but the California Court of Appeal reversed. (Sanchez v. City of Modesto (2006) 145 Cal.App.4th 660).

The City of Modesto ultimately settled the litigation, but not before paying plaintiffs $3 million dollars in attorneys' fees to plaintiffs' attorneys (the prevailing party [other than a public agency] is entitled to an award of their attorneys' fees and costs under the CVRA) and another $1.7 million to its own attorneys.

Similarly, the Hanford Joint Union High School District was sued under the CVRA and after adopting trustee areas and establishing by-trustee area elections (and requesting and receiving the same waiver from the State Board of Education that is being requested here), paid plaintiffs in that lawsuit the sum of $110,000 pursuant to a settlement agreement. Most recently, the Madera Unified School District has been sued under the CVRA and their November 2008 governing board member election was enjoined by the court. The Plaintiffs in that case demanded $1.8 million in attorneys fees from that District, though that amount was subsequently reduced by the trial court and upheld on appeal.

Normally, under *Education Code* section 5020, the County Committee on School District organization, after conducting its own public hearing on the recommended plans, would call for an election and put the matter to a vote of the District's electors. However, going through an election process would prevent the District from electing successor trustees in a timely manner and leaves the District vulnerable to a lawsuit and injunction.

The requested waiver will allow the District to complete its transition to a by-trustee area election process in time to for the next governing board member election which will reduce the District's liability under the CVRA going forward.

Student Population: 6465

City Type: Urban

Public Hearing Date: 2/4/2016
Public Hearing Advertised: Posted at all nine schools and three public locations and in local newspaper--the Anaheim Bulletin.

Local Board Approval Date: 2/4/2016

Community Council Reviewed By: School Site Councils, DELAC, PTA, both Unions (CTA and CSEA).
Community Council Reviewed Date: 1/8/2016
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Frank Donavan
Position: Superintendent
E-mail: fdonavan@magnoliasd.org
Telephone: 714-761-5533
Fax:

Bargaining Unit Date: 01/08/2016
Name: California School Employees Association
Representative: Matt Sumner
Title: President
Position: Support
Comments:

Bargaining Unit Date: 01/08/2016
Name: Magnolia Educators Association
Representative: Jodi Brown
Title: President
Position: Support
Comments

California State Board of Education

Meeting Agenda Items for May 11-12, 2016

WAIVER ITEM W-11

ITEM #W-11

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2016 AGENDA

☒ **General Waiver**

SUBJECT Request by **Desert Center Unified School District** to waive California *Education Code* Section 35780(a), which requires lapsation of a district with an average daily attendance of less than 11 in the ninth through twelfth grades. Waiver Number: 28-2-2016	☒ **Action** ☒ **Consent**

SUMMARY OF THE ISSUES

Education Code (*EC*) Section 35780(a) requires a county committee on school district organization (county committee) to lapse a school district when the ninth through twelfth grade average daily attendance (ADA) in schools maintained by that district falls below 11. Since the early 1980s, the Desert Center Unified School District (USD) has arranged for the adjacent Palo Verde USD to provide educational services for its ninth through twelfth grade students—thus, no high school students are educated in a school maintained by the Desert Center USD. It has recently come to the attention of the Riverside County Committee that this arrangement should trigger the lapsation of the Desert Center USD pursuant to *EC* Section 35780. The governing board of the district believes that the current arrangement is in the best interests of its students and requests that the California State Board of Education (SBE) approve a permanent waiver of *EC* Section 35780(a) in order to allow this arrangement to continue. The Riverside County Superintendent of Schools (County Superintendent) supports the Desert Center USD waiver request.

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 request by the Desert Center USD for a waiver of *EC* 35780(a) with the following conditions:

- Approval of the waiver request will be for a period of 15 months.
- The Desert Center USD will work with the County Superintendent to find permanent resolution to the issues through means other than the waiver process.

SUMMARY OF KEY ISSUES

EC Section 35780 establishes the conditions necessary for a county committee to initiate lapsation proceedings for a school district. Subdivision (a) of this section requires lapsation of a school district when the ADA of students in "the school or schools maintained by the district is less than six in grades 1 through 8 or is less than 11 in grades 9 through 12." The county committee is required to annex a lapsed district to one or more adjoining school districts.

The Desert Center USD formed in 1965 with one comprehensive high school—the Eagle Mountain High School. At that time, the largest employer in the district was the Kaiser Mine. When this mine closed in the early 1980s, the resident population (and student enrollment) plummeted. In the fall of 1983, the district began transporting its few remaining high school students to the adjacent Palo Verde USD to attend schools in that district on inter-district transfers, and converted the Eagle Mountain High School to the Eagle Mountain Elementary School. As noted above, *EC* Section 35780 requires a school district to be lapsed if the ADA of students in the schools maintained by the district is less than 11 in grades 9 through 12. Since the Desert Center USD does not have any high school ADA, it is subject to lapsation under this code section.

The current number of high school students from Desert Center USD is two, with an expectation of six students for the 2016–17 school year. The district reports that, over the past five years, the number of high school students from the district has never exceeded eight. Thus, even if the district was educating its secondary students, it would be subject to lapsation under *EC* Section 35780.

Elementary student enrollment in the district, although low, has remained relatively stable. The table below depicts first through eighth grade enrollment for the Desert Center USD over the past five years. Since the elementary school ADA is well above six, the district is not be subject to lapsation pursuant to *EC* Section 35780.

Desert Center USD Enrollment

Year	Enrollment (grades 1-8)
2010–11	15
2011–12	13
2012–13	14
2013–14	13
2014–15	22

Source: California Longitudinal Pupil Achievement Data System (CALPADS)

Although the conditions for lapsation of the Desert Center USD have existed for over 30 years, it was not until recently that the district and the Riverside County Office of Education became aware that the *EC* Section 35780 lapsation conditions apply to the district. The Desert Center USD waiver request notes that lapsation of the district could create considerable hardships for elementary students and their parents if the lapsation resulted in closure of the Eagle Mountain Elementary School because:

- The Eagle Mountain School has been an important part of the Desert Center

community for many years.

- The nearest adjacent school district is approximately 50 miles from Desert Center. Elementary students would be on a bus to and from school for three hours each day.

- If students attend another school, many parents will be limited in their ability to participate in their children's educational program due to financial hardship and travel issues.

Because of these hardships on students and parents, the Desert Center USD further states that, even if the district is lapsed, the district's elementary school likely would remain open. It would then qualify as a Necessary Small School, which would cost the state additional monies.

For the above stated reasons, the Desert Center USD is requesting that the SBE approve its request for permanent waiver of *EC* Section 35780, and allow the district to operate as it has for more than 30 years—a unified school district that does not provide a secondary education program. The County Superintendent supports the district's request.

The California Department of Education (CDE) notes that parents of secondary students from the Desert Center USD are required to enroll their students in a district in which they cannot participate in the election of governing board members. Given this, the CDE believes that the SBE could chose to deny the waiver request under *EC* Section 33051(a)(5)—Guarantees of parental involvement are jeopardized.

However, the CDE believes that there are options that could allow the Desert Center USD to avoid lapsation or mitigate its concerns regarding lapsation. Furthermore, the CDE does not believe that denial of the waiver request, at this time, would be in the best interest of the district's students (or their parents) until those options have been considered. The CDE recommends that the SBE approve the request by the Desert Center USD for a waiver of *EC* 35780(a) under the following conditions:

- Approval of the waiver request will be for a period of 15 months. The lapsation process must begin in mid-April and conclude by the end of the school-year. Thus, the waiver request would only need to be approved for the period of April 1, 2016, to July 1, 2016, (a three month period) in order to allow the Desert Center USD to avoid lapsation for the 2016–17 school year. Adding one year to this three-month approval period (to attain the recommended 15-month waiver period) will allow the Desert Center USD to operate under current conditions for both the 2016–17 and the 2017–18 school-years.

- The Desert Center USD will work with the County Superintendent to find permanent resolution to the issues through means other than the waiver process. Such means could include (1) reorganizing into an elementary school district that is a component of the Palo Verde USD, (2) exploring ways to increase enrollment of high school students to a level that would allow the district to provide a

secondary education program, (3) working with the Palo Verde USD to develop an agreement under which the Palo Verde USD would keep the Eagle Mountain School open in the event of lapsation, or (4) seeking special legislation[1].

As noted, the 15-month waiver period will provide the Desert Center USD two full school-years to address the above issues. If the district is unable to do so at the end of these two years, it may submit a new waiver request for SBE consideration

Demographic Information: The Desert Center USD has a kindergarten through eighth grade student population of 17 and is located in a rural area of Riverside 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&sectionNum=33051.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE, at its July 2014 meeting, considered a similar request for a permanent waiver of *EC* Section 35780 from the Death Valley USD (Inyo County). The SBE did not approve the permanent waiver request; instead it approved the request for one year. The SBE previously has approved numerous other waivers of *EC* Section 35780 that were submitted by elementary school districts. However, the CDE has no record of the SBE approving a permanent waiver of the lapsation requirement for any district.

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of the waiver request will not have negative fiscal effects on any local or state agency.

ATTACHMENT(S)

Attachment 1: Summary Table (1 page)

Attachment 2: Desert Center Unified School District General Waiver Request 28-2-2016 (5 pages) (Original waiver request is signed and on file in the Waiver Office.)

1 CDE is aware of only one other unified district in the state that does not offer a secondary education program—Sunol Glen USD in Alameda County. This district is authorized to operate in this manner under special legislation (Chapter 106, Statutes of 1987 [Senate Bill 1639]).

Summary Table

California *Education Code* Section 35780(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
28-2-2016	Desert Center Unified School District	**Requested:** April 1, 2016, to June 30, 2026 **Recommended:** April 1, 2016, to July 1, 2017	The district has no bargaining unit for teachers. However, both of the district's teachers did review the waiver request with no reported concerns. California School Employees Association, Renee Castor Union Representative 2/10/2016 **Support**	2/25/2016	Posted to district Web site; posted in four community areas (post office, library, community center, and local grocery store), as well as at the school.	Reviewed by the Schoolsite Council 2/23/2016 **No objections**

Created by California Department of Education
March 3, 2016

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3367041 Waiver Number: 28-2-2016 Active Year: 2016

Date In: 2/26/2016 9:15:07 AM

Local Education Agency: Desert Center Unified School District
Address: 1434 Kaiser Rd.
Desert Center, CA 92239

Start: 4/1/2016 End: 6/30/2026

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

Waiver Topic: School District Reorganization
Ed Code Title: Lapsation of a Small District
Ed Code Section: 35780(a)
Ed Code Authority: 33050-33053

Ed Code or *CCR* to Waive: Any school district that has been organized for more than three years shall be lapsed as provided in this article if the number of registered electors in the district is less than six or if the average daily attendance of pupils in the school or schools maintained by the district is less than six in grades 1 through 8 [or is less than 11 in grades 9 through 12, except that for any unified district which has established and continues to operate at least one senior high school, the board of supervisors shall defer the lapsation of the district for one year upon a written request of the governing board of the district and written concurrence of the county committee. The board of supervisors shall make no more than three deferments.]

Outcome Rationale: See attachment

Student Population: 17

City Type: Rural

Public Hearing Date: 2/25/2016
Public Hearing Advertised: Displayed on website, posted in four community areas (post office, library, community center, and local grocery store), as well as the school.

Local Board Approval Date: 2/25/2016

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 2/23/2016
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Susan Scott
Position: Superintendent
E-mail: suescott@eaglemtnschool.com
Telephone: 760-392-7604
Fax: 760-392-4218

Bargaining Unit Date: 02/10/2016
Name: California School Employee Association
Representative: Renee Castor
Title: Union Representative
Position: Support
Comments:

Attachment

School District Background and Geography

The Desert Center Unified School District encompasses 1,722 square miles, with a large portion of it presently uninhabited desert land. Practically all of the population is centered in the small communities of Desert Center located 49 miles east of Indio on U.S. Interstate 10, Eagle Mountain, located 12 miles north of Desert Center; and Lake Tamarisk, 2 miles north of Desert Center.

Eagle Mountain High School opened its doors for the first time in September, 1962 as part of the Coachella Valley Unified School District but finally merged with the Desert Center Elementary School District in 1965 to become the Desert Center Unified School District. Due to the closure of Kaiser Mine in the fall of 1983 the Eagle Mountain High School became the Eagle Mountain School which houses kindergarten to eighth grade students.

Since the conversion of the high school to an elementary school, Desert Center USD has transported their high school students to Palo Verde Unified School District. All DCUSD high school (grades 9 through twelve) students are on an inter district transfer to the Pale Verde Unified School District. The current enrollment of high school students for the 15-16 school year is 2 with an enrollment of 6 students for the 16-17 school year. For the past five years the enrollment has ranged from 5 to 8 students. This trend of student enrollment is not projected to reach the needed enrollment of 11 students. The kindergarten through eighth grade enrollment at Eagle Mountain School ranges from 14 to 25 students.

The Desert Center Unified School District is currently the largest employer in the community.

Students Being Served

The Desert Center USD primarily serves students of Lake Tamarisk, municipal water treatment plant families, CALTRANS, and solar energy plant families. The Eaglecrest Energy Project that is developing in this community is anticipated to add an additional 22 jobs and housing is being provided to the employee families in the Eagle Mountain community.

For the 15-16 school year, Eagle Mountain School has seventeen students in grades one through eight. In the 16-17 school year, we will be adding four transitional kindergarten students to our enrollment. For the past five years, enrollment has fluctuated between fourteen to twenty five students. 76% of the students qualify for Free and Reduced Meal Program. The student population is a mixture of Caucasian and Hispanic. Two of the students in attendance are fifth generation descendants of the founder of the town of Desert Center.

Staffing and Support

Staffing for the school is minimal and efficient. There are two highly qualified teachers, one instructional aide, one instructional aide/lunch program coordinator, one fulltime Bus Driver/Maintenance, one part time custodian and one Superintendent/Principal. Parents are active as classroom volunteers as well as field trip chaperones.

The School Site Council is active. The District has a five member Board of Trustees. Board

membership has historically been very stable, unlike many districts of similar size. There has been little difficulty attracting members of the community to serve on the board.
The District works with the Riverside County Office of Education for support and professional development. Kenn Young, the Riverside County Superintendent, supports the continuance of our school district as he knows the vital role that our school plays in this community. Through our collaborative efforts the county and district provide a quality education for our students.

Community

The school is essential to the fabric of the community and fills many needs for its residents, from a social gathering place for community events, to an essential educational resource to its students and the greater community. The Lake Tamarisk community is reciprocal in letting the school district use their club house for student performances.

The parents of the students work locally in the community. The parents are employed by the Solar Energy plant, by CALTRANS, by the school district, by the two municipal water pumping plants and the new Eaglecrest Energy project. The location of the school is very accessible for parents who want to be directly involved in their student's education.

During the recession, the School Board and staff were committed and took the necessary measures to ensure that the school could remain open. Under the new Local Control Funding Formula the district has ample funds to continue to operate and not require the state to supply additional funding or become a "Necessary Small School". Our community desires to keep Eagle Mountain School open.

Contiguous School Districts and Schools

There are three contiguous school districts – Coachella Valley Unified School District, Palo Verde Unified School District, and Needles Unified School District which is located in San Bernardino County. Coachella Valley USD is approximately 50 miles from Desert Center as is Palo Verde USD. Needles USD has a school in Big River which is approximately 95 miles away. While Coachella and Palo Verde are equidistant from Desert Center, the drive on Interstate 10 to Coachella Valley is far more difficult due to the long slow grade which is heavily travelled by semi-trucks.

The students would be on a bus to Palo Verde for three hours each day. Parents of transitional kindergarten and kindergarten students do not desire to enroll their students in Palo Verde because of the long commute and the danger that exists with the excessive amount of traffic on Interstate 10 as it is a major thorough fare for interstate travel. In addition due to the unpredictable weather in the desert, travelling the Interstate can be treacherous as the community had a recent bridge collapse on Interstate 10 near Desert Center.

Needles USD is opening a new school in 15-16 located in Big River which is 95 miles away from Desert Center. This school District is also located in another county. Providing transportation to this school would involve a four hour commute daily as well as subjecting our students to inclement weather and potential flash floods that would close the existing highway to this school.

Challenges in Transportation

Desert Center USD provides bus transportation for 100% of the enrolled students. It is a hardship for many parents to provide transportation from home to school. Our bus driver lives in Desert Center and has been driving our local roads during times of flash floods for over 13 years. In addition to providing the transportation to the elementary school, the District provides the transportation of the high school students to Palo Verde High School in Blythe.

At this time, Palo Verde USD is considering discontinuing their home to school transportation for general education students. The majority of our families could not afford the daily drive to town to transport their children to another school. Some of the families struggle to keep a vehicle running just to get to town for groceries. In addition to the added financial burden of fuel costs for these families, it would be very difficult to make the two hour commute in the morning and the afternoon and continue working at their fulltime job. The hardship of the daily commute would make a quality education difficult if not impossible.

Financial Considerations

If Desert Center USD is lapsed, it is likely to be reorganized into one of the contiguous districts. Because of the distance students would be required to travel to a neighboring district, due to the transportation costs and liability, the receiving district would most likely have to keep Eagle Mountain School open as a school site and would qualify as a Necessary Small School which would cost the state additional monies. The neighboring district would incur a financial loss due to the loss of transportation funding presently allocated to Eagle Mountain.

Supportive Community

Parents and community members are grateful for the location and the quality of education that their children are receiving. The educational program and technology access has never been greater. The school's current highly qualified teaching staff individualizes the education for each student through the structure of the daily math and language arts program. The school has a 1:1 ratio for technological devices, which the students use for daily curriculum and individual and group projects. These are qualities that attract and retain students.

If the students are bussed to a neighboring district, many of the parents will be limited in their ability to participate in their children's educational program due to financial hardship and road conditions. Parents are concerned that if their children became ill or if there was an emergency, they would not be able to get to the neighboring district quickly or at all.

Eagle Mountain School has been an important part of the Desert Center community for many years. Community members and parents, as well as school personnel, are committed to upholding the tradition of providing accessible and quality education for the children in Desert Center.

California State Board of Education

Meeting Agenda Items for May 11-12, 2016

WAIVER ITEM W-12

ITEM #W-12

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2016 AGENDA

☒ **Specific Waiver**

SUBJECT

Request by four 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: Brawley Union High School District 11-1-2016
Lost Hills Union Elementary School District 8-2-2016
Mariposa County Office of Education 15-1-2016
Mt. Shasta Union Elementary School District 12-1-2016

☒ **Action**

☒ **Consent**

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* Section 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 Brawley Union High School District is requesting a shared SSC with composition change for two small schools: Desert Valley High School (8 teachers serving 174 students in grades nine through twelve) and Renaissance (Community Day) School (1 teacher serving 24 students in grades nine through twelve). Both schools are alternative education programs, with students moving in and out of the schools every six weeks. The school's administration and staff collaborate and share resources in many ways, being located on the same campus in a rural area.

The Lost Hills Union Elementary School District is requesting to renew a shared SSC for

two schools: Lost Hills Elementary School (15 teachers serving 378 students in transitional kindergarten through grade five) and A. M. Thomas Middle School (7 teachers serving 170 students in grades six through eight). Both schools share a principal, several staff members, and are located on the same campus in a rural area.

The Mariposa County Office of Education is requesting an SSC composition change for a small school: Monarch Academy (6 teachers serving 55 students in preschool to adult). It is a county school for severely handicapped students, located in a rural area.

The Mt. Shasta Union Elementary School District is requesting an SSC composition change for Mt. Shasta Elementary School (10 teachers serving 210 students in kindergarten through grade three). The school has limited staffing and is located 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* Section 52863 or to allow one shared SSC 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 (3 Pages)

Attachment 2: Brawley Union High School District Specific Waiver Request 11-1-2016 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Lost Hills Union Elementary School District Specific Waiver Request 8-2-2016 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Mariposa County Office of Education Specific Waiver Request 15-1-2016 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Mt. Shasta Union Elementary School District Specific Waiver Request 12-1-2016 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Local Educational Agencies Requesting a Schoolsite Council Waiver

Waiver Number	Local Educational Agency (LEA) for School(s) (County-District-School Code[s])	LEAs Request for a Schoolsite Council (SSC) Waiver	California Department of Education 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
11-1-2016	Brawley Union High School District for Desert Valley (Continuation) High School (1363081 1331354) and Renaissance (Community Day) School (1363081-1330141)	Shared SSC with composition change	Approval with conditions: the SSC must consist of one principal, two classroom teachers (selected by peers), one parent/community member (selected by parents), and two students (selected by peers).	**No** **Requested:** 08/24/2015 to 06/30/2020 **Recommended:** 08/24/2015 to 08/23/2017	Brawley Union High School Teachers Association Sherrie Newell President 12/15/2015 **Support**	Desert Valley (Continuation) High School SSC 11/18/2015 **No Objection**	01/13/2016
8-2-2016	Lost Hills Union Elementary School District for Lost Hills Elementary School (1563594 6060420) and A. M. Thomas Middle School (1563594 6102792)	Shared SSC	Approval with conditions: the SSC must consist of one principal, three classroom teachers (selected by peers), one other school representative (selected by peers), three parents/community members (selected by parents), and two students (selected by peers).	**Yes** **Requested:** 04/01/2016 to 04/01/2018 **Recommended:** 04/01/2016 to 03/31/2018	California School Employees Association Minerva Zermeno President 01/21/2016 **Support** California Teachers Association Robert Bewley President 01/21/2016 **Support**	Lost Hills Elementary School and A. M. Thomas Middle School Shared SSC 01/19/2016 **No Objection**	02/09/2016

Waiver Number	Local Educational Agency (LEA) for School(s) (County-District-School Code[s])	LEAs Request for a Schoolsite Council (SSC) Waiver	California Department of Education 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
15-1-2016	Mariposa County Office of Education for Monarch Academy (2210223 6105308)	SSC composition change	Approval with conditions: the SSC must consist of one principal, one classroom teacher (selected by peers), one other school representative (selected by peers), and three parents/community members (selected by parents).	**No** **Requested:** 07/01/2015 to 06/30/2017 **Recommended:** 07/01/2015 to 06/30/2017	California State Employees Association John Stewart President 05/05/2015 **Support** California Teachers Association Lynda Dougherty-Kelley President 05/05/2015 **Support**	Monarch Academy SSC 03/31/2015 **No Objection**	04/16/2015

Waiver Number	Local Educational Agency (LEA) for School(s) (County-District-School Code[s])	LEAs Request for a Schoolsite Council (SSC) Waiver	California Department of Education 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
12-1-2016	Mt. Shasta Union Elementary School District for Mt. Shasta Elementary School (4770425 6050884)	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).	**No** **Requested:** 01/01/2016 to 01/01/2018 **Recommended:** 01/01/2016 to 12/31/2017	California School Employees Association Linda Smyth President 12/07/2015 **Support** Mt. Shasta Elementary School Teachers Association Stacia Hardy President 12/17/2015 **Support**	Mt. Shasta Elementary School SSC 12/01/2015 **No Objection**	01/12/2015

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 1363081 Waiver Number: 11-1-2016 Active Year: 2016

Date In: 1/14/2016 9:54:50 AM

Local Education Agency: Brawley Union High School District
Address: 480 North Imperial Ave.
Brawley, CA 92227

Start: 8/24/2015 End: 6/30/2020

Waiver Renewal: N
Previous Waiver Number: 86-1-2013 Previous SBE Approval Date: 1/29/2013

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: 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.

Outcome Rationale: Renaissance Community Day School is comprised of 24 students and Desert Valley Alternative Education High School is comprised of 174 students. Brawley Union High School District is requesting that these two schools combine resources to form one school site council. Both schools reside on the same sit and frequently collaborate with joint department meetings. Teachers' meetings, Parent Teacher club meetings and many school events are conducted as one school. Renaissance only employs one teacher and it is in the best interest of both schools to combine efforts in order to establish better communication between staff and parents and ensure academic achievement is continually being monitored and improved upon. The district is also requesting that the composition of their joint School Site Council be waived. Because both schools are alternative education schools, they tend to have revolving enrollment. It has been difficult establishing the required number of parents needed on the committee since the students are transferring into and out of the alternative education

program every six weeks. We realize site councils are a requirement for school participation and are making every effort to ahve a viable council with the staff and parents available. Proposed Composition: 1 principal, 2 teachers (1 from Renaissance and 1 from Desert Valley High School), 1 parent, 2 students.

Student Population: 198

City Type: Rural

Local Board Approval Date: 1/13/2016

Council Reviewed By: School SIte Council
Council Reviewed Date: 11/18/2015
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Jonine Trevino
Position: Special Projects Coordinator
E-mail: jtrevino@brawleyhigh.org
Telephone: 760-312-6084 x4067
Fax:

Bargaining Unit Date: 12/15/2015
Name: Brawley Union High School Teachers Association
Representative: Sherrie Newell
Title: Union President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 1563594 Waiver Number: 8-2-2016 Active Year: 2016

Date In: 2/10/2016 1:06:18 PM

Local Education Agency: Lost Hills Union Elementary School District
Address: 20951 Pavilion Way
Lost Hills, CA 93249

Start: 4/1/2016 End: 4/1/2018

Waiver Renewal: Y
Previous Waiver Number: 10-4-2014-W-11 Previous SBE Approval Date: 7/10/2014

Waiver Topic: Schoolsite Council Statute
Ed Code Title: Shared Schoolsite Council
Ed Code Section: 52852
Ed Code Authority: 52863

Ed Code or *CCR* to Waive: Lost Hills Union School District requests a waiver on *Education Code* Section 52852, allowing one joint school site council to function for two schools. Lost Hills Elementary and A.M. Thomas Middle School.

Outcome Rationale: Lost Hills Elementary School enrolls 378 students in grades Transitional Kindergarten through fifth grade. The school employs 15 teachers and shares a Principal, Psychologist, Speech Therapist, RSP Teacher, and an SDC Teacher with A.M. Thomas Middle School. A.M. Thomas Middle School enrolls 170 students in grade six through eight and employs 7 teachers. Both schools also share a common attendance area and are located on the same campus.

The combined SSC will address items pertaining to common curriculum, staff development, and instructional improvement. The joint school site council will elect its parents-community , students and staff members from both schools and will maintain the parity requirements of *EC* 56862. The joint SSC will be composed of the following ten members: one shared principal, three classroom teachers, one other staff (classified staff serves both schools), three parents-community members, and two students.

Student Population: 548

City Type: Rural

Local Board Approval Date: 2/9/2016

Council Reviewed By: School Site Council
Council Reviewed Date: 1/19/2016
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Fidelina Saso
Position: Assistant Superintendent
E-mail: fisaso@losthills.k12.ca.us
Telephone: 661-797-3035
Fax: 661-797-2581

Bargaining Unit Date: 01/21/2016
Name: California School Employees Association
Representative: Minerva Zermeno
Title: CSEA President
Position: Support
Comments:

Bargaining Unit Date: 01/21/2016
Name: California Teachers Association
Representative: Robert Bewley
Title: CTA President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 2210223 Waiver Number: 15-1-2016 Active Year: 2016

Date In: 1/22/2016 12:28:14 PM

Local Education Agency: Mariposa County Office of Education
Address: 5082 Old Highway North
Mariposa, CA 95338

Start: 7/1/2015 End: 6/30/2017

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

Waiver Topic: Schoolsite Council Statute
Ed Code Title: Number and Composition of Members
Ed Code Section: 52852
Ed Code Authority: 52863

Ed Code or *CCR* to Waive: *EC* 52852 A 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: Monarch Academy is a county school for the severely handicapped with an enrollment of less than 50 students, as a result we request to reduce the number of school site council members. The proposed composition is 1 principal, 1 teacher, 1 other school personnel, and 3 parents / community members, which will reduce the number of school site council members from 10 - 3. The reduction in size will not affect the functionality or outcomes of the school site council and will optimize parental involvement.

Student Population: 40

City Type: Rural

Local Board Approval Date: 4/16/2015

Council Reviewed By: School Board / Monarch Academy School Site Council
Council Reviewed Date: 3/31/2015
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Michelle Symes
Position: Interim Direction of Educational Services
E-mail: msymes@mariposa.k12.ca.us
Telephone: 209-742-0214
Fax: 209-966-4549

Bargaining Unit Date: 05/05/2015
Name: California State Employee Association
Representative: John Stewart
Title: CSEA President
Position: Support
Comments:

Bargaining Unit Date: 05/05/2015
Name: California Teachers Association
Representative: Lynda Dougherty-Kelley
Title: MCTA President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 4770425 Waiver Number: 12-1-2016 Active Year: 2016

Date In: 1/14/2016 11:06:20 AM

Local Education Agency: Mt. Shasta Union Elementary School District
Address: 595 East Alma St.
Mt. Shasta, CA 96067

Start: 1/1/2016 End: 1/1/2018

Waiver Renewal: N
Previous Waiver Number: 17-1-2012 Previous SBE Approval Date: 5/9/2012

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.

This is a very difficult number to achieve if the total number of students and teachers in the school is small. Therefore, the school wishes to continue to have an eight-member SSC composed of the principal, two classroom teachers(selected by peer(s)), one classified employee, and four parent/guardian or community members (selected by parents.

Outcome Rationale: After much recruitment, our small, rural school is unable to get enough parents to meet the requirement of 6 parent members. Parents have declined participating in SSC because they are already involved and volunteering for other school activities. The Mt. Shasta Elementary School has a total of 10 teachers. The waiver is requested to allow this school to operate this elementary School Site Council with 8 members instead of 12 members. The SSC composition would consist of 1 administrator, 2 teachers, 1 classified employee, and 4 parents/guardian and community members. This composition would allow for a majority of teachers on the staff side and would ensure parity between staff members and parents/community members.

Student Population: 210

City Type: Rural

Local Board Approval Date: 1/12/2015

Council Reviewed By: Mt. Shasta Elementary School Site Council
Council Reviewed Date: 12/1/2015
Council Objection: N
Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Amy Barker
Position: State and Federal Program Director
E-mail: abarker@siskiyoucoe.net
Telephone: 530-842-8415
Fax:

Bargaining Unit Date: 12/07/2015
Name: California School Employees Association
Representative: Linda Smyth
Title: President
Position: Support
Comments:

Bargaining Unit Date: 12/17/2015
Name: Mt. Shasta Education Teachers Association
Representative: Stacia Hardy
Title: President
Position: Support
Comments:

California State Board of Education

Meeting Agenda Items for May 11-12, 2016

WAIVER ITEM W-13

ITEM #W-13

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2016 AGENDA

☒ **Specific Waiver**

SUBJECT Request by **Hayward Unified School District** to waive California *Education Code* Section 51224.5(b), the requirement that all students graduating in the 2015–16 school year be required to complete a course in Algebra I (or equivalent) to be given a diploma of graduation for one special education student based on *Education Code* Section 56101, the special education waiver authority. Waiver Number: 4-2-2016	☒ **Action** ☒ **Consent**

SUMMARY OF THE ISSUE(S)

The local educational agency (LEA) requests to waive the requirement that students be required to complete a course in Algebra I (or equivalent) to be given a diploma of graduation, for one special education student who is not able to meet the Algebra requirement but meets other graduation requirements.

Authority for Waiver: *Education Code (EC)* Section 56101

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the request to waive only the requirement that one student successfully complete a course in Algebra I (or its equivalent) for the 2015–16 graduating year. The student has met other course requirements stipulated by the governing board of the school district and California *Education Code (EC)* Section 51225.3 in order to receive a high school diploma.

SUMMARY OF KEY ISSUES

For the review of this waiver request, the Hayward Unified School District provided the following documentation:

- A valid, current copy of the student's individualized education program (IEP) highlighting the areas of mathematic deficiencies and how the student's needs in

mathematics were addressed.

- Selected pages from the student's IEP from three previous years showing that the student was consistently on a diploma-track, and that the IEP was written to support the student's participation in diploma-track math courses, particularly algebra.

- The specific assistance the district provided to the student which included supplementary aids, services, accommodations, test modifications, and supports to attain the diploma-track goal, specifically, for the algebra requirement.

- A copy of the transcript for the student highlighting attempts to pass algebra and pre-algebra classes.

- An assessment summary that reports the student participated in the Standardized Testing and Reporting program, and failed multiple attempts to meet graduation requirements related to the algebra requirement.

The above documentation was confidentially reviewed by a special education consultant. The LEA documentation provided facts indicating that failure to approve the waiver request would result in the student not meeting graduation requirements.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In 2000, *EC* Section 51224.5 was enacted to require students to complete a course in Algebra I, as a condition of receiving a high school diploma. The Algebra I requirement applied to students who were scheduled for graduation beginning in 2003−04. All waiver requests of this type have been granted by the SBE for students with special needs.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval.

ATTACHMENT(S)

Attachment 1: Algebra 1 Summary Table (1 page)

Attachment 2: Specific Waiver Request 4-2-2016 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

Algebra 1 Summary Table

Waiver Number	Local Educational Agency	Demographics	Period of Request	Local Board Approval Date
4-2-2016	Hayward Unified School District	**Student Population:** 1,952 **City Type:** Urban **County:** Alameda	**Requested:** January 3, 2016 to May 1, 2016 **Recommended:** January 3, 2016 to May 1, 2016	1/21/2016

Created by the California Department of Education
March 3, 2016

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 0161192 Waiver Number: 4-2-2016 Active Year: 2016

Date In: 2/3/2016 1:30:28 PM

Local Education Agency: Hayward Unified School District
Address: 24411 Amador St.
Hayward, CA 94544

Start: 1/3/2016 End: 5/1/2016

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

Waiver Topic: Special Education Program
Ed Code Title: Algebra I Requirement for Graduation
Ed Code Section: 51224.5
Ed Code Authority: 56101

Ed Code or *CCR* to Waive: The *Education Code* that I am requesting to be waived is the Algebra 1 Requirement for Graduation, Ed Code section 51224.5.

51224.5. [(a) The adopted course of study for grades 7 to 12, inclusive, shall include algebra as part of the mathematics area of study pursuant to subdivision (f) of Section 51220. (b) Commencing with the 2003-04 school year and each year thereafter, at least one course, or a combination of the two courses, in mathematics required to be completed pursuant to subparagraph (B) of paragraph (1) of subdivision (a) of Section 51225.3 by pupils while in grades 9 to 12, inclusive, prior to receiving a diploma of graduation from high school, shall meet or exceed the rigor of the content standards for Algebra I, as adopted by the State Board of Education pursuant to Section 60605.](c) A pupil who, prior to enrollment in grade 9, completes coursework in Algebra that meets or exceeds the rigor of the content standards for Algebra I, as adopted by the State Board of Education, is exempt from subdivision (b), but is not exempt from the requirement that the pupil complete two courses in mathematics while enrolled in grades 9 to 12, inclusive, as specified in subparagraph (B) of paragraph (1) of subdivision (a) of Section 51225.3.

Outcome Rationale: Student # 57203 is a student receiving special educational services in a counselling enriched classroom environment on a comprehensive high school campus. He has participated in Algebra 1 class, taught a credentialed teacher in a general education classroom, and he has received accommodations as well as other academic supports. However, he has been unable to pass Algebra 1. He is on-track to meet all requirements for high school diploma, with the exception of Algebra 1. For this reason, I am submitting a request that the Algebra 1 requirement for high school diploma is waived. All documents to support this request has been sent by mail attn: Waiver Office.

Student Population: 1952

City Type: Urban

Local Board Approval Date: 1/21/2016

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Gina Geitner
Position: Education Specialist
E-mail: glitts@husd.k12.ca.us
Telephone: 510-723-3180 x62216
Fax:

California State Board of Education

Meeting Agenda Items for May 11-12, 2016

WAIVER ITEM W-14

California Department of Education
Executive Office
SBE-006 Specific (REV. 02/2014)

ITEM #W-14

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2016 AGENDA

☒ **Specific Waiver**

SUBJECT Request by four school districts under the authority of California *Education Code* Section 49548 to waive *Education Code* Section 49550, the State Meal Mandate during the summer school session. Waiver Numbers: Eastern Sierra Unified School District 19-1-2016 Lassen Union High School District 12-2-2016 Liberty Elementary School District 31-2-2016 Wiseburn Unified School District 22-1-2016	☒ **Action** ☒ **Consent**

SUMMARY OF THE ISSUE(S)

Waiver requests fully meeting the statutory conditions are sent to the State Board of Education consent calendar.

Authority for Waiver: *Education Code (EC)* Section 49548

RECOMMENDATION

☒ **Approval** ☐ **Approval with conditions** ☐ **Denial**

Four districts have requested summer school meal waivers under authority of the *EC* Section 49548, to waive *EC* Section 49550, the requirement that meals be served each school day.

These four requests represent a decrease from years past, when hundreds of summer school meal waiver requests were submitted. The Nutrition Services Division has made tremendous strides in ensuring that schools are provided with the guidance they need to offer meals whenever possible.

SUMMARY OF KEY ISSUES

School sites operating a summer school session shall be granted a waiver so that meals do not have to be served if they meet one of the following conditions:

CONDITION ONE

Elementary schools shall be granted a waiver if a Summer Food Service Program (SFSP) for children site is available within one-half mile of the school site. Middle schools, junior high schools, and high schools shall be granted a waiver if a SFSP site is available within one mile of the school site. Additionally, one of the following conditions must exist:

- The hours of operation of the SFSP site commence no later than one-half hour after the completion of the summer school session day.

- The hours of operation of the SFSP site conclude no earlier than one hour after the completion of the summer school session day.

For purposes of this section of law, “elementary school” means a public school that maintains kindergarten or any of grades first through eighth inclusive.

CONDITION TWO

Serving meals during the summer school session would result in a financial loss to the school district, documented in a financial analysis performed by the school district, in an amount equal to one-third of the net cash resources as defined in Title 7, *Code of Federal Regulations*, Section 210.2, which, for purposes of this section of law, shall exclude funds that are encumbered. If there are no net cash resources, the financial loss must be greater than or equal to the operating costs of one month as averaged over the summer school sessions.

The financial analysis must include a projection of future meal program participation based on either of the following:

- The meal service period beginning after the commencement of the summer school session day and concluding before the completion of the summer school session day. In other words, districts must project profit or loss based on serving a breakfast or a lunch **during school hours** and not before or after the school day.

- The school site operating as an open Summer Seamless Feeding Option or a SFSP site, and providing adequate notification thereof, including flyers and banners, in order to fulfill community needs under the SFSP.

CONDITION THREE

Summer school sites that operate two hours or less including breaks and recess shall be granted a waiver.

The districts listed in Attachment 1 have requested a waiver of *EC* Section 49550 for the summer of 2015 and have certified their compliance with all required conditions necessary to obtain a waiver.

The California Department of Education (CDE) has reviewed the waiver requests from

the districts and recommends approval based on meeting the conditions (One, Two, or Three) listed in the fifth column on Attachment 1.

Authority for Waiver: *EC* Section 49548

Bargaining unit(s) consulted on date(s): Not required

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of the waivers may reduce the draw on Proposition 98 funds at the State level. Local district finances may be affected.

ATTACHMENT(S)

Attachment 1: Districts Meeting Statutory Waiver Conditions (1 page)

Attachment 2: Eastern Sierra Unified School District Specific Waiver Request 19-1-2016 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Lassen Union High School District Specific Waiver Request 12-2-2016 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Liberty Elementary School District Specific Waiver Request 31-2-2016 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Wiseburn Elementary School District Specific Waiver Request 22-1-2016 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Districts Meeting Statutory Waiver Conditions

Waiver Number	District	School Site	Period of Request	Local Board Approval Date	Condition Being Met
19-1-2016	Eastern Sierra Unified School District	Antelope Elementary School Bridgeport Elementary School Edna Beaman Elementary School Lee Vining Elementary School	**Requested:** 7/1/2016 to 8/15/2016 **Recommended:** 7/1/2016 to 8/15/2016	1/20/2016	Two
12-2-2016	Lassen Union High School District	Lassen High School	**Requested:** 6/1/2016 to 9/1/2016 **Recommended:** 6/1/2016 to 9/1/2016	2/9/2016	Two
31-2-2016	Liberty Elementary School District	Liberty Elementary School	**Requested:** 7/5/2016 to 7/22/2016 **Recommended:** 7/5/2016 to 7/22/2016	2/18/2016	Two
22-1-2016	Wiseburn Unified School District	Juan de Anza Elementary School	**Requested:** 6/27/2016 to 7/22/2016 **Recommended:** 6/27/2016 to 7/22/2016	1/26/2016	One

Created by the California Department of Education
March 7, 2016

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 2673668 Waiver Number: 19-1-2016 Active Year: 2016

Date In: 1/25/2016 1:54:43 PM

Local Education Agency: Eastern Sierra Unified School District
Address: 231 Kingsley St.
Bridgeport, CA 93517

Start: 7/1/2016 End: 8/15/2016

Waiver Renewal: Y
Previous Waiver Number: 9-2-2015-W-13 Previous SBE Approval Date: 5/7/2015

Waiver Topic: State Meal Mandate
Ed Code Title: Summer School Session
Ed Code Section: 49550
Ed Code Authority: 49548

Ed Code or *CCR* to Waive: Requirement to provide for each needy pupil one nutritionally adequate free or reduced-price meal during each school day.

Outcome Rationale: Operating food services would be a severe financial hardship due to rural, remote schools and small summer school populations.

Student Population: 385

City Type: Rural

Local Board Approval Date: 1/20/2016

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Mollie Nugent
Position: Business Manager
E-mail: mnugent@esusd.org
Telephone: 760-932-7443 x1004
Fax:

DISTRICT INFORMATION

Site Name: Lee Vining Elementary		
Summer School day at this site begins: 8 and ends: 11:30 Total Time: 3:30 (Hrs/Min)		
Meals offered during regular school year: Breakfast ☒ Lunch ☒		
Meal time at this site for the summer session begins: 11:00 and ends: 11:20		
Check which condition below meets your circumstances:		
Condition ONE ☐	Condition TWO ☒	Condition THREE ☐

Site Name: Bridgeport Elementary		
Summer School day at this site begins: 8 and ends: 11:30 Total Time: (Hrs/Min)		
Meals offered during regular school year: Breakfast ☒ Lunch ☒		
Meal time at this site for the summer session begins: 11:00 and ends: 11:20		
Check which condition below meets your circumstances:		
Condition ONE ☐	Condition TWO ☒	Condition THREE ☐

Site Name: Antelope Elementary		
Summer School day at this site begins: 8 and ends: 11:30 Total Time: (Hrs/Min)		
Meals offered during regular school year: Breakfast ☒ Lunch ☒		
Meal time at this site for the summer session begins: 11:00 and ends: 11:20		
Check which condition below meets your circumstances:		
Condition ONE ☐	Condition TWO ☒	Condition THREE ☐

Site Name: Edna Beaman Elementary		
Summer School day at this site begins: 8 and ends: 11:30 Total Time: (Hrs/Min)		
Meals offered during regular school year: Breakfast ☒ Lunch ☒		
Meal time at this site for the summer session begins: 11:00 and ends: 11:20		
Check which condition below meets your circumstances:		
Condition ONE ☐	Condition TWO ☒	Condition THREE ☐

Summer meal waiver requests, including all required attachments, must be received in the California Department of Education's online waiver system no later than 60 days prior to the last regular meeting of the State Board of Education before the commencement of the summer school session for which the waiver is sought. Therefore, please have your completed summer school meal waiver request submitted by March 10, 2016 at the latest.

If you have questions regarding the attachments to the waiver or how to meet the waiver criteria, please contact Donna Reedy, School Nutrition Programs Analyst, Nutrition Services Division, at dreedy@cde.ca.gov.

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 1864139 Waiver Number: 12-2-2016 Active Year: 2016

Date In: 2/12/2016 8:57:37 AM

Local Education Agency: Lassen Union High School District
Address: 1000 Main St.
Susanville, CA 96130

Start: 6/1/2016 End: 9/1/2016

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

Waiver Topic: State Meal Mandate
Ed Code Title: Summer School Session
Ed Code Section: 49550-49562
Ed Code Authority: 49548

Ed Code or *CCR* to Waive: 49550. (a) Notwithstanding any other provision of law, each school district or county superintendent of schools maintaining any kindergarten or any of grades 1 to 12, inclusive, shall provide for each needy pupil one nutritionally adequate free or reduced-price meal during each schoolday, except for family day care homes that shall be reimbursed for 75 percent of the meals served.
(b) In order to comply with subdivision (a), a school district or county office of education may use funds made available through any federal or state program the purpose of which includes the provision of meals to a pupil, including the federal School Breakfast Program, the federal National School Lunch Program, the federal Summer Food Service Program, the federal Seamless Summer Option, or the state meal program, or may do so at the expense of the school district or county office of education.

Outcome Rationale: During the regular school year, Lassen Union High has an 8% participation rate in the School Meal Program. Our summer school enrollment is less than 85, an average of 7 students may participate in the summer meal program. In past years, there have been days days when only two students ate meals. Providing meals during summer school session presents a financial loss for the District. Summer school hours are half day.

Student Population: 825

City Type: Rural

Local Board Approval Date: 2/9/2016

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Cori Shields
Position: CBO
E-mail: cori.shields@lassenhigh.org
Telephone: 530-251-1194 x5705
Fax:

DISTRICT INFORMATION

Site Name: Lassen Union High School		
Summer School day at this site begins: 8:30 and ends: 12:00 Total Time: 3hr 30 min (Hrs/Min)		
Meals offered during regular school year: Breakfast ☒ Lunch ☒		
Meal time at this site for the summer session begins: 9:00 and ends: 9:20		
Check which condition below meets your circumstances:		
Condition ONE ☐	Condition TWO ☒	Condition THREE ☐

Site Name:		
Summer School day at this site begins: and ends: Total Time: 3hr 30 min (Hrs/Min)		
Meals offered during regular school year: Breakfast ☒ Lunch ☒		
Meal time at this site for the summer session begins: 12:00 and ends: 12:30		
Check which condition below meets your circumstances:		
Condition ONE ☐	Condition TWO ☒	Condition THREE ☐

Site Name:		
Summer School day at this site begins: and ends: Total Time: (Hrs/Min)		
Meals offered during regular school year: Breakfast ☐ Lunch ☐		
Meal time at this site for the summer session begins: and ends:		
Check which condition below meets your circumstances:		
Condition ONE ☐	Condition TWO ☐	Condition THREE ☐

Site Name:		
Summer School day at this site begins: and ends: Total Time: (Hrs/Min)		
Meals offered during regular school year: Breakfast ☐ Lunch ☐		
Meal time at this site for the summer session begins: and ends:		
Check which condition below meets your circumstances:		
Condition ONE ☐	Condition TWO ☐	Condition THREE ☐

Summer meal waiver requests, including all required attachments, must be received in the California Department of Education's online waiver system no later than 60 days prior to the last regular meeting of the State Board of Education before the commencement of the summer school session for which the waiver is sought. Therefore, please have your completed summer school meal waiver request submitted by March 4, 2016 at the latest.

If you have questions regarding the attachments to the waiver or how to meet the waiver criteria, please contact Donna Reedy, School Nutrition Programs Analyst, Nutrition Services Division, at dreedy@cde.ca.gov.

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 4970797 Waiver Number: 31-2-2016 Active Year: 2016

Date In: 2/29/2016 1:56:01 PM

Local Education Agency: Liberty Elementary School District
Address: 170 Liberty School Rd.
Petaluma, CA 94952

Start: 7/5/2016 End: 7/22/2016

Waiver Renewal: Y
Previous Waiver Number: 15-2-2015-W-13 Previous SBE Approval Date: 5/7/2015

Waiver Topic: State Meal Mandate
Ed Code Title: Summer School Session
Ed Code Section: 49550
Ed Code Authority: 49548

Ed Code or *CCR* to Waive: Notwithstanding any other provision of law, each school district or county superintendent of schools maintaining any kindergarten or any of grades 1 to 12, inclusive, shall provide for each needy pupil one nutritionally adequate free or reduced-price meal during each school day.

Outcome Rationale: Our LEA would like to receive a waiver of the requirement to serve meals to our students at this year's summer school session for one school site. We understand that we must meet one of three conditions of Ed Code 49548(a) and qualify for Condition Two.
Condition Two: Serving meals during the summer school session would result in a financial loss.

Student Population: 214

City Type: Suburban

Local Board Approval Date: 2/18/2016

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Patricia Petzar
Position: Business Clerk
E-mail: ppetzar@libertysd.org
Telephone: 707-795-4380 x120
Fax: 707-795-6468

DISTRICT INFORMATION

Site Name: LIBERTY ELEMENTARY SCHOOL DISTRICT		
Summer School day at this site begins: 8:25 AM and ends: 11:55 AM Total Time: 3.5 hours (Hrs/Min)		
Meals offered during regular school year: Breakfast ☐ **Lunch X**		
Meal time at this site for the summer session begins: 11:40 AM and ends: 11:55 AM		
Check which condition below meets your circumstances:		
Condition ONE ☐	**Condition TWO X**	Condition THREE ☐

Site Name:		
Summer School day at this site begins: and ends: Total Time: (Hrs/Min)		
Meals offered during regular school year: Breakfast ☐ Lunch ☐		
Meal time at this site for the summer session begins: and ends:		
Check which condition below meets your circumstances:		
Condition ONE ☐	Condition TWO ☐	Condition THREE ☐

Site Name:		
Summer School day at this site begins: and ends: Total Time: (Hrs/Min)		
Meals offered during regular school year: Breakfast ☐ Lunch ☐		
Meal time at this site for the summer session begins: and ends:		
Check which condition below meets your circumstances:		
Condition ONE ☐	Condition TWO ☐	Condition THREE ☐

Site Name:		
Summer School day at this site begins: and ends: Total Time: (Hrs/Min)		
Meals offered during regular school year: Breakfast ☐ Lunch ☐		
Meal time at this site for the summer session begins: and ends:		
Check which condition below meets your circumstances:		
Condition ONE ☐	Condition TWO ☐	Condition THREE ☐

Summer meal waiver requests, including all required attachments, must be received in the California Department of Education's online waiver system no later than 60 days prior to the last regular meeting of the State Board of Education before the commencement of the summer school session for which the waiver is sought. Therefore, please have your completed summer school meal waiver request submitted by March 10, 2016 at the latest.

If you have questions regarding the attachments to the waiver or how to meet the waiver criteria, please contact Donna Reedy, School Nutrition Programs Analyst, Nutrition Services Division, at dreedy@cde.ca.gov.

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 1976869 Waiver Number: 22-1-2016 Active Year: 2016

Date In: 1/27/2016 12:09:46 PM

Local Education Agency: Wiseburn Unified School District
Address: 13530 Aviation Blvd.
Hawthorne, CA 90250

Start: 6/27/2016 End: 7/22/2016

Waiver Renewal: Y
Previous Waiver Number: 11-3-2015-W-13 Previous SBE Approval Date: 5/7/2015

Waiver Topic: State Meal Mandate
Ed Code Title: Summer School Session
Ed Code Section: 49550
Ed Code Authority: 49548

Ed Code or *CCR* to Waive: Notwithstanding any other provision of law, each school district or county superintendent of schools maintaining any kindergarten or any of grades 1 to 12, inclusive, shall provide for each needy pupil one nutritionally adequate free or reduced price meal during each school day, except for family day care homes that shall be reimbursed for 75 per cent of the meal served.

Outcome Rationale: We have Del Aire Park about 1/2 mile from Juan de Anza School that offers a summer lunch program. By using their lunch program, it helps us to not create any financial hardships over the summer with our lunch program.

Student Population: 2550

City Type: Suburban

Local Board Approval Date: 1/26/2016

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Debra Chow
Position: Food Service Clerk
E-mail: dchow@wiseburn.k12.ca.us
Telephone: 310-643-3025
Fax: 310-643-7659

DISTRICT INFORMATION

Site Name: Juan de Anza Elementary School		
Summer School day at this site begins: 8:00 am and ends: 11:55 am Total Time: 3 hrs 55 min (Hrs/Min)		
Meals offered during regular school year: Breakfast ☐ Lunch X		
Meal time at this site for the summer session begins: 12:00 p.m. and ends: 1:00 p.m.		
Check which condition below meets your circumstances:		
Condition ONE X	Condition TWO ☐	Condition THREE ☐

Site Name:		
Summer School day at this site begins: and ends: Total Time: (Hrs/Min)		
Meals offered during regular school year: Breakfast ☐ Lunch ☐		
Meal time at this site for the summer session begins: and ends:		
Check which condition below meets your circumstances:		
Condition ONE ☐	Condition TWO ☐	Condition THREE ☐

Site Name:		
Summer School day at this site begins: and ends: Total Time: (Hrs/Min)		
Meals offered during regular school year: Breakfast ☐ Lunch ☐		
Meal time at this site for the summer session begins: and ends:		
Check which condition below meets your circumstances:		
Condition ONE ☐	Condition TWO ☐	Condition THREE ☐

Summer meal waiver requests, including all required attachments, must be received in the California Department of Education's online waiver system no later than 60 days prior to the last regular meeting of the State Board of Education before the commencement of the summer school session for which the waiver is sought. Therefore, please have your completed summer school meal waiver request submitted by March 10, 2016 at the latest.

If you have questions regarding the attachments to the waiver or how to meet the waiver criteria, please contact Donna Reedy, School Nutrition Programs Analyst, Nutrition Services Division, at dreedy@cde.ca.gov.

California State Board of Education

Meeting Agenda Items for May 11-12, 2016

WAIVER ITEM W-15

ITEM #W-15

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2016 AGENDA

☒ **General Waiver**

SUBJECT Request by four local educational agencies 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 Numbers: Davis Joint Unified School District 24-1-2016 Gridley Unified School District 13-1-2016 San Luis Coastal Unified School District 13-2-2016 Wheatland School District 14-1-2016	☒ **Action** ☒ **Consent**

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) 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 local educational agencies (LEAs) filing for this waiver request missed the regulatory deadline for one or more State Testing Apportionment Information Report(s) for the 2014–15 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 LEAs 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 pupils 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 these LEAs submitted reports after the deadline and are required to submit a waiver as a condition to receive the applicable apportionment reimbursement.

Demographic Information:

Davis Joint Unified School District has a student population of 8,588 and is located in a suburban area of Yolo County.

Gridley Unified School District has a student population of 2,021 and is located in a rural area of Butte County.

San Luis Coastal Unified School District has a student population of 7,779 and is located in a small city in San Luis Obispo County.

Wheatland School District has a student population of 1,340 and is located in a small city in Yuba County.

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

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The 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*. The SBE Waiver Policy 08-#: State Testing Apportionment Informational Report Deadline is available at http://www.cde.ca.gov/re/lr/wr/documents/statetesting.doc.

FISCAL ANALYSIS (AS APPROPRIATE)

If these waivers are approved, these four LEAs will be reimbursed for the costs of the CELDT, CAHSEE, STAR Program, or the CAASPP System for the 2014–15 school year. Total costs are indicated on Attachment 1, and the waiver requests from each LEA are included as Attachments 2 through 5.

ATTACHMENT(S)

Attachment 1: Local Educational Agencies Requesting Waiver of State Testing Apportionment Information Report Deadline (1 Page)

Attachment 2: Davis Joint Unified School District General Waiver Request 24-1-2016 (2 Pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Gridley Unified School District General Waiver Request 13-1-2016 (2 Pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: San Luis Coastal Unified School District General Waiver Request 13-2-2016 (2 Pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Wheatland School District General Waiver Request 14-1-2016 (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
24-1-2016	Davis Joint Unified School District	**Requested:** July 1, 2015 to December 31, 2015 **Recommended:** July 1, 2015 to December 31, 2015	California English Language Development Test (CELDT)	Yes	2014–15	$5,265.00	Support
13-1-2016	Gridley Unified School District	**Requested:** December 31, 2015 to May 15, 2016 **Recommended:** July 1, 2015 to December 31, 2015	California High School Exit Examination (CAHSEE) & CELDT	Yes	2014–15	$2,530.96	Support
13-2-2016	San Luis Coastal Unified School District	**Requested:** July 1, 2015 to December 31, 2015 **Recommended:** July 1, 2015 to December 31, 2015	CAHSEE & CELDT	Yes	2014–15	$8,027.08	Support
14-1-2016	Wheatland School District	**Requested:** July 1, 2014 to June 30, 2015 **Recommended:** July 1, 2015 to December 31, 2015	CELDT	Yes	2014–15	$460.00	Blank

Created by the California Department of Education
March 4, 2016

California Department of Education
WAIVER SUBMISSION - General

CD Code: 5772678 Waiver Number: 24-1-2016 Active Year: 2016

Date In: 1/29/2016 4:13:17 PM

Local Education Agency: Davis Joint Unified School District
Address: 526 B St.
Davis, CA 95616

Start: 7/1/2015 End: 12/31/2015

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

Waiver Topic: State Testing Apportionment Report
Ed Code Title: CELDT
Ed Code Section: *CCR,* Title 5, Section 11517.5(b)(1)(A)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: 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: District missed postmarked date of December 31, 2015 for submission of the Apportionment Information Report and Certification: California English Language Development Test (CELDT) 2014-15 Report. Apportionment amount: $5,265.00.

Student Population: 8588

City Type: Suburban

Public Hearing Date: 1/21/2016
Public Hearing Advertised: Board Meeting Agenda

Local Board Approval Date: 1/21/2016

Community Council Reviewed By: District Advisory Committee, District English Learner Advisory Committee
Community Council Reviewed Date: 1/20/2016
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Mary Khan
Position: English Learnder Coordinator
E-mail: mkhan@djusd.net
Telephone: 530-757-5300 x190
Fax: 530-757-5423

Bargaining Unit Date: 01/28/2016
Name: Davis Teacher Association
Representative: Blair Howard
Title: Future President
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 0475507 Waiver Number: 13-1-2016 Active Year: 2016

Date In: 1/19/2016 3:41:20 PM

Local Education Agency: Gridley Unified School District
Address: 429 Magnolia St.
Gridley, CA 95948

Start: 12/31/2015 End: 5/15/2016

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

Waiver Topic: State Testing Apportionment Report
Ed Code Title: CAHSEE and CELDT
Ed Code Section: *California Code of Regulations*, Title 5 sections 1225(b)(2)(A) and 11517.5(b)(1)(A).
Ed Code Authority: Section 33050

Ed Code or *CCR* to Waive: To waive portions of *California Code of Regulations*, Title 5 sections 1225(b)(2)(A) and 11517.5(b)(1)(A).

CAHSEE – *CCR*, Title 5, [Section 1225(b)(2)(A) …postmarked by December 31…]
CELDT – *CCR*, Title 5, [Section 11517.5(b)(1)(A) …postmarked by December 31…]

Outcome Rationale: The email containing the apportionment reports to be signed and returned was received over the winter break and not discovered until after the submittal deadline. As the reports had previously arrived via US mail, the LEA coordinator was not aware that it would arrive via email. The situation has now been corrected with all staff notified of the need to monitor for these apportionment emails arrival.

Student Population: 2021

City Type: Rural

Public Hearing Date: 1/6/2016
Public Hearing Advertised: Posted in district office window and included in Board Agenda

Local Board Approval Date: 1/6/2016

Community Council Reviewed By: District Curriculum Council
Community Council Reviewed Date: 2/4/2016
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Mona Bernal
Position: Director of Curriculum and Instructional Technolog
E-mail: mbernal@gusd.org
Telephone: 530-846-4721
Fax:

Bargaining Unit Date: 2/3/2016
Name: Gridley Teacher's Association
Representative: Ken Hardy
Title: President
Position: No objection to filing the waiver
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 4068809 Waiver Number: 13-2-2016 Active Year: 2016

Date In: 2/12/2016 1:10:24 PM

Local Education Agency: San Luis Coastal Unified School District
Address: 1500 Lizzie St.
San Luis Obispo, CA 93401

Start: 7/1/2015 End: 12/31/2015

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

Waiver Topic: State Testing Apportionment Report
Ed Code Title: CAHSEE and CELDT
Ed Code Section: *CCR*, Title 5, Section 1225(b)(2)(A) and *CCR,* 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.

CAHSEE – *CCR*, Title 5, [Section 1225(b)(2)(A) …postmarked by December 31…]

Outcome Rationale: The 2014-15 CELDT and CAHSEE Apportionment Information Report and Certification was not received by my office prior to the December 31st deadline.

Student Population: 7779

City Type: Small

Public Hearing Date: 2/2/2016
Public Hearing Advertised: Announcement posted to district website and in verbal announcement and discussion at public School Board meeting.

Local Board Approval Date: 2/2/2016

Community Council Reviewed By: District English Learner Advisory Committee
Community Council Reviewed Date: 1/7/2016
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Neil Eckardt
Position: TOSA – Assessment
E-mail: neckardt@slcusd.org
Telephone: 805-549-1371
Fax:

Bargaining Unit Date: 2/11/2016
Name: California Teachers Association
Representative: Craig Stewart
Title: President, San Luis Coastal
Position: Support
Comments:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 5872751 Waiver Number: 14-1-2016 Active Year: 2016

Date In: 1/22/2016 8:30:00 AM

Local Education Agency: Wheatland School District
Address: 111 Main St.
Wheatland, CA 95692

Start: 7/1/2014 End: 6/30/2015

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: 5 *CCR* 862(c)(b)(2) allows a waiver of that deadline

CELDT – *CCR*, Title 5, [Section 11517.5(b)(1)(A) …postmarked by December 31…]

Outcome Rationale: Typically, our district receives a hard copy Apportionment Information Report and Certification Letter in November. This year, it was only emailed to our District CELDT Coordinator. Since I was not included in the email and a hard copy letter was not received by our Superintendent, it was simply missed until last week. We understand that emails will be the sole communication in future years and that the CELDT Coordinator will be the contact for our District. Therefore, we have marked our calendars to watch for this apportionment notification in late November, early December.

Student Population: 1340

City Type: Small

Public Hearing Date: 1/21/2016
Public Hearing Advertised: Posted at schools sites and on the website.

Local Board Approval Date: 1/21/2016

Community Council Reviewed By: School Board of Trustees
Community Council Reviewed Date: 1/21/2016
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Melissa Wyatt
Position: Student Services Coordinator
E-mail: mwyatt@wheatland.k12.ca.us
Telephone: 530-633-3130 x1119
Fax: 530-633-4807

Bargaining Unit Date: February 2, 2016
Name: California School Employees Association
Representative: Peggy Rutter
Title: President
Position:
Comments: Mrs. Rutter understood the reason for the Waiver Request.

California State Board of Education

Meeting Agenda Items for May 11-12, 2016

WAIVER ITEM W-16

ITEM #W-16

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2016 AGENDA

☒ **Specific Waiver**

SUBJECT Request by two local educational agencies under the authority of California *Education Code* Section 56101 and *California Code of Regulations,* Title 5, Section 3100, to waive *Education Code* Section 56362(c). Approval of this waiver will allow the resource specialists to exceed the maximum caseload of 28 students by no more than four students (32 maximum). Waiver Numbers: Evergreen Union School District 6-2-2016 Poway Unified School District 5-1-2016	☒ **Action** ☒ **Consent**

SUMMARY OF THE ISSUE(S)

The local educational agencies (LEAs) request to increase the caseload of resource specialists 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: 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).

SUMMARY OF KEY ISSUES

A resource specialist is a credentialed teacher who provides instruction and services to children with individualized education programs (IEP) that are with regular education teachers for the majority of the school day. Resource specialists coordinate special education services with general education programs for his or her students.

Before recommending approval, the existing complaint/compliance database for any district requesting a caseload waiver is examined. If it appears that a particular 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 Evergreen Union School District requests to increase the caseload of Aleta Frampton, resource specialist teacher at Evergreen Elementary 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 program caseload of 28 students. The teacher agreed to the waiver, and will receive the required amount of instructional aide time.

The Poway Unified School District requests to increase the caseload of Donna Twardy, resource specialist teacher at Highland Ranch Elementary 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 allow them to exceed the maximum caseload of 28 students by no more than four students. However, there are specific requirements in these regulations which must be met for approval, and if these requirements are not met, the waiver must be denied:

1) The requesting agency demonstrates to the satisfaction of the SBE: (A) that the excess resource specialist caseload results from extraordinary fiscal and/or programmatic conditions; and (B) that the extraordinary conditions have been resolved or will be resolved by the time the waiver expires.

2) The waiver stipulates that an affected resource specialist will have the assistance of an instructional aide at least five hours daily whenever that resource specialist's caseload exceeds the statutory maximum during the waiver's effective period.

3) The waiver confirms that the students served by an affected resource specialist will receive all of the services called for in their 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 several 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: Evergreen Union School District Specific Waiver Request 6-2-2016 (6 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Poway Unified School District Specific Waiver Request 5-1-2016 (6 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 Teachers, 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
6-2-2016	Evergreen Union School District, Evergreen Elementary School	Aleta Frampton **Yes**	No	**Current:** 30 hours per week **If Approved:** 36 hours per week	**Student Population:** 32 **Area:** Rural **County:** Tehama	**Requested:** December 8, 2015 to June 10, 2016 **Recommended:** December 8, 2015 to June 10, 2016	January 12, 2016	Evergreen Federation of Teachers, Leslie Wilcox Co-President 1/8/2016 **Support**
5-1-2016	Poway Unified School District, Highland Ranch Elementary School	Donna Twardy **Yes**	No	**Current:** 5 hours per day **If Approved:** 6 hours per day	**Student Population:** 32 **Area:** Suburban **County:** San Diego	**Requested:** December 15, 2015 to June 9, 2016 **Recommended:** December 15, 2015 to June 9, 2016	December 15, 2015	Poway Federation of Teachers Candy Smiley President 11/13/2015 **Neutral**

Created by California Department of Education
March 3, 2016

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 5271522 Waiver Number: 6-2-2016 Active Year: 2016

Date In: 2/8/2016 11:40:50 AM

Local Education Agency: Evergreen Union School District
Address: 19500 Learning Way
Cottonwood, CA 96022

Start: 12/8/2015 End: 6/10/2016

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: A school district providing special education or related services may request the State Board of Education to grant a waiver of the maximum resource specialist caseload only if the waiver is necessary to the agency's compliance with specified federal law.

Outcome Rationale: The district experienced an abnormal and unexpected increase in Spec Ed students throughout the school year.

Student Population: 32

City Type: Rural

Local Board Approval Date: 1/12/2016

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Brad Mendenhall
Position: Superintendent
E-mail: bmendenhall@evergreenusd.org
Telephone: 530-347-3411 x7501
Fax:

Bargaining Unit Date: 01/08/2016
Name: Evergreen Federation of Teachers
Representative: Leslie Wilcox
Title: Co-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: _Evergreen Union School District___

2. Name of Resource Specialist*: __Aleta Frampton__

3. School / District Assignment: __Evergreen Elementary School__

4. Status: Permanent __X__ Probation ____ Temporary ___

5. Number of students __28___ (Caseload) proposed number of students _32___

6. Full time Equivalent (FTE%): __100%___

7. Number of periods or hours taught by Resource Specialist: Periods ____ Hours _7.5_

8. Average number of students per hour taught: __24____

9. Indicate amount of Instructional Aide time: _36__ (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):

    I assure this waiver will not hinder the implementation of any student's IEP.

11. Explain what extraordinary fiscal or program circumstances resulted in this request for excess caseload, per *CCR*, Title 5, Section 3100(d):

    The District experienced an abnormal and unexpected increase in Special Ed students throughout the school year.

12. Indicate how your plan of action to resolve conditions by the time the waiver expires or is denied by the SBE, per *CCR*, Title 5, Section 3100(d)(1):

    As students move up and into our Middle School, they will be transferred to another RSP.

Administrator/Designee Name and Title: Brad Mendenhall, Superintendent

Telephone number (and extension): 530/347-3411, x7501
Date: January 13, 2016

*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: _Aleta Frampton__
Assigned at: _Evergreen Elementary Learning Center__

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; with the additional aide support, it will ensure all services will be provided.

3. Can you reasonably manage the excess caseload in relation to your student contact time, and other assigned duties? Please explain:

   Yes; again, with the additional aide support, all duties can be managed.

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 rational below:

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 X_ No ___
   (b) Specify which months / weeks you were over caseload: From 12/2/13 to 6/12/15
   (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? _36__ total hours after increase.

_AF_ I hereby certify that the information provided on this application is true and correct (please initial).

Date: _1/10/16

Telephone number (and extension): _530/347-3411 x7562

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 3768296 Waiver Number: 5-1-2016 Active Year: 2016

Date In: 1/6/2016 11:09:51 AM

Local Education Agency: Poway Unified School District
Address: 15250 Avenue of Science
San Diego, CA 92128

Start: 12/15/2015 End: 6/9/2016

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: The waiver request may be up to but no more than 4 students above the statutory caseload (32 students).

Outcome Rationale: This waiver will not hinder the implementation of student services as outlined in their individualized education plan. Many of the caseloads contain IEPs for students on "monitor only" which in our district means all services are provided within the general education classrooms - their progress is monitored as part of the transition and eventual discharge from special education. In addition, the RSP will receive additional instructional assistant support during the duration of this waiver.

Student Population: 32

City Type: Suburban

Local Board Approval Date: 12/15/2015

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Kathy Purcell
Position: Director of Special Education
E-mail: kpurcell@powayusd.com
Telephone: 858-521-2800 x2824
Fax: 858-485-1501

Bargaining Unit Date: 11/13/2015
Name: Poway Federation of Teachers
Representative: Candy Smiley
Title: President
Position: Neutral
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: _Poway Unified___

2. Name of Resource Specialist*: _Donna Twardy___

3. School / District Assignment: _Highland Ranch Elementary School___

4. Status: Permanent _____ Probation ____ Temporary _X__

5. Number of students __32___ (Caseload) proposed number of students ____

6. Full time Equivalent (FTE%): _1.0____

7. Number of periods or hours taught by Resource Specialist: Periods ____Hours _5___

8. Average number of students per hour taught: __6____

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):

This waiver will not hinder the implementation of student services as outlined in their individualized education plan. Many of the caseloads contain IEPs for students on "monitor only" which in our district means all services are provided within the general education classrooms – their progress is monitored as part of the transition and eventual discharge from special education. In addition, the RSP will receive additional instructional assistant support during the duration of this waiver.

11. Explain what extraordinary fiscal or program circumstances resulted in this request for excess caseload, per *CCR*, Title 5, Section 3100(d):

During the current year, budget reductions were necessary to balance the District's situation and increasing costs of staffing from the general fund was not an option.

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):

At expiration of this waiver, staffing readjustments will be placed for the onset of the 2016-2017 school year

Administrator/Designee Name and Title: Kathy Purcell, Director of Special Education

Telephone number (and extension): (858) 521-2800 Ext. 2824

Date: November 20, 2015

*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: __Donna Twardy_
Assigned at: ___Highland Ranch Elementary School

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, I can ensure that my students are receiving services as outlined in their IEP's. I have been able to group them into appropriate groups utilizing my combined 5 hour instructional aides and myself.

3. Can you reasonably manage the excess caseload in relation to your student contact time, and other assigned duties? Please explain:

   I am able to manage the excess caseload at this time. However, I do anticipate going over 32 students by the end of December.

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 rational 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 ___
   (b) Specify which months / weeks you were over caseload: From ____ to ____
   (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: ___5_ hours (prior to increased caseload).

7. Any additional Aide time with this waiver? __9__ total hours after increase.

_DT__ I hereby certify that the information provided on this application is true and correct (please initial).

Date: ___12/8/2015__

Telephone number (and extension): ___(858) 674-4707 Ext 4108__

California State Board of Education

Meeting Agenda Items for May 11-12, 2016

WAIVER ITEM W-17

ITEM #W-17

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2016 AGENDA

☒ **General Waiver**

SUBJECT Request by seven local educational agencies to waive portions of *California Code of Regulations*, Title 5, Section 11963.6(c), relating to the submission and action on a determination of funding request regarding nonclassroom-based instruction. Waiver Numbers: Acton-Agua Dulce Unified School District 22–2–2016 Adelanto Elementary School District 7–2–2016 Paradise Unified School District 16–2–2016 San Bernardino City Unified School District 5–3–2016 San Lorenzo Valley Unified School District 20–2–2016 Shasta County Office of Education 25–2–2016 Western Placer Unified School District 18–2–2016	☒ **Action** ☒ **Consent**

SUMMARY OF THE ISSUES

Seven local educational agencies (LEAs) are requesting, on behalf of their 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 school to request a non-prospective nonclassroom-based funding determination for their respective funding period.

Each of the seven 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 the seven LEAs 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) may 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 identified in Attachment 1 submitted a determination of funding request after the required deadline, thereby making the request retroactive.

Demographic Information:

Acton-Agua Dulce Unified School District is requesting a waiver for the SCALE Leadership Academy (Charter #1636), which serves a student population of 440 and is located in an urban area in Los Angeles County.

Adelanto Elementary School District is requesting a waiver for the Taylion High Desert Academy/Adelanto (Charter #1520), which serves a student population of 550 and is located in an urban area in San Bernardino County.

Paradise Unified School District is requesting a waiver for the Paradise eLearning Charter Academy (Charter #1189), which serves a student population of 50 and is located in a rural area in Butte County.

San Bernardino City Unified School District is requesting a waiver for the Center for Learning and Educational Success (Charter #1574), which serves a student population of 50,220 and is located in an urban area in San Bernardino County.

San Lorenzo Valley Unified School District is requesting a waiver for the SLVUSD Charter (Charter #0025), which serves a student population of 297 and is located in a rural area in Santa Cruz County.

Shasta County Office of Education is requesting a waiver for the Chrysalis Charter (Charter #0778), which serves a student population of 195 and is located in a rural area in Shasta County.

Western Placer Unified School District is requesting a waiver for the Partnerships for Student-Centered Learning (Charter #1227), which serves a student population of 1,200 and is located in a small area in Placer County.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* Section 33051(a), available at http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=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 this waiver request will allow the SBE to consider the charter school's determination of funding request. Subsequent approval of the determination of funding request by the SBE will allow the charter school's nonclassroom-based ADA to be funded at the funding determination rate approved by the SBE for the specified fiscal year.

ATTACHMENT(S)

Attachment 1: Local Educational Agencies Requesting Waiver of Nonclassroom-Based (NCB) Funding Determination Request Deadline (3 Pages)

Attachment 2: Acton-Agua Dulce Unified School District General Waiver Request 22–2–2016 (2 Pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Adelanto Elementary School District General Waiver Request 7–2–2016 (2 Pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Paradise Unified School District General Waiver Request 16–2–2016 (2 Pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: San Bernardino City Unified School District General Waiver Request 5–3–2016 (2 Pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 6: San Lorenzo Valley Unified School District General Waiver Request 20–2–2016 (2 Pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 7: Shasta County Office of Education General Waiver Request 25–2–2016 (2 Pages). (Original waiver request is signed and on file in the Waiver Office.)

Attachment 8: Western Placer Unified School District General Waiver Request 18–2–2016 (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
22-2-2016	Acton-Agua Dulce Unified School District	SCALE Leadership Academy (1636 / 19-75309-0129411)	2014–15	**Requested:** July 1, 2015 to June 30, 2016 **Recommended:** July 1, 2015 to June 30, 2016	2/1/2016 and 2/11/2016	Notifications at school sites and on website	Acton-Agua Dulce USD Office of School Choice 2/1/2016 **No objections**
7-2-2016	Adelanto Elementary School District	Taylion High Desert Academy/Adelanto (1520 / 36-67587-0128462)	2013–14	**Requested:** July 1, 2015 to June 30, 2016 **Recommended:** July 1, 2015 to June 30, 2016	2/2/2016	Posted on Board Agenda	School District Governing Board 10/20/2015 **No objections**
16-2-2016	Paradise Unified School District	Paradise eLearning Charter Academy (1189 / 04-61531-0121715)	2010–11	**Requested:** July 1, 2015 to June 30, 2016 **Recommended:** July 1, 2015 to June 30, 2016	2/16/2016	Posted at all district schools, town hall, post offices, town library, and on the District Website	School District Governing Board 2/16/2016 **No objections**

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
5-3-2016	San Bernardino City Unified School District	Center for Learning and Educational Success (1574 / 36-67876-0128405)	2013–14	**Requested:** July 1, 2015 to June 30, 2017 **Recommended:** July 1, 2015 to June 30, 2016	3/1/2016	72 hour notice with publication of San Bernardino City USD Board Agenda	Board of Trustees 3/1/2016 **No objections**
20-2-2016	San Lorenzo Valley Unified School District	SLVUSD Charter (0025 / 44-69807-4430179)	1993–94	**Requested:** July 1, 2015 to June 30, 2016 **Recommended:** July 1, 2015 to June 30, 2016	2/17/2016	District Office, San Lorenzo Valley Elementary and Boulder Creek Elementary schools	Board of Trustees 2/17/2016 **No objections**
25-2-2016	Shasta County Office of Education	Chrysalis Charter (778 / 45-10454-0111674)	2006–07	**Requested:** July 1, 2015 to June 30, 2016 **Recommended:** July 1, 2015 to June 30, 2016	2/24/2016	Posted on Web, at charter school, and three public places	Chrysalis Charter Site Council 2/18/2016 **No objections**

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
18-2-2016	Western Placer Unified School District	Partnerships for Student-Centered Learning (1227 / 31-66951-0122507)	2010–11	**Requested:** July 1, 2015 to June 30, 2016 **Recommended:** July 1, 2015 to June 30, 2016	2/16/2016	Posted at District Office, at least three school sites, and Horizon Charter Schools Main Office	School District Governing Board 2/16/2016 **No objections**

Created by the California Department of Education
March 15, 2016

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1975309 Waiver Number: 22-2-2016 Active Year: 2016

Date In: 2/22/2016 5:38:00 PM

Local Education Agency: Acton-Agua Dulce Unified School District
Address: 32248 North Crown Valley Rd.
Acton, CA 93510

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: SCALE Leadership Academy is being granted a waiver by its authorizing District (Acton-Agua Dulce USD) under Title 5 *CCR* Section 11963.6 (c & d) as the Charter School filed a material revision on May 11, 2015, which significantly changed the delivery of instruction, courses offered, and the resources available to the its students

5 *CCR* 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.]

Outcome Rationale: The Charter School operated a seat-based program during the 2014-15 school year and filed a material revision to its petition during May 2015. The material revision resulted in the charter school operating an independent study program during the subsequent 2015-16 year.

Student Population: 440

City Type: Urban

Public Hearing Date: 2/1/2016
Public Hearing Advertised: Notifications at school sites and on website

Local Board Approval Date: 2/11/2016

Community Council Reviewed By: Acton-Agua Dulce USD Office of School Choice
Community Council Reviewed Date: 2/1/2016

Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Steve Budhraja
Position: Chief Financial Officer
E-mail: sbudhraja@aadusd.k12.ca.us
Telephone: 661-269-5999 x104
Fax:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3667587 Waiver Number: 7-2-2016 Active Year: 2016

Date In: 2/8/2016 4:25:02 PM

Local Education Agency: Adelanto Elementary School District
Address: 11824 Air Expressway
Adelanto, CA 92301

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: *CCR,* Title 5, Section 11963.6(c)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: *Education Code* 47634.2 and 5 *CCR* 11963.6 (c): Any determination of funding request approved by the State Board of Education for an existing nonclassroom-based charter school from the 2006-07 fiscal year forward shall be prospective (not for the current year), in increments of a minimum of two years and a maximum of five years in length. Beginning with the 2007-08 fiscal year, nonclassroom-based charter schools that had a funding determination in the prior year must submit a funding determination request by February 1 of the fiscal year prior to the year the funding determination will be effective, when a new request is required under these regulations.

Outcome Rationale: Due to a change in key administrative positions within the Taylion HIgh Desert Academy Charter School (TSDA), the non-classroom-based funding determination form was not submitted to the California Department of Education by the due date of February 1, 2015. The non-classroom-based funding determination form has now been completed and was mailed to CDE on February 5, 2015.

Student Population: 550

City Type: Urban

Public Hearing Date: 2/2/2016
Public Hearing Advertised: Board Agenda

Local Board Approval Date: 2/2/2016

Community Council Reviewed By: Board Of Education
Community Council Reviewed Date: 10/20/2015
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Ajay Mohindra
Position: Chief Business Officer
E-mail: ajay_mohindra@aesd.net
Telephone: 760-246-8691 x10235
Fax:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 0461531 Waiver Number: 16-2-2016 Active Year: 2016

Date In: 2/17/2016 3:54:15 PM

Local Education Agency: Paradise Unified School District
Address: 6696 Clark Rd
Paradise, CA 95969

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: *CCR* Title 5 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: Paradise eLearning Academy's last approval was for three years. Due to unforeseen circumstances, the filing deadline was missed for FY 2015-16 to FY 2017-18. Because charter schools are unable to file for waivers themselves, PUSD will file it on their behalf. The financial calendars have been updated with "high priority" indicators to ensure the next form will be submitted by the deadline.

Student Population: 50

City Type: Rural

Public Hearing Date: 2/16/2016
Public Hearing Advertised: The public hearing was posted at all district schools, town hall, post offices, town library, and the District website.

Local Board Approval Date: 2/16/2016

Community Council Reviewed By: District Board of Directors
Community Council Reviewed Date: 2/16/2016
Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. David McCready
Position: Assistant Superintendent, Business Services
E-mail: dmccready@pusdk12.org
Telephone: 530-872-6400 x233
Fax: 530-842-6409

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3667876 Waiver Number: 5-3-2016 Active Year: 2016

Date In: 3/5/2016 11:24:54 AM

Local Education Agency: San Bernardino City Unified School District
Address: 777 North F St.
San Bernardino, CA 92410

Start: 7/1/2015 End: 6/30/2017

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, Title 5, Section11963.6(c)
Ed Code Authority: *EC* 33050

Ed Code or *CCR* to Waive: *EC* Section 47612.5 and 47634.2 and 5 *CCR* Section 11963
EC 47612.5 (e), a charter school that has an approved charter may receive funding for nonclassroom-based instruction only if a determination for funding is made pursuant to Section 47634.2 by the State Board of Education.

5 *CCR* 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.]

Outcome Rationale: The following notice was received from COE by SBCUSD regarding the following charter

36 67876 128405 Center For Learning and Educational Success 1574

Our records indicate the charter school(s) has less than 80% classroom based ADA and does not have an active funding determination. The LEA will NOT be apportioned funding for its nonclassroom based ADA for 2015-16 first principal apportionment (P-1) and must file for the waiver ASAP in order to obtain funding determination approval by 2015-16 second principal (P-2) apportionment. If the LEA does not obtain a funding determination approval by the current fiscal year P-2 then it will also not be apportioned funding for its nonclassroom based ADA at P-2 processing. Please note this will affect the LEAs' subsequent year funding as 2016-17 advance funding is based on 2015-16 P-2 ADA.

Student Population: 50220

City Type: Urban

Public Hearing Date: 3/1/2016
Public Hearing Advertised: 72 hour notice with publication of San Bernardino City Unified Board Agenda

Local Board Approval Date: 3/1/2016

Community Council Reviewed By: San Bernardino City Unified Board of Education
Community Council Reviewed Date: 3/1/2016
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Janet King
Position: Director Fiscal Services
E-mail: janet.king@sbcusd.k12.ca.us
Telephone: 909-381-1154
Fax: 909-383-1375

California Department of Education
WAIVER SUBMISSION - General

CD Code: 4469807 Waiver Number: 20-2-2016 Active Year: 2016

Date In: 2/19/2016 2:14:33 PM

Local Education Agency: San Lorenzo Valley Unified School District
Address: 325 Marion Ave.
Ben Lomond, CA 95005

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 Section 11963.6(c)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: 5 *CCR* 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 school 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.]

Outcome Rationale: Staff involved in the charter approval process and submittal of the non-classroom based funding determination, are no longer with the district. Current district staff was not aware of the February 1, 2015 filing deadline for the 2015-16 school year determination. Upon recognition of this oversight, the District immediately contacted CDE and was told to submit a waiver.

Student Population: 297

City Type: Rural

Public Hearing Date: 2/17/2016
Public Hearing Advertised: District Office, San Lorenzo Valley Elementary and Boulder Creek Elementary Schools

Local Board Approval Date: 2/17/2016

Community Council Reviewed By: Board of Trustees
Community Council Reviewed Date: 2/17/2016
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Christopher Schiermeyer
Position: Assistant Superintendent, Business Services
E-mail: cschiermeyer@slvusd.org
Telephone: 831-336-9672
Fax:

California Department of Education
WAIVER SUBMISSION - General

CD Code: 4510454 Waiver Number: 25-2-2016 Active Year: 2016

Date In: 2/25/2016 10:26:27 AM

Local Education Agency: Shasta County Office of Education
Address: 1644 Magnolia Ave.
Redding, CA 96001

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: 11963.6(c)
Ed Code Authority: 33050

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

Outcome Rationale: This waiver will allow Chrysalis Charter School to submit a Non-Classroom Based Funding Determination Form (FDF) past the regular deadline. Chrysalis Charter fell below 80% classroom based ADA in P-1 and we were not aware of the February 1 deadline to submit a funding determination. Though we do not anticipate being below 80% at P-2, we wish to protect our non-classroom based funding in the off chance that actual P-2 attendance for nonclassroom based ADA is below 80%.

Student Population: 195

City Type: Rural

Public Hearing Date: 2/24/2016
Public Hearing Advertised: Posted on web, at charter, and in 3 public places

Local Board Approval Date: 2/24/2016

Community Council Reviewed By: Chrysalis Charter Site Council
Community Council Reviewed Date: 2/18/2016
Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. De'An Chambless
Position: Executive Director-Business Services
E-mail: dchambless@shastacoe.org
Telephone: 530-245-7822
Fax: 530-225-0278

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3166951 Waiver Number: 18-2-2016 Active Year: 2016

Date In: 2/19/2016 12:11:18 PM

Local Education Agency: Western Placer Unified School District
Address: 600 Sixth St., Ste. 400
Lincoln, CA 95648

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 V 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.

Outcome Rationale: Partnerships for Student-Centered Learning (PSCL) and Horizon Charter School (HCS) were thought to have 100% funding determinations through 2015-16. When preparing the new funding determination for HCS this year, we determined that PSCL was on a different cycle and was a year prior to HCS. In order for PSCL's funding determination to be approved by SBE in the current 2015-16 year, a waiver is required to allow a current-year funding determination vs. a prospective determination. This waiver, which must be filed by the authorizing district and not the charter school, will allow the Advisory Commission for Charter Schools and the State Board of Education to review and approve a current-year funding determination for Partnerships for Student-Centered Learning. The District is not approving the funding determination itself, only a waiver to allow the State to review the determination this year.

Student Population: 1200

City Type: Small

Public Hearing Date: 2/16/2016
Public Hearing Advertised: Posted at District Office, at least three school sites, and Horizon Charter Schools Main Office

Local Board Approval Date: 2/16/2016

Community Council Reviewed By: School District Governing Board
Community Council Reviewed Date: 2/16/2016
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Audrey Kilpatrick
Position: Assistant Superintendent - Business & Operations
E-mail: akilpatrick@wpusd.k12.ca.us
Telephone: 916-645-6350
Fax: 916-645-6356

Bargaining Unit Date: 02/02/2016
Name: California School Employees Association #804
Representative: Diana Bull
Title: President
Position: Support
Comments:

Bargaining Unit Date: 02/02/2016
Name: Horizon Certificated Employees Association
Representative: Travis Bull
Title: President
Position: Support
Comments:

California State Board of Education

Meeting Agenda Items for May 11-12, 2016

WAIVER ITEM W-18

ITEM #W-18

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2016 AGENDA

☒ **General Waiver**

SUBJECT Request by **Temecula Valley Unified School District** to waive California *Education Code* Section 5020, and portions of sections 5019, 5021, and 5030, that require a districtwide election to establish a by-trustee-area method of election. Waiver Number: 21-2-2016	☒ **Action** ☐ **Consent**

SUMMARY OF THE ISSUES

School districts that elect board members at-large face existing or potential litigation under the California Voting Rights Act of 2001 (CVRA). Pursuant to the California *Education Code* (*EC*), a district can change from at-large elections to by-trustee-area elections only if the change is approved by both the County Committee on School District Organization (County Committee) and voters at a districtwide election.

To reduce the potential for litigation and to establish by-trustee-area elections as expeditiously as possible, the Temecula Valley Unified School District (USD) requests that the California State Board of Education (SBE) waive the requirement that by-trustee-area election methods be approved at a districtwide election—allowing by-trustee-area elections to be adopted upon review and approval of the County Committee.

Authority for Waiver: *EC* Section 33050

RECOMMENDATION

☒ **Approval** ☐ **Approval with conditions** ☐ **Denial**

The California Department of Education (CDE) recommends the SBE approve the request by the Temecula Valley USD to waive *EC* Section 5020, and portions of sections 5019, 5021, and 5030, which require a districtwide election to approve a by-trustee-area method of election.

SUMMARY OF KEY ISSUES

Approval of the waiver request would eliminate the election requirement for approval of trustee areas and a by-trustee-area method of election for future board elections in the Temecula Valley USD. Voters in the district will continue to elect all board members—

however, if the waiver requests are approved, all board members will be elected by trustee areas, beginning with the next board election.

County Committees have the authority to approve or disapprove the adoption of trustee areas and methods of election for school district governing board elections. Pursuant to *EC* Section 5020, County Committee approval of trustee areas and election methods constitutes an order of election; thus, voters in the district have final approval.

Many districts in California are facing existing or potential litigation under the CVRA because of their at-large election methods. To help avoid potential litigation, the Temecula Valley USD is taking action to establish trustee areas and adopt a by-trustee-area election method. In order to establish the trustee areas and the method of election as expeditiously as possible, the district is requesting that the SBE waive the requirement that the trustee areas and the election method be approved at a districtwide election. If the SBE approves the waiver request, a by-trustee-area election method can be adopted in the district upon review and approval of the County Committee without a subsequent local election to approve the change.

Only the election to establish trustee areas and the election method will be eliminated by approval of the waiver request—voters in the school district will continue to elect all governing board members. Moreover, approval of the waiver request will not eliminate any existing legal rights of currently seated board members.

The waiver request has been reviewed by the CDE and it has been determined that there was no significant public opposition to the waiver at the public hearing held by the governing board of the district. 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 the SBE approve the request by the Temecula Valley USD to waive *EC* Section 5020, and portions of sections 5019, 5021, and 5030, which require a districtwide election to approve a by-trustee-area method of election.

Demographic Information:

The Temecula Valley USD has a student population of 29,000 and is located in an urban area of Riverside 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&sectionNum=33051.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has approved more than 125 similar waivers—most recently at the March 2016 SBE meeting for the Anaheim City School District (SD) in Orange County and the Fullerton Elementary SD, also in Orange County.

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of the waiver request will not have negative fiscal effects on any local or state agency. Failure to approve the request will result in additional costs to the Temecula Valley USD for a districtwide election.

ATTACHMENT(S)

Attachment 1: Summary Table (1 page)

Attachment 2: Temecula Valley Unified School District General Waiver Request 21-2-2016 (8 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
21-2-2016	Temecula Valley Unified School District	**Requested:** May 12, 2016 to June 30, 2017 **Recommended:** May 12, 2016 to June 30, 2017	Temecula Valley Educators Association, Jeff Kingsberg President 11/17/2015 **Oppose*** California School Employees Association, Susan Thornton President 11/30/2015 **Neutral**	12/8/2015	The public hearing notice was posted in a local newspaper and at each school site.	Reviewed by the Parent Advisory Committee, the Temecula Education Foundation, the Superintendent's Council, the Local Control and Accountability Plan Advisory Committee, and the District English Language Advisory Committee (1/13/2016) **No objections**

*Opposition from the Temecula Valley Educators Association is due to the bargaining units concerns regarding (1) the condensed timelines for establishing the by-trustee-area method of election and (2) a perceived lack of reasons for establishing the by-trustee-area method of election at this time.

Created by California Department of Education
March 22, 2016

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3375192 Waiver Number: 21-2-2016 Active Year: 2016

Date In: 2/22/2016 2:46:53 PM

Local Education Agency: Temecula Valley Unified School District
Address: 31350 Rancho Vista Rd.
Temecula, CA 92592

Start: 5/12/2016 End: 6/30/2017

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 5019, 5021, 5030, and all of 5020
Ed Code Authority: *Education Code* 33050-33053

Ed Code or *CCR* to Waive: See Attachment A

Outcome Rationale: See Attachment B

Student Population: 29000

City Type: Urban

Public Hearing Date: 12/8/2015
Public Hearing Advertised: Notice in a local newspaper. Notices posted at each school site.

Local Board Approval Date: 12/8/2015

Community Council Reviewed By: DELAC, Parent Advisory Committee, Temecula Education Foundation, Supt's Council, LCAP Advisory
Community Council Reviewed Date: 1/13/2016
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Timothy Ritter
Position: Superintendent
E-mail: tritter@tvusd.k12.ca.us
Telephone: 951-506-7904
Fax: 951-695-7121

Bargaining Unit Date: 11/30/2015
Name: California School Employees Association, Chpt 538
Representative: Susan Thornton
Title: CSEA - President, Chapter 538
Position: Neutral
Comments:

Bargaining Unit Date: 11/17/2015
Name: Temecula Valley Educators Association
Representative: Jeff Kingsberg
Title: TVEA - President
Position: Oppose
Comments: Due to the condensed timeline and they said they didn't see a reason for change at this time.

Attachment A

6. Education Code or California Code of Regulations section to be waived

The Temecula Valley Unified School District desires to waive the following sections and portions of the Education Code lined out below:

§ 5019. Trustee areas and size of school district governing boards; powers of county committee; proposal and hearing

(a) Except in a school district governed by a board of education provided for in the charter of a city or city and county, in any school district or community college district, the county committee on school district organization may establish trustee areas, rearrange the boundaries of trustee areas, abolish trustee areas, and increase to seven or decrease to five the number of members of the governing board, or adopt one of the alternative methods of electing governing board members specified in Section 5030.

(b) The county committee on school district organization may establish or abolish a common governing board for a high school district and an elementary school district within the boundaries of the high school district. The resolution of the county committee on school district organization approving the establishment or abolition of a common governing board shall be presented to the electors of the school districts as specified in Section 5020.

(c) (1) A proposal to make the changes described in subdivision (a) or (b) may be initiated by the county committee on school district organization or made to the county committee on school district organization either by a petition signed by 5 percent or 50, whichever is less, of the qualified registered voters residing in a district in which there are 2,500 or fewer qualified registered voters, by 3 percent or 100, whichever is less, of the qualified registered voters residing in a district in which there are 2,501 to 10,000 qualified registered voters, by 1 percent or 250, whichever is less, of the qualified registered voters residing in a district in which there are 10,001 to 50,000 qualified registered voters, by 500 or more of the qualified registered voters residing in a district in which there are 50,001 to 100,000 qualified registered voters, by 750 or more of the qualified registered voters residing in a district in which there are 100,001 to 250,000 qualified registered voters, or by 1,000 or more of the qualified registered voters residing in a district in which there are 250,001 or more qualified registered voters or by resolution of the governing board of the district. For this purpose, the necessary signatures for a petition shall be obtained within a period of 180 days before the submission of the petition to the county committee on school district organization and the number of qualified registered voters in the district shall be determined pursuant to the most recent report submitted by the county elections official to the Secretary of State under Section 2187 of the Elections Code.

(2) When a proposal is made pursuant to paragraph (1), the county committee on school district organization shall call and conduct at least one hearing in the district on the matter. At the conclusion of the hearing, the county committee on school district organization shall approve or disapprove the proposal.

(d) If the county committee on school district organization approves pursuant to subdivision (a) [the rearrangement of the] boundaries of trustee areas for a particular district, then the [rearrangement of the] trustee areas shall be effectuated for the next district election occurring at least 120 days after [its] approval, [unless at least 5 percent of the registered voters of the district sign a petition requesting an election on the proposed rearrangement of trustee area boundaries. The petition for an election shall be submitted to the county elections official within 60 days of the proposal's adoption by the county

committee on school district organization. If the qualified registered voters approve pursuant to subdivision (b) or (c) the rearrangement of the boundaries to the trustee areas for a particular district, the rearrangement of the trustee areas shall be effective for the next district election occurring at least 120 days after its approval by the voters.]

[§ 5020. Presentation of proposal to electors]

[(a) The resolution of the county committee approving a proposal to establish or abolish trustee areas, to adopt one of the alternative methods of electing governing board members specified in Section 5030, or to increase or decrease the number of members of the governing board shall constitute an order of election, and the proposal shall be presented to the electors of the district not later than the next succeeding election for members of the governing board.

(b) If a petition requesting an election on a proposal to rearrange trustee area boundaries is filed, containing at least 5 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.

(c) If a petition requesting an election on a proposal to establish or abolish trustee areas, to increase or decrease the number of members of the board, or to adopt one of the alternative methods of electing governing board members specified in Section 5030 is filed, containing at least 10 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot. Before the proposal is presented to the electors, the county committee on school district organization may call and conduct one or more public hearings on the proposal.

(d) The resolution of the county committee approving a proposal to establish or abolish a common governing board for a high school and an elementary school district within the boundaries of the high school district shall constitute an order of election. The proposal shall be presented to the electors of the district at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.

(e) For each proposal there shall be a separate proposition on the ballot. The ballot shall contain the following words:

“For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District --Yes” and “For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District--No.”

"For increasing the number of members of the governing board of ____ (insert name) School District from five to seven--Yes" and "For increasing the number of members of the governing board of ____ (insert name) School District from five to seven--No."

"For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--Yes" and "For decreasing the number of members of the governing board of ____

(insert name) School District from seven to five--No."

"For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--No."

"For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--Yes" and "For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--No."

"For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--No."

"For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--Yes" and "For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--No."

If more than one proposal appears on the ballot, all must carry in order for any to become effective, except that a proposal to adopt one of the methods of election of board members specified in Section 5030 which is approved by the voters shall become effective unless a proposal which is inconsistent with that proposal has been approved by a greater number of voters. An inconsistent proposal approved by a lesser number of voters than the number which have approved a proposal to adopt one of the methods of election of board members specified in Section 5030 shall not be effective.]

§ 5021. Incumbents to serve out terms despite approval of change

(a) If a proposal for the establishment of trustee areas formulated under Section~~s~~ 5019 [and 5020] is approved [by a majority of the voters voting at the election], any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030. In the event two or more trustee areas are established [at such election] which are not represented in the membership of the governing board of the school district, or community college district the county committee shall determine by lot the trustee area from which the nomination and election for the next vacancy on the governing board shall be made.

(b) If a proposal for rearrangement of boundaries is approved by [a majority of the voters voting on the measure, or by] the county committee on school district organization [when no election is required], and if the boundary changes affect the board membership, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030.

(c) If a proposal for abolishing trustee areas is approved [by a majority of the voters voting at the election], the incumbent board members shall serve out their terms of office and succeeding board members shall be nominated and elected at large from the district.

§ 5030. Alternate method of election

Except as provided in Sections 5027 and 5028, in any school district or community college district having trustee areas, the county committee on school district organization and the registered voters of a district, pursuant to Section~~s~~ 5019 [and 5020,] respectively, may at any time recommend one of the following alternate methods of electing governing board members:

(a) That each member of the governing board be elected by the registered voters of the entire district.

(b) That one or more members residing in each trustee area be elected by the registered voters of that particular trustee area.

(c) That each governing board member be elected by the registered voters of the entire school district or community college district, but reside in the trustee area which he or she represents.

The recommendation shall provide that any affected incumbent member shall serve out his or her term of office and that succeeding board members shall be nominated and elected in accordance with the method recommended by the county committee.

Whenever trustee areas are established in a district, provision shall be made for one of the alternative methods of electing governing board members.

[In counties with a population of less than 25,000], the county committee on school district organization or the county board of education, if it has succeeded to the duties of the county committee, may at any time, by resolution, with respect to trustee areas established for any school district, other than a community college district, amend the provision required by this section without additional approval by the electors, to require one of the alternate methods for electing board members to be utilized.

Attachment B

7. Desired Outcome/ Rationale

The Temecula Valley Unified School District desires to have the requested Education Code sections waived because the waiver of these sections will allow the District to successfully adopt trustee areas and establish a by-trustee election process as expeditiously as possible, thereby enabling the District to avoid litigation resulting out of its current at-large election process for electing its governing board members.

The District currently utilizes an at-large election process to elect its governing board members. The District's failure to successfully adopt and implement trustee areas and a by-trustee area election process leaves it vulnerable to litigation in which the District would be exposed to potentially having to pay significant attorneys' fees to plaintiffs, which would pose an undue hardship and extreme detriment to the District and its students.

CVRA History

The California Legislature enacted the California Voting Rights Act of 2001. (*See* California Elections Code §§ 14025-14032). This legislation makes all at-large election systems in California for cities, school districts and special districts vulnerable to legal attack, largely on proof of racially polarized voting, regardless of whether a majority district can be formed and, under the interpretation adopted by plaintiffs in other pending CVRA cases, without regard to the electoral success of minority candidates or the need to prove actual racial injury exists.

The CVRA purports to alter several requirements that plaintiffs would have to prove under the Federal Voting Rights Act, thereby making it easier to challenge at-large election systems.

The first suit under the CVRA was filed against the City of Modesto in 2004. Modesto challenged the facial constitutionality of the CVRA on the basis that, by using race as the sole criterion of liability, the CVRA contains a suspect racial classification that California was required to justify under equal protection strict scrutiny standards. The trial court struck down the statute but the California Court of Appeal reversed. (*Sanchez v. City of Modesto* (2006) 145 Cal.App.4th 660).

The City of Modesto ultimately settled the litigation, but not before paying plaintiffs $3 million dollars in attorneys' fees to plaintiffs' attorneys (the prevailing party [other than a public agency] is entitled to an award of their attorneys' fees and costs under the CVRA) and another $1.7 million to its own attorneys.

Similarly, the Hanford Joint Union High School District was sued under the CVRA and after adopting trustee areas and establishing by-trustee area elections (and requesting and receiving the same waiver from the State Board of Education that is being requested here), paid plaintiffs in that lawsuit the sum of $110,000 pursuant to a settlement agreement. Most recently, the Madera Unified School District has been sued under the CVRA and their November 2008 governing board member election was enjoined by the court. The Plaintiffs in that case demanded $1.8 million in attorneys' fees from that District, though that amount was subsequently reduced by the trial court and upheld on appeal.

Normally, under Education Code section 5020, the County Committee on School District

organization, after conducting its own public hearing on the recommended plans, would call for an election and put the matter to a vote of the District's electors. However, going through an election process would prevent the District from electing successor trustees in a timely manner and leaves the District vulnerable to a lawsuit and injunction.

The requested waiver will allow the District to complete its transition to a by-trustee area election process in time to for the next governing board member election which will reduce the District's liability under the CVRA going forward.

California State Board of Education

Meeting Agenda Items for May 11-12, 2016

WAIVER ITEM W-19

ITEM #W-19

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2016 AGENDA

☒ **General Waiver**

SUBJECT Request by **Grossmont Union High School District** to waive California *Education Code* Section 5020, and portions of sections 5019, 5021, and 5030, that require a districtwide election to establish a by-trustee-area method of election. Waiver Number: 1-3-2016	☒ **Action** ☐ **Consent**

SUMMARY OF THE ISSUES

School districts that elect board members at-large face existing or potential litigation under the California Voting Rights Act of 2001 (CVRA). Pursuant to the California *Education Code* (*EC*), a district can change from at-large elections to by-trustee-area elections only if the change is approved by both the County Committee on School District Organization (County Committee) and voters at a districtwide election.

To reduce the potential for litigation and to establish by-trustee-area elections as expeditiously as possible, the Grossmont Union High School District (UHSD) requests that the California State Board of Education (SBE) waive the requirement that the by-trustee-area election method be approved at a districtwide election—allowing by-trustee-area elections to be adopted upon review and approval of the County Committee.

Authority for Waiver: *EC* Section 33050

RECOMMENDATION

☒ **Approval** ☐ **Approval with conditions** ☐ **Denial**

The California Department of Education (CDE) recommends the SBE approve the request by the Grossmont UHSD to waive *EC* Section 5020, and portions of sections 5019, 5021, and 5030, which require a districtwide election to approve a by-trustee-area method of election.

SUMMARY OF KEY ISSUES

Approval of the waiver request would eliminate the election requirement for approval of trustee areas and a by-trustee-area method of election for future board elections in the Grossmont UHSD. Voters in the district will continue to elect all board members—

however, if the waiver request is approved, all board members will be elected by trustee areas, beginning with the next board election.

The County Committee has the authority to approve or disapprove the adoption of trustee areas and the method of election for school district governing board elections. Pursuant to *EC* Section 5020, County Committee approval of trustee areas and election method constitutes an order of election; thus, voters in the district have final approval.

Many districts in California are facing existing or potential litigation under the CVRA because of their at-large election methods. To help avoid potential litigation, the Grossmont UHSD is taking action to establish trustee areas and adopt a by-trustee-area election method. In order to establish the trustee areas and the method of election as expeditiously as possible, the district is requesting that the SBE waive the requirement that the trustee areas and the election method be approved at a districtwide election. If the SBE approves the waiver request, a by-trustee-area election method can be adopted in the district upon review and approval of the County Committee without a subsequent local election to approve the change.

Only the election to establish trustee areas and the election method will be eliminated by approval of the waiver request—voters in the school district will continue to elect all governing board members. Moreover, approval of the waiver request will not eliminate any existing legal rights of currently seated board members.

The waiver request has been reviewed by the CDE and it has been determined that there was no significant public opposition to the waiver at the public hearing held by the governing board of the district. 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 the SBE approve the request by the Grossmont UHSD to waive *EC* Section 5020, and portions of sections 5019, 5021, and 5030, which require a districtwide election to approve a by-trustee-area method of election.

Demographic Information:

The Grossmont UHSD has a student population of 22,000 and is located in a suburban area of 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&sectionNum=33051.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has approved more than 125 similar waivers—most recently at the March 2016 SBE meeting for the Anaheim City School District (SD) in Orange County and the Fullerton Elementary SD, also in Orange County.

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of the waiver request will not have negative fiscal effects on any local or state agency. Failure to approve the request will result in additional costs to the Grossmont UHSD for a districtwide election.

ATTACHMENT(S)

Attachment 1: Summary Table (1 page)

Attachment 2: Grossmont Union High School District General Waiver Request 1-3-2016 (9 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
1-3-2016	Grossmont Union High School District	**Requested:** May 1, 2016 to April 30, 2018 **Recommended:** May 2, 2016 to April 30, 2018	Grossmont Education Association, Fran Zumwalt President 2/22/2016 **Support** California School Employees Association, David Golden President 2/25/2016 **Support** Service Employees International Union, David Garcias President 2/24/2016 **Support**	2/25/2016	The public hearing notice was posted at all school-sites, on the District's Web site, in a local newspaper, and at all East County libraries; notice was also distributed to key groups, including school principals and component elementary school districts.	Reviewed by the District English Learner Advisory Committee and the District Advisory Council 2/12/2016 **No objections**

Created by California Department of Education
April 4, 2016

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3768130 Waiver Number: 1-3-2016 Active Year: 2016

Date In: 3/1/2016 12:57:27 PM

Local Education Agency: Grossmont Union High School District
Address: 1100 Murray Dr.
La Mesa, CA 91944

Start: 5/1/2016 End: 4/30/2018

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: 5019, 5020, 5021, 5030
Ed Code Authority: 33050 et seq

Ed Code or *CCR* to Waive: See Exhibit A hereto

Outcome Rationale: See Exhibit B hereto

Student Population: 22000

City Type: Suburban

Public Hearing Date: 2/25/2016
Public Hearing Advertised: District's Website; Published in East County Californian on 1/14/16; Posted at all GUHSD locations; Posted at All E. Co. Libraries; Distributed to Key Groups, incl. Principals, Feeder Districts, etc.

Local Board Approval Date: 2/25/2016

Community Council Reviewed By: District Advisory Council; District English Learners Advisory Council
Community Council Reviewed Date: 2/12/2016
Community Council Objection: N
Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Christopher Skinnell
Position: Special Counsel/Superintendent's Designee
E-mail: cskinnell@nmgovlaw.com
Telephone: 415-389-6800
Fax:

Bargaining Unit Date: 02/25/2016
Name: California School Employees Association Grossmont Chapter 443
Representative: David Golden
Title: President
Position: Support
Comments:

Bargaining Unit Date: 02/22/2016
Name: Grossmont Education Association
Representative: Fran Zumwalt
Title: President
Position: Support
Comments:

Bargaining Unit Date: 02/24/2016
Name: Service Employees International Union, Local 221
Representative: David Garcias
Title: President
Position: Support
Comments:

EXHIBIT A – TEXT OF PROPOSED WAIVER

(From http://www.cde.ca.gov/re/lr/wr/schooldistreog.asp)

§ 5019. Trustee areas and size of school district governing boards; powers of county committee; proposal and hearing

(a) Except in a school district governed by a board of education provided for in the charter of a city or city and county, in any school district or community college district, the county committee on school district organization may establish trustee areas, rearrange the boundaries of trustee areas, abolish trustee areas, and increase to seven or decrease to five the number of members of the governing board, or adopt one of the alternative methods of electing governing board members specified in Section 5030.

(b) The county committee on school district organization may establish or abolish a common governing board for a high school district and an elementary school district within the boundaries of the high school district. The resolution of the county committee on school district organization approving the establishment or abolition of a common governing board shall be presented to the electors of the school districts as specified in Section 5020.

(c) (1) A proposal to make the changes described in subdivision (a) or (b) may be initiated by the county committee on school district organization or made to the county committee on school district organization either by a petition signed by 5 percent or 50, whichever is less, of the qualified registered voters residing in a district in which there are 2,500 or fewer qualified registered voters, by 3 percent or 100, whichever is less, of the qualified registered voters residing in a district in which there are 2,501 to 10,000 qualified registered voters, by 1 percent or 250, whichever is less, of the qualified registered voters residing in a district in which there are 10,001 to 50,000 qualified registered voters, by 500 or more of the qualified registered voters residing in a district in which there are 50,001 to 100,000 qualified registered voters, by 750 or more of the qualified registered voters residing in a district in which there are 100,001 to 250,000 qualified registered voters, or by 1,000 or more of the qualified registered voters residing in a district in which there are 250,001 or more qualified registered voters or by resolution of the governing board of the district. For this purpose, the necessary signatures for a petition shall be obtained within a period of 180 days before the submission of the petition to the county committee on school district organization and the number of qualified registered voters in the district shall be determined pursuant to the most recent report submitted by the county elections official to the Secretary of State under Section 2187 of the Elections Code.

(2) When a proposal is made pursuant to paragraph (1), the county committee on school district organization shall call and conduct at least one hearing in the district on the matter. At the conclusion of

the hearing, the county committee on school district organization shall approve or disapprove the proposal.

(d) If the county committee on school district organization approves pursuant to subdivision (a) **[**the rearrangement of the **]**boundaries of trustee areas for a particular district, then the **[**rearrangement of the **]**trustee areas shall be effectuated for the next district election occurring at least 120 days after its approval**[**, unless at least 5 percent of the registered voters of the district sign a petition requesting an election on the proposed rearrangement of trustee area boundaries. The petition for an election shall be submitted to the county elections official within 60 days of the proposal's adoption by the county committee on school district organization. If the qualified registered voters approve pursuant to subdivision (b) or (c) the rearrangement of the boundaries to the trustee areas for a particular district, the rearrangement of the trustee areas shall be effective for the next district election occurring at least 120 days after its approval by the voters**]**.

[Note: The words "...the rearrangement of the...", "...rearrangement of the..." and "...unless at least 5 percent of the registered voters of the district sign a petition requesting an election on the proposed rearrangement of trustee area boundaries. The petition for an election shall be submitted to the county elections official within 60 days of the proposal's adoption by the county committee on school district organization. If the qualified registered voters approve pursuant to subdivision (b) or (c) the rearrangement of the boundaries to the trustee areas for a particular district, the rearrangement of the trustee areas shall be effective for the next district election occurring at least 120 days after its approval by the voters..." have been stricken out from the preceding section 5019.]

[§ 5020. Presentation of proposal to electors

(a) The resolution of the county committee approving a proposal to establish or abolish trustee areas, to adopt one of the alternative methods of electing governing board members specified in Section 5030, or to increase or decrease the number of members of the governing board shall constitute an order of election, and the proposal shall be presented to the electors of the district not later than the next succeeding election for members of the governing board.

(b) If a petition requesting an election on a proposal to rearrange trustee area boundaries is filed, containing at least 5 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.

(c) If a petition requesting an election on a proposal to establish or abolish trustee areas, to increase or decrease the number of members of the board, or to adopt one of the alternative methods of electing governing board members specified in Section 5030 is filed, containing at least 10 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot. Before the proposal is presented to the electors, the county committee on school district organization may call and conduct one or more public hearings on the proposal.

(d) The resolution of the county committee approving a proposal to establish or abolish a common governing board for a high school and an elementary school district within the boundaries of the high school district shall constitute an order of election. The proposal shall be presented to the electors of the district at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.

(e) For each proposal there shall be a separate proposition on the ballot. The ballot shall contain the following words:"For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District --Yes" and "For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District--No."

"For increasing the number of members of the governing board of ____ (insert name) School District from five to seven--Yes" and "For increasing the number of members of the governing board of ____ (insert name) School District from five to seven--No."

"For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--Yes" and "For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--No."

"For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--No."

"For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--Yes" and "For the

election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--No."

"For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--No."

"For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--Yes" and "For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--No."

If more than one proposal appears on the ballot, all must carry in order for any to become effective, except that a proposal to adopt one of the methods of election of board members specified in Section 5030 which is approved by the voters shall become effective unless a proposal which is inconsistent with that proposal has been approved by a greater number of voters. An inconsistent proposal approved by a lesser number of voters than the number which have approved a proposal to adopt one of the methods of election of board members specified in Section 5030 shall not be effective.**]**

[Note: The preceding section 5020 has been stricken out.]

§ 5021. Incumbents to serve out terms despite approval of change

(a) If a proposal for the establishment of trustee areas formulated under Section~~s~~ 5019 **[**and 5020 **]**is approved **[**by a majority of the voters voting at the election**]**, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030. In the event two or more trustee areas are established **[**at such election **]**which are not represented in the membership of the governing board of the school district, or community college district the county committee shall determine by lot the trustee area from which the nomination and election for the next vacancy on the governing board shall be made.

(b) If a proposal for rearrangement of boundaries is approved by **[**a majority of the voters voting on the measure, or by**]** the county committee on school district organization **[**when no election is required**]**, and if the boundary changes affect the board membership, any affected incumbent board member shall

serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030.

(c) If a proposal for abolishing trustee areas is approved **[**by a majority of the voters voting at the election**]**, the incumbent board members shall serve out their terms of office and succeeding board members shall be nominated and elected at large from the district.

[Note: The words "...and 5020...", "...by a majority of the voters voting at the election...", "...at such election...", "...a majority of the voters voting on the measure, or by...", "...when no election is required..." and "...by a majority of the voters voting at the election..." have been stricken out from the preceding section 5021.]

§ 5030. Alternate method of election

Except as provided in Sections 5027 and 5028, in any school district or community college district having trustee areas, the county committee on school district organization and the registered voters of a district, pursuant to Section**[**s**]** 5019 **[**and 5020**]**, respectively, may at any time recommend one of the following alternate methods of electing governing board members:

(a) That each member of the governing board be elected by the registered voters of the entire district.

(b) That one or more members residing in each trustee area be elected by the registered voters of that particular trustee area.

(c) That each governing board member be elected by the registered voters of the entire school district or community college district, but reside in the trustee area which he or she represents.

The recommendation shall provide that any affected incumbent member shall serve out his or her term of office and that succeeding board members shall be nominated and elected in accordance with the method recommended by the county committee.

Whenever trustee areas are established in a district, provision shall be made for one of the alternative methods of electing governing board members.

[In counties with a population of less than 25,000, **]**the county committee on school district organization or the county board of education, if it has succeeded to the duties of the county committee, may at any time, by resolution, with respect to trustee areas established for any school district, other than a community college district, amend the provision required by this section without additional approval by the electors, to require one of the alternate methods for electing board members to be utilized.

[Note: The words "...and 5020..." and "...In counties with a population of less than 25,000,..." have been stricken out from the preceding section 5030.]

Attachment B

Desired Outcome/Rationale

The waiver of the election requirements in 5019(d), 5020, 5021 and 5030 will enable the Grossmont Union High School District ("GUHSD" or "District") to implement a new "by-trustee area" electoral system for its November 2012 elections, will ensure that the District proceeds in the most efficient and cost-effective manner, and will help protect the District from legal challenges. Approval of the waiver request will not remove the requirement that any future District governing board member be elected by voters in the District. The waiver only eliminates the requirement that an election be held to determine the method by which future board members will be elected.

Southern California has recently become a hotbed of potential litigation under the California Voting Rights Act of 2002, codified at sections 14025–14032 of the California Elections Code ("CVRA"). The CVRA enables voters to challenge "at-large" electoral systems in which elections are characterized by "racially-polarized voting." As importantly, it authorizes mandatory attorneys' fee and expert fee awards to successful plaintiffs.

Litigation under the Act has resulted in fee awards as high as 7 figures. The City of Modesto defended against a suit under the CVRA and ended up paying $3 million to plaintiffs' attorneys, in addition to $1.7 million to its own attorneys. While that case involved an appeal and (unsuccessful) petitions for review and certiorari to the California and U.S. Supreme Courts, the $4.7 million did not include any costs for an actual trial, as the case never reached that state, settling before that time. And then in 2013, the City of Palmdale was sued under the CVRA, and it paid more than $5 million. Numerous other jurisdictions have paid six- and seven-figure fee awards.

GUHSD currently elects its five-member board in "at-large" elections (*i.e.,* elections in which each candidate for the Board is elected by all voters in the District) pursuant to Education Code § 5030(a). In November 2015, the Board received a letter from a local attorney, demanding that it move to trustee-area elections in time for the November 2016 elections or face suit under the CVRA.

On January 14, 2016, the Board adopted Resolution No. 2016-21, initiating an application to the San Diego County Committee on School District Organization ("County Committee") to change the District's method of election to "by-trustee area" elections, *i.e.,* elections in which "one or more members residing in each trustee area [is] elected by the registered voters of that particular trustee area[,]" Cal. Elec. Code § 5030(b).1

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1 This does not represent a concession by the District that a CVRA suit would be meritorious. There is presently not any formal allegation of racially-polarized voting in District elections. But no case has yet definitively construed the Act's many ambiguous provisions, and there are outstanding questions about what a plaintiff must prove to prevail under the Act. That uncertainty, coupled with the potential for massive fee awards, creates a significant disincentive to contest such a suit.

On February 25, 2016, after conducting multiple public hearings on proposed maps, the GUHSD Board adopted a trustee area plan for submission to, and approval by, the County Committee. Action is expected on that proposal in the next few months.

In the normal course, the County Committee's approval of a change to the District's electoral system would act as an order of election, submitting the change to the District's voters at the November 2016 election. That, however, will preclude the District from implementing the new system in time for that election. Accordingly, the Board consulted with its advisory committees and bargaining units, and held a duly-noticed public hearing, and on February 25, 2016, unanimously approved submission of a waiver of the electoral requirement.

If the waiver is approved, a local election would not be held: the system for electing trustees would change pursuant to the Resolutions adopted by the GUHSD Board in January and February, and the approval of the County Committee. This waiver application is submitted contingent upon approval of the application by the County Committee.

The District is also proposing a trustee area boundary plan for the County Committee's consideration and approval, following an extensive public process. Though that plan will not be subject to an automatic vote of the people, it is subject to the possibility of a referendum under § 5019(d). Such a referendum, if qualified, would defeat the District's ability to implement by-trustee area elections in 2016.

The GUHSD Board has unanimously determined that the public interest would be better served if trustees were elected by-trustee areas and makes the following points in support of the waiver:

1. Questions have been raised about the current electoral system's legality under the California Voting Rights. Act. If not waived and if a measure to institute by-trustee area elections is defeated, the District would continue to be vulnerable to a legal challenge regarding the establishing of by-trustee area elections. Though the District does not concede that the current system would violate the CVRA, it has no desire to risk costly litigation under the Act.

2. The request for waiver is contingent upon the County Committee's approval of by-trustee area elections. The SBE can therefore grant this waiver with the assurance that the District's proposal will nevertheless be subjected to independent review by the County Committee, composed of disinterested officials familiar with local circumstances.

3. The Board of Trustees voted unanimously in favor of Resolution Nos. 2016-21 (initiating trustee area process) and 2016-34 (approving application for waiver).

4. There has been minimal opposition to the plan.

California State Board of Education

Meeting Agenda Items for May 11-12, 2016

WAIVER ITEM W-20

ITEM #W-20

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2016 AGENDA

☒ **Specific Waiver**

SUBJECT Request by **Bellflower Unified School District** under the authority of California *Education Code* Section 49548 to waive *Education Code* Section 49550, the State Meal Mandate, during the summer school session. Waiver Number: 13-3-2016	☒ **Action** ☐ **Consent**

SUMMARY OF THE ISSUE(S)

California *Education Code* (*EC*) Section 49550, known as the State Meal Mandate, requires that public school districts and county offices of education provide a meal to needy students every school day. *EC* Section 49548 requires that the State Board of Education (SBE) grant requests for waivers to *EC* 49550 during summer school sessions if the requestor meets one of three criteria.

The Bellflower Unified School District (BUSD) is requesting a waiver to the State Meal Mandate for its 2016 summer school session. BUSD's request is based upon meeting Condition Two, financial loss incurred due to providing meals during summer school.

Authority for Waiver: *EC* Section 49548

RECOMMENDATION

☐ **Approval** ☐ **Approval with conditions** ☒ **Denial**

The California Department of Education (CDE) recommends that the SBE deny this waiver because BUSD has not demonstrated that it meets Condition Two.

SUMMARY OF KEY ISSUES

School sites operating a summer school session shall be granted a waiver so that meals do not have to be served if they meet one of the following conditions:

CONDITION ONE

Elementary schools shall be granted a waiver if a Summer Food Service Program (SFSP) for children site is available within one-half mile of the school site. Middle

schools, junior high schools, and high schools shall be granted a waiver if a SFSP site is available within one mile of the school site. Additionally, one of the following conditions must exist:

- The hours of operation of the SFSP site commence no later than one-half hour after the completion of the summer school session day.

- The hours of operation of the SFSP site conclude no earlier than one hour after the completion of the summer school session day.

For purposes of this section of law, “elementary school” means a public school that maintains kindergarten or any of grades first through eighth inclusive.

CONDITION TWO

Serving meals during the summer school session would result in a financial loss to the school district, documented in a financial analysis performed by the school district, in an amount equal to one-third of the net cash resources as defined in Title 7, *Code of Federal Regulations*, Section 210.2, which, for purposes of this section of law, shall exclude funds that are encumbered. If there are no net cash resources, the financial loss must be greater than or equal to the operating costs of one month as averaged over the summer school sessions.

The financial analysis must include a projection of future meal program participation based on either of the following:

- The meal service period beginning after the commencement of the summer school session day and concluding before the completion of the summer school session day. In other words, districts must project profit or loss based on serving a breakfast or a lunch **during school hours** and not before or after the school day.

- The school site operating as an open Summer Seamless Feeding Option or a SFSP site, and providing adequate notification thereof, including flyers and banners, in order to fulfill community needs under the SFSP.

CONDITION THREE

Summer school sites that operate two hours or less including breaks and recess shall be granted a waiver.

The BUSD requests a waiver from the State Meal Mandate, which requires that it provide a meal to every needy student attending summer school at Mayfair High School. The BUSD’s waiver request is based on meeting **Condition Two**, which requires the BUSD to document that serving meals to needy children during the summer school session would result in financial loss to the District. The District must provide a financial analysis to substantiate that the District will incur a financial loss

equal to or greater than one-third of its Cafeteria Fund's net cash resources, as defined in 7 *CFR* 210.2.

The BUSD's NCR was reportedly $1,009,292 with one-third totaling $336,431. The District reported the following projected fiscal information related to providing meals to needy students during its summer session:

Program Revenue:	**$29,846**
Program Expenses:	**$30,180**
Program Income / (Loss):	**($324)**

The BUSD's financial analysis indicates a projected loss of $324, which is less than one-third ($336,431) of its reported NCR balance of $1,009,292. However, the BUSD contends that it does not agree with the conditions in *EC* 49548 and that any loss should qualify them for a waiver.

Summary/Recommendation

Regardless of the BUSD's concerns regarding *EC* 49548, it clearly does not meet any of the conditions required to qualify for a summer meal waiver. Therefore, the CDE recommends denial based upon based on not meeting Condition Two.

Authority for Waiver: *EC* Section 49548

Bargaining unit(s) consulted on date(s): Not required

Authority for Waiver: *EC* Section 49548

Bargaining unit(s) consulted on date(s): Not required

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of the waivers may reduce the draw on Proposition 98 funds at the State level. Local district finances may be affected.

ATTACHMENT(S)

Attachment 1: Districts Not Meeting Statutory Waiver Conditions (1 page)

Attachment 2: Bellflower Unified School District Specific Waiver Request 13-3-2016 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Districts Not Meeting Statutory Waiver Conditions

Waiver Number	District	School Site	Period of Request	Local Board Approval Date	Condition Not Being Met
13-3-2016	Bellflower Unified School District	Mayfair High School	**Requested:** 6/20/2016 to 8/1/2016 **Not Recommended:** 6/20/2016 to 8/1/2016	3/10/2016	Two

Created by the California Department of Education
March 7, 2016

California Department of Education
WAIVER SUBMISSION - Specific

CD Code: 1964303 Waiver Number: 13-3-2016 Active Year: 2016

Date In: 3/11/2016 4:16:59 PM

Local Education Agency: Bellflower Unified School District
Address: 16703 South Clark Ave.
Bellflower, CA 90706

Start: 6/20/2016 End: 8/1/2016

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

Waiver Topic: State Meal Mandate
Ed Code Title: Summer School Session
Ed Code Section: 49550
Ed Code Authority: 49548

Ed Code or *CCR* to Waive: In order to meet the meal requirement of *EC* Section 49550, schools may serve breakfast or lunch to summer and/or Saturday school students. Districts that serve breakfast at summer and/or Saturday school site(s) are in compliance with *EC* Section 49550 and a waiver is not necessary. If the summer and/or Saturday school site(s) is not approved for the SBP, the district may submit a revised School Nutrition Programs (SNP) site application online in the Child Nutrition Information and Payment System (CNIPS) to add the site(s) to the district's SBP agreement. If the district does not participate in the SBP and wishes to apply, please contact your SNP analyst. You can find your analyst in the SNP County Caseload (Form SNP 20) list, located in the Download Forms section in the CNIPS.

Outcome Rationale: Waiver Condition 2. Financial Loss.

Student Population: 12898

City Type: Urban

Local Board Approval Date: 3/10/2016

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Mariamanda Sarabia
Position: Director
E-mail: msarabia@busd.k12.ca.us
Telephone: 562-866-4192 x7801
Fax: 562-866-4192

DISTRICT INFORMATION

Site Name: Mayfair High School		
Summer School day at this site begins: 7:30 AM and ends: 2:00 PM Total Time: 6 hours 30 minutes (Hrs/Min)		
Meals offered during regular school year: Breakfast ☒ Lunch ☒		
Meal time at this site for the summer session begins: A break is scheduled from 9:30 AM and ends: 9:45 AM		
Check which condition below meets your circumstances:		
Condition ONE ☐	Condition TWO ☒	Condition THREE ☐

Site Name:		
Summer School day at this site begins: 7:30 AM and ends: 2:00 PM Total Time: 6 hours 30 minutes (Hrs/Min)		
Meals offered during regular school year: Breakfast ☒ Lunch ☒		
Meal time at this site for the summer session begins: A break is scheduled from 9:30 AM and ends: 9:45 AM		
Check which condition below meets your circumstances:		
Condition ONE ☐	Condition TWO ☒	Condition THREE ☐

Site Name:		
Summer School day at this site begins: and ends: Total Time: (Hrs/Min)		
Meals offered during regular school year: Breakfast ☐ Lunch ☐		
Meal time at this site for the summer session begins: and ends:		
Check which condition below meets your circumstances:		
Condition ONE ☐	Condition TWO ☐	Condition THREE ☐

Summer meal waiver requests, including all required attachments, must be received in the California Department of Education's online waiver system no later than 60 days prior to the last regular meeting of the State Board of Education before the commencement of the summer school session for which the waiver is sought. Therefore, please have your completed summer school meal waiver request submitted by March 10, 2016 at the latest.

If you have questions regarding the attachments to the waiver or how to meet the waiver criteria, please contact Donna Reedy, School Nutrition Programs Analyst, Nutrition Services Division, at dreedy@cde.ca.gov.

California State Board of Education

Meeting Agenda Items for May 11-12, 2016

ITEM 10

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2016 AGENDA

SUBJECT	
California Assessment of Student Performance and Progress: Re-adoption of the Finding of Emergency and Proposed Emergency Regulations for Amendments to the *California Code of Regulations*, Title 5, Sections 850 through 864.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

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

Following the completion of the first operational administration of the CAASPP System on July 31, 2015, the CDE identified changes required to the CAASPP regulations in order to improve the test administration process, incorporate policy changes made by the Smarter Balanced Assessment Consortium (Consortium), and add policies for the new California Alternate Assessment (CAA). These proposed changes were approved on an emergency basis by the State Board of Education (SBE) at the November 2015 SBE meeting. These emergency regulations are due to expire May 24, 2016. Also at the November 2015 SBE meeting, under separate item, the SBE approved commencement of the permanent rulemaking process to make permanent changes to the CAASPP regulations.

At the March 2016 SBE meeting, amendments to the proposed permanent regulations were approved for circulation to the public for a 15-day public comment period. Also at this meeting, the SBE directed that if no relevant comments to the proposed changes were received during the public comment period, the proposed regulations with changes were deemed adopted and the CDE was directed to complete the rulemaking package and submit it to the Office of Administrative Law (OAL) for approval. The SBE further authorized the CDE to take any necessary ministerial action to respond to any direction or concern expressed by OAL during its review of the rulemaking process.

No relevant comments to the proposed changes were received during the 15-day public comment period. Therefore, the CDE completed the permanent rulemaking package and has since submitted it to the OAL, which is currently undergoing its review and approval process. While it is expected that the OAL will grant approval of the permanent

rulemaking package on or before May 24, 2016 (when the emergency regulations are scheduled to expire), it is possible that the OAL approval process may extend beyond that date. Therefore, in order to ensure continuity during the CAASPP testing season, it is necessary to re-adopt the emergency regulations for an additional 90 days to enable the consistent completion of all testing and reporting activities of the 2016 CAASPP assessments until the permanent rulemaking process has been completed. Once the permanent rulemaking package has been approved by the OAL and deemed effective with the Secretary of State's office, the permanent regulations will supersede any emergency regulations.

RECOMMENDATION

The CDE recommends the SBE take the following actions:

- Approve the revised Finding of Emergency (FOE)
- Re-adopt the proposed emergency regulations
- Direct the CDE to circulate the required Notice of Proposed Emergency Action, and then resubmit the emergency regulations for re-adoption to the OAL for approval
- 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 revised 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 (AB) 484 deleting the provisions of the *EC* referencing the STAR Program and established the CAASPP System.

Pursuant to *EC* Section 60640(q), *California Code of Regulations*, Title 5, Sections 850 to 864 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 March 2015 through July 2015, and included the new computer-based assessments provided by the Consortium. After conducting a post-test evaluation with the help of their testing contractor, the CDE recommended changes to the CAASPP regulations to address the Consortium's policy changes, to improve test administration, and to create regulations for the new CAAs.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At its March 2016 meeting, the SBE

- Approved the changes to the proposed permanent regulations and directed that the amended regulations be circulated for a 15-day public comment period in accordance with the Administrative Procedure Act (March 10–25, 2016)

- Directed the CDE, assuming no relevant comments to the proposed changes were received, to deem the proposed permanent regulations adopted and complete the rulemaking package and submit it to the OAL for approval

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

  http://www.cde.ca.gov/be/ag/ag/yr16/documents/mar16item04a4.pdf

At its November 2015 meeting, the SBE took the following actions:

- Approved the FOE

- Adopted the proposed emergency regulations

- Directed the CDE to circulate the required Notice of Proposed Emergency Action and submit the emergency regulations to the OAL for approval

  http://www.cde.ca.gov/be/ag/ag/yr15/documents/nov15item06-revised.doc
  http://www.cde.ca.gov/be/ag/ag/yr15/documents/nov15item0506-letter.doc
  http://www.cde.ca.gov/be/ag/ag/yr15/documents/nov15item0506-letter-rev.doc

After the SBE approved the FOE and emergency regulations, the documents were sent on November 5, 2015, to the CDE's interested parties' list. A mandatory five working day pre-notification period was held from November 6–13, 2015.

On November 13, 2015, the CDE filed the FOE and proposed emergency regulations with the OAL. The OAL approved the FOE and emergency regulations on November 23, 2015. The regulations are effective for 180 days and will expire on May 24, 2016.

In addition to adopting the emergency regulations, the SBE took the following steps at its November 2015 meeting with respect to the proposed permanent CAASPP regulations:

- Approved the Notice of Proposed Rulemaking

- Approved the Initial Statement of Reasons (ISOR)

- Approved the proposed regulations
- Directed the CDE to commence the permanent rulemaking process
- Authorized 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

http://www.cde.ca.gov/be/ag/ag/yr15/documents/nov15item05-revised.doc
http://www.cde.ca.gov/be/ag/ag/yr15/documents/nov15item05addendum.doc

FISCAL ANALYSIS (AS APPROPRIATE)

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

ATTACHMENT(S)

Attachment 1: Finding of Emergency (8 pages)

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

Attachment 3: Notice of Proposed Emergency Action – Re-adoption (1 page)

Attachment 4: Economic and Fiscal Impact Statement (STD. 399) (5 pages)

FINDING OF EMERGENCY
READOPTION OF EMERGENCY REGULATIONS

California Assessment of Student Performance and Progress (CAASPP)

The State Board of Education (SBE) finds that an emergency continues to exist and that the emergency regulations, California Code of Regulations, title 5, sections 850 – 864, effective November 23, 2015, must be readopted pursuant to Government Code section 11346.1(h) in order to avoid serious harm to the public peace, health, safety, or general welfare, especially the welfare of pupils attending California's public schools.

NECESSITY FOR EXTENSION

At its November 2015 meeting, the SBE approved the Finding of Emergency and proposed emergency regulations and directed the California Department of Education (CDE) to circulate the required Notice of Proposed Emergency Action and submit the emergency regulations to the Office of Administrative Law (OAL) for approval. As discussed below, these regulations were necessary on an emergency basis to immediately implement the alignment of state regulations with updated Smart Balanced Assessment Consortium (Consortium) policies and procedures, to recognize the California Alternate Assessments (CAAs) as the successor assessment to the California Alternate Performance Assessment for English Language Arts (ELA) and mathematics, 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.

At the same November 2015 meeting, the SBE approved commencement of the permanent rulemaking package by approving the Notice of Proposed Rulemaking, the Initial Statement of Reasons, and the proposed regulations. The SBE sent the regulations out for a 45-day comment period, commencing on November 21, 2015, and ending on January 5, 2016. Substantive comments were received in response to the proposed changes to the regulations. Based on those comments, additional proposed changes were made to the regulations. The CDE brought the proposed changes to the regulations back to the SBE for review at its March 2016 meeting.

At its March 2016 meeting, the SBE approved the changes to the proposed regulations and directed that they be circulated for a 15-day public comment period, which took place between March 10, 2016, and March 25, 2016. At this same meeting the SBE directed that if no relevant comments to the proposed changes were received during the public comment period, the CDE was to deem the proposed changes to the regulations adopted and finalize the permanent rulemaking package for submission to the OAL for review and approval. No comments were received during this comment period and therefore the regulations were deemed adopted by the SBE and were submitted to the OAL for review and approval.

Despite the fact that the permanent rulemaking package has been submitted to the OAL for final review and approval, it is necessary to re-adopt the existing emergency

regulations for an additional 90-day period. The emergency regulations are set to expire May 24, 2016. OAL's review and approval process may not be completed by then. Moreover, if the OAL determines that there is a need for a second 15-day comment period, the regulations will have to go back before the SBE and they will not meet again until July 2016. In either case, there would be a lapse between the time when emergency regulations expire and the permanent regulations take effect.

The re-adoption of the emergency regulations is necessary and appropriate in this case. First, as detailed above, the CDE has made substantial progress in the permanent rulemaking process and proceeded with diligence to comply with Government Code section 11346.1(e). Second, the emergency circumstances which existed back in November 2015, and which are illustrated specifically below, have not changed since that time. Testing for the 2015–2016 school year will continue through July and be followed by post-test activities (e.g. scoring, reporting, apportionment, appeals filing). The field requires consistent guidance for all phases of CASSPP testing activities which the regulations provide. Moreover, even after testing is completed, these emergency regulations are necessary in the event that the permanent regulations have not yet been approved. Below are the specific facts demonstrating the existence of an emergency and the need for immediate action which were promulgated in November and which continue to be true today.

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 proceed in a timely manner 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 pupils.

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 (AB) 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 law. 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 OAL on August 27, 2014. Under these newly-adopted regulations, the first operational administration of the new online CAASPP assessments in ELA and mathematics took place March 10 through July 31, 2015.

These new online assessments are provided by the 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 pupil. 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 importance 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 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 than 15,500 LEAs and school staff and several focus groups consisting of pupils, teachers, and parents, were not available until late August 2015. While statewide administration of the new online consortium assessments in mathematics and ELA to 3.2 million pupils 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 LEAs 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 CAA 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 (ELs) and pupils with disabilities receive the supports that will provide fair opportunities to demonstrate their knowledge. These amendments strive to continue and update alignment to Consortium policies. 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 pupils’ IEPs. The validity and reliability of test measures will be strengthened as a result of the proposed amendments to meet state and 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 CAA 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 pupils 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 SBE meeting. 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 45-day public comment period for permanent regulations	November 21 – January 5, 2016
SBE approves a 15-day comment period	March 9-10, 2016
15-day comment period	March 10-25, 2016
Submit rulemaking to OAL if no comments are received and SBE adopts regulations (OAL has 30 working days to review file)	April 6, 2016
SBE approves first 90-day re-adoption/extension of emergency regulations at May Board Meeting	May 11-12, 2016
Submit request for first 90-day extension of emergency regulations to OAL in case a second 15-day is required after OAL review.	May 19, 2016 (First extension effective May 30, expires on/about September 1, 2016)
IF OAL Approval – Regulations effective immediately	May 18, 2016
IF second 15-day is required, SBE approves second 15-day comment period and second 90-day re-adoption/extension of emergency regulations at July Board meeting.	July 13-14, 2016
Second 15-day comment period	July 16-August 1, 2016
Submit request for 2nd 90-day extension of emergency regulations to OAL in case a third 15-day is required.	July 21, 2016 (Second extension effective August 1, 2016, expires on/about November 1, 2016)
Resubmit rulemaking file to OAL if no comments are received and SBE adopts regulations (OAL has 30 working days to review file)	August 5, 2016
IF OAL Approval – Regulations effective immediately	September 15, 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 pupils 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 clarity 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 pupils who can benefit from them, such as pupils with disabilities, and language supports for ELs; clear and efficient procedures for filing appeals which will affect reporting accuracy and timeliness; and addition of options 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 pupils' 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." 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 from the 2015 California Assessment of Student Performance and Progress (CAASPP) Administration of the Smarter Balanced Online Assessments." A copy of this document can be obtained at http://www.cde.ca.gov/be/pn/im/documents/memodsibadad-oct15item02.doc.

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, 20 U.S.C. Section 6311, to annually test all pupils 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.

04-07-16 [California Department of Education]

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

Title 5. EDUCATION

Division 1. California Department of Education

Chapter 2. Pupils

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

Article 1. General

§ 850. Definitions.

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

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

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

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

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

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

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

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

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

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

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

(k)~~(i)~~ “California Standards Test~~s~~ for Science (CST~~s~~ Science)” is the assessment and ~~its~~ corresponding test materials for science that measure the degree to which pupils are achieving the state content standards in science pursuant to Education Code

section 60605.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(t)~~(s)~~ “Primary language test” means a test as provided in Education Code section~~s~~ 60640(b) and ~~(c)~~(j) and its corresponding test materials in each primary language for which a test is available for English learners (ELs) and pupils enrolled in dual immersion program. The primary language test is the Standards-based Tests in Spanish (STS), until a successor test becomes available.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) an employee of an LEA;

(2) an employee of the NPS; or

(3) a person supervised by an employee of an LEA or an employee of the NPS.

(aj)~~(ag)~~ "Universal tools" are resources of the CAASPP tests that are available to all pupils.

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

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

Article 2. Achievement Tests and Any Primary Language Test

§ 851. Pupil Testing.

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

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

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

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

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

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

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

§ 851.5. Eligible Pupil.

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

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

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

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

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

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

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

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

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

§ 853. Administration.

(a) The CAASPP tests pursuant to Education Code section 60640 shall be administered, scored, transmitted, and/or returned by LEAs in accordance with the corresponding TAMs ~~manuals~~ or other instructions provided by the contractor or the California Department of Education (CDE) for administering, scoring, transmitting, and/or returning the tests, unless specifically provided otherwise in this subchapter, including instructions for administering the test with universal tools, designated supports, ~~and~~ accommodations, unlisted resources or instructional supports, where appropriate, as specified in sections 853.5 through ~~and~~ 853.8~~7~~. The procedures shall include, but are not limited to, those designed to ensure the uniform and standardized administration, and scoring of the tests to pupils, the security and integrity of the test content and test items, and the timely provision of all required pupil and school level information.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(9) keyboard navigation for reading, writing, listening, and mathematics;

(10) mark for review for reading, writing, listening, and mathematics;

(11) mathematics tools (i.e., embedded ruler and embedded protractor) for specific mathematics items;

(12) spell check for specific writing items;

(13) strikethrough for reading, writing, listening, and mathematics;

(14) writing tools for specific pupil generated responses; or

(15) zoom for reading, writing, listening, and mathematics.

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

(1) breaks;

(2) English dictionary for ELA performance task – ~~pupil long essay(s)~~ full write not short paragraph responses;

(3) scratch paper;

(4) thesaurus for ELA performance task – ~~pupil long essay(s)~~ full write not short paragraph responses;

(5) color overlay for science and primary language test;

~~(6) math tools (i.e., ruler, protractor) for specific mathematics items;~~

~~(7) simplify or clarify test administration directions (does not apply to test questions); or~~

~~(8) pupil marks in paper-pencil test booklet (other than responses including highlighting).~~

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

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

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

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

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

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

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

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

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

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

(2) bilingual dictionary for writing;

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

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

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

(6) magnification;

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

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

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

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

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

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

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

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

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

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

(1) American Sign Language for listening and mathematics;

(2) braille for reading, writing, listening, and mathematics;

(3) closed captioning for listening;

(4) text-to-speech for reading passages ~~for grades 6 through 8, inclusive, and 11~~; or

(5) streamlining for reading, writing, listening, and mathematics.

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

(1) read aloud for primary language test;

(2) American Sign Language for ~~listening, mathematics, and~~ science;

(3) braille for paper-pencil tests;

(4) abacus for mathematics and science;

(5) alternate response options for reading, writing, listening, and mathematics;

(6) calculator for ~~specific~~ calculator-allowed mathematics items only in grades 6 through 8, and 11;

(7) multiplication table for mathematics beginning in grade 4;

(8) print on demand for reading, writing, listening, and mathematics;

(9) read aloud for reading passages ~~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~~;

(10) scribe for writing, science, and primary language test;

(11) speech-to-text; or

(12) large-print version of a paper-pencil test.

~~(g) An LEA may submit a request in writing to the CDE, prior to the administration of a CAASPP test for approval for the use of an individualized aid. The LEA CAASPP coordinator or the CAASPP test site coordinator shall make the request on behalf of the LEA ten business days prior to the pupil's first day of CAASPP testing. The CDE shall respond to the request within four business days from the date of receipt of the written request. Written requests must include:~~

~~(1) LEA name and CDS code;~~

~~(2) school/test site and school code;~~

~~(3) school/test site address, city, and zip code;~~

~~(4) LEA CAASPP coordinator name, phone number, and email address;~~

~~(5) CAASPP test site coordinator name, phone number, and email address;~~

~~(6) school/test site testing window dates;~~

~~(7) SSID(s) for the pupil(s) for which the individualized aid is being requested;~~

~~(8) CAASPP test and grade; and~~

~~(9) the individualized aid being requested.~~

~~(h) Individualized aids that change the construct being measured by a CAASPP test invalidate the test score and results in a score that cannot be compared with other CAASPP results. Scores for pupils' tests with individualized aids that change the construct being measured by a CAASPP test will not be counted as participating in statewide testing (and impacts the accountability participation rate indicator) but pupils will still receive individual score reports with their actual score. The following non-embedded individualized aids have been determined to change the construct being measured on the CAASPP tests for English language arts (including the components for reading, writing, and listening), mathematics, science, and primary language and are specified below, but not limited to:~~

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

~~(2) thesaurus for reading, listening, mathematics, science and primary language;~~

~~(3) translated test directions for reading, writing, or listening;~~

~~(4) bilingual dictionary for reading, listening, mathematics, science and primary language;~~

~~(5) translations (glossary) for reading, writing, and listening;~~

~~(6) read aloud for reading passages in grades 3, 4, and 5;~~

~~(7) American Sign Language for reading passages in grades 3, 4, and 5 and reading passages for primary language;~~

~~(8) calculator for non-specified mathematics items or science;~~

~~(9) math tools (i.e., ruler, protractor) for non-specified mathematics items; and~~

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

(g)~~(i)~~ If a consortium (in which California is a participant) amends or approves of a universal tool(s), designated support(s), and/or accommodation(s) not listed in

subdivisions (a) through (f), the CDE shall ~~allow~~ approve its use.

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

§ 853.6. Instructional Supports and Resources on California Alternate Assessments (CAA).

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

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

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

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

§ 853.7. Use of Designated Supports for English Learners.

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

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

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

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

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

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

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

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

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

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

(2) bilingual dictionary for writing;

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

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

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

(6) magnification;

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

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

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

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

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

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

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

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

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

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

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

§ 853.8. Unlisted Resources.

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

(1) LEA name and county/district/school (CDS) code;

(2) school/test site and school code;

(3) LEA CAASPP coordinator name, phone number, and email address;

(4) CAASPP test site coordinator name, phone number, and email address;

(5) school/test site selected testing period;

(6) SSID(s) for the pupil(s) for which the unlisted resource(s) is/are being requested;

(7) CAASPP test and grade;

(8) if the pupil has an IEP, include the primary disability code and/or designated Section 504 Plan; and

(9) description of the unlisted resource being requested.

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

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

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

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

indicator for the LEA.

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

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

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

(2) translated word list for ELA;

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

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

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

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

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

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

(9) multiplication table for mathematics in grade 3.

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

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

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

~~(2) For the 2013-14 school year, the CST and CMA for science in grades 5, 8, and 10, and CAPA for ELA and mathematics in grades 2 through 11 and science in grades 5, 8, and 10, shall be administered to each pupil during a testing window of 25 instructional days that includes 12 instructional days before and after completion of 85 percent of the school's, track's, or program's instructional days. Testing for all pupils,~~

~~including makeup testing, is to be completed within this 25 instructional day window. If an LEA elects to administer the primary language test, it shall do so during this same testing window.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 857. LEA CAASPP Coordinator.

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

(1) designate from among the employees of the LEA an LEA CAASPP coordinator(s);

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

(3) report to the CAASPP contractor(s) the number of pupils enrolled in the school

identified in subdivision (2) that are unable to access the CBA version of a CAASPP test.

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

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

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

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

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

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

§ 858. CAASPP Test Site Coordinator.

(a) At each test site, including, but not limited to, each elementary, middle, and high school or other grade-span designated school, each charter school, each court-school, each school or program operated by an LEA, and all other public programs serving pupils, inclusive, the superintendent of the LEA or the LEA CAASPP coordinator shall designate a CAASPP test site coordinator from among the employees of the LEA. The CAASPP test site coordinator, or the site principal or his or her designee, shall be

available to the LEA CAASPP coordinator by telephone through ~~September 30~~ July 31 of the following school year for purposes of resolving discrepancies or inconsistencies in materials or errors in reports.

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

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

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

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

(f) The CAASPP test site coordinator shall be responsible for maintaining registration accounts for educators at their site for administering, reporting, and using the CAASPP system, including, but not limited to, access to the formative assessment tools.

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

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

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

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

CAASPP TEST SECURITY AGREEMENT

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

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

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

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

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

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

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

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

Signed: _____

Print Name: _____

Title: _____

LEA: _____

Date: _____

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

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

CAASPP TEST SECURITY AFFIDAVIT

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

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

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

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

(4) I will limit access to the achievement test(s) and corresponding test materials by test examinees to the actual testing periods when they are taking the test(s). I understand that only pupils who are testing and LEA staff participating in the test

administration who have signed a CAASPP T~~t~~est S~~s~~ecurity A~~a~~ffidavit may be in the room when and where an achievement test is being administered.

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

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

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

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

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

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

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

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

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

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

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

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

(14) I have been trained to administer the achievement tests. By signing my name to this document, I am assuring that I have completely read this affidavit and will abide by

the above conditions.

Signed: _____

Print Name: _____

Position: _____

School: _____

LEA: _____

Date: _____

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

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

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

(a) An appeal is a process where an LEA CAASPP coordinator and/or CAASPP test site coordinator requests that the CDE take one of the actions specified in subdivisions (b) (1)-(5) due to an event that occurred during the administration of the test to a pupil.

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

(1) test invalidation;

(2) test reopened;

(3) test reset;

(4) test restore; or

(5) grace period extension.

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

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

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

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

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

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

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

(2) if a pupil used a designated support;

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

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

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

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

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

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

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

§ 862. Apportionment Information Report.

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

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

(1) The number of pupils enrolled in each school and in the LEA ~~on the first day of testing;~~.

(2) The number of pupils in each school and in the LEA tested with the alternate assessment;~~.~~

(3) The number of pupils in each school and in the LEA exempted from testing at the request of their parent~~s~~ or guardian~~s~~ pursuant to Education Code section 60615;~~.~~

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

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

(6) The number of pupils with demographic information only who were not tested for any reason other than a parent or guardian exemption;~~.~~

(7) The number of ELs ~~English language learners~~ who were administered a primary language test aligned to the ELA ~~English language arts~~ standards pursuant to Education Code section 60640(b)(5)(B);~~.~~and

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

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

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

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

(A) transmitted electronically in a manner prescribed by the contractor(s) and/or the CDE by ~~December~~ March ~~3~~1, or

(B) if transmitted after ~~December 31~~ March 1, the apportionment information report must be accompanied by a waiver request as provided by Education Code section 33050. For those apportionment information reports transmitted after ~~December 31~~ March 1, apportionment payment is contingent upon the availability of an appropriation for this purpose ~~in~~ for the fiscal year in which the testing window began.

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

§ 862.5. Apportionment to LEAs.

(a) The amount of funding to be apportioned to the LEA shall be calculated using the rates ~~amount~~ established by the SBE annually for each CAASPP achievement test ~~per the number of tests administered to eligible pupils, and the number of pupils enrolled on the first day of testing who were not tested in the LEA~~. The amount of funding to be apportioned ~~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 or transmitting the results to schools to which pupils matriculate or transfer. Schools may annotate the scores when the scores may not accurately reflect pupils' achievement due to illness or testing irregularities.

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

§ 864. LEA Compliance with Contractor Requirements.

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

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

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

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

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

NOTE: Authority cited: Sections 33031, 60605, 60613 and 60640, Education Code. Reference: Sections 60605, 60610, 60640, 60641 and 60643, Education Code; 20 U.S.C. Section 1232g; and 34 C.F.R. Section 99.3.

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

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

1430 N Street Sacramento, CA 95814-5901

May 12, 2016

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.

This is the official scanned version of Item 10 Attachment 4 from the California State Board of Education (SBE) Meeting Agenda for May 2016 posted at http://www.cde.ca.gov/be/ag/ag/yr16/agenda201605.asp

An accessible version of the contents of this document is located at http://www.cde.ca.gov/be/ag/ag/yr16/may16item10a4aav.asp

The scanned document starts following this initial page.

ECONOMIC IMPACT STATEMENT

DEPARTMENT NAME	CONTACT PERSON	EMAIL ADDRESS	TELEPHONE NUMBER
Education	Linda Hakala	lhakala@cde.ca.gov	319-0658

DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400	NOTICE FILE NUMBER
California Assessment of Student Performance and Progress (dated 10-23-15)	Z

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

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

- ☐ a. Impacts business and/or employees
- ☐ b. Impacts small businesses
- ☐ c. Impacts jobs or occupations
- ☐ d. Impacts California competitiveness
- ☐ e. Imposes reporting requirements
- ☐ f. Imposes prescriptive instead of performance
- ☐ g. Impacts individuals
- ☒ h. None of the above (Explain below):

The regs align to test guidelines and would not impose add'l private sector costs

If any box in Items 1 a through g is checked, complete this Economic Impact Statement.
If box in Item 1.h. is checked, complete the Fiscal Impact Statement as appropriate.

2. The _____ (Agency/Department) estimates that the economic impact of this regulation (which includes the fiscal impact) is:

- ☐ Below $10 million
- ☐ Between $10 and $25 million
- ☐ Between $25 and $50 million
- ☐ Over $50 million *[If the economic impact is over $50 million, agencies are required to submit a Standardized Regulatory Impact Assessment as specified in Government Code Section 11346.3(c)]*

3. Enter the total number of businesses impacted: _____

Describe the types of businesses (Include nonprofits): _____

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

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

Explain: _____

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

6. Enter the number of jobs created: _____ and eliminated: _____

Describe the types of jobs or occupations impacted: _____

7. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here? ☐ YES ☐ NO

If YES, explain briefly: _____

ECONOMIC IMPACT STATEMENT (CONTINUED)

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

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

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

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

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

   d. Describe other economic costs that may occur: _____

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

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

4. Will this regulation directly impact housing costs? ☐ YES ☐ NO

   If YES, enter the annual dollar cost per housing unit: $ _____

   Number of units: _____

5. Are there comparable Federal regulations? ☐ YES ☐ NO

   Explain the need for State regulation given the existence or absence of Federal regulations: _____

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

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

1. Briefly summarize the benefits of the regulation, which may include among others, the health and welfare of California residents, worker safety and the State's environment: _____

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

   Explain: _____

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

4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: _____

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

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

ECONOMIC IMPACT STATEMENT (CONTINUED)

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

Regulation: Benefit: $ _____ Cost: $ _____

Alternative 1: Benefit: $ _____ Cost: $ _____

Alternative 2: Benefit: $ _____ Cost: $ _____

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

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

Explain: _____

E. MAJOR REGULATIONS *Include calculations and assumptions in the rulemaking record.*

California Environmental Protection Agency (Cal/EPA) boards, offices and departments are required to submit the following (per Health and Safety Code section 57005). Otherwise, skip to E4.

1. Will the estimated costs of this regulation to California business enterprises **exceed $10 million?** ☐ YES ☐ NO

If YES, complete E2. and E3
If NO, skip to E4

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

Alternative 1: _____

Alternative 2: _____

(Attach additional pages for other alternatives)

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

Regulation: Total Cost $ _____ Cost-effectiveness ratio: $ _____

Alternative 1: Total Cost $ _____ Cost-effectiveness ratio: $ _____

Alternative 2: Total Cost $ _____ Cost-effectiveness ratio: $ _____

4. Will the regulation subject to OAL review have an estimated economic impact to business enterprises and individuals located in or doing business in California exceeding $50 million in any 12-month period between the date the major regulation is estimated to be filed with the Secretary of State through12 months after the major regulation is estimated to be fully implemented?

☐ YES ☐ NO

If YES, agencies are required to submit a Standardized Regulatory Impact Assessment (SRIA) as specified in Government Code Section 11346.3(c) and to include the SRIA in the Initial Statement of Reasons.

5. Briefly describe the following:

The increase or decrease of investment in the State: _____

The incentive for innovation in products, materials or processes: _____

The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency: _____

FISCAL IMPACT STATEMENT

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

☐ 1. Additional expenditures in the current State Fiscal Year which are reimbursable by the State. (Approximate) (Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

$ _____

☐ a. Funding provided in _____

Budget Act of _____ or Chapter _____, Statutes of _____

☐ b. Funding will be requested in the Governor's Budget Act of _____

Fiscal Year: _____

☐ 2. Additional expenditures in the current State Fiscal Year which are NOT reimbursable by the State. (Approximate) (Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

$ _____

Check reason(s) this regulation is not reimbursable and provide the appropriate information:

☐ a. Implements the Federal mandate contained in _____

☐ b. Implements the court mandate set forth by the _____ Court.

Case of: _____ vs. _____

☐ c. Implements a mandate of the people of this State expressed in their approval of Proposition No. _____

Date of Election: _____

☐ d. Issued only in response to a specific request from affected local entity(s).

Local entity(s) affected: _____

_____

☐ e. Will be fully financed from the fees, revenue, etc. from: _____

Authorized by Section: _____ of the _____ Code;

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

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

☐ 3. Annual Savings. (approximate)

$ _____

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

☐ 5. No fiscal impact exists. This regulation does not affect any local entity or program.

☒ 6. Other. Explain The regulations do not impose any additional costs as they address issues that have surfaced with the California Assessment of Student Performance and Progress tests, clarify procedures and definitions, and align to the Smarter Balanced Assessment Consortium guidelines.

FISCAL IMPACT STATEMENT (CONTINUED)

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

☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

$ _____

It is anticipated that State agencies will:

☐ a. Absorb these additional costs within their existing budgets and resources.

☐ b. Increase the currently authorized budget level for the _____ Fiscal Year

☐ 2. Savings in the current State Fiscal Year. (Approximate)

$ _____

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

☒ 4. Other. Explain The regulations do not impose any additional costs as they provide clarity and address issues with the existing regulations for the California Assessment of Student Performance and Progress tests.

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

☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

$ _____

☐ 2. Savings in the current State Fiscal Year. (Approximate)

$ _____

☒ 3. No fiscal impact exists. This regulation does not affect any federally funded State agency or program.

☐ 4. Other. Explain _____

FISCAL OFFICER SIGNATURE	DATE
Linda Habala	October 29, 2015

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

AGENCY SECRETARY	DATE
	11/2/15

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

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER	DATE

AAV of Item 10 Attachment 4

This page is the Accessible Alternative Version (AAV) of Item 10 Attachment 4 from the California State Board of Education (SBE) Meeting Agenda for May 2016. The scanned Item 10 Attachment 4 (PDF) version is considered to be the official version of the document.

Economic and Fiscal Impact Statement

(REGULATIONS AND ORDERS). *User entries from the STD. 399 (REV. 12/2013) Form.*

Department Name: Education

Contact Person: Linda Hakala

E-mail Address: lhakala@cde.ca.gov

Telephone Number: 916-319-0658

Descriptive Title From Notice Register Or From 400: California Assessment of Students Performance and Progress (dated October 23, 2015)

Notice File Number: Z

Economic Impact Statement

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

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

- Selected option is H: None of the above (Explain below)
- Option H explanation: *The regulations align to test guidelines and would not impose additional private sector costs.*

Fiscal Impact Statement

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

- Selected option is 6: Other. Explain. *The regulations do not impose any additional costs as they address issues that have surfaced with the California Assessment of Student Performance and Progress tests, clarify procedures and definitions and align to the Smarter Balanced Assessment Consortium guidelines.*

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

- Selected option is 4: Other. Explain. *The regulations do not impose any additional costs as they provide clarity and address issues with the existing regulations for the California Assessment of Student Performance and*

Progress tests.

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

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

Fiscal Officer Signature: Signed by Linda Hakala dated October 29, 2015.

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

Agency Secretary: Contains signature dated November 2, 2015

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

Department of Finance Program Budget Manager: No signature.

California State Board of Education

Meeting Agenda Items for May 11-12, 2016

ITEM 11

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2016 AGENDA

SUBJECT	
California High School Proficiency Examination - Approve Commencement of the Rulemaking Process for Amendments to the *California Code of Regulations*, Title 5, Sections 11520 through 11525.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

The California Department of Education (CDE) is responsible for administering the California High School Proficiency Examination (CHSPE) to individuals who are at least 16 years of age or meet other eligibility requirements. Individuals taking the CHSPE may earn a Certificate of Proficiency awarded by the State Board of Education (SBE) that is equivalent to a high school diploma according to California law. Senate Bill (SB) 252 (Leno), signed by the Governor on September 30, 2015, prohibits the CDE from charging fees to administer the CHSPE to a homeless child or youth who is under 25 years of age. In order for the CDE to implement this law, the attached proposed regulations must be adopted.

RECOMMENDATION

The CDE recommends the SBE take the following actions:

- Approve the Notice of Proposed Rulemaking (Notice)
- Approve the Initial Statement of Reasons (ISOR)
- Approve the proposed regulations
- Direct the CDE to commence the rulemaking process
- Authorize the CDE to take any necessary action to respond to any direction or concern expressed by the Office of Administrative Law during its review of the Notice, ISOR, and proposed regulations

BRIEF HISTORY OF KEY ISSUES

Individuals who are at least 16 years of age, or have been enrolled in the tenth grade for one academic year or longer, or are completing their final semester of the tenth grade

are eligible to take the CHSPE to earn a Certificate of Proficiency which is equivalent to a California high school diploma. The CHSPE is administered by the Sacramento County Office of Education under a contract with the CDE.

Individuals who take the CHSPE must register for the test and pay the fee for administration and scoring of the test at their own expense. SB 252 provides the opportunity for a verified homeless child or youth who is under the age of 25 and meets other eligibility requirements to take the CHSPE at no cost. The law requires that a qualified homeless services provider who has knowledge of the examinee's housing status verify that status for the examinee to be eligible for the fee waiver. *Education Code* Section 48412(c)(3) defines a homeless services provider as either "A homeless services provider listed in paragraph (3) of subdivision (d) of Section 103577 of the Health and Safety Code, or any other person or entity that is qualified to verify an individual's housing status, as determined by the department."

This agenda item proposes amendments to the CHSPE regulations to implement the provisions of the law.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

None.

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 (5 pages)

Attachment 3: Proposed Regulations (4 pages)

Attachment 4: Economic and Fiscal Impact Statement (STD. 399) (5 pages)

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

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

1430 N Street Sacramento, CA 95814-5901

NOTICE OF PROPOSED RULEMAKING

AMENDMENT TO CALIFORNIA CODE OF REGULATIONS, TITLE 5, REGARDING CALIFORNIA HIGH SCHOOL PROFICIENCY EXAM (CHSPE)

[Notice published May 27, 2016]

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 1:30 p.m. on July 11, 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 July 11, 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, 48410 and 48412, Education Code.

References: Sections 48410 and 48412, Education Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Education Code section 48412 authorizes certain persons, including, among others, any person 16 years of age or older, to have his or her proficiency in basic skills taught in public high schools verified according to criteria established by the CDE. The law requires the SBE to award a certificate of proficiency to persons who demonstrate that proficiency. The law further requires the CDE to develop standards of competency in basic skills taught in public high schools and to provide for the administration of examinations prepared by, or with the approval of, the CDE to verify competency. The law authorizes the CDE to charge a fee for each examination application in an amount sufficient to recover the costs of administering the requirements of these provisions, but prohibits the fee from exceeding an amount equal to the cost of test renewal and administration per examination application.

Senate Bill (SB) 252 (Leno), signed by the Governor on September 30, 2015, prohibits the CDE from charging the fee to a homeless child or youth who is under 25 years of age and can verify his or her status as a homeless child or youth. SB 252 authorizes a homeless services provider, as defined, that has knowledge of the examinee's housing status to verify the examinee's status for purposes of these provisions. SB 252 provides that no additional state funds shall be appropriated for purposes of implementing the above provisions.

Anticipated Benefits of the Proposed Regulation

The proposed regulations will serve to implement the changes to law required under SB 252 by providing direction to homeless youth, homeless services providers, and the testing contractor about what documentation, including the Homeless Certification Form, and processes will be required for a homeless youth to obtain the fee waiver for the CHSPE. The proposed regulations further clarify which fee will be waived, which

fees will not be waived, how long Homeless Certification Forms and fee waivers will be valid, and documentation that must be maintained by homeless services providers and the testing contractor. Implementation of the proposed regulations would provide homeless youth who do not have the financial resources to pay the CHSPE registration fee an opportunity to take the CHSPE at no personal cost and potentially earn a Certificate of Proficiency. The proposed regulations would also ensure that only those eligible youth who are verified to be homeless are afforded this opportunity.

Determination of Inconsistency/Incompatibility with Existing State Regulations

The CDE reviewed all state regulations relating to the CHSPE and found that none exist that are inconsistent or incompatible with these regulations regarding a fee waiver for homeless youth to take the CHSPE.

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: Homeless services providers may be required to make certification records available to the CDE upon request.

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: Homeless services providers may be required to make certification records available to the CDE upon request. This may result in minimal costs to agencies.

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 cost of implementing these regulations will initially be absorbed by the CHSPE test contractor and, after the impact of the volume of homeless youth utilizing the fee waiver is known, the testing contractor may offset those costs through moderate fee increases to other examinees.

Effect on housing costs: None.

Effect on small businesses: The proposed regulations would not have an effect on any small business because registration fees for the CHSPE are paid by individuals.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The SBE concludes that it is unlikely that these regulations will: 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.

Benefits of the Proposed Action: The proposed regulations will benefit homeless youth who may demonstrate proficiency in the skills necessary to earn a Certificate of Proficiency but do not have the funds required to register to take the CHSPE. Those who earn the Certificate of Proficiency may be able to pursue other educational or career opportunities that they would not have without the Certificate of Proficiency. Additionally, these individuals will be provided the same opportunity afforded to others who have the financial means to take the test.

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, 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:

John Boivin, Administrator
Assessment Development and Administration Division
California Department of Education
1430 N Street, Room 5408
Sacramento, CA 95814
Telephone: 916-319-0751

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator or the backup contact person, 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 the Assessment Development and Administration Division, 1430 N Street, Sacramento, CA, 95814; telephone, 916-319-0751. It is recommended that assistance be requested at least two weeks prior to the hearing.

INITIAL STATEMENT OF REASONS

California High School Proficiency Examination (CHSPE)

INTRODUCTION

Education Code section 48412 authorizes certain persons, including, among others, any person 16 years of age or older, to have his or her proficiency in basic skills taught in public high schools verified according to criteria established by the California Department of Education (CDE). The law requires the State Board of Education (SBE) to award a certificate of proficiency to persons who demonstrate that proficiency. The law further requires the CDE to develop standards of competency in basic skills taught in public high schools and to provide for the administration of examinations prepared by, or with the approval of, the CDE to verify competency. The law authorizes the CDE to charge a fee for each examination application in an amount sufficient to recover the costs of administering the requirements of these provisions, but prohibits the fee from exceeding an amount equal to the cost of test renewal and administration per examination application.

Senate Bill (SB) 252 (Leno), signed by the Governor on September 30, 2015, prohibits the CDE from charging the fee to a homeless child or youth who is under 25 years of age and can verify his or her status as a homeless child or youth. SB 252 authorizes a homeless services provider, as defined, that has knowledge of the examinee's housing status to verify the examinee's status for purposes of these provisions. SB 252 provides that no additional state funds shall be appropriated for purposes of implementing the above provisions.

PROBLEM AGENCY INTENDS TO ADDRESS

Since the enactment of SB 252, the CDE has received inquiries related to the expected timeline for implementation and the eligibility requirements for the CHSPE fee waiver. In addition, the State Superintendent of Public Instruction is required to submit on or before December 1, 2018, a report to the appropriate policy and fiscal committees of the Legislature that includes data such as the number of homeless youth who took the CHSPE in each of the 2016, 2017, and 2018 calendar years. Regulations are required to provide the specificity that is not included in statute, which will enable the CDE and homeless services providers to implement the provisions of SB 252.

BENEFITS ANTICIPATED FROM REGULATORY ACTION

The proposed regulations will serve to implement the changes to law required under SB 252 by providing direction to homeless youth, homeless services providers, and the testing contractor about what documentation, including the Homeless Certification Form, and processes will be required for a homeless youth to obtain the fee waiver for the CHSPE. The proposed regulations further clarify which fee will be waived, which fees will not be waived, how long Homeless Certification Forms and fee waivers will be valid, and documentation that must be maintained by homeless services providers and

the testing contractor. Implementation of the proposed regulations would provide homeless youth who do not have the financial resources to pay the CHSPE registration fee an opportunity to take the CHSPE at no personal cost and potentially earn a Certificate of Proficiency. The proposed regulations would also ensure that only those eligible youth who are verified to be homeless are afforded this opportunity

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

The specific purpose of each adoption or amendment, and the rationale for the determination that each adoption or amendment 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.

Proposed section 11520(a) is added to define the term “Certificate” used in the regulations and specify that it refers to a Certificate of Proficiency that is awarded by the SBE.

Proposed section 11520(b) is added to support administration of the fee waivers as well as define terms in statute and other terms used in the regulations. For consistency, program oversight and efficiency, the CDE will provide a Homeless Verification Form to be used by the homeless services provider to verify homeless youth are eligible for the fee waiver. Homeless youth will use the Homeless Verification Form as evidence they are eligible for the waiver when registering for the test. Data collected from the Homeless Verification Form will allow the CDE to provide required reports to the Legislature.

Proposed section 11520(d) is added to define terms used in the regulations and specify that it refers to variations in the assessment environment or process.

Proposed section 11524(a) is added to clarify that the waiver only covers the fee for regular test registration and that contractors shall not charge fees for any other administrative services without prior approval of the CDE. The language is necessary because the statute does not define if the fee waiver extends to circumstances such as a homeless youth registering for a test after the regular registration deadline or requesting a duplicate certificate. The regulation allows homeless youth to receive the benefit of the waiver while also ensuring contractors can consistently and fairly enforce their policies. Protection is also provided to eligible homeless youth in that the contractor cannot charge them administrative fees for other services not specified in the regulations without the prior approval of the CDE.

Proposed section 11524(b) is added to establish rules for contractors regarding examinees who request testing accommodations or wish to receive test preparation

services. The language is necessary so that contractors can fairly and equitably enforce their standard polices. SB 252 only allows for a waiver of fees for actual test administration. The cost of test preparation and services or documents needed to receive testing accommodations are not part of test administration services.

Proposed section 11525(a) is added to provide clarity to the test contractor regarding the test registration procedures for certified homeless youth. The language is necessary to ensure that certified homeless youth can register for the CHSPE in a fair and efficient manner. State law requires that all examinees, including certified homeless youth, meet the eligibility requirement to take the CHSPE through one of the options described in law, such as being 16 years of age. Contractor policy requires any examinee seeking testing accommodations such as extra time to provide proof of their need for the accommodation. By requiring the certified homeless youth to submit the Homeless Certification Form, the contractor can verify the registrant's eligibility for the fee waiver and allow the CDE to track required reporting data.

Proposed sections 11525(b), (b)(1) – (b)(9) are added to support administration of the fee waiver. To ensure consistent approval processes, only the Homeless Certification Form can be used by homeless service providers to certify homeless youth are eligible for the fee waiver. The language is necessary for the homeless services provider to certify their credentials and ensure the youth is homeless as defined in Education Code section 48412(c)(2)(A).

Proposed section 11525(c) is added to provide clarity to the contractor. The language is necessary since SB 252 does not address how long the CHSPE fee waiver is valid. By setting a length of one year for the valid period of the Homeless Certification Form which is required for the fee waiver and allowing homeless youth to renew the form, program policy can be efficiently and fairly implemented. Homeless youth will have ample opportunity to pass the test while, on an annual basis, the CDE and contractors can ensure the homeless youth meets CHSPE fee waiver requirements and still has homeless status as defined in Education Code section 48412(c)(2)(A). Additional policy guidance is provided to contractors and test centers by stipulating the Homeless Certification Form is valid until one day before the homeless youth's 25th birthday.

Proposed section 11525(d) is added to support administration of the fee waiver and allow the CDE to track program data. The language is necessary so the homeless services provider and his or her agency can prove they are following required procedures for certifying homeless youth by retaining a copy of the Homeless Certification Form. By including the authority to request copies of the Homeless Waiver Form, the CDE can meet the reporting requirements as described in Education Code section 48412(f)(1).

Proposed section 11525(e) is added to support administration of the fee waiver and allow the CDE to track program data. The language is necessary so the CHSPE contractor can prove they are following registration procedures for certified homeless youth by retaining the original Homeless Certification Form. This regulation specifies

that the CHSPE contractor must retain the original Homeless Certification Form. This will ensure the homeless youth receive certification of homeless status as described in Education Code section 48412(c)(2)(A). By including the authority to request the original the Homeless Waiver Form, the CDE can meet the reporting requirements as described in Education Code section 48412(f)(1).

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

Purpose:

The proposed regulations are necessary for the implementation of Education Code section 48412 and to provide effective administration of CHSPE fee waivers for certified homeless youth.

Creation or Elimination of Jobs Within the State of California:

The regulations directly impact homeless youth, the CHSPE test contractor, and test centers. They are designed to provide clarity regarding the provision of fee waivers to eligible homeless youth. There is no evidence the regulations will either create or eliminate jobs in within California.

Creation of New or Elimination of Existing Businesses Within the State of California:

The regulations directly impact homeless youth and the CHSPE test contractor. They are designed to provide clarity regarding the provision of fee waivers to eligible homeless youth. There is no evidence that the regulations will create new businesses or eliminate existing businesses within the State of California.

Expansion of Businesses or Elimination of Businesses Currently Doing Business Within the State of California:

The regulations directly impact homeless youth and the CHSPE test contractor. They are designed to provide clarity regarding the provision of fee waivers to eligible homeless youth. There is no evidence that the regulations will lead to the expansion or elimination of businesses currently doing business within the state of California.

Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety, and the State’s Environment:

The anticipated benefit of the regulations is the clear and effective administration of the CHSPE fee waiver for eligible homeless youth. This waiver can provide homeless youth with greater job training, educational, and employment opportunities to transition from their homeless status.

OTHER REQUIRED SHOWINGS

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

The SBE did not rely upon any technical, theoretical, or empirical studies, reports, or documents in proposing the adoption, amendment, or repeal of these regulations.

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)(5)(A):

The proposed regulations would not have a significant adverse economic impact on any business because the cost of implementing these regulations will initially be absorbed by the CHSPE test contractor and, after the impact of the volume of homeless youth utilizing the fee waiver is known, it is expected that the testing contractor will be able to offset those costs through moderate fee increases to other examinees.

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.

03-08-16 [California Department of Education]

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

Title 5. EDUCATION

Division 1. California Department of Education

Chapter 11. Special Programs

Subchapter 8. High School Proficiency Certificates

Article 1. Certificate of Proficiency

§ 11520. Definitions.

(a) "Certificate" means a certificate of proficiency awarded by the State Board of Education (SBE) as described in Education Code section 48412(a)(2).

(b) "Homeless Certification Form" means a form provided by the California Department of Education (CDE) that is to be completed by an authorized homeless services provider to verify that a youth is homeless as defined in Education Code section 48412. The Homeless Certification Form (issued 03/2016) is incorporated by reference in California Code of Regulations, title 5, section 11530.

(c)~~(a)~~ "Parent" as used in Education Code ~~S~~section 48410(e), relating to verified parental approval, means the natural parent, or adoptive parent or legal guardian, having legal custody of the pupil.

(d) "Testing accommodations" means any variation in the assessment environment or process that does not fundamentally alter what the test measures or affect the comparability of scores.

NOTE: Authority cited: Sections 48410~~,~~ and 48412 ~~and 51426~~, Education Code. Reference: Sections 48410 and 48412, Education Code.

§ 11521. Placement on Pupil Transcript.

A school district shall, for each pupil who demonstrates proficiency as provided in Education Code ~~S~~section 48410(e), indicate the pupil's accomplishment and the date of the proficiency certificate award on the pupil's official transcript.

NOTE: Authority cited: Section 33031, Education Code. Reference: Section 48410, Education Code.

§ 11522. Requirement for Exemption from School Attendance Form.

Each school district shall develop a form which evidences parental consent for exemption from further compulsory school attendance pursuant to Education Code ~~S~~section 48410(e). The form shall be made available upon request to 16- and 17-year-old pupils who have been awarded the Certificate of Proficiency by the State Board of Education ~~demonstrated proficiency~~. The form shall contain at least the following information:

(a) A general explanation of the pupil's rights of exemption from compulsory school attendance and of re-enrollment in the public high schools.

(b) The date of issuance of a certificate of proficiency.

(c) The signature of the parent and the date.

(d) The signature of a school administrator who has personally confirmed the authenticity of the parent's signature and the date.

NOTE: Authority cited: Sections 33031 and 48412, Education Code. Reference: Section 48410, Education Code.

§ 11524. Waiver of Fees.

(a) The contractor selected to administer the examination shall not collect fees from individuals who are under 25 years of age, meet all other registration requirements, and are verified to be homeless by a homeless services provider as defined in Education Code section 48412, except for fees for additional services not related to regular test registration including, but not limited to, registration for a test administration after the regular registration deadline set by the contractor, request to change the testing date after the regular registration deadline set by the contractor, request for a transcript or duplicate certificate, or request to expedite services. The contractor shall not charge fees to individuals who are verified to be homeless for any other administrative services without prior approval of the CDE.

(b) The fee waiver for individuals who are under age 25 and are verified to be homeless by a homeless services provider as defined in Education Code section 48412 shall include only fees for services related to test administration. The fee waiver shall

not include fees for services or documents required to verify the need for testing accommodations, test preparation, or other services not related to test administration. NOTE: Authority cited: Section 48412, Education Code. Reference: Section 48412, Education Code.

§ 11525. Homeless Certification.

(a) To be eligible for a fee waiver, at the time of registration for a test administration, a homeless youth must submit all standard required registration materials to the contractor including documentation required for all testing accommodations that the individual may need and an original completed Homeless Certification Form.

(b) Only the Homeless Certification Form may be used to certify that the registrant is homeless. The Homeless Certification Form must include all of the following information:

(1) The full legal name of the registrant;

(2) The date of birth of the registrant;

(3) The signature of the registrant affirming, under penalty of perjury, a statement that he or she is homeless and under 25 years of age;

(4) The printed name of the homeless services provider;

(5) The title of the homeless services provider;

(6) The business address, phone number, and e-mail address of the homeless services provider;

(7) The signature of the homeless services provider affirming, under penalty of perjury, a statement that he or she is an authorized homeless services provider and that the registrant is homeless as defined in Education Code section 48412;

(8) The date that the Homeless Certification Form is completed by the homeless services provider; and

(9) The date the Homeless Certification Form expires.

(c) The Homeless Certification Form is valid for a period of one year from the certification date and may be renewed annually until the certified homeless youth reaches 25 years of age. If the certified homeless youth reaches 25 years of age within

one year from the certification date, the Homeless Certification Form will be valid only until one day before the certified homeless youth reaches 25 years of age.

(d) The homeless services provider or the provider's agency shall retain a copy of all Homeless Certification Forms issued to certified homeless youth until each certified homeless youth reaches 28 years of age. The homeless services provider or the provider's agency shall make copies of Homeless Certification Forms available to the CDE upon request.

(e) The contractor shall retain all original Homeless Certification Forms issued to certified homeless youth until each homeless youth reaches 28 years of age. The contractor shall make original Homeless Certification Forms available to the CDE upon request.

NOTE: Authority cited: Sections 33031 and 48412, Education Code. Reference: Sections 48410 and 48412, Education Code.

04-26-16 [California Department of Education]

This is the official scanned version of Item 11 Attachment 4 from the California State Board of Education (SBE) Meeting Agenda for May 2016 posted at http://www.cde.ca.gov/be/ag/ag/yr16/agenda201605.asp

An accessible version of the contents of this document is located at http://www.cde.ca.gov/be/ag/ag/yr16/may16item11a4aav.asp

The scanned document starts following this initial page.

ECONOMIC AND FISCAL IMPACT STATEMENT (REGULATIONS AND ORDERS)

STD. 399 (REV. 12/2013)

ECONOMIC IMPACT STATEMENT

DEPARTMENT NAME	CONTACT PERSON	EMAIL ADDRESS	TELEPHONE NUMBER
Education	Linda Hakala	lhakala@cde.ca.gov	319-0658

DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400	NOTICE FILE NUMBER
California High School Proficiency Examination (CHSPE) (dated 03-07-16)	Z

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

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

- ☐ a. Impacts business and/or employees
- ☐ b. Impacts small businesses
- ☐ c. Impacts jobs or occupations
- ☐ d. Impacts California competitiveness
- ☐ e. Imposes reporting requirements
- ☐ f. Imposes prescriptive instead of performance
- ☐ g. Impacts individuals
- ☒ h. None of the above (Explain below):

The regulations clarify statute and would not impose add'l private sector costs

If any box in Items 1 a through g is checked, complete this Economic Impact Statement.
If box in Item 1.h. is checked, complete the Fiscal Impact Statement as appropriate.

2. The _____ (Agency/Department) estimates that the economic impact of this regulation (which includes the fiscal impact) is:

- ☐ Below $10 million
- ☐ Between $10 and $25 million
- ☐ Between $25 and $50 million
- ☐ Over $50 million *[If the economic impact is over $50 million, agencies are required to submit a Standardized Regulatory Impact Assessment as specified in Government Code Section 11346.3(c)]*

3. Enter the total number of businesses impacted: _____

Describe the types of businesses (Include nonprofits): _____

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

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

Explain: _____

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

6. Enter the number of jobs created: _____ and eliminated: _____

Describe the types of jobs or occupations impacted: _____

7. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here? ☐ YES ☐ NO

If YES, explain briefly: _____

ECONOMIC IMPACT STATEMENT (CONTINUED)

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

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

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

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

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

   d. Describe other economic costs that may occur: _____

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

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

4. Will this regulation directly impact housing costs? ☐ YES ☐ NO

   If YES, enter the annual dollar cost per housing unit: $ _____

   Number of units: _____

5. Are there comparable Federal regulations? ☐ YES ☐ NO

   Explain the need for State regulation given the existence or absence of Federal regulations: _____

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

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

1. Briefly summarize the benefits of the regulation, which may include among others, the health and welfare of California residents, worker safety and the State's environment: _____

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

   Explain: _____

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

4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: _____

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

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

ECONOMIC IMPACT STATEMENT (CONTINUED)

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

Regulation: Benefit: $ _____ Cost: $ _____

Alternative 1: Benefit: $ _____ Cost: $ _____

Alternative 2: Benefit: $ _____ Cost: $ _____

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

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

Explain: _____

E. MAJOR REGULATIONS *Include calculations and assumptions in the rulemaking record.*

California Environmental Protection Agency (Cal/EPA) boards, offices and departments are required to submit the following (per Health and Safety Code section 57005). Otherwise, skip to E4.

1. Will the estimated costs of this regulation to California business enterprises **exceed $10 million?** ☐ YES ☐ NO

If YES, complete E2. and E3
If NO, skip to E4

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

Alternative 1: _____

Alternative 2: _____

(Attach additional pages for other alternatives)

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

Regulation: Total Cost $ _____ Cost-effectiveness ratio: $ _____

Alternative 1: Total Cost $ _____ Cost-effectiveness ratio: $ _____

Alternative 2: Total Cost $ _____ Cost-effectiveness ratio: $ _____

4. Will the regulation subject to OAL review have an estimated economic impact to business enterprises and individuals located in or doing business in California exceeding $50 million in any 12-month period between the date the major regulation is estimated to be filed with the Secretary of State through12 months after the major regulation is estimated to be fully implemented?

☐ YES ☐ NO

If YES, agencies are required to submit a Standardized Regulatory Impact Assessment (SRIA) as specified in Government Code Section 11346.3(c) and to include the SRIA in the Initial Statement of Reasons.

5. Briefly describe the following:

The increase or decrease of investment in the State: _____

The incentive for innovation in products, materials or processes: _____

The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency: _____

FISCAL IMPACT STATEMENT

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

☐ 1. Additional expenditures in the current State Fiscal Year which are reimbursable by the State. (Approximate) (Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

$ _____

☐ a. Funding provided in _____

Budget Act of _____ or Chapter _____, Statutes of _____

☐ b. Funding will be requested in the Governor's Budget Act of _____

Fiscal Year: _____

☐ 2. Additional expenditures in the current State Fiscal Year which are NOT reimbursable by the State. (Approximate) (Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

$ _____

Check reason(s) this regulation is not reimbursable and provide the appropriate information:

☐ a. Implements the Federal mandate contained in _____

☐ b. Implements the court mandate set forth by the _____ Court.

Case of: _____ vs. _____

☐ c. Implements a mandate of the people of this State expressed in their approval of Proposition No. _____

Date of Election: _____

☐ d. Issued only in response to a specific request from affected local entity(s).

Local entity(s) affected: _____

☐ e. Will be fully financed from the fees, revenue, etc. from: _____

Authorized by Section: _____ of the _____ Code;

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

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

☐ 3. Annual Savings. (approximate)

$ _____

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

☐ 5. No fiscal impact exists. This regulation does not affect any local entity or program.

☒ 6. Other. Explain The regulations do not impose any additional costs as they clarify statute and provide specificity.

FISCAL IMPACT STATEMENT (CONTINUED)

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

☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

$ _____

It is anticipated that State agencies will:

☐ a. Absorb these additional costs within their existing budgets and resources.

☐ b. Increase the currently authorized budget level for the _____ Fiscal Year

☐ 2. Savings in the current State Fiscal Year. (Approximate)

$ _____

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

☒ 4. Other. Explain The regulations do not impose any additional costs as they provide clarity and consistency.

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

☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

$ _____

☐ 2. Savings in the current State Fiscal Year. (Approximate)

$ _____

☒ 3. No fiscal impact exists. This regulation does not affect any federally funded State agency or program.

☐ 4. Other. Explain _____

FISCAL OFFICER SIGNATURE	DATE
Linda Askala	April 19, 2016

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

AGENCY SECRETARY	DATE
	4/25/16

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

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER	DATE

AAV of Item 11 Attachment 4

This page is the Accessible Alternative Version (AAV) of Item 11 Attachment 4 from the California State Board of Education (SBE) Meeting Agenda for May 2016. The scanned Item 11 Attachment 4 (PDF) version is considered to be the official version of the document.

Economic and Fiscal Impact Statement

(REGULATIONS AND ORDERS). *User entries from the STD. 399 (REV. 12/2013) Form.*

Department Name: Education

Contact Person: Linda Hakala

E-mail Address: lhakala@cde.ca.gov

Telephone Number: 916-319-0658

Descriptive Title From Notice Register Or From 400: California High School Proficiency Examination (CHSPE) (dated March 7, 2016)

Notice File Number: Z

Economic Impact Statement

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

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

- Selected option is H: None of the above (Explain below)
- Option H explanation: *The regulations clarify statute and would not impose additional private sector costs.*

Fiscal Impact Statement

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

- Selected option is 6: Other. Explain. *The regulations do not impose any additional costs as they clarify statute and provide specificity.*

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

- Selected option is 4: Other. Explain. *The regulations do not impose any additional costs as they provide clarity and consistency.*

Section C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS (Indicate appropriate boxes1

through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)

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

Fiscal Officer Signature: Signed by Linda Hakala dated April 19, 2016

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

Agency Secretary: Contains signature dated April 25, 2016

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

Department of Finance Program Budget Manager: No signature.

California State Board of Education

Meeting Agenda Items for May 11-12, 2016

ITEM 12

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2016 AGENDA

SUBJECT	
California High School Proficiency Examination: Approve the Finding of Emergency and Proposed Emergency Regulations for Amendments to the *California Code of Regulations*, Title 5, Sections 11520 through 11525.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

The California Department of Education (CDE) is responsible for administering the California High School Proficiency Examination (CHSPE) to individuals who are at least 16 years of age or meet other eligibility requirements. Individuals taking the CHSPE may earn a Certificate of Proficiency awarded by the State Board of Education (SBE) that is equivalent to a high school diploma according to California law. Senate Bill (SB) 252 (Leno), signed by the Governor on September 30, 2015, prohibits the CDE from charging fees to administer the CHSPE to a homeless child or youth who is under 25 years of age. The law requires the State Board of Education (SBE) to adopt emergency regulations to implement the provisions of the new law.

RECOMMENDATION

The CDE recommends the SBE take the following actions:

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

BRIEF HISTORY OF KEY ISSUES

Individuals who are at least 16 years of age, or have been enrolled in the tenth grade for one academic year or longer, or are completing their final semester of the tenth grade

are eligible to take the CHSPE to earn a Certificate of Proficiency which is equivalent to a California high school diploma. The CHSPE is administered by the Sacramento County Office of Education under a contract with the CDE.

Individuals who take the CHSPE must register for the test and pay the fee for administration and scoring of the test at their own expense. SB 252 provides the opportunity for a verified homeless child or youth who is under the age of 25 and meets other eligibility requirements to take the CHSPE at no cost. The law requires that a qualified homeless services provider who has knowledge of the examinee's housing status verify that status for the examinee to be eligible for the fee waiver. *Education Code* Section 48412(c)(3) defines a homeless services provider as either "A homeless services provider listed in paragraph (3) of subdivision (d) of Section 103577 of the Health and Safety Code, or any other person or entity that is qualified to verify an individual's housing status, as determined by the department." Under this law, an eligible homeless services provider includes, but is not limited to:

- A governmental or nonprofit agency receiving federal, state, or county or municipal funding to provide services to a "homeless person" or "homeless child or youth," or that is otherwise sanctioned to provide those services by a local homeless continuum of care organization.
- An attorney licensed to practice law in this state.
- A local educational agency liaison for homeless children and youth, pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of the United States Code, or a school social worker.
- A human services provider or public social services provider funded by the State of California to provide homeless children or youth services, health services, mental or behavioral health services, substance use disorder services, or public assistance or employment services.
- A law enforcement officer designated as a liaison to the homeless population by a local police department or sheriff's department within the state.

SB 252 requires the SBE to adopt emergency regulations to implement the provisions of the law. This agenda item proposes amendments to existing CHSPE regulations for that purpose. The proposed amendments include, but are not limited to:

- Addition of a section to specify that the testing contractor shall not collect a registration fee from a verified eligible homeless child or youth who registers by the regular registration deadline.
- Addition of sections to specify that fees for other services will not be waived. This includes, but is not limited to, fees for late or emergency registration, transcripts or duplicate certificates, services or documents to verify the need for testing accommodations, or test preparation.
- Addition of a section to specify the documentation that must be submitted with registration materials to verify eligibility for the fee waiver.
- Addition of information about a Homeless Certification Form that must be completed by homeless services provider to verify the housing status of the examinee, including:
    - The definition of the form.

- The information that must be provided on the form.
- The valid period of the form.
- Specification that the homeless services provider must maintain a copy of the completed form until the homeless youth reaches 26 years of age and provide a copy of the form to the CDE upon request.
- Specification that the testing contractor must maintain the original completed form until the homeless youth reaches 26 years of age and provide the original form to the CDE upon request.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

None.

FISCAL ANALYSIS (AS APPROPRIATE)

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

ATTACHMENT(S)

Attachment 1: Finding of Emergency (4 pages)

Attachment 2: Emergency Regulations (4 Pages)

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

Attachment 4: Economic and Fiscal Impact Statement (STD. 399) (5 pages)

FINDING OF EMERGENCY

California High School Proficiency Examination (CHSPE)

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 students attending California's public schools.

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

Overview

These proposed regulations must be adopted on an emergency basis in order to meet the statutory-established timelines as set forth in California Education section 48412 as established by Senate Bill (SB) 252 (Leno), (Statutes of 2015). SB 252 prohibits the California Department of Education (CDE) from charging a fee to an examinee who meets the defined criteria of a homeless youth. SB 252 provides that no additional state funds shall be appropriated for purposes of implementing the above provisions. The bill requires the SBE to adopt emergency regulations for purposes of these provisions.

In addition, Education Code section 48412 requires that on or before December 1, 2018, the Superintendent submit a report to the appropriate policy and fiscal committees of the of the Legislature that includes the number of homeless youth that took the high school proficiency test in each of the 2016, 2017, and 2018 calendar years and the impact of the opportunity to take the high school proficiency test at no cost on the number and percentage of homeless youth taking the high school proficiency test. Without these emergency regulations, homeless youth will be delayed in receiving the fee waiver. In addition, the data requirements for 2016 may not be available and the CDE would be hindered in providing the statutory required reports and recommendations to the Legislature.

Background

Education Code section 48412 authorizes certain persons, including, among others, any person 16 years of age or older, to have his or her proficiency in basic skills taught in public high schools verified according to criteria established by the CDE. The law requires the SBE to award a certificate of proficiency to persons who demonstrate that proficiency. The law further requires the CDE to develop standards of competency in basic skills taught in public high schools and to provide for the administration of examinations prepared by, or with the approval of, the CDE to verify competency. The law authorizes the CDE to charge a fee for each examination application in an amount sufficient to recover the costs of administering the requirements of these provisions, but prohibits the fee from exceeding an amount equal to the cost of test renewal and administration per examination application. The high school proficiency examination is known as the California High School Proficiency Examination (CHSPE) and the test is currently administered under the CDE's contract with the Sacramento County Office of Education.

SB 252 prohibits the CDE from charging a fee to an examinee who is under 25 years of age and can verify his or her status as a homeless youth. The homeless youth will be certified by a homeless services provider as defined in Education Code section 48412.

SB 252 requires the CDE on or before December 1, 2018, to submit a report to the appropriate policy and fiscal committees of the Legislature. The report will include, among other data, the number of homeless youth who took the CHSPE in 2016, 2017 and 2018 and the impact of the opportunity to take the high school proficiency examination at no cost. The reporting requirements for CHSPE will be inoperative on January 1, 2020, pursuant to Government Code section 10231.5.

Specific Basis for the Finding of Emergency

SB 252 is intended to allow the vulnerable population of homeless youth to achieve a high school proficiency or equivalency certificate without financial obstacles and requires detailed reports be provided by the CDE to the Legislature for the calendar years 2016, 2017, and 2018. If the standard regulation process is followed, homeless youth will be delayed in receiving a fee waiver and the CDE may not meet the reporting requirements for 2016. Education Code section 48412 requires the SBE to adopt emergency regulations, as necessary, to implement the provisions of SB 252.

These Issues Could Not Be Addressed Through Nonemergency Regulations

Education Code section 42412(f) established a statutory deadline of December 1, 2018, for the CDE to provide detailed reports to the Legislature that incudes data for the calendar year 2016. These requirements do not allow for sufficient time to complete the regular rulemaking process.

NON-DUPLICATION

Government Code section 11349 prohibits unnecessary duplication of state or federal statutes in regulation. In this case, duplication of certain state statute in the proposed emergency regulations is necessary in order to provide additional specific detail not included in state statute.

AUTHORITY AND REFERENCE

Authority: Sections 33031, 48410 and 48412, Education Code.

References: Sections 48410 and 48412, Education Code.

INFORMATIVE DIGEST

Education Code section 48412 authorizes certain persons, including, among others, any person 16 years of age or older, to have his or her proficiency in basic skills taught in public high schools verified according to criteria established by the CDE. The law

requires the SBE to award a certificate of proficiency to persons who demonstrate that proficiency. The law further requires the department to develop standards of competency in basic skills taught in public high schools and to provide for the administration of examinations prepared by, or with the approval of, the department to verify competency. The law authorizes the CDE to charge a fee for each examination application in an amount sufficient to recover the costs of administering the requirements of these provisions, but prohibits the fee from exceeding an amount equal to the cost of test renewal and administration per examination application.

SB 252 (Leno), signed by the Governor on September 30, 2015, prohibits the CDE from charging the fee to a homeless child or youth who is under 25 years of age and can verify his or her status as a homeless child or youth. SB 252 authorizes a homeless services provider, as defined, that has knowledge of the examinee's housing status to verify the examinee's status for purposes of these provisions. SB 252 provides that no additional state funds shall be appropriated for purposes of implementing the above provisions. The bill requires the SBE to adopt emergency regulations for purposes of these provisions.

Required reports will provide an indication of the effectiveness of the fee waiver in regards to helping homeless youth achieve greater educational and employment opportunities.

The proposed regulations are intended to support the efficient implementation of the CHSPE fee waiver for eligible homeless youth. The proposed regulations do not differ substantially from existing federal statutes as SB 252 includes definitions and guidelines from federal statutes such as McKinney-Vento Homeless Assistance Act (42 U.S.C. Section 1134a(2)). The CDE reviewed all state regulations relating to the CHSPE and found none exist that are inconsistent or incompatible with these regulations.

SPECIFIC BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

The proposed regulations will serve to implement the changes to law required under SB 252 by providing direction to homeless youth, homeless services providers, and the testing contractor about what documentation, including the Homeless Certification Form, and processes will be required for a homeless youth to obtain the fee waiver for the CHSPE. The proposed regulations further clarify which fee will be waived, which fees will not be waived, how long Homeless Certification Forms and fee waivers will be valid, and documentation that must be maintained by homeless services providers and the testing contractor. Implementation of the proposed regulations would provide homeless youth who do not have the financial resources to pay the CHSPE registration fee an opportunity to take the CHSPE at no personal cost and potentially earn a Certificate of Proficiency. The proposed regulations would also ensure that only those eligible youth who are verified to be homeless are afforded this opportunity.

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

The SBE did not consider any technical, theoretical, empirical studies, reports, or other documents in drafting these regulations.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

Homeless services providers may be required to make certification records available to the CDE upon request.

COST OR SAVINGS TO ANY STATE AGENCY

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

NON-DISCRETIONARY COSTS OR SAVINGS IMPOSED UPON LOCAL AGENCIES

Homeless services providers or their agencies will be required to make copies of Homeless Certification Forms available to the CDE upon request. As a result, homeless services providers who receive such a request from the CDE, may incur minimal costs to provide the copies.

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

Title 5. EDUCATION

Division 1. California Department of Education

Chapter 11. Special Programs

Subchapter 8. High School Proficiency Certificates

Article 1. Certificate of Proficiency

§ 11520. Definitions.

(a) "Certificate" means a certificate of proficiency awarded by the State Board of Education (SBE) as described in Education Code section 48412(a)(2).

(b) "Homeless Certification Form" means a form provided by the California Department of Education (CDE) that is to be completed by an authorized homeless services provider to verify that a youth is homeless as defined in Education Code section 48412. The Homeless Certification Form (issued 03/2016) is incorporated by reference in California Code of Regulations, title 5, section 11530.

(c)~~(a)~~ "Parent" as used in Education Code ~~S~~section 48410(e), relating to verified parental approval, means the natural parent, or adoptive parent or legal guardian, having legal custody of the pupil.

(d) "Testing accommodations" means any variation in the assessment environment or process that does not fundamentally alter what the test measures or affect the comparability of scores.

NOTE: Authority cited: Sections 48410~~,~~ and 48412 ~~and 51426~~, Education Code. Reference: Sections 48410 and 48412, Education Code.

§ 11521. Placement on Pupil Transcript.

A school district shall, for each pupil who demonstrates proficiency as provided in Education Code ~~S~~section 48410(e), indicate the pupil's accomplishment and the date of the proficiency certificate award on the pupil's official transcript.

NOTE: Authority cited: Section 33031, Education Code. Reference: Section 48410, Education Code.

§ 11522. Requirement for Exemption from School Attendance Form.

Each school district shall develop a form which evidences parental consent for exemption from further compulsory school attendance pursuant to Education Code ~~S~~section 48410(e). The form shall be made available upon request to 16- and 17-year-old pupils who have been awarded the Certificate of Proficiency by the State Board of Education ~~demonstrated proficiency~~. The form shall contain at least the following information:

(a) A general explanation of the pupil's rights of exemption from compulsory school attendance and of re-enrollment in the public high schools.

(b) The date of issuance of a certificate of proficiency.

(c) The signature of the parent and the date.

(d) The signature of a school administrator who has personally confirmed the authenticity of the parent's signature and the date.

NOTE: Authority cited: Sections 33031 and 48412, Education Code. Reference: Section 48410, Education Code.

§ 11524. Waiver of Fees.

(a) The contractor selected to administer the examination shall not collect fees from individuals who are under 25 years of age, meet all other registration requirements, and are verified to be homeless by a homeless services provider as defined in Education Code section 48412, except for fees for additional services not related to regular test registration including, but not limited to, registration for a test administration after the regular registration deadline set by the contractor, request to change the testing date after the regular registration deadline set by the contractor, request for a transcript or duplicate certificate, or request to expedite services. The contractor shall not charge fees to individuals who are verified to be homeless for any other administrative services without prior approval of the CDE.

(b) The fee waiver for individuals who are under age 25 and are verified to be homeless by a homeless services provider as defined in Education Code section 48412 shall include only fees for services related to test administration. The fee waiver shall

not include fees for services or documents required to verify the need for testing accommodations, test preparation, or other services not related to test administration. NOTE: Authority cited: Section 48412, Education Code. Reference: Section 48412, Education Code.

§ 11525. Homeless Certification.

(a) To be eligible for a fee waiver, at the time of registration for a test administration, a homeless youth must submit all standard required registration materials to the contractor including documentation required for all testing accommodations that the individual may need and an original completed Homeless Certification Form.

(b) Only the Homeless Certification Form may be used to certify that the registrant is homeless. The Homeless Certification Form must include all of the following information:

(1) The full legal name of the registrant;

(2) The date of birth of the registrant;

(3) The signature of the registrant affirming, under penalty of perjury, a statement that he or she is homeless and under 25 years of age;

(4) The printed name of the homeless services provider;

(5) The title of the homeless services provider;

(6) The business address, phone number, and e-mail address of the homeless services provider;

(7) The signature of the homeless services provider affirming, under penalty of perjury, a statement that he or she is an authorized homeless services provider and that the registrant is homeless as defined in Education Code section 48412;

(8) The date that the Homeless Certification Form is completed by the homeless services provider; and

(9) The date the Homeless Certification Form expires.

(c) The Homeless Certification Form is valid for a period of one year from the certification date and may be renewed annually until the certified homeless youth reaches 25 years of age. If the certified homeless youth reaches 25 years of age within

one year from the certification date, the Homeless Certification Form will be valid only until one day before the certified homeless youth reaches 25 years of age.

(d) The homeless services provider or the provider's agency shall retain a copy of all Homeless Certification Forms issued to certified homeless youth until each certified homeless youth reaches 28 years of age. The homeless services provider or the provider's agency shall make copies of Homeless Certification Forms available to the CDE upon request.

(e) The contractor shall retain all original Homeless Certification Forms issued to certified homeless youth until each homeless youth reaches 28 years of age. The contractor shall make original Homeless Certification Forms available to the CDE upon request.

NOTE: Authority cited: Sections 33031 and 48412, Education Code. Reference: Sections 48410 and 48412, Education Code.

04-26-16 [California Department of Education]

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

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

1430 N Street Sacramento, CA 95814-5901

May 12, 2016

NOTICE OF PROPOSED EMERGENCY ACTION

California High School Proficiency Examination (CHSPE)

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 High School Proficiency Examination” 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.”

This is the official scanned version of Item 12 Attachment 4 from the California State Board of Education (SBE) Meeting Agenda for May 2016 posted at http://www.cde.ca.gov/be/ag/ag/yr16/agenda201605.asp

An accessible version of the contents of this document is located at http://www.cde.ca.gov/be/ag/ag/yr16/may16item12a4aav.asp

The scanned document starts following this initial page.

ECONOMIC IMPACT STATEMENT

DEPARTMENT NAME	CONTACT PERSON	EMAIL ADDRESS	TELEPHONE NUMBER
Education	Linda Hakala	lhakala@cde.ca.gov	319-0658

DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400	NOTICE FILE NUMBER
California High School Proficiency Examination (CHSPE) (dated 03-07-16)	Z

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

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

- ☐ a. Impacts business and/or employees
- ☐ b. Impacts small businesses
- ☐ c. Impacts jobs or occupations
- ☐ d. Impacts California competitiveness
- ☐ e. Imposes reporting requirements
- ☐ f. Imposes prescriptive instead of performance
- ☐ g. Impacts individuals
- ☒ h. None of the above (Explain below):

The regulations clarify statute and would not impose add'l private sector costs

If any box in Items 1 a through g is checked, complete this Economic Impact Statement.
If box in Item 1.h. is checked, complete the Fiscal Impact Statement as appropriate.

2. The _____ (Agency/Department) estimates that the economic impact of this regulation (which includes the fiscal impact) is:

- ☐ Below $10 million
- ☐ Between $10 and $25 million
- ☐ Between $25 and $50 million
- ☐ Over $50 million *[If the economic impact is over $50 million, agencies are required to submit a Standardized Regulatory Impact Assessment as specified in Government Code Section 11346.3(c)]*

3. Enter the total number of businesses impacted: _____

Describe the types of businesses (Include nonprofits): _____

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

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

Explain: _____

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

6. Enter the number of jobs created: _____ and eliminated: _____

Describe the types of jobs or occupations impacted: _____

7. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here? ☐ YES ☐ NO

If YES, explain briefly: _____

ECONOMIC IMPACT STATEMENT (CONTINUED)

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

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

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

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

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

   d. Describe other economic costs that may occur: _____

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

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

4. Will this regulation directly impact housing costs? ☐ YES ☐ NO

   If YES, enter the annual dollar cost per housing unit: $ _____

   Number of units: _____

5. Are there comparable Federal regulations? ☐ YES ☐ NO

   Explain the need for State regulation given the existence or absence of Federal regulations: _____

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

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

1. Briefly summarize the benefits of the regulation, which may include among others, the health and welfare of California residents, worker safety and the State's environment: _____

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

   Explain: _____

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

4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: _____

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

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

ECONOMIC IMPACT STATEMENT (CONTINUED)

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

Regulation: Benefit: $ _____ Cost: $ _____

Alternative 1: Benefit: $ _____ Cost: $ _____

Alternative 2: Benefit: $ _____ Cost: $ _____

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

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

Explain: _____

E. MAJOR REGULATIONS *Include calculations and assumptions in the rulemaking record.*

California Environmental Protection Agency (Cal/EPA) boards, offices and departments are required to submit the following (per Health and Safety Code section 57005). Otherwise, skip to E4.

1. Will the estimated costs of this regulation to California business enterprises **exceed $10 million?** ☐ YES ☐ NO

If YES, complete E2. and E3
If NO, skip to E4

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

Alternative 1: _____

Alternative 2: _____

(Attach additional pages for other alternatives)

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

Regulation: Total Cost $ _____ Cost-effectiveness ratio: $ _____

Alternative 1: Total Cost $ _____ Cost-effectiveness ratio: $ _____

Alternative 2: Total Cost $ _____ Cost-effectiveness ratio: $ _____

4. Will the regulation subject to OAL review have an estimated economic impact to business enterprises and individuals located in or doing business in California exceeding $50 million in any 12-month period between the date the major regulation is estimated to be filed with the Secretary of State through12 months after the major regulation is estimated to be fully implemented?

☐ YES ☐ NO

If YES, agencies are required to submit a Standardized Regulatory Impact Assessment (SRIA) as specified in Government Code Section 11346.3(c) and to include the SRIA in the Initial Statement of Reasons.

5. Briefly describe the following:

The increase or decrease of investment in the State: _____

The incentive for innovation in products, materials or processes: _____

The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency: _____

FISCAL IMPACT STATEMENT

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

☐ 1. Additional expenditures in the current State Fiscal Year which are reimbursable by the State. (Approximate) (Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

$ _____

☐ a. Funding provided in _____

Budget Act of _____ or Chapter _____, Statutes of _____

☐ b. Funding will be requested in the Governor's Budget Act of _____

Fiscal Year: _____

☐ 2. Additional expenditures in the current State Fiscal Year which are NOT reimbursable by the State. (Approximate) (Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

$ _____

Check reason(s) this regulation is not reimbursable and provide the appropriate information:

☐ a. Implements the Federal mandate contained in _____

☐ b. Implements the court mandate set forth by the _____ Court.

Case of: _____ vs. _____

☐ c. Implements a mandate of the people of this State expressed in their approval of Proposition No. _____

Date of Election: _____

☐ d. Issued only in response to a specific request from affected local entity(s).

Local entity(s) affected: _____

☐ e. Will be fully financed from the fees, revenue, etc. from: _____

Authorized by Section: _____ of the _____ Code;

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

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

☐ 3. Annual Savings. (approximate)

$ _____

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

☐ 5. No fiscal impact exists. This regulation does not affect any local entity or program.

☒ 6. Other. Explain The regulations do not impose any additional costs as they clarify statute and provide specificity.

FISCAL IMPACT STATEMENT (CONTINUED)

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

☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

$ _____

It is anticipated that State agencies will:

☐ a. Absorb these additional costs within their existing budgets and resources.

☐ b. Increase the currently authorized budget level for the _____ Fiscal Year

☐ 2. Savings in the current State Fiscal Year. (Approximate)

$ _____

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

☒ 4. Other. Explain The regulations do not impose any additional costs as they provide clarity and consistency.

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

☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

$ _____

☐ 2. Savings in the current State Fiscal Year. (Approximate)

$ _____

☒ 3. No fiscal impact exists. This regulation does not affect any federally funded State agency or program.

☐ 4. Other. Explain _____

FISCAL OFFICER SIGNATURE	DATE
Linda Askala	April 19, 2016

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

AGENCY SECRETARY	DATE
	4/25/16

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

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER	DATE

AAV of Item 12 Attachment 4

This page is the Accessible Alternative Version (AAV) of Item 12 Attachment 4 from the California State Board of Education (SBE) Meeting Agenda for May 2016. The scanned Item 12 Attachment 4 (PDF) version is considered to be the official version of the document.

Economic and Fiscal Impact Statement

(REGULATIONS AND ORDERS). *User entries from the STD. 399 (REV. 12/2013) Form.*

Department Name: Education

Contact Person: Linda Hakala

E-mail Address: lhakala@cde.ca.gov

Telephone Number: 916-319-0658

Descriptive Title From Notice Register Or From 400: California High School Proficiency Examination (CHSPE) (dated March 7, 2016)

Notice File Number: Z

Economic Impact Statement

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

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

- Selected option is H: None of the above (Explain below)
- Option H explanation: *The regulations clarify statute and would not impose additional private sector costs.*

Fiscal Impact Statement

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

- Selected option is 6: Other. Explain. *The regulations do not impose any additional costs as they clarify statute and provide specificity.*

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

- Selected option is 4: Other. Explain. *The regulations do not impose any additional costs as they provide clarity and consistency.*

Section C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS (Indicate appropriate boxes1

through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)

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

Fiscal Officer Signature: Signed by Linda Hakala dated April 19, 2016

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

Agency Secretary: Contains signature dated April 25, 2016

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

Department of Finance Program Budget Manager: No signature.

California State Board of Education

Meeting Agenda Items for May 11-12, 2016

ITEM 13

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2016 AGENDA

SUBJECT	
Every Student Succeeds Act: Request a Waiver Under Title I, Part A, Section 8401 to Waive the Applicable Speaking and Listening Assessment Requirements for the 2015–16 and 2016–17 School Years.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

This item responds to the March 2, 2016 letter from the U.S. Department of Education (ED) inviting states to apply for a limited waiver of Section 1111(b)(3)(C)(ii) of the Elementary and Secondary Education Act (ESEA) of 1965, as amended by the No Child Left Behind (NCLB) Act of 2001, that California's assessment system measure the full range of its academic content standards. Pursuant to Section 8401(b) of the ESEA, as amended by the Every Student Succeeds Act (ESSA), a limited waiver is available only to those states whose reading/language arts content standards include speaking and listening standards. The ED letter is presented in Attachment 1. This limited waiver would provide states with a temporary reprieve from assessing those standards and also allow states an opportunity to work with the ED to develop best practices with respect to assessing speaking and listening on large-scale assessments. The request for a limited waiver—for the 2015–16 and 2016–17 school years—is presented in Attachment 2.

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) delegate authority to the SBE President, in consultation with the State Superintendent of Public Instruction, to approve the draft Title I waiver request to the ED, as provided in Attachment 2 and submit it to the ED.

BRIEF HISTORY OF KEY ISSUES

In accordance with Section 1111(b)(3)(C)(ii) of the ESEA, as amended by NCLB, "Each State plan shall demonstrate that the State educational agency, in consultation with local educational agencies, has implemented a set of high-quality, yearly student academic assessments…aligned with the State's challenging academic content and student academic achievement standards, and provide coherent information about

student attainment of such standards." In its March 2, 2016 letter, the ED cites the above section and its application to the alignment of assessments with the state's speaking and listening standards. As a member of the Smarter Balanced Assessment Consortium, California already assesses some of the standards in its speaking and listening strand and therefore requests a wavier only with respect to those speaking and listening standards that are not otherwise assessed currently by California.

In order to meet the requirements for a waiver under ESSA, "a State must provide the public and any interested local educational agency (LEA) in the State with notice and a reasonable opportunity to comment and provide input on the request to the State. In addition, the State must provide notice and a reasonable time to comment to the public and LEAs in the manner in which the State customarily provides similar notice and opportunity to comment to the public." In order to fully comply with these requirements, the CDE has posted this item on the May 2016 Agenda for the SBE, ten days in advance of the meeting in order to provide the public with an opportunity to attend the SBE meeting and comment on this waiver request.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

None.

FISCAL ANALYSIS (AS APPROPRIATE)

Any state or LEA that does not abide by the mandates or provisions of ESEA is at risk of losing federal funding.

ATTACHMENT(S)

Attachment 1: March 2, 2016 Letter from the United States Department of Education Inviting States to Apply for a Limited Waiver from the Requirement to Assess Listening and Speaking Standards (2 Pages)

Attachment 2: Letter from the California Department of Education and the State Board of Education Requesting a Limited Waiver from Measuring California's Listening and Speaking Content Standards, as applicable, for the 2015–16 and 2016–17 School Years (2 Pages)

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

March 2, 2016

Dear Chief State School Officer:

This letter is following up on information I provided in fall 2015 regarding the peer review of State assessment systems. In a letter on September 25, 2015, I indicated that the U.S. Department of Education (ED) would provide additional information regarding how a State could request a limited waiver of the requirement that its assessment system cover the full range of its academic content standards for speaking and listening, if the State has adopted those as part of its reading/language arts standards.

Over the past several years, States have been working hard to establish and implement challenging, State-developed academic content standards and creating an assessment system that supports student learning and is aligned to those standards as part of a broader strategy to ensure that all students graduate from high school prepared for college and careers. ED is aware that many States have adopted speaking and listening content standards as part of their reading/language arts standards. However, we realize that measuring speaking and listening skills in a large-scale summative assessment may not be practicable at this time. Therefore, pursuant to section 8401(b) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA), if a State's reading/language arts content standards include speaking and listening standards, ED invites the State to submit a request for a limited waiver of section 1111(b)(3)(C)(ii) of the ESEA, as amended by the No Child Left Behind Act of 2001 (NCLB), so that the State's assessment system need not measure the State's speaking and listening standards at this time. ED is only inviting this waiver with respect to aligning assessments with speaking and listening standards.

If your State is interested in applying for this waiver, ED has provided the enclosed template to aid your request. A State may request a speaking and listening waiver through the 2016-2017 school year. ED will continue to work with States to develop best practices with respect to assessing speaking and listening on large-scale assessments, and may allow States to request an extension of the waiver for subsequent years based on their demonstrated progress towards implementing an assessment that measures speaking and listening standards. Please note that receipt of this waiver does not alleviate the other requirements regarding the State's assessment system as identified in the assessment peer review guidance, including the requirement to provide appropriate accommodations to all students, including students with disabilities and English learners.

In order to meet the requirements for a waiver under ESSA, a State must provide the public and any interested local educational agency (LEA) in the State with notice and a reasonable opportunity to comment and provide input on the request to the State. In addition, the State must provide notice and a reasonable time to comment to the public and LEAs in the manner in which

the State customarily provides similar notice and opportunity to comment to the public. In order for this information to inform the peer review of your State's assessment system this spring, we request interested States to submit their requests ***no later than April 22, 2016.*** This will enable ED to make timely decisions and allow your State to meet its deadline for submitting the remainder of its assessment documentation for peer review.

Please contact Patrick Rooney (Patrick.Rooney@ed.gov) or your OSS State contact (OSS.[State]@ed.gov) if you have any questions or concerns. Thank you for your continued commitment to our nation's students.

Sincerely,

/s/

Ann Whalen
Senior Advisor to the Secretary Delegated the Duties of Assistant Secretary for Elementary and Secondary Education

Enclosure

cc: State Assessment Directors

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

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

1430 N Street Sacramento, CA 95814-5901

DRAFTMay 16, 2016

Ann Whalen
Senior Advisor to the Secretary
Delegated the Duties of Assistant Secretary
for Elementary and Secondary Education
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Ms. Whalen:

The purpose of this letter is to request a waiver, pursuant to Section 8401(b) of the Every Student Succeeds Act (ESSA), of Section 1111(b)(3)(C)(ii) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001 (NCLB), that California's assessment system measure the full range of its academic content standards. As part of its English language arts and literacy academic content standards, California measures the assessable elements of its listening standards. California, however, is not yet ready to measure some elements of the standards included in the speaking and listening strand. California therefore requests this waiver only *with respect to measuring the content in the State's speaking and listening strand that are not otherwise currently assessed by the State.* California requests this waiver because it is not practicable at this time for it to administer a large-scale summative assessment that includes measures of the full range of the standards included in the speaking and listening strand. This waiver will advance student achievement by permitting California to have a valid and reliable assessment system that measures the full range of the rest of the State's academic content standards while providing time to complete the work necessary to have a valid and reliable measure of the full range of the standards included in the speaking and listening strand.

California requests this waiver to allow for continued State and local receipt of Title I, Part A funding in good standing while it completes additional work to develop accurate, valid, reliable, and instructionally useful assessments related to additional content within

the speaking and listening strand. This waiver is requested for the 2015–16 through 2016–17 school years. California assures that, if it is granted the requested waiver—

- It will continue to meet all other requirements of Section 1111(b)(3) of the ESEA, as amended by NCLB, and implementing regulations with respect to all State-determined academic content standards and assessments, including reporting student achievement and school performance, disaggregated by subgroups, to parents and the public.

- It will continue to work toward assessing additional content within the speaking and listening strand consistent with the State's academic content standards.

Prior to submitting this waiver request, California provided the public with notice and a reasonable opportunity to comment on this request. California provided such notice by posting a public item on the May 2016 Agenda for the California State Board of Education (SBE) ten days before the item was presented to the SBE. Refer to Item XX on the SBE Agenda for May 2016 Web page at http://www.cde.ca.gov/be/ag/ag/main201605.asp. California received XX public comments regarding this issue. A summary of the public comments made at the SBE May 2016 meeting regarding the waiver request appear in Attachment 1 of this letter.

Please contact Keric Ashley, Deputy Superintendent, District, School, and Innovation Branch, by phone at 916-319-0637 or by e-mail at KAshley@cde.ca.gov, if you have any questions regarding this request. Thank you for your consideration.

Sincerely,

Tom Torlakson
State Superintendent of Public Instruction
California Department of Education

Michael W. Kirst
President
California State Board of Education

TT/MK:ss
Attachment

California State Board of Education

Meeting Agenda Items for May 11-12, 2016

ITEM 14

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2016 AGENDA

SUBJECT	
Elementary and Secondary Education Act: No Child Left Behind: Approval of Local Educational Agency Plans, Title I, Section 1112.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

The Elementary and Secondary Education Act (ESEA) provides federal funding that may be available to local educational agencies (LEAs) (defined as districts, county offices of education, and direct-funded charter schools) for a variety of programs. Currently, one direct-funded charter school submitted an LEA Plan as part of the application for ESEA federal 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).

While the ESEA has been reauthorized as the Every Student Succeeds Act (ESSA) and signed into law by President Barack Obama on December 10, 2015, most of the provisions of the ESSA will not take effect until the 2017–18 school year.

RECOMMENDATION

The CDE recommends that the SBE approve the one direct-funded charter school LEA Plan 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 1,865 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
Rocketship Franklin McKinley School	41 10439 0133496	None available; opens in August 2016.

California State Board of Education

Meeting Agenda Items for May 11-12, 2016

ITEM 15

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2016 AGENDA

SUBJECT	
Elementary and Secondary Education Act: Supplemental Educational Services Providers: Reinstatement of Provider to the 2015–17 Approval List.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

The Elementary and Secondary Education Act (ESEA) Section 1116(e)(4)(C) requires the state educational agency (SEA) to develop and maintain a list of approved Supplemental Educational Services (SES) providers to provide services to eligible students. The ESEA also requires the SEA to monitor and evaluate approved SES providers.

The State Board of Education (SBE) terminated Rio Hondo DBA LEARN (LEARN) as an approved SES provider at the January 2016 SBE meeting based on the recommendation of the California Department of Education (CDE). The CDE made this recommendation based upon LEARN's failure to submit a corrected Accountability Report in the requested timeframe. After review, the CDE believes that the documents submitted by LEARN to correct the deficiencies in their 2015 Accountability Report were delivered in a timely manner by LEARN to the CDE on time.

RECOMMENDATION

The CDE recommends that the SBE reinstate LEARN as an SES provider to the SBE 2015–17 Approved SES Provider List.

The provider recommended for approval reinstatement is provided as Attachment 1.

BRIEF HISTORY OF KEY ISSUES

According to the *California Code of Regulations*, Title 5 (5 *CCR*), Section 13075.6(a)(1)(3), if a provider chooses to appeal the termination of their approval status, the following process shall be adhered to:

1. Within 30 calendar days of receipt of the termination notification, the provider shall file a written request for appeal with the CDE, who will investigate on behalf of the SBE. The request shall include an explanation of the basis for the appeal and any supporting documentation.

2. Upon completion of its investigation, the CDE shall make a recommendation to the SBE to either uphold or deny the provider's appeal, including the reasons for such recommendation.

3. The CDE shall also notify the provider that its investigation is complete, notify the provider of its recommendation, and inform the provider that the recommendation has been forwarded to the SBE (see Attachment 2).

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At its January 2016 meeting, the SBE approved the removal of SES providers that failed to submit their Accountability Report.
http://www.cde.ca.gov/be/ag/ag/yr16/agenda201601.asp)

FISCAL ANALYSIS (AS APPROPRIATE)

There is no fiscal impact to the state.

ATTACHMENT(S)

Attachment 1: Supplemental Educational Services Provider Recommended for Reinstatement to the 2015–17 Approved Provider List (1 Page)

Attachment 2: Appeal of State Board of Education Termination letter dated March 18, 2016 (1 Page)

Supplemental Educational Services Provider Recommended for Reinstatement to the 2015–17 Approved Provider List

The following provider is recommended for reinstatement to the State Board of Education approved provider list pursuant to the *California Code of Regulations*, Title 5, Section 13075.6(a)(1)(3):

Provider Business Name	Approval Period	Justification for Reinstatement
Rio Hondo DBA LEARN	2015–17	Evidence that the Accountability Report appeal submitted to the Title I Policy and Guidance Office was delivered to the CDE mailroom on the due date of September 9, 2015.

CALIFORNIA
DEPARTMENT OF
EDUCATION

TOM TORLAKSON
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

March 18, 2016

Mr. Robert Arellanes
Rio Hondo DBA LEARN
7200 Greenleaf Avenue, Suite 300
Whittier, CA 90602

Dear Mr. Robert Arellanes:

Subject: Appeal of State Board of Education Termination

On January 26, 2016, Rio Hondo DBA LEARN (LEARN) filed a written appeal to the State Board of Education (SBE) termination from the 2015–17 approved Supplemental Education Services (SES) provider list. Along with the written notice of appeal, LEARN provided the California Department of Education (CDE) with documents in support of its appeal, including a delivery confirmation print-out from the United State Postal Service.

The SBE terminated LEARN as an approved SES provider at the January 2016 SBE meeting based on the recommendation of the CDE. The CDE made this recommendation based upon LEARN's failure to timely correct its 2015 SES Accountability Report, which included deficiencies, as documents requested by the Title I Policy and Program Guidance Office (TIPPGO) were not received by TIPPGO on September 9, 2015, as requested. Instead, TIPPGO received the documents on September 14, 2015.

The CDE has reviewed the appeal and the written documents included therein. Based upon a review of these documents, the CDE believes that the documents submitted by LEARN to correct the deficiencies in their 2015 Accountability Report were timely delivered by LEARN to the general CDE mailroom, and their delay in reaching TIPPGO was not the fault of LEARN.

The CDE therefore intends to recommend that the SBE uphold LEARN's appeal and reinstate them as an approved SES provider at the next SBE meeting, which is scheduled for May 11–12, 2016.

If you have any questions or concerns, please contact Kimberly Born, Education Administrator I, Title I Policy and Program Guidance Office, by phone at (916) 319-0948 or by e-mail at ses@cde.ca.gov.

Sincerely,

/ s /

Kimberly Born, Education Administrator I
Title I Policy and Program Guidance Office

KB:sh

California State Board of Education

Meeting Agenda Items for May 11-12, 2016

ITEM 16

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2016 AGENDA

SUBJECT	
History–Social Science Instructional Materials Adoption – Approve Commencement of the Rulemaking Process for Amendments to the *California Code of Regulations*, Title 5, Section 9517.3.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

At its May 19–20, 2016, public meeting, the Instructional Quality Commission (IQC) is scheduled to consider a timeline for a future History–Social Science (HSS) instructional materials adoption. If the IQC approves that timeline, it will forward the recommended timeline to the State Board of Education (SBE) for consideration and approval at its July 13–14, 2016, public meeting.

In order for the California Department of Education (CDE) and SBE to conduct an adoption of instructional materials for HSS as set forth in California *Education Code* (*EC*) Section 60212, the attached proposed regulations must be adopted. Because the state rulemaking process is lengthy, this item must be considered at this time.

RECOMMENDATION

The CDE recommends the SBE take the following actions:

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

BRIEF HISTORY OF KEY ISSUES

The California Constitution, Article 9, Section 7.5, establishes that the SBE shall adopt

instructional materials for use in grades one through eight (and, pursuant to *EC* Section 60200, kindergarten).

EC Section 60212 stipulates that for the purposes of an HSS instructional materials adoption, the CDE "shall assess a fee" for those publishers declaring their intent to participate. While *EC* Section 60200 and the *California Code of Regulations*, Title 5, (5 *CCR*) sections 9510 through 9525 fully establish a process by which the CDE and the SBE conduct instructional materials adoptions, 5 *CCR* does not address the process for collecting fees for an HSS adoption nor the amount of any fees. These proposed regulations will allow the CDE and the SBE to conduct an HSS instructional materials adoption if such an adoption is approved at a later date.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At its January 2013 meeting, the SBE approved the commencement of the Rulemaking process to establish 5 *CCR* section 9517.3 to facilitate the collection of fees for the 2014 Mathematics Instructional Materials Adoption. Those regulations were subsequently enacted.

At its January 2014 meeting, the SBE approved the commencement of the Rulemaking process to amended 5 *CCR* Section 9517.3 to facilitate the collection of fees for the 2015 English Language Arts/English Language Development Instructional Materials Adoption. Those regulations were subsequently enacted.

FISCAL ANALYSIS (AS APPROPRIATE)

These regulations will not result in any additional costs or savings to local education agencies (LEA), state agencies, or federal funding to the State. The process regulated will be self-funded by fees from participating publishers. Further, pursuant to law, LEA will be under no obligation to purchase or implement the instructional materials approved as a result of a possible adoption process.

An Economic Fiscal Impact Statement is provided as Attachment 4.

ATTACHMENT(S)

Attachment 1: Notice of Proposed Rulemaking (5 pages)

Attachment 2: Initial Statement of Reasons (5 pages)

Attachment 3: Proposed Regulations (2 pages)

Attachment 4: Economic and Fiscal Impact Statement (STD. 399) (5 pages).

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

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

1430 N Street Sacramento, CA 95814-5901

NOTICE OF PROPOSED RULEMAKING

AMENDMENT TO CALIFORNIA CODE OF REGULATIONS, TITLE 5, REGARDING HISTORY–SOCIAL SCIENCE INSTRUCTIONAL MATERIALS ADOPTION

[Notice published May 27, 2016]

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 9:30 a.m. on July 12, 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 July 12, 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 and 60206, Education Code.

References: Sections 60200, 60207 and 60212, Education Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

California Education Code section 60212, which became effective July 24, 2015, requires the collection of fees from publishers voluntarily choosing to participate in an adoption of basic instructional materials for history–social science pursuant to Education Code section 60200. While Education Code section 60200 and the California Code of Regulations, title 5, sections 9510 through 9525 establish the process by which the CDE and the SBE conduct instructional materials adoptions, title 5 does not address the process for collecting fees for history-social science as specified in Education Code section 60212, nor the amount of the fee. These proposed new regulations will address this fee and the CDE's collection process. These regulations will allow the CDE and the SBE to conduct a history–social science instructional materials adoption and provide to local educational agencies (LEAs) and the public a list of SBE approved and recommended kindergarten through grade eight instructional materials.

Anticipated Benefits of the Proposed Regulation

The proposed regulations will benefit the State of California by offsetting the costs of conducting history-social science instructional materials adoption. No State General Funds will be required due to the requirement of submission fees to be paid by publishers voluntarily participating. The fiscal impact of the publisher fee on business is offset by the potential gains. While these regulations will enact a $5,000 per grade level per program publisher participation fee, publishers whose instructional materials are adopted by the SBE will benefit from extensive marketing exposure and recognition by school districts that the materials have been thoroughly vetted. School districts in turn will benefit from the availability of a list of instructional materials programs that have been reviewed for consistency with an SBE-adopted evaluation criteria.

Determination of Inconsistency/Incompatibility with Existing State Regulations

The CDE reviewed all state regulations relating to instructional materials and found that none exist that are inconsistent or incompatible with these regulations regarding kindergarten through grade eight history-social science instructional materials. The proposed regulations add an element of detail specific to one adoption process as set

forth in Education Code section 60212, which became effective July 24, 2015.

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 LEAs: 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 adverse effect on any small business because small businesses may request a reduced participation fee. Education Code section 60212(b) stipulates that “before incurring substantial costs” for the adoption, the CDE “shall assess a fee” from publishers who have declared their intent to submit instructional materials for consideration of SBE adoption. The law allows the SBE to reduce the fee for a small publisher, defined as “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 ten million dollars ($10,000,000) or less over the previous three years.”

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The SBE concludes that it is unlikely that these regulations will: 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within California; or 3) adversely affect the expansion of businesses currently doing business

within California.

The fiscal impact of the publisher fee on business is offset by the potential gains. While these regulations will enact a $5,000 per grade level per program publisher participation fee, publishers whose instructional materials are adopted by the SBE will benefit from extensive marketing exposure and recognition by school districts that the materials have been thoroughly vetted.

Benefits of the Proposed Action: The proposed regulations will benefit the State of California by offsetting the costs of conducting an instructional materials adoption. No State General Funds will be required due to the requirement of submission fees to be paid by publishers voluntarily participating.

CONSIDERATION OF ALTERNATIVES

The SBE has determined 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, 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:

David Almquist, Education Programs Consultant
Curriculum Framework & Instructional Resources Division
California Department of Education
1430 N Street, Suite 3207
Sacramento, CA 95814
Telephone: 916-319-0444

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator or the backup contact person, 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 the Curriculum Frameworks & Instructional Resources Division, 1430 N Street, Suite 3207, Sacramento, CA, 95814; telephone, 916-319-0881. Please request assistance at least two weeks prior to the hearing.

INITIAL STATEMENT OF REASONS

History–Social Science Instructional Materials Adoption

INTRODUCTION

The California Department of Education (CDE) is proposing these regulations in order to facilitate a State Board of Education (SBE) adoption of history–social science (HSS) instructional materials as set forth in California Education Code sections 60200 and 60212. Education Code section 60212 requires the CDE to assess participating publishers a fee, while providing "small publishers" a reduction in the fee. In order to assess this fee, the State requires these new regulations.

In 2013, the CDE first established California Code of Regulations, title 5, section 9517.3 to facilitate the collection of fees for the 2014 Mathematics Instructional Materials Adoption. In 2014, the CDE amended section 9517.3, pursuant to the rulemaking process, in order to facilitate the collection of fees for the 2015 English Language Arts/English Language Development (ELA/ELD) Instructional Materials Adoption. The proposed amendments herein would modify section 9517.3 to facilitate the collection of fees for a 2017 HSS Instructional Materials Adoption.

PROBLEM AGENCY INTENDS TO ADDRESS

Education Code section 60212 stipulates that "before incurring substantial costs" for the instructional materials adoption, the CDE "shall assess a fee" for those publishers declaring their intent to participate. The law requires that the fee be reasonable and relative to the cost of conducting the adoption, be payable even if the publisher withdraws from the process, and that the publisher must submit the fee prior to the review of the submitted materials. The law allows the SBE to reduce the fee for a small publisher, defined as "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 ten million dollars ($10,000,000) or less over the previous three years."

While Education Code section 60200 and the title 5, sections 9510 through 9525 fully establish the process by which the CDE and the SBE conduct instructional materials' adoptions, title 5 does not address the process for collecting the fee nor the amount of the fee. These proposed regulations will address this fee and the CDE's collection process. These regulations will allow the CDE and the SBE to conduct an instructional materials adoption process upon approval of the SBE and provide to school districts and the public a list of SBE approved and recommended kindergarten through grade eight HSS instructional materials.

In order for the CDE to comply with the requirements of Education Code section 60212, these proposed regulations must be established to provide both the details and mechanism for implementation.

The proposed fee for the HSS Instructional Materials Adoption is the same fee collected for both the 2014 Mathematics and 2015 ELA/ELD Instructional Materials Adoptions.

BENEFITS ANTICIPATED FROM REGULATORY ACTION

The benefit of the proposed amendment to title 5 will be the implementation of a State HSS instructional materials adoption process upon SBE approval in compliance with State law.

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

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

General changes were made to the regulations to include removing the acronym ELA/ELD and replacing it with HSS.

Section 9517.3 is amended to replace the section title from the now completed 2015 ELA/ELD instructional materials adoption with a title referencing HSS instructional materials adoption.

Section 9517.3(a) is amended to replace the reference to the now completed 2015 ELA/ELD instructional materials adoption with a reference to the pending HSS instructional materials adoption. Also deleted is a reference to the final completion date of the ELA/ELD instructional materials adoption which has not been replaced with a final completion date for the HSS instructional materials adoption. The reason for this difference is that the ELA/ELD instructional materials adoption occurred under special legislative authorization, pursuant to Education Code section 60211, during a period of instructional materials adoptions suspension, pursuant to Education Code section 60200.7, and a final completion date was included in that special authorization. The instructional materials adoptions suspension period expired on July 1, 2015.

Section 9517.3(a)(5) is amended to delete the reference to Education Code section 60211 and replace it with Education Code section 60212. The amendment is necessary in order to identify the authorizing statute.

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

Purpose:

The California Constitution, Article 9, Section 7.5, establishes that the SBE shall adopt instructional materials for use in grades one through eight (and, pursuant to Education Code section 60200, kindergarten). Education Code section 60200 and title 5, sections

9510 through 9525 fully establish the process by which the CDE and the SBE conduct instructional materials adoptions. Education Code section 60212 stipulates that the CDE shall collect fees from publishers participating in a HSS instructional materials adoption.

These proposed regulations utilize the same details and fee structure as was utilized by the 2014 mathematics adoption and 2015 ELA/ELD adoption.

The implementation of this publisher participation fee will fund the HSS adoption—just as the fees during the mathematics and ELA/ELD adoptions funded those activities. These fees elevate pressure from the state general fund.

Creation or Elimination of Jobs Within the State of California:

The proposed regulations are designed to comply with the requirements of Education Code section 60212 and provide both the details and mechanism for implementation. The proposed fee for the HSS Instructional Materials Adoption is the same fee collected for both the 2014 Mathematics and 2015 ELA/ELD Instructional Materials Adoptions. The regulations will not have a direct or indirect effect of eliminating any jobs within the State of California; however, they may expand or create opportunities in California for businesses by facilitating an instructional material adoption which will stimulate the sale of instructional materials.

Creation of New or Elimination of Existing Businesses Within the State of California:

The proposed regulations are designed to comply with the requirements of Education Code section 60212 and provide both the details and mechanism for implementation. The proposed fee for the HSS Instructional Materials Adoption is the same fee collected for both the 2014 Mathematics and 2015 ELA/ELD Instructional Materials Adoptions. The regulations will not have a direct or indirect effect of eliminating any existing businesses within the State of California; however, they may expand or create opportunities in California for businesses by facilitating an instructional material adoption which will stimulate the sale of instructional materials.

Expansion of Businesses or Elimination of Businesses Currently Doing Business Within the State of California:

The fiscal impact of the publisher fee on business is offset by the potential gains. While these proposed regulations will enact a $5,000 per grade level per program publisher participation fee, publishers whose instructional materials are adopted by the SBE will benefit from extensive marketing exposure and recognition by school districts that the materials have been thoroughly vetted.

The proposed regulations may expand or create opportunities in California for businesses by facilitating an instructional material adoption which will stimulate the sale of instructional materials.

Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

These proposed regulations will have no adverse effect nor benefit on worker safety or the State's environment.

These proposed regulations will affect positively the health and welfare of California residents by making possible a new HSS instructional materials adoption. The resulting list of approved instructional materials, adopted for use in California schools by the SBE as a result of the process, will make available to California's students, and everyone involved with educating California's students, current, relevant, content-standards aligned, rigorously reviewed, educational curriculum designed to impart California citizens with a world-class education.

OTHER REQUIRED SHOWINGS

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

The SBE did not rely upon any technical, theoretical, or empirical studies, reports, or documents in proposing the adoption, amendment, or repeal of these regulations.

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)(5)(A):

The proposed regulations will not have a significant adverse economic impact on any business because the only businesses required to pay the fee are those that voluntarily choose to participate in the adoption process. Rather, this instructional materials adoption may create new business opportunities for those that wish to participate. The proposed regulations will expand or create opportunities in California for business by facilitating an instructional material adoption which will stimulate the sale of instructional materials. This assumption is validated by the historically high level of publisher participation in both the recent mathematics and ELA/ELD adoptions, both of which utilized nearly identical regulations (2014 mathematics adoption: 35 programs submitted

by 15 publishers; 2015 ELA/ELD adoption: 28 programs submitted by ten publishers).

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. The proposed regulations are necessary in order for the CDE to conduct the instructional materials adoption pursuant to the stipulations of the law.

04-22-16 [California Department of Education]

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

Title 5. EDUCATION

Division 1. California Department of Education

Chapter 9. Instructional Materials

Subchapter 1. Elementary Instructional Materials

Article 2. Adoption of Curriculum Frameworks, Evaluation Criteria and Instructional Materials–Procedures

§ 9517.3. ~~English Language Arts/English Language Development~~ History-Social Science Instructional Materials Adoption.

(a) The State Board of Education (SBE) adoption of basic instructional materials for history-social science (HSS) ~~English language arts/English language development (ELA/ELD) scheduled to occur no later than November 30, 2015,~~ shall be conducted according to the following requirements:

(1) CDE staff shall prepare the following documents for review and approval of the SBE at a public meeting:

(A) A Schedule of Significant Events specific to the HSS ~~ELA/ELD~~ adoption;

(B) A notice of intent to hold the HSS ~~ELA/ELD~~ adoption with the information specified in section 9517.3(a)(2)(A) and (B);

(2) A notice of intent to hold the HSS ~~ELA/ELD~~ adoption shall be posted on the CDE Web site, shall be mailed to all publishers who have participated in prior adoptions, shall be mailed to all publishers known to produce basic instructional materials in that subject, and shall be made available upon request.

The notice shall include:

(A) A Schedule of Significant Events.

(B) A statement that each publisher choosing to participate will be charged a fee as described in section 9517.3(a)(4).

(3) Each publisher shall provide a statement of intent to submit to the CDE in accordance with the dates set forth in the Schedule of Significant Events that specifies

the following:

(A) Number of programs that the publisher will submit.

(B) Number of grade levels covered by each program.

(4) Based on the information included in a publisher's statement of intent to submit, the CDE shall assess a fee of $5,000 per grade level for each program submitted for review. The fee shall be payable by the publisher even if the publisher subsequently chooses to withdraw a program or reduce the number of grade levels submitted for review.

(5) A “small publisher” as defined in Education Code section 60212(f)(2) ~~60211(b)(6)(B)~~, may request a reduction of the fee by submitting documentation in accordance with the date set forth in the Schedule of Significant Events, that includes the following:

(A) A statement of earnings for the most recent three fiscal years.

(B) A statement verifying the number of full-time employees excluding contracted employees.

(C) A statement verifying that the small publisher is independently owned or operated and is not dominant in its field for the subject matter being submitted.

(b) The HSS ~~ELA/ELD~~ adoption shall follow all other procedures set forth in this article.

NOTE: Authority cited: Sections 33031 and 60206, Education Code. Reference: Sections 60200, 60207 and 60212 ~~60211~~, Education Code.

03-01-16 [California Department of Education]

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The scanned document starts following this initial page.

ECONOMIC AND FISCAL IMPACT STATEMENT (REGULATIONS AND ORDERS)

STD. 399 (REV. 12/2013)

Instructions and Code Citations:
SAM Section 6601-6616

ECONOMIC IMPACT STATEMENT

DEPARTMENT NAME	CONTACT PERSON	EMAIL ADDRESS	TELEPHONE NUMBER
Education	Linda Hakala	lhakala@cde.ca.gov	319-0658

DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400	NOTICE FILE NUMBER
History--Social Studies Instructional Materials Adoption (dated 03-01-16)	Z

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

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

- ☐ a. Impacts business and/or employees
- ☐ b. Impacts small businesses
- ☐ c. Impacts jobs or occupations
- ☐ d. Impacts California competitiveness
- ☐ e. Imposes reporting requirements
- ☐ f. Imposes prescriptive instead of performance
- ☐ g. Impacts individuals
- ☒ h. None of the above (Explain below):

The regulations align to statute and would not impose add'l private sector costs

If any box in Items 1 a through g is checked, complete this Economic Impact Statement.
If box in Item 1.h. is checked, complete the Fiscal Impact Statement as appropriate.

2. The _____ (Agency/Department) estimates that the economic impact of this regulation (which includes the fiscal impact) is:

- ☐ Below $10 million
- ☐ Between $10 and $25 million
- ☐ Between $25 and $50 million
- ☐ Over $50 million *[If the economic impact is over $50 million, agencies are required to submit a Standardized Regulatory Impact Assessment as specified in Government Code Section 11346.3(c)]*

3. Enter the total number of businesses impacted: _____

Describe the types of businesses (Include nonprofits): _____

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

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

Explain: _____

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

6. Enter the number of jobs created: _____ and eliminated: _____

Describe the types of jobs or occupations impacted: _____

7. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here? ☐ YES ☐ NO

If YES, explain briefly: _____

ECONOMIC IMPACT STATEMENT (CONTINUED)

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

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

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

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

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

   d. Describe other economic costs that may occur: _____

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

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

4. Will this regulation directly impact housing costs? ☐ YES ☐ NO

   If YES, enter the annual dollar cost per housing unit: $ _____

   Number of units: _____

5. Are there comparable Federal regulations? ☐ YES ☐ NO

   Explain the need for State regulation given the existence or absence of Federal regulations: _____

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

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

1. Briefly summarize the benefits of the regulation, which may include among others, the health and welfare of California residents, worker safety and the State's environment: _____

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

   Explain: _____

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

4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: _____

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

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

ECONOMIC IMPACT STATEMENT (CONTINUED)

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

Regulation: Benefit: $ _____ Cost: $ _____

Alternative 1: Benefit: $ _____ Cost: $ _____

Alternative 2: Benefit: $ _____ Cost: $ _____

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

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

Explain: _____

E. MAJOR REGULATIONS *Include calculations and assumptions in the rulemaking record.*

California Environmental Protection Agency (Cal/EPA) boards, offices and departments are required to submit the following (per Health and Safety Code section 57005). Otherwise, skip to E4.

1. Will the estimated costs of this regulation to California business enterprises **exceed $10 million?** ☐ YES ☐ NO

If YES, complete E2. and E3
If NO, skip to E4

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

Alternative 1: _____

Alternative 2: _____

(Attach additional pages for other alternatives)

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

Regulation: Total Cost $ _____ Cost-effectiveness ratio: $ _____

Alternative 1: Total Cost $ _____ Cost-effectiveness ratio: $ _____

Alternative 2: Total Cost $ _____ Cost-effectiveness ratio: $ _____

4. Will the regulation subject to OAL review have an estimated economic impact to business enterprises and individuals located in or doing business in California exceeding $50 million in any 12-month period between the date the major regulation is estimated to be filed with the Secretary of State through12 months after the major regulation is estimated to be fully implemented?

☐ YES ☐ NO

If YES, agencies are required to submit a Standardized Regulatory Impact Assessment (SRIA) as specified in Government Code Section 11346.3(c) and to include the SRIA in the Initial Statement of Reasons.

5. Briefly describe the following:

The increase or decrease of investment in the State: _____

The incentive for innovation in products, materials or processes: _____

The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency: _____

FISCAL IMPACT STATEMENT

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

☐ 1. Additional expenditures in the current State Fiscal Year which are reimbursable by the State. (Approximate) (Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

$ _____

☐ a. Funding provided in _____

Budget Act of _____ or Chapter _____, Statutes of _____

☐ b. Funding will be requested in the Governor's Budget Act of _____

Fiscal Year: _____

☐ 2. Additional expenditures in the current State Fiscal Year which are NOT reimbursable by the State. (Approximate) (Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

$ _____

Check reason(s) this regulation is not reimbursable and provide the appropriate information:

☐ a. Implements the Federal mandate contained in _____

☐ b. Implements the court mandate set forth by the _____ Court.

Case of: _____ vs. _____

☐ c. Implements a mandate of the people of this State expressed in their approval of Proposition No. _____

Date of Election: _____

☐ d. Issued only in response to a specific request from affected local entity(s).

Local entity(s) affected: _____

☐ e. Will be fully financed from the fees, revenue, etc. from: _____

Authorized by Section: _____ of the _____ Code;

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

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

☐ 3. Annual Savings. (approximate)

$ _____

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

☐ 5. No fiscal impact exists. This regulation does not affect any local entity or program.

☒ 6. Other. Explain The regulations do not impose any additional costs as they further define the Education Code related to publisher fees.

FISCAL IMPACT STATEMENT (CONTINUED)

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

☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

$ _____

It is anticipated that State agencies will:

☐ a. Absorb these additional costs within their existing budgets and resources.

☐ b. Increase the currently authorized budget level for the _____ Fiscal Year

☐ 2. Savings in the current State Fiscal Year. (Approximate)

$ _____

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

☒ 4. Other. Explain The regulations do not impose any additional costs upon the state as they concur with existing regulations and serve only to define specifics of publisher fees as provided in the Education Code.

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

☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

$ _____

☐ 2. Savings in the current State Fiscal Year. (Approximate)

$ _____

☒ 3. No fiscal impact exists. This regulation does not affect any federally funded State agency or program.

☐ 4. Other. Explain _____

FISCAL OFFICER SIGNATURE	DATE
Linda Habala	March 14, 2016

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

AGENCY SECRETARY	DATE
	3/17/16

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

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER	DATE

AAV of Item 16 Attachment 4

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Economic and Fiscal Impact Statement

(REGULATIONS AND ORDERS). *User entries from the STD. 399 (REV. 12/2013) Form.*

Department Name: Education

Contact Person: Linda Hakala

E-mail Address: lhakala@cde.ca.gov

Telephone Number: 916-319-0658

Descriptive Title From Notice Register Or From 400: History -- Social Studies Instructional Materials Adoption (dated March 1, 2016)

Notice File Number: Z

Economic Impact Statement

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

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

- Selected option is H: None of the above (Explain below)
- Option H explanation: *The regulations align to statute and would not impose additional private sector costs.*

Fiscal Impact Statement

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

- Selected option is 6: Other. Explain. *The regulations do not impose any additional costs as they further define the Education Code related to publisher fees.*

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

- Selected option is 4: Other. Explain. *The regulations do not impose any additional costs upon the state as they concur with existing regulations and serve only to define specifics of publisher fees as provided in the Education Code.*

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

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

Fiscal Officer Signature: Signed by Linda Hakala dated March 14, 2016

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

Agency Secretary: Contains signature dated March 17, 2016

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

Department of Finance Program Budget Manager: No signature.

California State Board of Education

Meeting Agenda Items for May 11-12, 2016

ITEM 17

CALIFORNIA STATE BOARD OF EDUCATION

May 2016 AGENDA

SUBJECT	
Request to Form New Regional Occupational Program Operated as a Joint Powers Authority.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

California *Education Code (EC)* Section 52301, states, "If a school district or school districts establish and maintain a regional occupational center or program, pursuant to this chapter, the county superintendent of schools may, with the consent of the state board, establish and maintain a separate regional occupational center or centers or program or programs".

Bellflower and Lynwood Unified School Districts are no longer being served by the Los Angeles County Regional Occupational Program because the county has dissolved its Regional Occupational Program (ROP). Having maintained their relationship, Bellflower and Lynwood Unified School Districts are creating a jointly run program that will allow students to take additional career technical education (CTE) courses.

Furthermore, the Career Technical Education Incentive Grant (CTEIG) allows for county offices, school districts, and Joint Power Authority Regional Occupational Programs (JPA ROPs) to apply for CTEIG funding. By establishing a JPA ROP, Bellflower and Lynwood Unified School Districts will become eligible CTEIG recipients.

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) provide consent for the establishment of a new Joint Powers Agreement (JPA) Regional Occupational Program (ROP) named California Advancing Pathways for Students in Los Angeles County.

BRIEF HISTORY OF KEY ISSUES

The implementation of the Local Control Funding Formula (LCFF), provides school districts with funding to operate CTE programs. When school districts work together, they are able to leverage funding and offer non duplicative CTE programs for students to access.

On December 16, 2015, the Bellflower Unified School District sent a letter (Attachment 1) to the SBE requesting consent to operate as a JPA ROP with the Lynwood Unified School District. The Superintendent for the Los Angeles County Office of Education approved the formation of the JPA for ROP activities (Attachment 2) on Friday, December 18, 2015. A ROP JPA between the Bellflower and Lynwood Unified School Districts is enclosed (Attachment 3).

California *Education Code (EC)* Section 52301 authorizes the governing boards of any school districts maintaining high schools in the county, with the consent of the state board and of the county superintendent of schools to cooperate in the establishment and maintenance of a regional occupational center or program. By law, a regional occupational center may be formed by two or more school districts by following the Joint Exercise of Powers Act. Once formed, the JPA becomes an independent legal entity, and its members jointly exercise the powers of the JPA.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE approved the formation of Mono County ROP in 2004. In 2006, the San Joaquin County Office of Education proposed to establish a second Regional Occupational Center and Program (ROCP) within its county. The SBE denied the proposal due to the fiscal impact on ROCPs; each ROCP would have lost a portion of average daily attendance funds. In 2009, the SBE approved the formation of North County ROP. This was the last ROP formed, totaling 74 ROCPs operating in the state. After former ROCP funds were folded into the LCFF, there has been a decline in the number of ROCPs statewide. Currently, there are approximately 52 ROCPs in operation.

FISCAL ANALYSIS (AS APPROPRIATE)

The LCFF provides districts with funding to operate programs at their discretion. Funding from Bellflower and Lynwood Unified School Districts will be combined to provide CTE programs following the JPA ROP model and will have no adverse effect on any other school district.

ATTACHMENT(S)

Attachment 1: Letter to the State Board of Education Requesting Consent (2 pages)

Attachment 2: Los Angeles County Superintendent Approval of the JPA for ROP Activities (1 page)

Attachment 3: Regional Occupational Program Joint Powers Agreement (6 pages)

BELLFLOWER UNIFIED SCHOOL DISTRICT

Standard of Excellence; Nothing Less

16703 South Clark Avenue • Bellflower, California 90706

(562) 866-9011 Ext. 2104 ·Fax (562) 866-7713

BOARD OF EDUCATION

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Brian Jacobs, Ed.D.

December 16, 2015

RECEIVED
DEC 30 2015
SCHOOL FISCAL SERVICES

Michael Kirst, Ph.D.
State Board President
State Board of Education
1430 N Street, Room 5111
Sacramento, CA 95814

Tom Torlakson
State Superintendent of Public Instruction
California Department of Education
1430 N Street
Sacramento, CA 95814

Re: Bellflower and Lynwood Unified School District JPA/ROP

Dear Dr. Kirst and Mr. Torlakson:

The Governing Boards for Bellf1ower and Lynwood Unified School Districts have unanimously approved a Joint Powers Agreement (JPA) to provide services to students following a Regional Occupation Program (ROP) delivery model. Bellflower is the management authority for the JPA named California Advancing Pathways for Students (CalAPS).

The Districts' Boards of Education have voted to create a jointly run program that will allow students to take additional career technical courses. CalAPS will focus on supporting and expanding career courses for each district that present the greatest opportunities in the local job market for students. The establishment of CalAPS will enable both districts to achieve savings in providing those services since they will not be duplicated thereby freeing up funding for more modernized facilities and training programs within each district.

Career and Technical Education (CTE) is a focus area for districts within California. Additional funding has been provided in the Local Control Funding Formula (LCFF) for districts to support CTE thus doing away with the state's previous funding model. With the dissolution of the Los Angeles County Office of Education ROP program, the two districts have come together to continue to provide students with CTE courses.

CalAPS is not requesting additional funding, nor does it infringe upon any current programs. Education Code section 52301, subdivision (a) (1) requires "consent" from the County Superintendent and from the State Board to

maintain the ROP for the purpose of providing CTE education. CalAPS is therefore requesting consent from the State Board to operate as a JPA/ROP. Since the statute does not require approval by the State Board or County Superintendent all that is required is "consent" for the Districts to do what their Boards have already approved.

Enclosed is a copy of the JPA agreement that has been approved by the Governing Boards in public action. We have already submitted the request for consent to the Los Angeles County Superintendent but have not yet received a response.

Please notify me when this consent can be placed before the Board so District officials can attend the meeting to answer any questions Board members may have regarding the ROP. Thank you for your cooperation and please call me if you have any questions.

Sincerely,

Brian Jacobs, Ed.D.
Superintendent

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The scanned document starts following this initial page.

Bellflower Unified School District

Brian Jacobs <bjacobs@busd.k12.ca.us>

JPA/ROP Letter

Price_Scott <Price_Scott@lacoe.edu> Fri, Dec 18, 2015 at 9:25 AM
To: Jacobs_Brian <bjacobs@busd.k12.ca.us>
Cc: Delgado_Arturo <Delgado_Arturo@lacoe.edu>

Dr. Jacobs,

Dr. Delgado approved in Cabinet Wednesday the formation of the JPA for ROP activities. Please consider this email a record of his formal approval.

Thank You.

Scott Price

From: Brian Jacobs [mailto:bjacobs@busd.k12.ca.us]
Sent: Wednesday, December 16, 2015 9:27 AM
To: Price_Scott
Cc: Delgado_Arturo
Subject: Re: JPA/ROP Letter

[Quoted text hidden]

AAV of Item 17 Attachment 2

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Bellflower Unified School District

From: Price, Scott (Price_Scott@lacoe.edu)
To: Jacobs, Brian (bjacobs@busd.k12.ca.us)
Cc: Delgado, Arturo (Delgado_Arturo@lacoe.edu)
Date: Friday, December 18, 2015 at 9:25AM

Subject: JPA/ROP Letter

Dr. Jacobs,

Dr. Delgado approved in Cabinet Wednesday the formation of the JPA for ROP activities. Please consider this email a record of his formal approval.

Thank You.

Scott Price

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BELLFLOWER UNIFIED SCHOOL DISTRICT/ LYNWOOD UNIFIED SCHOOL DISTRICT REGIONAL OCCUPATIONAL PROGRAM JOINT POWERS AGREEMENT

THIS AGREEMENT is entered into pursuant to the provisions of Title 1; Division 7, Chapter 5, Article 1 (sections 6500 et seq.) of the California Government Code relating to the joint exercise of powers among the following parties:

Bellflower Unified School District
Lynwood Unified School District

(Hereinafter, the above-named school districts shall be referred to as "participating districts".)

RECITALS

A. Education Code sections 52300 et seq., provide for the establishment and maintenance of regional occupational programs.

B. The participating districts have determined and hereby declare that it is in their best interests that they join together to maintain a separate legal entity to accomplish the purposes thus declared by the Legislature and to such purposes may hereinafter be amended by the Legislature and to accomplish the purposes hereinafter set forth.

C. In addition to the objective of carrying out the intent of the Legislature, as declared in sections 52300 et seq. of the Education Code, it is the purpose of the participating districts to provide for the maintenance of a Regional Occupational Program as follows:

(i) The primary purpose of the Bellflower/Lynwood Regional Occupational Program is to provide Career and Technical Education programs to high school students, age 16 or older, a minimum enrollment in the 11th grade, and who reside within one of the two participating JPA school districts. Students who are under age 16 or enrolled in grade 10 may also participate in ROP Career and Technical Education programs located at the JPA high school campuses provided that enrollment does not deny admission or displace students in grades 11 and 12 that would otherwise participate in such programs. Additionally, students who are less than 16 years of age and have an individualized education plan, may also participate in high school ROP programs as a part of a comprehensive high school plan approved by the site administrator, and the student's parent or guardian.

(ii) The Bellflower/Lynwood Regional Occupational Program may also provide training for persons who are not concurrently enrolled in high school who will profit from the instruction. These individuals shall pay the established fee for such programs.

(iii) It is not the purpose of the Regional Occupation Program to provide a separate technical or continuation high school or a separate high school of any kind, and in accordance with that policy, the Regional Occupational Program shall not issue diplomas of high school graduation. The Regional Occupational Program shall provide occupational training in support and augmentation of programs offered by high schools located within the participating districts. Such occupational training to be conducted at satellite locations using community and/or school sites.

(iv) Upon request, the Regional Occupational Program shall make available to participating district schools occupational guidance and counseling information and services.

NOW THEREFORE, the participating districts mutually agree as follows:

1. Term of Agreement. This agreement shall be effective December 1, 2015, and shall continue in effect until lawfully terminated. In the event of a reorganization of one or more of the participating districts, the successor in interest of successors in interest to the obligations of any such reorganized district shall be substituted as a party or as parties to this agreement.

2. Establishment and Name of Regional Occupational Program. A separate joint powers entity is hereby created and shall hereinafter be designated as the Bellflower/Lynwood Regional Occupational Program (hereinafter referred to as "Regional Occupational Program").

3. Governing Board. The Regional Occupational Program shall be governed by a board (hereinafter referred to as "Governing Board") consisting of two board members from each of the participating districts. The governing board of each participating district shall appoint two members from their respective boards to serve as members of the Governing Board. The term of appointment shall be for two years and may be renewed for additional two year terms by the appointing board.

4. Scope of Powers. The Governing Board shall be wholly separate and apart from the governing boards of the participating districts and the Regional Occupational Program shall be wholly separate and apart from said districts. The Governing Board shall have the power and authority to exercise any power common to the participating districts, provided that the same are in furtherance of the objectives of this Agreement as contained in the recitals set forth above.

(a) For purposes of this agreement, "fiscal year" shall mean for the period from July 1 to and including the following June 30. The powers and authority of the Governing Board shall continue until termination of this Agreement. As of June 30, 2018, and at the end of any subsequent fiscal year, any party may withdraw from its status as a party to this Agreement, provided that at such time said party has either discharged or has arranged to the satisfaction of the remaining members of the Governing Board for the discharge of any pending obligations it has assumed hereunder, and further provided that written notice of intention to so withdraw has been served upon the Governing

Board no later than twelve (12) months prior to the end of such fiscal year when withdrawal is to become effective.

(b) Pursuant to section 6509 of the Government Code of the State of California, the exercise of the aforesaid powers of the Governing Board shall be in accordance with the manner of exercising such powers by a unified school district having the same status as the Bellflower Unified School District and the Lynwood Unified School District both of Los Angeles County, except as otherwise provided in this Agreement.

5. Notices. The Bellflower Unified School District office address of 16703 South Clark Avenue, Bellflower, Los Angeles County, California, 90706, shall be considered the location at which the Regional Occupational Program will receive notices, correspondence, and other communications, and shall designate the president or president's designee as the officer for the purpose of receiving service on behalf of the Governing Board. The Governing Board shall comply with provisions of section 53051 of the Government Code requiring the filing of a statement with the Secretary of State and with the Clerk for the County of Los Angeles.

6. Notices to the Lynwood Unified School District shall be sent to the district office at 11321 Bullis Rd. Lynwood, CA 90262 addressed to the attention of the Superintendent of Schools.

7. Meetings. The Governing Board may hold special meetings and shall hold at least one regular meeting each month, except when the Board and Chief Executive Officer agree that there is not sufficient business to justify a monthly meeting. All meetings of the Board shall be called, held, and conducted in accordance with the terms and provisions of Title 5, Division 2, Part 1, Chapter 9 (sections 54950 et seq.) of the Government code, or as said Chapter may be modified by subsequent legislation and as may be augmented by further rules of the Governing Board not inconsistent therewith. Except as otherwise provide or permitted by law, all meetings of the Governing Board shall be open and public. The Governing Board shall cause to be kept minutes of its meetings and shall promptly transmit to each participating district governing board true and correct copies of the minutes of such meetings.

8. Voting. The presence of a majority of the members of the Governing Board shall be required in order to constitute a quorum necessary for the transaction of business of the Governing Board. No action of the Governing Board shall be valid unless a majority of all members constituting the Governing Board concur therein by their votes.

9. Officers and Employees. The Governing Board shall annually elect a president, vice president and clerk from its members. The Governing Board shall appoint and shall fix and pay the compensation of a chief executive officer, who shall not be a member of the Governing Board, but who shall serve as Secretary to the Governing Board. The treasurer and auditor-controller of the Governing Board shall be the Treasurer and Auditor-Controller, respectively, of the County of Los Angeles. For the achievement of

the purposes set forth herein, the Governing Board shall have all of the powers of a unified school district having the status of the Bellflower Unified School District of Los Angeles County, to appoint any other officers or employees and to employ or retain the services of other organizations and individuals, as it may deem necessary or appropriate, and to fix and pay their compensation. The employees and officers of said Governing Board shall not be deemed to be employees or officers of any of the participating districts unless otherwise designated and approved by the Governing Board.

10. Funds and Expenditures.

(a) The Governing Board shall have all powers and authority vested in a unified school district having the same status as that of the Bellflower Unified School District of Los Angeles County to receive, accept, expend, or disburse funds by contract or otherwise, for purposes consistent with the provisions hereof and shall have the duty to maintain at all times a complete and accurate system of accounting for said funds.

(b) Without in any way limiting the powers otherwise provided for in this Agreement, the Governing Board shall have the power and authority to receive, accept, and utilize the services of personnel offered by any of the participating districts, their representatives, or agents; to receive, accept and utilize property, real or personal, from any of the participating districts, their representatives, or agents; to receive, hold, dispose of, construct, operate, and maintain buildings and other improvements; and to receive, accept, expend, and disburse funds by contract or otherwise for purposes consistent with the provisions of this Agreement, which funds may be provided by any of the participating districts, their representatives, or agents.

(c) The Governing Board shall annually, by the date specified by law, adopt a budget showing each of the purposes for which the Regional Occupational Program will need money and the estimated amount of money that will be needed for each such purpose for the ensuing fiscal year.

(d) The parties, following the establishment of the JPA, will annually and as needed agree in writing upon the funding from each District.

Bellflower Unified School District and Lynwood Unified School District will utilize their Student Information Systems for attendance purposes. Bellflower Unified School District will provide the following services: technology, payroll, maintenance and operations, custodial, campus supervision, and purchasing for the Regional Occupational Program.

If additional monies are required from individual districts beyond the base funding allocation of 2015-2016, the Regional Occupational Program Governing Board shall notify the appropriate participating district as to the amount of additional support money required to meet the anticipated costs of educating students attending the Regional Occupational Program. If additional support money is approved by the participating school district, the participating school district shall authorize the payment of additional funds to the Regional

Occupational Program. If the additional funding request is denied, it may be necessary for the Regional Occupational Program to reduce course offerings in that district.

(e) The Bellflower Unified School District shall be appointed as the Administrative Agency to receive other funds for which the Regional Occupational Program is or may become eligible which are not apportioned to the participating districts on the basis of average daily attendance.

(f) It is understood that, if at any time during the term of this Agreement a change in State law brings about a substantive change in public school finance, the Governing Board shall expeditiously review the effects on funding of the Regional Occupational Program and may approve appropriate amendments for ratification by the participating districts.

11. Disposition of Property and Funds. In the event of the dissolution of the Regional Occupational Program or the complete revision or other final termination of this Agreement by all participating districts or other agencies than a party hereto, any property interest remaining in the Governing Board following a discharge of all obligations of the Governing Board shall be disposed of as the Governing Board shall then determine with the objective of returning to each participating district, or other agency which is then or was theretofore a party to this Agreement, a proportionate return on the contributions made to such properties by such parties. The inclusion of additional parties to this Agreement, or the withdrawal of some but not all of the parties to this Agreement, shall not be deemed a dissolution of the Regional Occupational Program nor a termination of this Agreement.

12. Amendments. This Agreement may be amended by a unanimous vote of the participating districts then represented on said Governing Board according to the procedures of the governing boards of such participating districts, provided that any amendment is to further carry out the purposes of legislation applicable to such a regional occupational program. Any such amendment shall be effective upon the date of final execution thereof by all of the parties then represented on said Governing Board.

13. Audit. The fiscal transactions of the Regional Occupational Program shall be audited annually by a firm of licensed certified public accountants to be selected and paid by the Regional Occupational Program Governing Board. Audit shall be under the JPA control and conducted in line with the requirements of the State of California.

14. Insurance. The Regional Occupational Program Governing Board shall provide necessary insurance to provide coverage in accordance with state law in regards to liability. Notwithstanding the provisions of Education Code section 51769, it shall be the responsibility of the Regional Occupational Program, rather than the parties, to provide workers' compensation insurance coverage to students who are receiving community

classroom and internship training through the Regional Occupational Program.

15. Severability. Should any portion, term, condition, or provision of the Agreement be decided by a court of competent jurisdiction to be illegal or in conflict with any law of the State of California, or otherwise rendered unenforceable or ineffectual, the validity or the remaining portions, terms, conditions, and provisions, shall not be affected thereby.

IN WITNESS THEREOF, the parties hereto have caused this Agreement to be duly executed by their authorized officers thereunto duly authorized as set forth herein below.

On this 11 day of December, 2015, by Bellflower Unified School District, Los Angeles County

By _____

On this 14th day of December, 2015, by Lynwood Unified School District, Los Angeles County

By _____

AAV of Item 17 Attachment 3

This page is the Accessible Alternative Version (AAV) of Item 17 Attachment 3 from the California State Board of Education (SBE) Meeting Agenda for May 2016. The scanned Item 17 Attachment 3 (PDF) version is considered to be the official version of the document.

BELLFLOWER UNIFIED SCHOOL DISTRICT/ LYNWOOD UNIFIED SCHOOL DISTRICT REGIONAL OCCUPATIONAL PROGRAM JOINT POWERS AGREEMENT

THIS AGREEMENT is entered into pursuant to the provisions of the Title 1; Division 7, Chapter 5, Article 1 (section 6500 et seq.) of the *California Government Code* relating to the joint exercise of powers among the following parties:

- Bellflower Unified School District
- Lynwood Unified School District

(Hereinafter, the above-named school districts shall be referred to as "participating districts")

RECITALS

A. *Education Code* sections 52300 et seq., provide for the establishment and maintenance of regional occupational programs.

B. The participating districts have determined and hereby declare that it is in their; best interests that they join together to maintain a separate legal entity to accomplish the purposes thus declared by the Legislature and to such purposes may hereinafter be amended by the Legislature and to accomplish the purposes hereinafter set forth.

C. In addition to the objective of carrying out the intent of the Legislature, as declared in sections 52300 et seq. of the *Education Code*, it is the purpose of the participating districts to provide for the maintenance of a Regional Occupational Program as follows:

(i) The primary purpose of the Bellflower /Lynwood Regional Occupational Program is to provide Career and Technical Education programs to high school students, age 16 or older, a minimum enrollment in the 11th grade, and who reside within one of the two participating JPA school districts. Students who are under age 16 or enrolled in grade 10 may also participate in ROP Career and Technical Edu4ation programs located at the JPA high school campuses provided that enrollment does not deny admission .or displace· students in grades 11 and 12 that would .otherwise participate in such programs. Additionally, students who are less than 16 years of age and have an individualized education plan, may also participate in high school ROP programs as a part of a comprehensive high school plan approved by the site administrator, and the student's parent or guardian.

(ii) The Bellflower/Lynwood Regional Occupational Program may also provide training for persons who are not concurrently enrolled in high school who will profit from the instruction. These individuals shall pay the established fee for such programs.

(iii) It is not the purpose of the Regional Occupational Program to provide a separate technical or continuation high school or a separate high school of any kind, and in accordance with that policy, the Regional Occupational Program shall not issue diplomas of high school graduation. The Regional Occupational Program shall provide occupational training in support and augmentation of programs offered by high schools located within the participating districts. Such occupational training to be conducted at satellite locations using community and/or school sites.

(iv) Upon request, the Regional Occupational Program shall make available to participating district schools occupational guidance and counseling information and services.
NOW THEREFORE, the participating districts mutually agree as follows:

1. Term of Agreement. This agreement shall be effective December 1, 2015, and shall continue in effect until lawfully terminated. In the event of a reorganization of one or more of the participating districts, the successor in interest of successors in interest to the obligations of any such reorganized district shall be substituted as a party or as parties to this agreement.

2. Establishment and Name of Regional Occupational Program. A separate joint powers entity is hereby created and shall hereinafter be designated as the Bellflower /Lynwood Regional Occupational Program (hereinafter referred to as "Regional Occupational Program").

3. Governing Board. The Regional Occupational Program shall be governed by a board (hereinafter referred to as "Governing Board") consisting of two board members from each of the participating districts. The governing board of each participating district shall appoint two members from their respective boards to serve as members of the Governing Board. The term of appointment shall be for two years and may be renewed for additional two year terms by the appointing board.

4. Scope of Powers. The Governing Board shall be wholly separate and apart from the governing boards of the participating districts ·and the Regional Occupational Program shall be wholly separate and apart from said districts. The Governing Board· shall have the power and authority to exercise any power common to the participating districts, provided that the same are in furtherance of the objectives of this Agreement as contained in the recitals set forth above.

(a) For purposes of this agreement, “fiscal year" shall mean for the period from July 1 to and including the following June 30. The powers and authority of the Governing Board shall continue until termination of this Agreement. As of June 30, 2018, and at the end of any subsequent fiscal year, any party may withdraw from its status as a party to this Agreement, provided that at such time said party has either discharged or has arranged to the satisfaction of the remaining members of the Governing Board for the discharge of any pending obligations it has assumed hereunder, and further provided that written notice of intention to so withdraw has been served upon the Governing Board no later than twelve (12) months prior to the end of such fiscal year when withdrawal is to become effective.

(b) Pursuant to section 6509 of the Government Code of the State of California, the exercise of the aforesaid powers of the Governing Board shall be in accordance with the manner of exercising such powers by a unified school district having the same status as the Bellflower Unified School District and the Lynwood Unified School District both of Los Angeles County, except as otherwise provided this Agreement.

5. Notices. The Bellflower Unified School District office address of i6703·south Clark Avenue, Bellflower, Los Angeles County, California, 90706, shall be considered the location at which the Regional Occupational Program will receive

notices, correspondence, and other communications, and shall designate the president or president's designee as the officer for the purpose of receiving service on behalf of the Governing Board. The Governing Board shall comply with provisions of section 53051 of the Government Code requiring the filing of a statement with the Secretary of State and with the Clerk for the County of Los Angeles.

6. Notices to the Lynwood Unified School District shall be sent to the district office at 11321 Bullis Rd. Lynwood, CA 90262 addressed to the attention of the Superintendent of Schools.

7. Meetings. The Governing Board may hold special meetings and shall hold at least one regular meeting each month, except when the Board and Chief Executive Officer agree that there is not sufficient business to justify a monthly meeting. All meetings of the Board shall be called, held, and conducted in accordance with the terms and provisions of Title 5, Division 2, Part 1, Chapter 9 (sections 54950 et seq.) of the Government code, or as said Chapter may be modified by subsequent legislation and as may be augmented by further rules of the Governing Board not inconsistent therewith. Except as otherwise provide or permitted by law, all meetings of the Governing Board shall be open and public. The Governing Board shall cause to be kept minutes of its meetings and shall promptly transmit to each participating district governing board true and correct copies of the minutes of such meetings.

8. Voting. The presence of a majority of the members of the Governing Board shall be required in order to constitute a quorum necessary for the transaction of business of the Governing Board. No action of the Governing Board shall be valid unless a majority of all members constituting the Governing Board concur therein by their votes.

9. Officers and Employees. The Governing Board shall annually elect a president, vice president and clerk from its members. The Governing Board shall appoint and shall fix and pay the compensation of a chief executive officer who shall not be a member of the Governing Board, but who shall serve as Secretary to the Governing Board. The treasurer and auditor-controller of the Governing Board shall be the treasurer and auditor-controller, respectively, of the County of Los Angeles. For the achievement of the purposes set forth herein, the Governing Board shall have all of the powers of a unified school district having the status of the Bellflower Unified School District of Los Angeles County, to appoint any other officers or employees and to employ or retain the services of other organizations and individuals, as it may deem necessary or appropriate, and to fix and pay their compensation. The employees and officers of said Governing Board shall not be deemed to be employees or officers of any of the participating districts unless otherwise designated and approved by the Governing Board.

10. Funds and Expenditures.

(a) The Governing Board shall ·have an powers and authority vested in a unified school district having the same status as that of the Bellflower Unified School District of Los Angeles County to receive, accept, expend, or disburse funds by contract or otherwise, for purposes consistent with the provisions hereof and shall have the duty to maintain at all times a complete and accurate system of accounting for said funds.

(b) Without in any way limiting the powers otherwise provided for in this Agreement, the Governing Board shall have the power and authority to receive, accept, and utilize the services of personnel offered by any of .the participating districts, their representatives, or agents; t0 receive, accept and utilize property, real or personal, from any of the participating districts, their representatives, or agents; to receive, hold, dispose of, construct, operate, and maintain buildings and other improvements; and to receive, accept, expend, and disburse funds by contract or ·otherwise for purposes consistent with the provisions of this Agreement, which funds may be provided by any of the participating

districts, their representatives, or agents.

(c) The Governing Board shall annually, by the date specified by law, adopt a budget showing each of the purposes for which the Regional Occupational Program will need money and the estimated amount of money that will be needed for each such purpose for the ensuing fiscal year.

(d) The parties, following the establishment of the JPA, will annually and as needed agree in writing upon the funding from each District.

Bellflower Unified School District and Lynwood· Unified· School District will utilize their Student Information Systems for attendance purposes. Bellflower Unified School District will provide the following services: technology, payroll, maintenance and operations, custodial, campus supervision, and purchasing for the Regional Occupational Program.

If additional monies are required from individual districts beyond the base funding allocation of 2015-2016, the Regional Occupational Program Governing Board shall notify the appropriate participating district as to the amount of additional support money required to meet the anticipated costs of educating students attending the Regional Occupational Program. If additional support money is approved by the participating school district, the participating school district shall authorize the payment of additional funds to the Regional Occupational Program. If the additional funding request is denied, it may be necessary for the Regional Occupational Program to reduce course offerings in that district.

(e) The Bellflower Unified School District shall be appointed as the Administrative Agency to receive other funds for which the Regional Occupational Program is or may become eligible which are not apportioned to the participating districts on the basis of average daily attendance.

(f) It is understood that: if at any time during the term .of this Agreement a change in ·State law brings about a substantive change in public school finance, the Governing Board shall expeditiously review the effects on funding of the Regional Occupational Program and may approve appropriate amendments for ratification by the participating districts.

11. Disposition of Property and Funds. In the event of the dissolution of the Regional Occupational Program or the complete revision or other final termination of this Agreement by all participating districts or other agencies than a party hereto, any property interest remaining in the Governing Board following a discharge of all obligations of the Governing Board shall be disposed of as the Governing Board shall then determine with the objective of returning to each participating district, or other agency which is then or was theretofore a party to this Agreement, a proportionate return on the contributions made to such properties by such parties. The inclusion of additional parties to this Agreement, or the withdrawal of some but not all of the parties to this Agreement, shall not be deemed a dissolution of the Regional Occupational Program nor a termination of this Agreement.

12. Amendments. This Agreement may be amended by a unanimous vote of the participating districts then represented on said Governing Board according to the procedures of the governing boards of such participating districts; provided that any amendment is to further carry out the purposes of legislation applicable to such a regional occupational program. Any such amendment shall be effective upon the date of final execution thereof by all of the parties then represented on said Governing Board.

13. Audit. The fiscal transactions of the Regional Occupational Program shall be audited annually by a firm of

licensed certified public accountants to be selected and paid by the Regional Occupational Program Governing Board. Audit shall be under the JFA control and conducted in line with the requirements of the State of California.

14. Insurance. The Regional Occupational Program Governing Board shall provide necessary insurance to provide coverage in accordance with state law in regards to liability. Notwithstanding the provisions of *Education Code* section 51769, it shall be the responsibility of the Regional Occupational Program, rather than the parties1 to provide workers' compensation insurance coverage to students who are receiving community classroom and internship training through the Regional Occupational Program.

15. Severability. Should any portion, term, condition, or provision of the Agreement be decided by a court of competent jurisdiction to be illegal or in conflict with any law of the State of California, or otherwise rendered unenforceable or ineffectual, the validity or the remaining portions, terms, conditions, and provisions, shall not be affected thereby.

IN WITNESS· THEREOF, the parties hereto have caused this Agreement to be duly executed by their authorized officers thereunto duly authorized as set forth herein below.

On this *(placeholder for day)* day of *(placeholder for month)*, 2015, by Bellflower Unified School District, Los Angeles County

By *(placeholder for signature)*

On this *(placeholder for day)* day of *(placeholder for month)*, 2015, by Lynwood Unified School District, Los Angeles County

By *(placeholder for signature)*

California State Board of Education

Meeting Agenda Items for May 11-12, 2016

ITEM 18

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2016 AGENDA

SUBJECT	
Consideration of Requests for Determination of Funding as Required for Nonclassroom-based Charter Schools Pursuant to California *Education Code* Sections 47612.5 and 47634.2, and Associated *California Code of Regulations,* Title 5.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE

California *Education Code* (*EC*) sections 47612.5 and 47634.2 established the eligibility requirements for apportionment funding for charter schools that offer nonclassroom-based instruction. The statutes specify that a charter school may receive apportionment funding for nonclassroom-based instruction only if a determination of funding is made by the State Board of Education (SBE). The California Department of Education (CDE) reviews a charter school's determination of funding request and presents it for consideration to the Advisory Commission on Charter Schools (ACCS), pursuant to relevant *California Code of Regulations*, Title 5 (5 *CCR*).

RECOMMENDATION

The CDE recommends that the SBE approve the determinations of funding and the periods specified for the 40 nonclassroom-based charter schools as provided in Attachment 1.

Advisory Commission on Charter Schools Recommendation

The ACCS met on April 5, 2016, and voted unanimously to approve the CDE recommendation that the SBE approve the determinations of funding and the periods specified for the nonclassroom-based charter schools as provided in Attachment 1.

BRIEF HISTORY OF KEY ISSUES

The nonclassroom-based charter schools listed in Attachment 1 each submitted a request to obtain a determination of funding by the SBE to establish eligibility to receive apportionment funding.

Pursuant to 5 *CCR* Section 11963.4(a), a nonclassroom-based charter school may qualify for either 70 percent, 85 percent, 100 percent full funding, or may be denied. To qualify for a proposed recommendation of 100 percent funding, a nonclassroom-based charter school must meet the following criteria:

- At least 40 percent of the school's public revenues are to be spent on salaries and benefits for all employees who possess a valid teaching certificate.

- At least 80 percent of all revenues are to be spent on instruction and instruction-related services.

- The ratio of average daily attendance for independent study pupils to full-time certificated employees does not exceed a pupil-teacher ratio of 25:1 or the pupil-teacher ratio of the largest unified school district in the county or counties in which the charter school operates.

5 *CCR* Section 11963.6(c) specifies that a determination of funding shall be for a minimum of two years and a maximum of five years in length.

EC Section 47612.5(d)(2) requires a determination of five years for a charter school that has achieved a rank of six or greater on the Academic Performance Index (API) for the two years immediately prior to receiving a determination of funding. However, *EC* Section 52056(a) requiring API ranking of schools was repealed. Alternatives were authorized by Assembly Bill (AB) 484 (Chapter 489, Statutes of 2013) to meet legislative and/or programmatic requirements. For purposes of meeting the API requirement pursuant to *EC* Section 47612.5(d)(2), the CDE considers the following alternatives as proposed by AB 484: (a) the most recent API calculation; or (b) an average of the three most recent annual API calculations; whichever is higher.

When making a recommendation for a funding determination, the CDE also considers the number of years a charter school has been in operation and the number of years requested for the determination of funding by the charter school. As provided in Attachment 1, there are 30 charter schools that are requesting a determination of five years. For these charter schools, the CDE recommends five years for four charter schools that meet the API requirement. For the remaining charter schools that do not meet the API requirement, the CDE recommends four years for 19 charter schools that have been in operation for three or more years and three years for seven charter schools that have been in operation for less than three years. There are also eight charter schools that are requesting a determination of four years. For these charter schools, the CDE recommends four years for five charter schools that have been in operation for three or more years and three years for three charter schools that have been in operation for less than three years. The CDE also recommends three years for a charter school that is requesting three years, and two years for a charter school that is requesting two years.

The funding determination requests are provided in Attachments 2 through 41 of Agenda Item 1 on the ACCS April 5, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/accsnotice040516.asp

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE is responsible for approving a determination of funding to establish eligibility for apportionment funding for charter schools that offer nonclassroom-based instruction. The CDE notes that this request is a recurring action item for the SBE.

FISCAL ANALYSIS (AS APPROPRIATE)

If approved, the charter schools listed in Attachment 1 would receive apportionment funding under the Local Control Funding Formula model.

ATTACHMENT

Attachment 1: California Department of Education Determination of Funding Recommendation for Nonclassroom-based Charter Schools (7 Pages)

California Department of Education
Determination of Funding Recommendation for Nonclassroom-based Charter Schools

Recommendation – Continuing Charter Schools

County-District-School Code	Charter Authorizer	County	Charter School (Charter Number)	First Year of Operation	Percent Spent on Certificated Staff Compensation^	Percent Spent on Instruction and Instruction-Related Services^	Pupil-Teacher Ratio^	Funding Determination and Years Requested by Charter School	CDE Recommendation Funding Determination and Years
04-61457-0125252	Golden Feather Union Elementary	Butte	Pivot Charter School North Valley (1364)	2011–12	49.29%	80.32%	17.31:1	100% for 5 Years (2016–17 through 2020–21)	*100% for 4 Years (2016–17 through 2019–20)
04-61531-6112585	Paradise Unified	Butte	HomeTech Charter (0067)	1994–95	68.18%	83.80%	22.00:1	100% for 5 Years (2016–17 through 2020–21)	*100% for 4 Years (2016–17 through 2019–20)
07-61663-0130930	Byron Union Elementary	Contra Costa	Vista Oaks Charter (1684)	2014–15	59.17%	95.25%	14.00:1	100% for 5 Years (2016–17 through 2020–21)	*100% for 3 Years (2016–17 through 2018–19)
10-62166-1030840	Fresno Unified	Fresno	Carter G. Woodson Public Charter (0378)	2001–02	43.66%	81.67%	23.00:1	100% for 5 Years (2016–17 through 2020–21)	*100% for 4 Years (2016–17 through 2019–20)
10-76778-1030774	Washington Unified	Fresno	W.E.B DuBois Public Charter (0270)	1999–00	40.73%	82.04%	20.50:1	100% for 5 Years (2016–17 through 2020–21)	*100% for 4 Years (2016–17 through 2019–20)

County-District-School Code	Charter Authorizer	County	Charter School (Charter Number)	First Year of Operation	Percent Spent on Certificated Staff Compensation^	Percent Spent on Instruction and Instruction-Related Services^	Pupil-Teacher Ratio^	Funding Determination and Years Requested by Charter School	CDE Recommendation Funding Determination and Years
11-10116-0130724	Glenn County Office of Education	Glenn	Success One! (1666)	2014–15	67.92%	80.57%	11.00:1	100% for 4 Years (2016–17 through 2019–20)	*100% for 3 Years (2016–17 through 2018–19)
12-63032-0111203	South Bay Union Elementary	Humboldt	Alder Grove Charter (0760)	2006–07	52.15%	80.58%	17.21:1	100% for 5 Years (2016–17 through 2020–21)	*100% for 4 Years (2016–17 through 2019–20)
12-75382-1230135	Mattole Unified	Humboldt	Mattole Valley Charter (#159) (0159)	1998–99	66.80%	91.09%	14.00:1	100% for 5 Years (2016–17 through 2020–21)	*100% for 4 Years (2016–17 through 2019–20)
15-10157-1530492	Kern County Office of Education	Kern	Valley Oaks Charter (0332)	2000–01	59.97%	81.68%	24.00:1	100% for 5 Years (2016–17 through 2020–21)	*100% for 4 Years (2016–17 through 2019–20)
17-64055-0129601	Middletown Unified	Lake	California Connections Academy @ North Bay (1653)	2014–15	58.19%	83.57%	21.60:1	100% for 5 Years (2016–17 through 2020–21)	*100% for 3 Years (2016–17 through 2018–19)
18-64204-1830132	Westwood Unified	Lassen	Westwood Charter (0399)	2001–02	44.12%	65.07%	23.00:1	70% for 2 Years (2016–17 through 2017–18)	**70% for 2 Years (2016–17 through 2017–18)

County-District-School Code	Charter Authorizer	County	Charter School (Charter Number)	First Year of Operation	Percent Spent on Certificated Staff Compensation^	Percent Spent on Instruction and Instruction-Related Services^	Pupil-Teacher Ratio^	Funding Determination and Years Requested by Charter School	CDE Recommendation Funding Determination and Years
19-65094-0125393	West Covina Unified	Los Angeles	Insight @ Los Angeles (1370)	2011–12	52.47%	95.09%	9.73:1	100% for 4 Years (2016–17 through 2019–20)	**100% for 4 Years (2016–17 through 2019–20)
19-75309-0129742	Acton-Agua Dulce Unified	Los Angeles	Inspire Charter School (1668)	2014–15	58.77%	84.61%	24.68:1	100% for 4 Years (2016–17 through 2019–20)	*100% for 3 Years (2016–17 through 2018–19)
20-10207-2030229	Madera County Office of Education	Madera	Pioneer Technical Center (0460)	2001–02	66.82%	85.36%	15.70:1	100% for 5 Years (2016–17 through 2020–21)	*100% for 4 Years (2016–17 through 2019–20)
20-65243-0118950	Madera Unified	Madera	Sherman Thomas Charter High (1058)	2009–10	65.15%	95.12%	14.00:1	100% for 5 Years (2016–17 through 2020–21)	*100% for 4 Years (2016–17 through 2019–20)
20-76414-2030237	Yosemite Unified	Madera	Glacier High School Charter (0479)	2003–04	58.94%	81.70%	18.50:1	100% for 5 Years (2016–17 through 2020–21)	***100% for 5 Years (2016–17 through 2020–21)
20-76414-6110076	Yosemite Unified	Madera	Mountain Home Charter (0063)	1994–95	64.75%	84.35%	18.41:1	100% for 5 Years (2016–17 through 2020–21)	*100% for 4 Years (2016–17 through 2019–20)
27-66092-2730240	Monterey Peninsula Unified	Monterey	Learning for Life Charter (0362)	2002–03	53.90%	80.02%	22.53:1	100% for 5 Years (2016–17 through 2020–21)	*100% for 4 Years (2016–17 through 2019–20)

County-District-School Code	Charter Authorizer	County	Charter School (Charter Number)	First Year of Operation	Percent Spent on Certificated Staff Compensation^	Percent Spent on Instruction and Instruction-Related Services^	Pupil-Teacher Ratio^	Funding Determination and Years Requested by Charter School	CDE Recommendation Funding Determination and Years
31-66951-3130168	Western Placer Unified	Placer	Horizon Charter (0015)	1993–94	49.06%	80.58%	23.43:1	100% for 5 Years (2016–17 through 2020–21)	*100% for 4 Years (2016–17 through 2019–20)
33-10330-0110833	Riverside County Office of Education	Riverside	River Springs Charter (0753)	2007–08	54.55%	80.36%	18.72:1	100% for 4 Years (2016–17 through 2019–20)	**100% for 4 Years (2016–17 through 2019–20)
33-67157-0125245	Nuview Union	Riverside	Pivot Charter School Riverside County (1363)	2011–12	68.61%	104.78%	18.45:1	100% for 5 Years (2016–17 through 2020–21)	*100% for 4 Years (2016–17 through 2019–20)
33-67157-0125666	Nuview Union	Riverside	Excel Prep Charter – IE (1380)	2012–13	41.37%	80.18%	24.00:1	100% for 3 Years (2016–17 through 2018–19)	**100% for 3 Years (2016–17 through 2018–19)
34-67330-0106757	Folsom-Cordova Unified	Sacramento	Folsom Cordova K-8 Community Charter (0650)	2004–05	49.47%	84.70%	23.14:1	100% for 5 Years (2016–17 through 2020–21)	***100% for 5 Years (2016–17 through 2020–21)
36-67827-0111807	Oro Grande Elementary	San Bernardino	Mojave River Academy (0762)	2006–07	44.44%	82.19%	21.20:1	100% for 4 Years (2016–17 through 2019–20)	**100% for 4 Years (2016–17 through 2019–20)
37-68049-0129221	Dehesa Elementary	San Diego	Method Schools (1617)	2014–15	74.32%	89.23%	25.00:1	100% for 5 Years (2016–17 through 2020–21)	*100% for 3 Years (2016–17 through 2018–19)

County-District-School Code	Charter Authorizer	County	Charter School (Charter Number)	First Year of Operation	Percent Spent on Certificated Staff Compensation^	Percent Spent on Instruction and Instruction-Related Services^	Pupil-Teacher Ratio^	Funding Determination and Years Requested by Charter School	CDE Recommendation Funding Determination and Years
37-68163-3731239	Julian Union Elementary	San Diego	Julian Charter (0267)	1999–00	58.03%	80.19%	18.20:1	100% for 5 Years (2016–17 through 2020–21)	*100% for 4 Years (2016–17 through 2019–20)
37-68213-0119560	Mountain Empire Unified	San Diego	San Diego Neighborhood Homeschools (1077)	2009–10	67.24%	87.32%	25.00:1	100% for 5 Years (2016–17 through 2020–21)	*100% for 4 Years (2016–17 through 2019–20)
37-68213-0129668	Mountain Empire Unified	San Diego	County Collaborative Charter (1628)	2014–15	40.40%	80.04%	25.00:1	100% for 5 Years (2016–17 through 2020–21)	*100% for 3 Years (2016–17 through 2018–19)
37-68403-0125401	Spencer Valley Elementary	San Diego	Insight @ San Diego (1371)	2011–12	48.16%	82.02%	8.85:1	100% for 4 Years (2016–17 through 2019–20)	**100% for 4 Years (2016–17 through 2019–20)
37-68452-0124917	Vista Unified	San Diego	Guajome Learning Center (1351)	2011–12	51.17%	82.78%	19.64:1	100% for 5 Years (2016–17 through 2020–21)	*100% for 4 Years (2016–17 through 2019–20)
39-68627-0129916	New Jerusalem Elementary	San Joaquin	Valley View Charter Prep (1644)	2014–15	53.84%	80.88%	19.00:1	100% for 5 Years (2016–17 through 2020–21)	*100% for 3 Years (2016–17 through 2018–19)
39-68627-0130864	New Jerusalem Elementary	San Joaquin	Delta Charter Online (1654)	2014–15	42.97%	81.67%	25.00:1	100% for 4 Years (2016–17 through 2019–20)	*100% for 3 Years (2016–17 through 2018–19)

County-District-School Code	Charter Authorizer	County	Charter School (Charter Number)	First Year of Operation	Percent Spent on Certificated Staff Compensation^	Percent Spent on Instruction and Instruction-Related Services^	Pupil-Teacher Ratio^	Funding Determination and Years Requested by Charter School	CDE Recommendation Funding Determination and Years
42-69112-0124255	Blochman Union Elementary	Santa Barbara	Trivium Charter (1319)	2011–12	52.02%	82.02%	17.26:1	100% for 5 Years (2016–17 through 2020–21)	*100% for 4 Years (2016–17 through 2019–20)
45-70136-4530267	Shasta Union High	Shasta	Shasta Charter Academy (0256)	1999–00	51.40%	80.17%	20.40:1	100% for 5 Years (2016–17 through 2020–21)	***100% for 5 Years (2016–17 through 2020–21)
49-70797-0107284	Liberty Elementary	Sonoma	California Virtual Academy @ Sonoma (0653)	2004–05	42.94%	95.45%	17.04:1	100% for 4 Years (2016–17 through 2019–20)	**100% for 4 Years (2016–17 through 2019–20)
50-71134-6113286	Keyes Union	Stanislaus	Keyes to Learning Charter (0085)	1995–96	45.86%	80.98%	25.00:1	100% for 5 Years (2016–17 through 2020–21)	***100% for 5 Years (2016–17 through 2020–21)
50-75739-0131185	Turlock Unified	Stanislaus	Fusion Charter (1695)	2014–15	44.77%	99.00%	25.00:1	100% for 5 Years (2016–17 through 2020–21)	*100% for 3 Years (2016–17 through 2018–19)
52-10520-6119606	Tehama County Office of Education	Tehama	Lincoln Street (1667)	2014–15	56.36%	80.44%	18.63:1	100% for 5 Years (2016–17 through 2020–21)	*100% for 3 Years (2016–17 through 2018–19)

County-District-School Code	Charter Authorizer	County	Charter School (Charter Number)	First Year of Operation	Percent Spent on Certificated Staff Compensation^	Percent Spent on Instruction and Instruction-Related Services^	Pupil-Teacher Ratio^	Funding Determination and Years Requested by Charter School	CDE Recommendation Funding Determination and Years
54-10546-6119291	Tulare County Office of Education	Tulare	Eleanor Roosevelt Community Learning Center (0395)	2001-02	59.75%	80.20%	25.00:1	100% for 5 Years (2016–17 through 2020–21)	*100% for 4 Years (2016–17 through 2019–20)
54-72256-6116909	Visalia Unified	Tulare	Charter Home School Academy (0250)	1999–00	64.10%	83.12%	25.00:1	100% for 5 Years (2016–17 through 2020–21)	*100% for 4 Years (2016–17 through 2019–20)

^Spending percentages and pupil-teacher ratio correspond to the charter school's funding determination request as originally submitted to the California Department of Education (CDE).
*For the funding determination effective period, the CDE considers the number of years a charter school has been in operation and recommends a funding determination for four years for a charter school that has been in operation for more than three years and three years for a charter school that has been in operation for less than three years.
**For the funding determination effective period, the CDE considers the number of years requested by a charter school.
***_Education Code_ (_EC_) Section 47612.5(d)(2) requires a determination of five years for a charter school that has achieved a rank of six or greater on the Academic Performance Index (API) for the two years immediately prior to receiving a determination of funding. However, _EC_ Section 52056(a) requiring API ranking of schools was repealed. Alternatives were authorized by Assembly Bill (AB) 484 (Chapter 489, Statutes of 2013) to meet legislative and/or programmatic requirements. For purposes of meeting the API requirement pursuant to _EC_ Section 47612.5(d)(2), the CDE considers the following alternatives as proposed by AB 484: (a) the most recent API calculation; or (b) an average of the three most recent annual API calculations; whichever is higher.

California State Board of Education

Meeting Agenda Items for May 11-12, 2016

ITEM 19

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2016 AGENDA

SUBJECT	
Consideration of Requests for Determination of Funding with "Reasonable Basis"/Mitigating Circumstances as Required for Nonclassroom-based Charter Schools Pursuant to California *Education Code* Sections 47612.5 and 47634.2, and Associated *California Code of Regulations*, Title 5.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE

California *Education Code* (*EC*) sections 47612.5 and 47634.2 established the eligibility requirements for apportionment funding for charter schools that offer nonclassroom-based instruction. The statutes specify that a charter school may receive apportionment funding for nonclassroom-based instruction only if a determination of funding is made by the State Board of Education (SBE). The California Department of Education (CDE) reviews a charter school's determination of funding request and presents it for consideration by the Advisory Commission on Charter Schools (ACCS), pursuant to relevant *California Code of Regulations*, Title 5 (5 *CCR*). The ACCS may include the consideration of mitigating circumstances in conjunction with a recommendation to the SBE.

RECOMMENDATION

The CDE recommends that the SBE approve the mitigating circumstances requests and the determination of funding requests for four charter schools as provided in Attachment 1.

Advisory Commission on Charter Schools Recommendation

The ACCS met on April 5, 2016, and voted unanimously to approve the CDE recommendation that the SBE approve the mitigating circumstances requests and the determinations of funding as provided in Attachment 1.

BRIEF HISTORY OF KEY ISSUES

The four charter schools submitted requests to obtain a determination of funding by the SBE with the consideration of mitigating circumstances to establish eligibility to receive apportionment funding.

Pursuant to 5 *CCR*, Section 11963.4(a), a nonclassroom-based charter school may qualify for 70 percent, 85 percent, or 100 percent funding, or may be denied. To qualify for a proposed recommendation of 100 percent funding, a nonclassroom-based charter school must meet the following criteria:

- At least 40 percent of the school's public revenues are to be spent on salaries and benefits for all employees who possess a valid teaching certificate.

- At least 80 percent of all revenues are to be spent on instruction and instruction-related services.

- The ratio of average daily attendance for independent study pupils to full-time certificated employees does not exceed a pupil-teacher ratio of 25:1 or the pupil-teacher ratio of the largest unified school district in the county or counties in which the charter school operates.

However, 5 *CCR* Section 11963.4(e) states that the ACCS may find a "reasonable basis" (also referred to as mitigating circumstances) by which to make a recommendation other than one that results from the criteria specified in the regulations.

5 *CCR* Section 11963.6(c) specifies that a determination of funding approved by the SBE shall be prospective (not for the current year) and shall be in increments of a minimum of two years and a maximum of five years in length. When making a recommendation for a funding determination, the CDE considers the number of years a charter school has been in operation and the number of years requested for the determination of funding by the charter school.

EC Section 47612.5(d)(2) requires a determination of five years for a charter school that has achieved a rank of six or greater on the Academic Performance Index (API). However, *EC* Section 52056(a) requiring API ranking of schools was repealed. Alternatives were authorized by Assembly Bill (AB) 484 (Chapter 489, Statutes of 2013) to meet legislative and/or programmatic requirements. For purposes of meeting the API requirement pursuant to *EC* Section 47612.5(d)(2), the CDE considers the following alternatives as proposed by AB 484: (a) the most recent API calculation; or (b) an average of the three most recent annual API calculations; whichever is higher.

5 *CCR* Section 11963.4(e) provides specific examples of the types of mitigating circumstances and for the ACCS to consider well documented "one-time or unique or exceptional circumstances." Mitigating circumstances described by a charter school in the funding determination process clarify and provide guidance as to whether or not a specific charter school meets the percentage requirements for a funding determination as expressed in 5 *CCR* Section 11963.4(a).

Pursuant to 5 *CCR* Section 11963.4(e):

> A reasonable basis for the Advisory Commission on Charter Schools to make a recommendation other than one that results from the criteria specified in subdivision (a) may include, but not be limited to, the

following: the information provided by the charter school pursuant to paragraphs (2) through (8), inclusive, of subdivision (b) of section 11963.3, documented data regarding individual circumstances of the charter school (e.g., one-time or unique or exceptional expenses for facilities, acquisition of a school bus, acquisition and installation of computer hardware not related to the instructional program, special education charges levied on the charter school by a local educational agency, restricted state, federal, or private grants of funds awarded to the charter school that cannot be expended for teacher salaries, or contracted instructional services other than those for special education), the size of the charter school, and how many years the charter school has been in operation. The Advisory Commission on Charter Schools shall give charter schools with less than a total of one hundred (100) units of prior year second period average daily attendance or that are in their first year of operation serious consideration of full funding.

Yosemite-Wawona Elementary Charter – #1610
Yosemite-Wawona Elementary Charter (YWEC) does not meet the requirement to qualify for a recommendation of 100 percent funding based on reported fiscal year (FY) 2014–15 data. Therefore, YWEC submitted a request to consider mitigating circumstances. A summary of the request from YWEC is provided below.

YWEC is requesting a 100 percent determination of funding for two years with the consideration of the charter school's mitigating circumstances. YWEC reported expenditures of 24.38 percent on certificated staff costs and 26.01 percent on instruction and instruction-related services, which make the charter school ineligible for a determination of funding. Based on YWEC's reported expenditure percentages, the charter school's nonclassroom-based instruction is not substantially dedicated to the instructional benefit of the students pursuant to 5 *CCR* Section 11963.4(a)(4). Under these conditions, the regulation requires the ACCS to recommend that the SBE deny the request unless there is a reasonable basis to recommend otherwise.

YWEC's mitigating circumstances request cites having less than 100 units of average daily attendance (ADA) and the receipt of a $133,333 payment of federal funds in its first year of operation, FY 2014–15. YWEC's reported ADA was 5.29 in FY 2014–15. Due to the amount of the federal payment and the low enrollment of the charter school, YWEC was unable to spend the required amount on instruction and opted to defer spending until FY 2015–16, when enrollment was projected to double. The CDE finds that the information submitted supports the claim for mitigating circumstances in that due to the significant federal revenues received in proportion to the small pupil population in its first year of operation, YWEC was unable to meet the funding determination criteria for full funding. Therefore, the CDE recommends a funding determination of 100 percent for two FYs (2016–17 through 2017–18) as provided in Attachment 1.

Independence Charter Academy – #1679
Independence Charter Academy (ICA) does not meet the requirement to qualify for a recommendation of 100 percent funding based on reported FY 2014–15 data.

Therefore, ICA submitted a request to consider mitigating circumstances. A summary of the request from ICA is provided below.

ICA is requesting a 100 percent determination of funding for two years with the consideration of the charter school's mitigating circumstances. ICA reported expenditures of 47.73 percent on certificated staff costs and 66.86 percent on instruction and instruction-related services, which qualifies the charter school for a 70 percent determination of funding.

ICA's mitigating circumstances request cites conserving cash due to the absence of start-up funding, receiving the majority of its apportionment funding during the last quarter of the fiscal year, and consideration that the school was in its first year of operation in FY 2014–15. As a newly operational charter school in FY 2014–15, the CDE finds that the information submitted supports the claim for mitigating circumstances that, as a newly operational charter school that experienced an increase in enrollment throughout the school year, the apportionment revenues received late in the fiscal year limited the charter school's spending ability to meet the funding determination criteria for full funding. Therefore, the CDE recommends a funding determination of 100 percent for two FYs (2016–17 through 2017–18) as provided in Attachment 1.

Coastal Academy – #0516
Coastal Academy does not meet the requirement to qualify for a recommendation of 100 percent funding based on reported FY 2014–15 data. Therefore, Coastal Academy submitted a request to consider mitigating circumstances. A summary of the request from Coastal Academy is provided below.

Coastal Academy is requesting a 100 percent determination of funding for five years with the consideration of the charter school's mitigating circumstances. Coastal Academy reported expenditures of 45.55 percent on certificated staff costs and 76.08 percent on instruction and instruction-related services, which qualifies the charter school for an 85 percent determination of funding.

Coastal Academy's mitigating circumstances request cites that as a result of securing a facility in FY 2014–15, its bond debt service does not qualify as an instructional expenditure. In prior fiscal years, Coastal Academy's rental payments were an allowable expenditure. However, the calculation for a charter school's total expenditures on instruction and instruction-related services as a percentage of a school's total revenues includes rent but not debt service expenditures. According to Coastal Academy, if the debt service expenditures were allowable similar to rental payments, then the charter school would meet the funding determination criteria for full funding. The CDE finds that the information submitted supports the claim for mitigating circumstances in that the FY 2014–15 expenditure for facilities was exceptional since it was the first year that Coastal Academy transitioned from rent to debt service and, as a result, was unable to meet the funding determination criteria for full funding. However, the CDE recommends a funding determination of 100 percent for two FYs (2016–17 through 2017–18) instead of the five years requested by the charter school as provided in Attachment 1.

Northern Summit Academy – #1649
Northern Summit Academy (NSA) does not meet the requirement to qualify for a recommendation of 100 percent funding based on reported FY 2014–15 data. Therefore, NSA submitted a request to consider mitigating circumstances. A summary of the request from NSA is provided below.

NSA is requesting a 100 percent determination of funding for four years with the consideration of the charter school's mitigating circumstances. NSA reported expenditures of 41.06 percent on certificated staff costs and 75.86 percent on instruction and instruction-related services, which qualifies the charter school for an 85 percent determination of funding.

NSA's mitigating circumstances request cites having less than 100 units of ADA, establishing a reserve as required by its chartering authority, and the late receipt of federal Public Charter Schools Grant Program (PCSGP) funds. NSA's reported ADA was 55.18 in FY 2014–15. NSA received a $151,875 PCSGP payment in September 2015, several months after FY 2014–15 ended. By omitting the $38,117 that is included as federal grant revenues, the charter school's instruction and instruction-related services spending ratio would be 80.82 percent. The CDE administers the federal PCSGP and confirmed that the charter school's payment was certified in August 2015.

When making a recommendation for a funding determination, the CDE also considers the number of years a charter school has been in operation and the number of years requested for the determination of funding by the charter school. As provided in Attachment 1, NSA is requesting a determination of four years. The CDE proposes to recommend three years for NSA since the charter school has been in operation less than three years.

The CDE finds that the information submitted supports the claim for mitigating circumstances and recommends a funding determination of 100 percent for three FYs (2016–17 through 2018–19) as provided in Attachment 1.

The funding determination requests and mitigating circumstances are provided in Attachments 2 through 9 of Agenda Item 2 on the ACCS April 5, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/accsnotice040516.asp.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE is responsible for approving a determination of funding to establish eligibility for apportionment funding for charter schools that offer nonclassroom-based instruction. The CDE notes that this request is a non-recurring action item for the SBE.

FISCAL ANALYSIS (AS APPROPRIATE)

If approved, the charter schools listed in Attachment 1 would receive apportionment funding under the Local Control Funding Formula model.

ATTACHMENTS

Attachment 1: California Department of Education Determination of Funding Recommendation for Nonclassroom-based Charter Schools (1 Page)

California Department of Education

Determination of Funding Recommendation for Nonclassroom-based Charter Schools

CDS Code	Charter Authorizer / County	Charter School / Charter Number	First Year of Operation	Percent Spent on Certificated Staff Compensation^	Percent Spent on Instruction and Instruction - Related Services^	Pupil-Teacher Ratio^	Funding Determination and Years Requested by Charter School With Mitigating Circumstances	Funding Determination Without Mitigating Circumstances (5 *CCR* Section 11963.4)	CDE Recommendation Funding Determination and Years	CDE Recommendation Mitigating Circumstances Provided
20-65185-0129015	Bass Lake Joint Union Elementary / Madera	Yosemite-Wawona Elementary Charter (1610)	2014–15	24.38%	26.01%	5.0 : 1	100% for 2 Years (2016–17 through 2017–18)	Deny	*100% for 2 Years (2016–17 through 2017–18)	Yes
36-67736-0130948	Helendale Elementary / San Bernardino	Independence Charter Academy (1679)	2014–15	47.73%	66.86%	18.50 : 1	100% for 2 Years (2016–17 through 2017–18)	70%	*100% for 2 Years (2016–17 through 2017–18)	Yes
37-73569-0101071	Oceanside Unified / San Diego	Coastal Academy (0516)	2003–04	45.55%	76.08%	25.0 : 1	100% for 5 Years (2016–17 through 2020–21)	85%	100% for 2 Years (2016–17 through 2017–18)	Yes
45-70169-0129957	Whitmore Union Elementary / Shasta	Northern Summit Academy (1649)	2014–15	41.06%	75.86%	20.07 : 1	100% for 4 Years (2016–17 through 2019–20)	85%	**100% for 3 Years (2016–17 through 2018–19)	Yes

^Spending percentages and pupil-teacher ratio correspond to the charter school's funding determination request as originally submitted to the California Department of Education (CDE).
*For the funding determination effective period, the CDE considers the number of years requested by a charter school.
**For the funding determination effective period, the CDE considers the number of years a charter school has been in operation and recommends a funding determination for three years for a charter school that has been in operation for less than three years.

California State Board of Education

Meeting Agenda Items for May 11-12, 2016

ITEM 20

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2016 AGENDA

SUBJECT	
Consideration of a Retroactive Request for Determination of Funding as Required for a Nonclassroom-based Charter School Pursuant to California *Education Code* Sections 47612.5 and 47634.2, and Associated *California Code of Regulations,* Title 5.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE

California *Education Code* (*EC*) sections 47612.5 and 47634.2 established the eligibility requirements for apportionment funding for charter schools that offer nonclassroom-based instruction. The statutes specify that a charter school may receive apportionment funding for nonclassroom-based instruction only if a determination of funding is made by the State Board of Education (SBE). The California Department of Education (CDE) reviews a charter school's determination of funding request and presents it for consideration by the Advisory Commission on Charter Schools (ACCS), pursuant to relevant *California Code of Regulations*, Title 5 (5 *CCR*).

Pursuant to 5 *CCR*, Section 11963.6(c), any determination of funding request approved by the SBE for an existing nonclassroom-based charter school must be prospective (not for the current year). The CDE received a completed determination of funding request from Rocklin Independent Charter Academy, after the February 1, 2015, deadline, thereby making the request retroactive, not prospective. Since Rocklin Independent Charter Academy failed to submit a completed request by the regulatory filing deadline, the charter school was required to request a waiver for SBE approval to allow the charter school to request a non-prospective funding determination.

The waiver was submitted to the SBE requesting approval for a retroactive funding determination and was approved by the SBE at its March 2016 meeting as specified in Attachment 1. The waiver request is provided in the Meeting Notice for the SBE Web page located at http://www.cde.ca.gov/be/ag/ag/yr16/documents/Mar16w05.doc.

RECOMMENDATION

The CDE recommends that the SBE approve the determination of funding for the period specified in Attachment 1.

Advisory Commission on Charter Schools Recommendation

The ACCS met on April 5, 2016, and voted unanimously to approve the CDE recommendation that the SBE approve the determination of funding and the period specified for Rocklin Independent Charter Academy as provided in Attachment 1.

BRIEF HISTORY OF KEY ISSUES

Rocklin Independent Charter Academy submitted a request to obtain a determination of funding by the SBE to establish eligibility to receive apportionment funding.

Pursuant to 5 *CCR* Section 11963.4(a), a nonclassroom-based charter school may qualify for 70 percent, 85 percent, or 100 percent funding, or may be denied. To qualify for a proposed recommendation of 100 percent funding, a nonclassroom-based charter school must meet the following criteria:

- At least 40 percent of the school's public revenues are to be spent on salaries and benefits for all employees who possess a valid teaching certificate.

- At least 80 percent of all revenues are to be spent on instruction and instruction-related services.

- The ratio of average daily attendance for independent study pupils to full-time certificated employees does not exceed a pupil-teacher ratio of 25:1 or the pupil-teacher ratio of the largest unified school district in the county or counties in which the charter school operates.

5 *CCR* Section 11963.6(c) specifies that a determination of funding approved by the SBE shall be prospective (not for the current year) and shall be in increments of a minimum of two years and a maximum of five years in length.

EC Section 47612.5(d)(2) requires a determination of five years for a charter school that has achieved a rank of six or greater on the Academic Performance Index (API) for the two years immediately prior to receiving a determination of funding. However, *EC* Section 52056(a) requiring API ranking of schools was repealed. Alternatives were authorized by Assembly Bill (AB) 484 (Chapter 489, Statutes of 2013) to meet legislative and/or programmatic requirements. For purposes of meeting the API requirement pursuant to *EC* Section 47612.5(d)(2), the CDE considers the following alternatives as proposed by AB 484: (a) the most recent API calculation; or (b) an average of the three most recent annual API calculations; whichever is higher.

When making a recommendation for a funding determination, the CDE also considers the number of years a charter school has been in operation and the number of years requested for the determination of funding by the charter school. As provided in Attachment 1, Rocklin Independent Charter Academy requested a determination of five years. However, since Rocklin Independent Charter Academy did not meet the API requirement, the CDE recommends a determination of three years since the charter school has been in operation for less than three years.

The funding determination request is provided in Attachment 2 of Agenda Item 03 on the ACCS April 5, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/accsnotice040516.asp

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At its March 2016 meeting, the SBE approved the CDE's recommendation to approve Rocklin Unified School District's request to waive specific portions of 5 *CCR*, Section 11963.6(c), which allow Rocklin Independent Charter Academy to submit a determination of funding request for the non-prospective fiscal period of July 1, 2015, through June 30, 2016.

The SBE is responsible for approving a determination of funding to establish eligibility for apportionment funding for charter schools that offer nonclassroom-based instruction. The CDE notes that this request is a recurring action item for the SBE.

FISCAL ANALYSIS (AS APPROPRIATE)

If approved, the charter schools listed in Attachment 1 would receive apportionment funding under the Local Control Funding Formula model.

ATTACHMENT

Attachment 1: California Department of Education Determination of Funding Recommendation for a Nonclassroom-based Charter School (1 Page)

California Department of Education
Determination of Funding Recommendation for a Nonclassroom-based Charter School

CDS Code	Charter Authorizer	County	Charter School (Charter Number)	First Year of Operation	Percent Spent on Certificated Staff Compensation^	Percent Spent on Instruction and Instruction-Related Services^	Pupil-Teacher Ratio^	Funding Determination and Years Requested by Charter School	CDE Recommendation Funding Determination and Years
31-75085-0128561	Rocklin Unified	Placer	Rocklin Independent Charter Academy (1573)	2013–14	65.26%	85.18%	14.77:1	100% for 5 Years (2015–16 through 2019–20)	*100% for 3 Years (2015–16 through 2017–18)

^Spending percentages and pupil-teacher ratio correspond to the charter school's funding determination request as originally submitted to the California Department of Education (CDE).
*For the funding determination effective period, the CDE considers the number of years a charter school has been in operation and recommends three years for a charter school that has been in operation for less than three years. At its March 2016 meeting, the State Board of Education approved the request to waive specific portions of *California Code of Regulations*, Title 5 Section 11963.6(c), for the period of July 1, 2015, through June 30, 2016.

California State Board of Education

Meeting Agenda Items for May 11-12, 2016

ITEM 21

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2016 AGENDA

SUBJECT	
Approval of the Charter School Numbers Assigned to Newly Established Charter Schools.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

The State Board of Education (SBE) is responsible for assigning a number to each approved charter petition. 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 each 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 1,791 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 schools listed in Attachment 1 were recently authorized by local boards of education and the SBE as noted. A copy of the charter petitions are on file in the Charter Schools Division.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE is responsible for assigning a number to each approved charter petition. The CDE presents this routine request for assignment of charter numbers as a standard action item.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no fiscal impact to the state resulting from the assignment of numbers to recently authorized charter schools.

ATTACHMENT(S)

Attachment 1: Assignment of Numbers for Charter School Petitions (2 Pages)

Assignment of Numbers for Charter School Petitions

Number	Term	Charter Name	County	Authorizing Entity	Classroom-Based/ Nonclassroom-Based
1792	7/1/2016–6/30/2017	Aspen Public School	Fresno	Fresno Unified School District	Classroom-Based
1793	7/1/2016–6/30/2021	Redding School of the Arts	Shasta	Columbia Elementary School District	Classroom-Based
1794	7/1/2016–6/30/2021	Animo Charter Middle School 8	Los Angeles	Los Angeles Unified School District	Classroom-Based
1795	6/28/2015–6/28/2018	Ballington Academy for the Arts and Sciences, San Bernardino	San Bernardino	San Bernardino City Unified School District	Classroom-Based
1796	7/1/2016–6/30/2021	New Day Academy-Shasta	Shasta	Whitmore Union Elementary School District	Nonclassroom-Based
1797	8/15/2016–6/30/2021	Mountain Academy Charter	Trinity	Trinity County Office of Education	Nonclassroom-Based
1798	7/1/2016–6/30/2021	USC College Prep, Santa Ana Campus	Orange	Orange County Department of Education	Classroom-Based
1799	7/1/2016–6/30/2021	Orange County Academy of Sciences and Arts	Orange	Orange County Department of	Classroom-Based

Number	Term	Charter Name	County	Authorizing Entity	Classroom-Based/ Nonclassroom-Based
				Education	
1800	7/1/2016–6/30/2021	Unity Middle College High School	Orange	Orange County Department of Education	Nonclassroom-Based
1801	7/1/2016–6/30/2021	Inspire Charter School - North	Sutter	Winship-Robbins School District	Nonclassroom-Based
1802	7/1/2016–6/30/2021	Epiphany Prep Charter School	San Diego	Escondido Union School District	Classroom-Based
1803	7/1/2016–6/30/2021	Natomas Pacific Pathways Prep Elementary School	Sacramento	Natomas Unified School District	Classroom-Based
1804	7/1/2016–6/30/2021	Atkinson Academy Charter School	Sacramento	San Juan Unified School District	Nonclassroom-Based
1805	7/1/2016–6/30/2021	Rocketship Mt. Diablo	Contra Costa	The California State Board of Education	Classroom-Based

California State Board of Education

Meeting Agenda Items for May 11-12, 2016

ITEM 22

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2016 AGENDA

SUBJECT	
California's Application to the United States Department of Education for Funds Available Through the Federal Charter Schools Program: Consideration of Proposed Content, Final Approval, and Submission.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

The federal Charter Schools Program (CSP) is a competitive grant program that enables State Educational Agencies (SEAs) to provide financial assistance, through sub-grants to eligible applicants, for the planning, program design, and initial implementation of charter schools and to support the dissemination of information about successful practices in charter schools.

In fiscal year 2014–15, California received its final allocation for its 2010–2015 CSP grant award. The Federal Register for the 2016–2019 CSP grant competition was released on April 21, 2016, with applications due by June 1, 2016. In order for California to apply for continuous CSP funding for new charter schools, the State Board of Education (SBE) must approve the submission of the application.

RECOMMENDATION

The California Department of Education (CDE) recommends that the SBE approve and direct the CDE to apply for up to $70 million (up to $23.33 million each year) in federal funds under the federal CSP for a total grant award period of three years. The CDE also recommends that the SBE direct the CDE, in consultation with the Executive Director of the SBE and/or the SBE liaisons, to perform all necessary activities required to finalize the CSP application.

The amount requested is estimated, and will permit funding for new charter schools that meet the eligibility and competitive requirements for CSP funding.

BRIEF HISTORY OF KEY ISSUES

The United States Department of Education (ED), Office of Innovation and Improvement, awards federal CSP grant funds to increase national understanding of the charter school model by expanding the number of high-quality charter schools available

to students across the nation, and by evaluating the effects of charter schools, including their effects on students, student academic achievement, staff, and parents.

The CSP grant's purpose is to achieve three main goals: 1) to ensure that CSP funds are directed toward the creation of high-quality charter schools; 2) to strengthen public accountability and oversight for authorized public chartering agencies and their charter schools through rigorous and transparent charter school authorization and oversight processes; and 3) to support and improve academic outcomes for educationally disadvantaged students.

The Secretary of Education has outlined the following specific selection criteria by which CSP grant applications will be evaluated:

- Assist educationally disadvantaged and other students meet State academic content standards and State student academic achievement standards
- Vision for charter school growth and accountability
- Past performance of charter schools
- Quality of the design of the SEA's charter school sub-grant program
- Dissemination of information and best practices
- Oversight of authorized public chartering agencies
- Policy context for charter schools under the proposed project

Proposed CSP Application for 2016–2019

California has received federal CSP grant funds since 1995. In the prior grant cycle, California was awarded approximately $290 million in federal grant funds for 2010–2015. ED plans to allocate up to $160 million for the 2016–2019 competition, with awards ranging from $2 million to $42 million per year.

In accordance with the allowable use of funds, the CDE proposes to provide the following program elements through the CSP local assistance and administrative funds:

Planning and Implementation Sub-grants (Local Assistance Funds)
Each charter school's application for funding will be required to comply with state and federal law and eligibility requirements of the sub-grant. The sub-grant program is a competitive grant program and applications received will be evaluated against a published rubric.

Pursuant to federal law, planning and implementation sub-grants are limited to a total of three years. The CDE proposes to use a modified grant formula similar to what was developed for the 2010–2015 CSP. The proposed funding amount will include a base level award for classroom-based and nonclassroom-based charter schools.

Supplemental funding to the base level award may be made for applicants that meet specific criteria for priority points. The funding levels and supplemental funding are contingent on California's grant award and availability of funds.

Dissemination Sub-grants (Local Assistance Funds)
A state may award up to 10 percent of its total CSP grant award for dissemination activities. Pursuant to federal law, dissemination grants are limited to two years and are available to successful charter schools to disseminate the best practices that led to their success. The CDE proposes to award sub-grants to eligible applications on a competitive basis for projects that respond to disseminating best practices.

Program Oversight (Administrative Funds)
The state may use up to five percent of the CSP for administrative activities. This funding provides the resources for administrative staff to manage the CSP, including grant competition peer reviews; training and technical assistance to grant recipients, other charter schools, and chartering authorities; conducting desk and site visit monitoring; and program evaluation and reporting.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE previously approved the submission of applications for CSP grant funds in 1995, 1998, 2001, 2004, 2007, 2010, and 2015.

At its July 2015 meeting, the SBE approved and directed the CDE to apply for up to $135 million in federal funds under the federal CSP for a total grant award period of three years. California submitted an application for the 2015–2018 CSP grant; however, the ED did not select it for funding.

FISCAL ANALYSIS (AS APPROPRIATE)

If funded, this application will result in up to $21.85 million in local assistance funds per year for initial charter school planning, implementation, and dissemination activities.

Up to five percent of the grant award may be used by the CDE for costs to administer the grant. Without these funds, the Charter Schools Division would be unable to implement the grant and provide resources and technical assistance to the California charter school community.

ATTACHMENT(S)

None.

California State Board of Education

Meeting Agenda Items for May 11-12, 2016

ITEM 23

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2016 AGENDA

SUBJECT	
After School Program Natural Disaster Relief	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

Individual after school program sites are required to meet specific annual attendance goals or else the program is subject to a funding reduction in the next year. California *Education Code (EC)* Section 8482.8(d) enables the State Board of Education (SBE) to approve crediting the attendance of After School Education and Safety Education (ASES) and 21st Century after school program sites if they are unable to operate due to a natural disaster.

RECOMMENDATION

The California Department of Education (CDE) recommends that the SBE approve adjusting the program attendance for after school programs located at the schools listed in Attachment 1 with their average annual attendance for those days following a natural disaster or imminent danger to student or staff.

BRIEF HISTORY OF KEY ISSUES

Currently, the CDE allocates over $670 million in state ASES and 21st Century after school program grants. Individual school sites are required to meet specific annual attendance goals in order to maintain their funding. When these goals are not met, the program is subject to a reduction in their funding in their next fiscal year allocation. The CDE then accumulates these site reduction funds and redistributes them in the next year to new after school grant applicants.

EC Section 8482.8(d) provides that, in the event of civil unrest, natural disaster or imminent danger to students or staff, the CDE may seek SBE approval of payment equal to the amount of ASES funding that the grantees would have received if they had been able to operate their program.

On December 15, 2015, the Los Angeles Unified School District ordered all schools to be closed due to a credible terrorist bomb threat. During August and September, the Valley and Butte wild fires caused an estimated $2 billion in structural damage, the displacement of thousands of families and the death of six people. Other weather-related incidents caused school closures due to a flash flood, high winds in excess of 50 miles per hour, a weather-related power outage and transportation hazards due to extreme fog. One school site was closed due to the risks posed to student health from lack of potable water.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Last year, the SBE considered after school program closure attendance relief allowed under *EC* Section 8482.8(d) and granted the attendance relief requested.

FISCAL ANALYSIS (AS APPROPRIATE)

If this request is approved, there will be no fiscal effect to the CDE beyond the original grant allocation.

ATTACHMENT(S)

Attachment 1: 2015 Attendance Relief Requests (17 pages)

2015 Attendance Relief Requests

CDS Code	School Name	District	Date(s) of Loss	Reason for Loss	After School Component: After School Base, Before School Base	Number of Days Closed
19647330124024	Animo Phyllis Wheatley Middle School	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330122499	Animo Westside Middle School	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330124016	Animo Western Charter Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330124008	Animo James B. Taylor Middle School	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330123992	Animo Ellen Ochoa Middle School	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330129270	Animo Mae Jemison Middle School	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330122481	Animo Jefferson Middle School	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19101990109660	Aspire Antonio Maria Lugo	Los Angeles County Office of	12/15/15	Bomb Threat Closure	ASB	1
19101990112128	Aspire Ollin University Prep	Los Angeles County Office of	12/15/15	Bomb Threat Closure	ASB	1
19647330122721	Aspire Pacific Academy	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330126797	Aspire Centennial College Preparatory Academy	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330122622	Aspire Firestone Academy	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330122614	Aspire Gateway Academy	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330124800	Aspire Inskeep Academy	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330114884	Aspire Junior Collegiate Academy	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330124784	Aspire Slauson Academy	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330120477	Aspire Titan Academy	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330124792	Aspire Tate Academy	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
27660506026132	Santa Lucia Elementary	King City Union	11/04/15 & 11/12/15	Bomb Threat Closure	ASB	2
19647330128116	Global Education Academy Middle School	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
16739326010573	Kettleman City Elementary	Reef-Sunset Unified	12/04/15	Water Main Broke - health hazard due to no potable water	ASB	1
54720410114165	Pixley Middle School	Pixley Union Elementary	01/29/15	Extreme Fog Transportation Problems	ASB	1
54720410114165	Pixley Middle School	Pixley Union Elementary	01/30/15	Extreme Fog Transportation Problems	ASB	1
54720410114165	Pixley Middle School	Pixley Union Elementary	02/19/15	Extreme Fog Transportation Problems	ASB	1
54720416054209	Pixley Elementary School	Pixley Union Elementary	01/29/15	Extreme Fog Transportation Problems	ASB	1
54720416054209	Pixley Elementary School	Pixley Union Elementary	01/30/15	Extreme Fog Transportation Problems	ASB	1
54720416054209	Pixley Elementary School	Pixley Union Elementary	02/19/15	Extreme Fog Transportation Problems	ASB	1
17640306010631	Lakeport Elementary	Lakeport Unified	09/14/15 through 09/15/15	Emergency Fire Evacuation	ASB	2
17640306010649	Terrace Middle	Lakeport Unified	09/14/15 through 09/15/15	Emergency Fire Evacuation	ASB	2
28662586026751	Howell Mountain Elementary	Howell Mountain Elementary	09/14/15 & 09/15/15	Emergency Fire Evacuation	ASB	2
42750106045389	Cuyama Elementary	Cuyama Joint Unified	10/16/15	Flashfloods	ASB	1
15636776009799	Mojave Elementary	Mojave Unified	12/11/15	Inclement Weather (winds in excess of 50mph)	ASB	1
10623236006993	Monroe Elementary	Monroe Elementary	12/09/15	Extreme Fog Transportation Problems	ASB	1
19765470118760	Barack Obama Charter School	SBE - Barack Obama Charter	12/15/15	Bomb Threat Closure	ASB	1

CDS Code	School Name	District	Date(s) of Loss	Reason for Loss	After School Component: After School Base, Before School Base	Number of Days Closed
19647330114967	Global Education Academy	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330128512	KIPP Academy of Innovation	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330101444	KIPP Academy of Opportunity	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330121707	KIPP Comienza Community Preparatory	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330121699	KIPP Empower Academy	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330100867	KIPP Los Angeles College Preparatory	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330125609	KIPP Philosophers Academy	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330125625	KIPP Scholar Academy	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330125641	KIPP Sol Academy	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330119982	Equitas Academy	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330126169	Equitas Academy #2	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330129650	Equitas Academy #3	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
17640226010615	Burns Valley	Konocti Unified	08/12/2015 through 08/14/2015	Emergency Fire Evacuation	ASB	3
17640226084990	Lower Lake Elementary	Konocti Unified	08/12/2015 through 08/14/2015	Emergency Fire Evacuation	ASB	3
17640226109706	Pomo	Konocti Unified	08/12/2015 through 08/14/2015	Emergency Fire Evacuation	ASB	3
17640556010672	Minnie Cannon Elementary	Middletown Unified	08/11/15 through 08/17/15	Emergency Fire Evacuation	ASB	5
10622656006753	Dunlap Elementary	Kings Canyon Joint Unified	09/11/15 through 09/16/15	Emergency Fire Evacuation	ASB	6
19646340121186	Children of Promise Prepartory Academy	Inglewood Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336015705	Albion Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336015705	Albion Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336015713	Aldama Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336057996	Alexander Fleming Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336015721	Alexandria Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336015739	Allesandro Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336015739	Allesandro Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647330122184	Alta California Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336015747	Alta Loma Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336015747	Alta Loma Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647330109280	Amanecer Primary Center	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336015754	Ambler Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336015762	Amestoy Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336015770	Anatola Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330122218	Andres and Maria Cardenas Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336057913	Andrew Carnegie Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336015804	Angeles Mesa Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336015812	Ann Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336015820	Annalee Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336015838	Annandale Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336015853	Aragon Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336015853	Aragon Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336015861	Arlington Heights Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336015879	Arminta Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647331932896	Arroyo Seco Museum Science	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1

CDS Code	School Name	District	Date(s) of Loss	Reason for Loss	After School Component: After School Base, Before School Base	Number of Days Closed
19647336015887	Ascot Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336015895	Atwater Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336061394	Audubon Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330109348	Aurora Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336015903	Avalon Gardens Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336015929	Baldwin Hills Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336015929	Baldwin Hills Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336015945	Bandini Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336015945	Bandini Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647330122416	Barack Obama Global Preparation Academy	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336015952	Barton Hill Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336015952	Barton Hill Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336015960	Bassett Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336015978	Beachy Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336015994	Beethoven Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330106914	Bellingham Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016018	Belvedere Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336057889	Belvedere Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336061402	Berendo Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016026	Bertrand Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016638	Betty Plasencia Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019491	Birdielee V. Bright Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016034	Blythe Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016042	Bonita Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016059	Braddock Drive Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016059	Braddock Drive Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336016067	Brainard Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016075	Breed Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016075	Breed Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336016083	Brentwood Science	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336058044	Bret Harte Preparatory Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016091	Bridge Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016091	Bridge Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336016109	Broad Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016109	Broad Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336016117	Broadacres Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016125	Broadway Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016133	Brockton Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016141	Brooklyn Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016158	Bryson Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016166	Buchanan Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016174	Budlong Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016182	Burbank Boulevard Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016208	Burton Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016208	Burton Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336016216	Bushnell Way Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016224	Cabrillo Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016232	Cahuenga Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1

CDS Code	School Name	District	Date(s) of Loss	Reason for Loss	After School Component: After School Base, Before School Base	Number of Days Closed
19647336016257	Calahan Community Charter	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016273	Camellia Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016299	Canoga Park Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016299	Canoga Park Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336016307	Cantara Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016315	Canterbury Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016315	Canterbury Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336016331	Capistrano Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330122234	Carlos Santana Arts Academy	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016349	Caroldale Learning Community	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016364	Carson Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330122101	Carson-Gore Academy of Enviornmental Studies	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016372	Carthay Elementary Of Environmental Studies Magnet	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016380	Castelar Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016406	Catskill Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016414	Century Park Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330109439	Cesar Chavez Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016422	Chandler Learning Academy	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016430	Chapman Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336057962	Charles Drew Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330111989	Charles H. Kim Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336060461	Charles Leroy Lowman Special Education Center	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336058101	Charles Maclay Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018360	Charles W. Barrett Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330106948	Charles White Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016448	Charnock Road Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016455	Chase Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016471	Cheremoya Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336057939	Chester W. Nimitz Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336057947	Christopher Columbus Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016679	Christopher Dena Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016679	Christopher Dena Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336016489	Cienega Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016497	Cimarron Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016505	City Terrace Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016513	Clifford Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016547	Cohasset Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016547	Cohasset Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336016554	Coldwater Canyon Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016570	Coliseum Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336120679	Columbus Avenue	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016604	Commonwealth Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016612	Compton Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016620	Corona Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016653	Crescent Heights Boulevard Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336058358	Daniel Webster Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330109231	Danny J. Bakewell, Sr., Primary Center	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016695	Danube Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1

CDS Code	School Name	District	Date(s) of Loss	Reason for Loss	After School Component: After School Base, Before School Base	Number of Days Closed
19647336058036	David Wark Griffith Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016711	Dayton Heights Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016711	Dayton Heights Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336016737	Del Amo Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016745	Delevan Drive Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016752	Denker Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330122135	Dolores Huerta Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016786	Dolores Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016794	Dominguez Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016802	Dorris Place Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330117028	Dr. James Edward Jones Primary Center	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330124446	Dr. Julian Nava Learning Academies-School of Arts and Culture	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330124453	Dr. Julian Nava Learning Academies-School of Business and Technology	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330126433	Dr. Lawrence H. Moore Math, Science, Technology Academy	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330122143	Dr. Owen Lloyd Knox Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330102491	Dr. Theo. T. Alexander Jr., Science Center	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016828	Dyer Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016836	Eagle Rock Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647331932540	Eagle Rock High	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016844	Eastman Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336061527	Edwin Markham Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016851	El Dorado Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016877	El Sereno Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336068431	El Sereno Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016885	Elizabeth Learning Center	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336118186	Ellen Ochoa Learning Center	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016893	Elysian Heights Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016901	Emelita Academy Charter	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336057988	Emerson Community Charter	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330117036	Enadia Technology Enriched Charter	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336058093	Ernest Lawrence Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016943	Erwin Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016950	Eshelman Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336110969	Esperanza Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336110969	Esperanza Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647330122119	Estrella Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016968	Euclid Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016968	Euclid Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336016976	Evergreen Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016984	Fair Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016984	Fair Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336017008	Farmdale Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017016	Fenton Avenue Charter	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017024	Fernangeles Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017024	Fernangeles Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336017032	Fifteenth Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017040	Fifty-Fourth Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1

CDS Code	School Name	District	Date(s) of Loss	Reason for Loss	After School Component: After School Base, Before School Base	Number of Days Closed
19647336017057	Fifty-Ninth Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017065	Fifty-Second Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017073	Figueroa Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017073	Figueroa Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336017099	First Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017099	First Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336089700	Fishburn Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017115	Fletcher Drive Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017115	Fletcher Drive Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336017123	Florence Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018527	Florence Griffith Joyner Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336058192	Florence Nightingale Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017131	Ford Boulevard Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017149	Forty-Ninth Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017149	Forty-Ninth Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336017156	Forty-Second Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336061451	Foshay Learning Center	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017164	Fourth Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336058291	Francisco Sepulveda Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330111971	Frank del Olmo Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017180	Fries Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017198	Fullbright Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017206	Garden Grove Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017214	Gardena Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017222	Gardner Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017230	Garvanza Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330109223	Garza (Carmen Lomas) Primary Center	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336061584	Gaspar De Portola Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017248	Gates Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017248	Gates Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336017255	Gault Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330111955	George De La Torre Jr. Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336058242	George K. Porter Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336057921	George Washington Carver Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330126425	Gerald A. Lawson Academy of the Arts, Mathematics and Science	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017271	Glassell Park Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017289	Gledhill Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017297	Glen Alta Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017305	Glenfeliz Boulevard Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336066294	Glenn Hammond Curtiss Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017313	Glenwood Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017313	Glenwood Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336017321	Graham Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017339	Granada Community Charter	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017347	Grand View Boulevard Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017347	Grand View Boulevard Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336017354	Grant Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017354	Grant Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1

CDS Code	School Name	District	Date(s) of Loss	Reason for Loss	After School Component: After School Base, Before School Base	Number of Days Closed
19647336017362	Grape Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336113419	Gratts Learning Academy for Young Scholars (GLAYS)	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017388	Gridley Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017388	Gridley Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336017396	Griffin Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017404	Gulf Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017412	Haddon Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017420	Halldale Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017438	Hamlin Charter Academy	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017461	Harbor City Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017479	Harding Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330106955	Harmony Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017487	Harrison Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017487	Harrison Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647330126581	Harry Bridges Span	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017495	Hart Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017495	Hart Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647330109314	Harvard Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017503	Haskell Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017511	Hawaiian Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017511	Hawaiian Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336017537	Hazeltine Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017537	Hazeltine Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336017545	Heliotrope Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017545	Heliotrope Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336061469	Henry T. Gage Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017552	Herrick Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017586	Hillcrest Drive Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017081	Hillery T. Broadous Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017081	Hillery T. Broadous Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336017594	Hillside Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017594	Hillside Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336017602	Hobart Boulevard Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017602	Hobart Boulevard Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336058051	Hollenbeck Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330109298	Hollywood Primary Center	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017610	Holmes Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017628	Hooper Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017628	Hooper Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647330109249	Hooper Avenue Primary Center	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017636	Hoover Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017636	Hoover Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647330109421	Hope Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336058119	Horace Mann Junior High	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017644	Hubbard Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336057871	Hubert Howe Bancroft Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017651	Humphreys Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017669	Huntington Drive Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1

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19647330111997	Huntington Park Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336114722	Independence Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330107011	International Studies Learning Center at Legacy High School Complex	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330122168	Jaime Escalante Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336061519	James Madison Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336058325	John A. Sutter Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336057855	John Adams Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018196	John B. Monlux Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018196	John B. Monlux Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336061410	John Burroughs Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330114199	John H. Liechty Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336058176	John Muir Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330109355	John W. Mack Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336061535	Johnnie Cochran, Jr., Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336061501	Joseph Le Conte Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330122176	Judith F. Baca Arts Academy	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330122192	Julie Korenstein Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017727	Kester Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330109405	Kingsley Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017735	Kittridge Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017735	Kittridge Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336017750	La Salle Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330109199	Lake Street Primary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017776	Langdon Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017776	Langdon Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336017784	Lankershim Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017792	Lassen Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017800	Latona Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017818	Laurel Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017826	Leapwood Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017834	Leland Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017842	Lemay Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019483	Lenicia B. Weemes Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336110266	Leo Politi Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336110266	Leo Politi Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647330109264	Lexington Avenue Primary Center	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017859	Liberty Boulevard Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017859	Liberty Boulevard Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336017867	Liggett Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017867	Liggett Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336017875	Lillian Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017883	Limerick Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017883	Limerick Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336017909	Lockwood Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017917	Logan Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017925	Loma Vista Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017925	Loma Vista Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1

CDS Code	School Name	District	Date(s) of Loss	Reason for Loss	After School Component: After School Base, Before School Base	Number of Days Closed
19647336017933	Lomita Math/Science/Technology Magnet	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336066278	Loren Miller Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336066278	Loren Miller Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336017941	Lorena Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017958	Loreto Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017958	Loreto Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336017966	Lorne Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336115794	Los Angeles Academy Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336111512	Los Angeles Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017974	Los Feliz Science/Tech/Engineer/Math/Medicine Magnet	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018485	Lovelia P. Flournoy Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336057897	Luther Burbank Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336120810	MacArthur Park Elementary School for the Visual and Performing Arts	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330109413	Madison Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017990	Magnolia Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017990	Magnolia Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336018006	Main Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018006	Main Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336018014	Malabar Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018022	Manchester Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018022	Manchester Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336018030	Manhattan Place Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018030	Manhattan Place Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647330106922	Maple Primary Center	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330126417	Marguerite Poindexter LaMotte Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018055	Marianna Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336058127	Marina del Rey Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330109256	Mariposa-Nabi Primary Center	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336058135	Mark Twain Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019061	Martin Luther King Jr. Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018071	Marvin Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336058143	Mary McLeod Bethune Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330109397	Maurice Sendak Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018089	Mayall Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018097	Mayberry Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330109363	Maywood Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018105	McKinley Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018113	Melrose Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018121	Melvin Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018139	Menlo Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018139	Menlo Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336018147	Meyler Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330126441	Michelle Obama Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018154	Micheltorena Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018154	Micheltorena Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336018162	Middleton Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018162	Middleton Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1

CDS Code	School Name	District	Date(s) of Loss	Reason for Loss	After School Component: After School Base, Before School Base	Number of Days Closed
19647336018170	Miles Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018170	Miles Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336018188	Miramonte Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018188	Miramonte Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336018204	Montague Charter Academy	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018204	Montague Charter Academy	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336107403	Montara Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018212	Monte Vista Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018220	Morningside Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018881	Morris K. Hamasaki Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018238	Mountain View Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336058168	Mt. Gleason Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018253	Multnomah Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018261	Murchison Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018279	Napa Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018279	Napa Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336018295	Nevada Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018303	Nevin Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018311	Newcastle Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018337	Ninety-Fifth Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018345	Ninety-Ninth Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018345	Ninety-Ninth Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336018352	Ninety-Second Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018378	Ninety-Sixth Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018386	Ninety-Third Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018394	Noble Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018394	Noble Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336018402	Nora Sterry Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018410	Normandie Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018428	Normont Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336058200	Northridge Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018436	Norwood Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018436	Norwood Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336110274	Nueva Vista Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018444	O'Melveny Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336061550	Olive Vista Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336058069	Oliver Wendell Holmes Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018469	One Hundred Eighteenth Street	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018477	One Hundred Eighty-Sixth Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018493	One Hundred Fifty-Sixth Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018501	One Hundred Fifty-Third Street	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018519	One Hundred Ninth Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018535	One Hundred Seventh Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018535	One Hundred Seventh Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336018543	One Hundred Sixteenth Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018550	One Hundred Thirty-Fifth Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018550	One Hundred Thirty-Fifth Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336018568	One Hundred Twelfth Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1

CDS Code	School Name	District	Date(s) of Loss	Reason for Loss	After School Component: After School Base, Before School Base	Number of Days Closed
19647336018568	One Hundred Twelfth Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336018576	One Hundred Twenty-Second Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330122390	Orchard Academies 2B	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330122408	Orchard Academies 2C	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336058382	Orville Wright Engineering and Design Magnet	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018592	Osceola Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018626	Oxnard Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330109322	Pacific Boulevard	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018642	Pacoima Charter Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018642	Pacoima Charter Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336058218	Pacoima Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018659	Palms Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330109389	Panorama City Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018667	Park Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018675	Park Western Place Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018683	Parmelee Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018683	Parmelee Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336018691	Parthenia Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336061485	Patrick Henry Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018717	Pinewood Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018717	Pinewood Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336107064	Pio Pico Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018725	Plainview Academic Charter Academy	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018741	Playa del Rey Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018758	Plummer Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018758	Plummer Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336018790	President Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336116842	Primary Academy for Success	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018808	Purche Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018816	Queen Anne Place Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330122127	Quincy Jones Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018824	Ramona Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018832	Ranchito Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018840	Raymond Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018857	Reseda Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330121103	RFK Community Schools-Ambassador School-Global Education	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330121095	RFK Community Schools-Ambassador-Global Leadership	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330119685	RFK Community Schools-New Open World Academy K-12	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330119693	RFK Community Schools-UCLA Community K-12	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336057905	Richard E. Byrd Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336057954	Richard Henry Dana Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330101618	Richard Riordan Primary Center	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018873	Richland Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018907	Rio Vista Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018915	Ritter Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336061576	Robert E. Peary Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336071443	Robert F. Kennedy Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336058002	Robert Fulton College Preparatory	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1

CDS Code	School Name	District	Date(s) of Loss	Reason for Loss	After School Component: After School Base, Before School Base	Number of Days Closed
19647336018931	Robert Hill Lane Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336058317	Robert Louis Stevenson Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018949	Rockdale Visual & Performing Arts Magnet	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330109371	Rosa Parks Learning Center	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018956	Roscoe Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018956	Roscoe Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336018972	Rosemont Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018980	Rosewood Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336018998	Rowan Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330117044	Roy Romer Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336061436	Rudecinda Sepulveda Dodson Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019004	Russell Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330119701	Sal Castro Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330126375	Sally Ride Elementary: A SMArT Academy	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336058028	Samuel Gompers Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336112411	San Antonio Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019012	San Fernando Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019012	San Fernando Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336058283	San Fernando Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019020	San Gabriel Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019038	San Jose Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336108641	San Miguel Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019046	San Pascual Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019053	San Pedro Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019079	Santa Monica Boulevard Community Charter	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336110951	Sara Coughlin Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019087	Saticoy Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336066286	Saturn Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019095	Second Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019103	Selma Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019137	Seventy-Fifth Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019137	Seventy-Fifth Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336019145	Seventy-Fourth Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019152	Sharp Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019160	Shenandoah Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019160	Shenandoah Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336019178	Sheridan Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019178	Sheridan Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336019194	Shirley Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019202	Short Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019210	Sierra Park Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019228	Sierra Vista Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019236	Sixth Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019244	Sixty-Eighth Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019244	Sixty-Eighth Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336019251	Sixty-First Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019269	Sixty-Sixth Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019277	Solano Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1

CDS Code	School Name	District	Date(s) of Loss	Reason for Loss	After School Component: After School Base, Before School Base	Number of Days Closed
19647336019285	Soto Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336058309	South Gate Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019293	South Park Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330106989	Southeast Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019319	Stagg Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019327	Stanford Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330122226	Stanley Mosk Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019335	State Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336058366	Stephen M. White Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019343	Stonehurst Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019350	Stoner Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019368	Strathern Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019368	Strathern Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336061600	Sun Valley Magnet	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019376	Sunland Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019384	Sunny Brae Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019384	Sunny Brae Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336104822	Sunrise Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019400	Sylmar Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019400	Sylmar Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647330126599	Sylmar Leadership Academy	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019418	Sylvan Park Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019418	Sylvan Park Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336019434	Tarzana Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019442	Telfair Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019442	Telfair Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336019459	Tenth Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019459	Tenth Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336107411	Teresa Hughes Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019475	Thirty-Second Street USC Performing Arts	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336061444	Thomas A. Edison Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336058085	Thomas Starr King Middle School Film and Media Magnet	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019509	Toland Way Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019517	Toluca Lake Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336016810	Tom Bradley Global Awareness Magnet	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019541	Towne Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019558	Trinity Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019566	Tulsa Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019574	Tweedy Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019582	Twentieth Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019590	Twenty-Eighth Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019608	Twenty-Fourth Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019616	Two Hundred Thirty-Second Place	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019624	Union Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019632	Utah Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019632	Utah Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336019640	Valerio Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019640	Valerio Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1

CDS Code	School Name	District	Date(s) of Loss	Reason for Loss	After School Component: After School Base, Before School Base	Number of Days Closed
19647336019657	Valley View Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019665	Van Deene Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019681	Van Ness Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019699	Van Nuys Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019699	Van Nuys Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336058333	Van Nuys Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019707	Vanalden Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019723	Vena Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019731	Vermont Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019731	Vermont Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336019749	Vernon City Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019749	Vernon City Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336019756	Victoria Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019764	Victory Boulevard Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019772	Vine Street Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019780	Vinedale Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019780	Vinedale Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336019798	Vintage Math/Science/Technology Magnet	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336058341	Virgil Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019806	Virginia Road Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330122200	Vista del Valle Dual Language Academy	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330106971	Vista Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019814	Wadsworth Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019814	Wadsworth Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336019822	Walgrove Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336110977	Walnut Park Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330126458	Walnut Park Middle A School of Social Justice and Service Learning	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330126466	Walnut Park Middle B Science, Technology, Engineering and Mathematics Academy	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336062699	Walter Reed Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336058077	Washington Irving Middle School Math, Music and Engineering Magnet	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330109306	Washington Primary Center	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019848	Weigand Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019863	West Athens Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019871	West Hollywood Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019889	West Vernon Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019889	West Vernon Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336019905	Western Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019913	Westminster Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019921	Westport Heights Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647331931054	Westside Global Awareness Magnet	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330112011	William Jefferson Clinton Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336058184	William Mulholland Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017446	William R. Anton Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330126409	Willow Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336058374	Wilmington Middle	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1

CDS Code	School Name	District	Date(s) of Loss	Reason for Loss	After School Component: After School Base, Before School Base	Number of Days Closed
19647336019962	Wilmington Park Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019970	Wilshire Crest Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330112003	Wilshire Park Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019988	Wilton Place Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336019988	Wilton Place Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	BSB	1
19647336019996	Windsor Hills Math Science	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336020002	Winnetka Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330122150	Wisdom Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336020028	Woodcrest Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336061568	Woodland Hills Charter Academy	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336020051	Woodlawn Avenue Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336017677	YES Academy	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336020069	Yorkdale Elementary	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330119735	Young Oak Kim Academy	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647331935121	Abraham Lincoln Senior High	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647331933852	Alexander Hamilton Senior High	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330112045	Arleta High	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647331930866	Bell Senior High	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647331931476	Canoga Park Senior High	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647331931526	Carson Senior High	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330117721	Contreras Learning Center-Academic Leadership Community	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647331934454	David Starr Jordan Senior High	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647331932888	Downtown Business High	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330112037	East Valley Senior High	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647331932920	Fairfax Senior High	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330119966	Felicitas and Gonzalo Mendez High	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647331933241	Gardena Senior High	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647331939305	George Washington Preparatory High	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647331934033	Hollywood Senior High	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647331934157	Huntington Park Senior High	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647331933381	James A. Garfield Senior High	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647331933118	John C. Fremont Senior High	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330117754	Los Angeles Teacher Preparatory Academy	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647331935519	Manual Arts Senior High	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647331936160	Nathaniel Narbonne Senior High	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647331936350	North Hollywood Senior High	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330112052	Panorama High	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647331937226	Reseda Senior High	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647336058002	Robert Fulton College Preparatory	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647331937622	San Fernando Senior High	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647331937838	San Pedro Senior High	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330109447	Santee Education Complex	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330112029	School of Business and Tourism at Contreras Learning Complex	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330109454	South East High	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330125989	STEM Academy at Bernstein High	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330112862	Student Empowerment Academy	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330119651	Sun Valley High	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647331937424	Theodore Roosevelt Senior High	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1

CDS Code	School Name	District	Date(s) of Loss	Reason for Loss	After School Component: After School Base, Before School Base	Number of Days Closed
19647331934371	Thomas Jefferson Senior High	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647331939040	Venice Senior High	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330114850	West Adams Preparatory High	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330118588	Alain Leroy Locke College Preparatory Academy	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330111625	Animo Watts College Preparatory Academy	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647331933043	Benjamin Franklin Senior High	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647331932128	Crenshaw Science, Technology, Engineering, Math and Medicine Magnet	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647331932987	John H. Francis Polytechnic	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647331935568	John Marshall Senior High	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647331935352	Los Angeles Senior High	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330109462	Maywood Academy High	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647331932383	Susan Miller Dorsey Senior High	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647331938554	Sylmar Senior High	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647331933795	Ulysses S. Grant Senior High	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647331938885	University Senior High	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647331938968	Van Nuys Senior High	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647331939859	Woodrow Wilson Senior High	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647331930924	Belmont Senior High	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330124388	Cesar E. Chavez Learning Academies-Social Justice Humanitas Academy	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330124495	Communication and Technology at Diego Rivera Learning	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647331932540	Eagle Rock High	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330122374	East Los Angeles Renaissance Academy at Esteban E. Torres High No. 2	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330117051	Edward R. Roybal Learning Center	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330122382	Engineering and Technology Academy at Esteban E. Torres High No. 3	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330122275	Environmental and Social Policy Magnet	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330122341	Esteban Torres East LA Performing Arts Magnet	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330124503	Green Design at Diego Rivera Learning Complex	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330122358	Humanitas Academy of Art and Technology at Esteban E. Torres High No. 4	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647331935865	James Monroe High	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647331939941	John F. Kennedy High	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647331933001	King/Drew Medical Magnet High	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330124412	Los Angeles River at Sonia Sotomayor Learning Academies	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647331930650	Phineas Banning Senior High	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330121095	RFK Community Schools-Ambassador-Global Leadership	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330117762	RFK Community Schools-for the Visual Arts and Humanities	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330117747	RFK Community Schools-Los Angeles High School of the Arts	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330119685	RFK Community Schools-New Open World Academy K-12	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647330122366	Social Justice Leadership Academy at Esteban E. Torres High No. 5	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
19647331938307	South Gate Senior High	Los Angeles Unified	12/15/15	Bomb Threat Closure	ASB	1
17640486010656	Lucerne Elementary	Lucerne Elementary	09/14/15 through 09/15/15	Emergency Fire Evacuation	ASB	2

CDS Code	School Name	District	Date(s) of Loss	Reason for Loss	After School Component: After School Base, Before School Base	Number of Days Closed
17640636010680	Upper Lake Elementary	Upper Lake Elementary	09/14/15 through 09/15/15	Emergency Fire Evacuation	ASB	2
17640226010615	Burns Valley	Konocti Unified	09/14/15 through 09/18/15	Emergency Fire Evacuation	ASB	5
17640146010607	Kelseyville Elementary	Kelseyville Unified	09/14/15 through 09/18/15	Emergency Fire Evacuation	ASB	5
17640226084990	Lower Lake Elementary	Konocti Unified	09/14/15 through 09/18/15	Emergency Fire Evacuation	ASB	5
17640556010672	Minnie Cannon Elementary	Middletown Unified	09/14/15 through 09/25/15	Emergency Fire Evacuation	ASB	10
17640226109706	Pomo	Konocti Unified	09/14/15 through 09/18/15	Emergency Fire Evacuation	ASB	5
17640146112759	Riviera Elementary	Kelseyville Unified	09/14/15 through 09/18/15	Emergency Fire Evacuation	ASB	5
33671736106207	Della S. Lindley Elementary	Palm Springs Unified	10/15/15	Weather- related power outage	ASB	1

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February 2016

California State Board of Education

Meeting Agenda Items for May 11-12, 2016

ITEM 24

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2016 AGENDA

SUBJECT	
Approval of 2015–16 Consolidated Applications.	☒ Action ☒ Information ☐ Public Hearing

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 (ESEA) of 1965. 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 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 29 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 1,656 LEAs. Attachment 1 represents the fifth 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 29 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	County-District-School Code	LEA Name	Total 2014–15 ConApp Entitlement	Total 2014–15 Entitlement Per Student	Total 2014–15 Title I Entitlement
1	19647330132084	Alliance 6-12 College-Ready Academy #21	0	0	0
2	19647330128009	Alliance Leadership Middle Academy	0	0	0
3	43694270132274	Alpha Cindy Avitia High	0	0	0
4	19768850132928	Anahuacalmecac International University Preparatory of North America	0	0	0
5	37682210132621	Beacon Classical Academy National City	0	0	0
6	09618380000000	Buckeye Union Elementary	299,861	63	211,471
7	05615640000000	Calaveras Unified	871,052	283	733,987
8	37680070000000	Cardiff Elementary	29,727	0	0
9	43104390127969	Discovery Charter II	357	0	0
10	36678433630928	Grove	887	0	0
11	19646000000000	Hermosa Beach City Elementary	36,135	25	0
12	37683380131565	High Tech Elementary	0	0	0
13	07617960132233	John Henry High	0	0	0
14	19647330128025	Lashon Academy	697	0	0
15	36678270111807	Mojave River Academy	4,841	0	0
16	10623310124354	National University Academy - Orange Center	14	0	0

Number	County-District-School Code	LEA Name	Total 2014–15 ConApp Entitlement	Total 2014–15 Entitlement Per Student	Total 2014–15 Title I Entitlement
17	19647330133298	PUC CALS Middle and Early College High	0	0	0
18	19647330133280	PUC Nueva Esperanza Charter Academy	0	0	0
19	19647330133272	PUC Triumph Charter Academy and PUC Triumph Charter High	0	0	0
20	19647330131680	Renaissance Arts Academy K-12	0	0	0
21	42693100000000	Santa Maria Joint Union High	2,177,312	282	1,752,233
22	34674390101295	Sol Aureus College Preparatory	619	0	0
23	50712820000000	Stanislaus Union Elementary	1,156,821	371	897,311
24	37684110126086	Stephen W. Hawking Charter	0	0	0
25	37684110128082	Stephen W. Hawkings II Science, Technology, Engineering, Art and Math Charter	0	0	0
26	38769270132183	The New School of San Francisco	0	0	0
27	43104390131748	Voices College-Bound Language Academy at Morgan Hill	0	0	0
28	43104390132530	Voices College-Bound Language Academy at Mt. Pleasant	0	0	0
29	23656230000000	Willits Unified	820,096	512	676,460

Total ConApp entitlement funds for districts receiving regular approval: $ 5,398,419

California State Board of Education

Meeting Agenda Items for May 11-12, 2016

ITEM 25

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2016 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.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

1. SBE Draft Preliminary Report of Actions/Minutes for the March 9-10, 2016 meeting

2. Board member liaison reports

RECOMMENDATION

The SBE staff recommends that the SBE:

1. Approve the Preliminary Report of Actions/Minutes for the March 9-10, 2016 meeting. (Attachment 1)

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 and Board policy review and revision; 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 March 9-10, 2016 meeting (27 Pages) may be viewed at the following link: http://www.cde.ca.gov/be/mt/ms/.

California State Board of Education

Meeting Agenda Items for May 11-12, 2016

ITEM 26

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2016 AGENDA

SUBJECT	
Petition for the Establishment of a Charter School Under the Oversight of the State Board of Education: Consideration of International Studies Language Academy, which was denied by the Glendale Unified School District and the Los Angeles County Board of Education.	☒ Action ☒ Information ☒ Public Hearing

SUMMARY OF THE ISSUE(S)

On December 15, 2015, the Glendale Unified School District (GUSD) voted to deny the petition of International Studies Language Academy (ISLA) by a vote of five to zero. On February 16, 2016, the Los Angeles County Board of Education (LACBOE) voted to deny the petition on appeal by a vote of five to one.

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

RECOMMENDATION

The California Department of Education (CDE) recommends that the SBE hold a public hearing regarding the ISLA petition, and thereafter to conditionally approve, with four conditions and eight technical amendments the request to establish ISLA under the oversight of the SBE, for a five-year term effective July 1, 2016, through June 30, 2021, based on the CDE's findings pursuant to *EC* sections 47605(b)(1), 47605(b)(2), and *California Code of Regulations*, Title 5 (5 *CCR*) Section 11967.5 that the petitioners are likely to successfully implement the program set forth in the petition and that the ISLA petition is consistent with sound educational practice.

Inherent to this recommendation, the CDE proposes the following conditions: (1) ISLA must revise its petition, in Element 4–Governance Structure, to reflect that the ISLA governing board will include a parent representative who is a voting member; (2) ISLA must revise its bylaws to ensure that the ISLA governing board is adhering to the Brown Act in regards to posting, public access, and agenda requirements; (3) ISLA must delete the reference in the petition that states that actual enrollment that may vary from projected enrollment will not be considered a material revision. Any increase or decrease in enrollment that differs by more than 25 percent of the enrollment approved by the SBE in the charter or in an SBE approved revised charter, or a change that could significantly impact the academic or financial sustainability of ISLA must be submitted

to, and approved by the SBE and could constitute a material revision to the ISLA petition; (4) ISLA must adhere to the terms and conditions as noted in Attachment 1 of the item. The CDE will conduct a pre-opening site visit at least 30 days prior to the scheduled opening date. Written authorization from the CDE would be required prior to the operation of any additional facility. The Meeting Notice for the SBE Advisory Commission on Charter Schools (ACCS) is located at http://www.cde.ca.gov/be/cc/cs/accsnotice040516.asp.

Advisory Commission on Charter Schools

The ACCS considered the ISLA charter petition at its April 5, 2016, meeting. The ACCS voted to recommend that the SBE approve the charter petition to establish ISLA under the oversight of the SBE. The motion passed with a vote of six to zero.

BRIEF HISTORY OF KEY ISSUES

ISLA submitted a petition on appeal to the CDE on February 19, 2016.

The ISLA petition asserts that its mission is to ensure high-level academics in core subjects and language acquisition for all pupils regardless of their socioeconomic status or English language proficiency to promote global competence, college preparedness, and career readiness.

The ISLA petitioners propose to serve 438 pupils in transitional kindergarten (TK) through grade seven in the first year of operation (2016–17) and expand to 1,056 pupils in TK through grade eight in the fifth year of operation (2020–21). ISLA proposes to operate within the GUSD boundaries. The ISLA petition states that the educational program is aligned with the State Standards and includes second language acquisition and two-way dual immersion integrated within the regular school day. Additionally, the ISLA petition states that the curriculum will prepare pupils for a competitive, globalized, interconnected, and technologically-advanced future by demanding a high effort profile from all pupils (Attachment 3 of Agenda Item 05 on the ACCS April 5, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-apr16item03a3.pdf).

The ISLA petitioners propose to implement a dual-immersion program for TK through grade five in four targeted languages: German, Spanish, Italian, and French. Additionally, the ISLA petitioners propose to implement an immersion and acquisition language program for grade six through grade eight offering the languages noted above.

The ISLA petitioners state that they are modeling the ISLA program on the 90/10 model of dual language immersion for TK through grade five currently in use at the Benjamin Franklin Magnet school in GUSD and the program currently used by International Studies Charter School located in Miami, Florida, which includes both a beginning acquisition language program and a fluent immersion language program, for grade six through grade eight.

The CDE notes that the Benjamin Franklin Magnet school in GUSD actually began their dual immersion program in 2008 introducing only one language: German. Spanish and Italian were introduced in 2009, and French in 2012; whereas, the ISLA petitioners propose to implement all four languages (German, Spanish, Italian, and French) beginning in the first year of operation.

In considering the ISLA petition, CDE reviewed the following:

- The ISLA petition and appendices, Attachments 3 and 5 of Agenda Item 05 on the ACCS April 5, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-apr16item03a3.pdf and http://www.cde.ca.gov/be/cc/cs/documents/accs-apr16item03a5.pdf.

- Educational and demographic data of schools where pupils would otherwise be required to attend, Attachment 2 of Agenda Item 05 on the ACCS April 5, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-apr16item03a2.xls.

- The ISLA budget and financial projections, Attachment 4 of Agenda Item 05 on the ACCS April 5, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-apr16item03a4.pdf.

- Description of changes to the petition necessary to reflect the SBE as the authorizing entity, Attachment 6 of Agenda Item 05 on the ACCS February 9, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-apr16item03a6.pdf.

- Board agendas, minutes, and findings from the GUSD and LACBOE regarding the denial of the ISLA petition, along with the petitioner's response to the GUSD and LACBOE findings, Attachment 7 of Agenda Item 05 on the ACCS April 5, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-apr16item03a7.pdf.

On December 15, 2015, the GUSD denied the ISLA petition based on the following findings (Attachment 1 of Agenda Item 05 on the ACCS April 5, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-apr16item03a1.doc).

- The petition fails to provide a reasonably comprehensive description of all required elements of a charter petition.

- The petitioners are demonstrably unlikely to successfully implement the program presented in the petition.

- The petition fails to present a sound educational program.

On February 16, 2016, the LACBOE denied the ISLA petition on appeal based on the following findings (Attachment 1 of Agenda Item 05 on the ACCS April 5, 2016, Meeting

Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-apr16item03a1.doc).

- The petition provides an unsound educational program for pupils to be enrolled in the school.

- The petitioners are demonstrably unlikely to successfully implement the proposed educational program.

- The petition does not contain a reasonably comprehensive description of all required elements.

- The petition does not satisfy all of the required assurances of *EC* Section 47605(c), (e) through (j), (l), and (m).

Additionally, LACBOE noted the following:

- The petition contains the required number of signatures.

- The petition does contain an affirmation of all specified assurances.

The CDE has conducted a thorough analysis and does not concur with the findings of GUSD and LACBOE. The information in this item provides the analysis that CDE has been able to complete to date with the available information.

Pursuant to *EC* sections 47605(b)(1), 47605(b)(2), 47605(b)(5), and 5 *CCR* Section 11967.5.1, a charter petition must provide a reasonably comprehensive description of multiple required elements (Attachment 1 of Agenda Item 05 on the ACCS April 5, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-apr16item03a1.doc).

Educational Program

The ISLA petition presents a reasonably comprehensive description of the educational progam. However, the ISLA petition does not indicate how the school will meet the needs of English learners (ELs) by providing specific and targeted English Language Development instruction for EL pupils. Further, the ISLA petition does not adequately state which core academic subjects will be taught in the targeted languages of French, Spanish, German, and Italian as proposed in the dual immersion and acquisition language program noted in the petition for TK through grade eight (Attachment 3 of Agenda Item 05 on the ACCS April 5, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-apr16item03a3.pdf). The CDE notes that after a discussion with the petitioners on March 18, 2016, CDE received information stating which core academic subjects will be taught in the targeted languages and finds the information to be sufficient.

The ISLA petition states that the educational program is aligned with the State Standards and includes second language acquisition and two-way dual immersion integrated within the regular school day. Additionally, the ISLA petition states that the

curriculum will prepare pupils for a competitive, globalized, interconnected, and technologically-advanced future by demanding a high effort profile from all pupils (Attachment 3 of Agenda Item 05 on the ACCS April 5, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-apr16item03a3.pdf).

Budget

The CDE reviewed the ISLA budget and multi-year fiscal plan and concludes that ISLA is likely able to successfully implement a fiscal plan that is sustainable and fiscally viable with projected enrollment of 438, 678, and 796 with ending fund balances of $281,134, $601,847, and $918,126 in its first three years of operation respectively. The CDE concludes that ISLA's multi-year financial plan does provide for projected operating surpluses, increasing positive fund balances, and adequate reserves.

The ISLA petition addresses the requirements of *EC* Section 47605(b)(ii), including a description of the school's annual goals, for all pupils (i.e. schoolwide) and for each subgroup of pupils identified pursuant to *EC* Section 52052, for each of the applicable state priorities identified in *EC* Section 52060(d) and a description of the specific annual actions the school will take to achieve each of the identified annual goals.

The CDE finds that the petitioners are demonstrably likely to implement the program set forth in the petition. The ISLA petition provides an adequate description for some of the required elements, while others require a technical amendment pursuant to *EC* Section 47605(b), and one is listed as a "no." Additional information and amendments to the petition would be needed if ISLA is approved as an SBE-authorized charter school. These amendments are due to the change in authorizer, or to strengthen or clarify elements for monitoring and accountability purposes.

A detailed analysis of the review of the entire ISLA petition is provided in Attachment 1 of Agenda Item 05 on the ACCS April 5, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-apr16item03a1.doc.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Currently, 28 charter schools operate under SBE authorization as follows:

- One statewide benefit charter, operating a total of six sites
- Seven districtwide charters operating a total of eighteen sites
- Twenty charter schools, authorized on appeal after local or county denial

The SBE delegates oversight duties of the districtwide charters to the county office of education of the county in which the districtwide charter is located. The SBE delegates oversight duties of the remaining charter schools to the CDE.

FISCAL ANALYSIS (AS APPROPRIATE)

If approved as an SBE-authorized charter school, the CDE would receive approximately one percent of the revenue of ISLA for the CDE's oversight activities. However, no additional resources are allocated to the CDE for oversight.

ATTACHMENT(S)

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

STATE BOARD OF EDUCATION
STANDARD CONDITIONS ON OPENING AND OPERATION

- **Department of Justice and Subsequent Arrest Notification.** Each State Board of Education (SBE)-authorized charter school shall comply with and remain compliant with the requirements of California *Education Code* (*EC*) Section 44830.1, pertaining to criminal history record summaries, fingerprints, and subsequent arrest notices (SAN), and that the School must comply with this Code section in requesting a subsequent arrest service notification from the Department of Justice (DOJ). The California Department of Education (CDE), will request written assurance on school letterhead that the School is in compliance with *EC* Section 44830.1. This assurance must provide evidence that (1) the School, as a local educational agency and the employer of record, has a DOJ/SAN account, (2) that ***all*** school employees have the appropriate DOJ clearance, (3) that the custodian of records will receive the SANs, (4) that the School has a procedure for monitoring the SANs of the designated custodian of records, and (5) employee records are kept secure at the School and available upon request for review. This assurance must be signed by the school administrator and the custodian of record.

- **Insurance Coverage.** Prior to opening, (or such earlier time as the School may employ individuals or acquire or lease property or facilities for which insurance would be customary), submit documentation of adequate insurance coverage, including liability insurance, which shall be based on the type and amount of insurance coverage maintained in similar settings. Additionally, the School will provide a document stating that the District will hold harmless, defend, and indemnify the SBE and the CDE, their officers and employees, from every liability, claim, or demand that may be made by reason of: (1) any injury to volunteer; and (2) any injury to person or property sustained by any person, firm, or corporation caused by any act, neglect, default, or omission of the School, its officers, employees, or agents. In cases of such liabilities, claims, or demands, the School at its own expense and risk will defend all legal proceedings that may be brought against it and/or the SBE or the CDE, their officers and employees, and satisfy any resulting judgments up to the required amounts that may be rendered against any of the parties.

- **Memorandum of Understanding/Oversight Agreement.** Prior to opening, either: (a) accept an agreement with the SBE, administered through the CDE, to be the direct oversight entity for the School, specifying the scope of oversight and reporting activities, including, but not limited to, adequacy and safety of facilities; or (b) enter into an appropriate agreement between the charter school, the SBE (as represented by the Executive Director of the SBE), and an oversight entity, pursuant to *EC* Section 47605(k)(1), regarding the scope of oversight and reporting activities, including, but not limited to, adequacy and safety of facilities.

- **Special Education Local Plan Area Membership.** Prior to opening, submit written verification of having applied to a Special Education Local Plan Area (SELPA) for

membership as a local educational agency and submit either written verification that the School is (or will be at the time pupils are being served) participating in the SELPA; or an agreement between a SELPA, a school district that is a member of the SELPA, and the School that describes the roles and responsibilities of each party and that explicitly states that the SELPA and the district consider the School's pupils to be pupils of the school district in which the School is physically located for purposes of special education programs and services (which is the equivalent of participation in the SELPA). Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of CDE staff following a review of either: (1) the School's written plan for membership in the SELPA, including any proposed contracts with service providers; or (2) the agreement between a SELPA, a school district, and the School, including any proposed contracts with service providers.

- **Educational Program.** Prior to opening, submit a description of the curriculum development process the School will use and the scope and sequence for the grades envisioned by the School; and submit the complete educational program for pupils to be served in the first year including, but not limited to, a description of the curriculum and identification of the basic instructional materials to be used; plans for professional development of instructional personnel to deliver the curriculum and use the instructional materials; and identification of specific assessments that will be used in addition to the assessment identified in *EC* Section 60640 in evaluating student progress. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of CDE staff.

- **Student Attendance Accounting.** Prior to opening, submit for approval the specific means to be used for student attendance accounting and reporting that will be satisfactory to support state average daily attendance claims and satisfy any audits related to attendance that may be conducted. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of the Director of the School Fiscal Services Division.

- **Facilities Agreements.** Prior to opening, present written agreements (e.g., a lease or similar document) indicating the School's right to use the principal school sites and any ancillary facilities identified by the petitioners for at least the first year of each School's operation and evidence that the facilities will be adequate for the School's needs. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of the Director of the School Facilities and Transportation Services Division.

- **Zoning and Occupancy.** Not less than 30 days prior to the School's opening, present evidence that each School's facility is located in an area properly zoned for operation of a school and has been cleared for student occupancy by all appropriate local authorities. For good cause, the Executive Director of the SBE may reduce this requirement to fewer than 30 days, but may not reduce the requirement to fewer

than 10 days. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of the Director of the School Facilities and Transportation Services Division.

- **Final Charter.** Prior to opening, present a final charter that includes all provisions and/or modifications of provisions that reflect appropriately the SBE as the chartering authority and otherwise address all concerns identified by CDE and/or SBE staff, and that includes a specification that the School will not operate satellite schools, campuses, sites, resource centers, or meeting spaces not identified in the charter without the prior written approval of the Executive Director of the SBE based primarily on the advice of the Charter Schools Division (CSD) staff. Satisfaction of this condition is determined by the Executive Director of the SBE based primarily on the advice of the Director of the CSD.

- **Processing of Employment Contributions.** Prior to the employment of any individuals by the School, present evidence that the School has made appropriate arrangements for the processing of the employees' retirement contributions to the California Public Employees' Retirement System and the California State Teachers' Retirement System.

- **Operational Date.** If any deadline specified in these conditions is not met, approval of the charter is terminated, unless the SBE deletes or extends the deadline not met. If the School is not in operation by September 30, 2016, approval of the charter is terminated.

California State Board of Education

Meeting Agenda Items for May 11-12, 2016

ITEM 27

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2016 AGENDA

SUBJECT	
Petition for the Establishment of a Charter School Under the Oversight of the State Board of Education: Consideration of the Trivium Charter School San Luis Obispo County, which was denied by the Atascadero Unified School District.	☒ Action ☒ Information ☒ Public Hearing

SUMMARY OF THE ISSUE(S)

On December 8, 2015, the Atascadero Unified School District (AUSD) voted to deny the Trivium Charter School San Luis Obispo County (TCSSLOC) petition by a vote of seven to zero. On December 11, 2015, the petition was submitted to the San Luis Obispo County Office of Education (SLOCOE). On February 4, 2016, the San Luis Obispo County Board of Education (SLOCBOE) took no action.

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

RECOMMENDATION

The California Department of Education (CDE) recommends that the SBE hold a public hearing regarding the TCSSLOC petition, and thereafter deny the request to establish TCSSLOC under the oversight of the SBE, based on the CDE's findings pursuant to *EC* sections 47605(b)(1), 47605(b)(2), 47605(b)(5) and *California Code of Regulations*, Title 5 (5 *CCR*) Section 11967.5.1, that the petition is inconsistent with sound educational practice, that the petitioner is unlikely to successfully implement the program set forth in the petition, and that the petition does not provide a reasonably comprehensive description of the 16 charter elements. The Meeting Notice for the SBE Advisory Commission on Charter Schools (ACCS) Web page is located at http://www.cde.ca.gov/be/cc/cs/accsnotice040516.asp.

Advisory Commission on Charter Schools Recommendation

The ACCS considered the TCSSLOC charter petition at its April 5, 2016, meeting. The ACCS voted to recommend that the SBE approve the charter petition to establish TCSSLOC under the oversight of the SBE, with clarification to the budget and all conditions and technical amendments in the CDE report. The motion passed by a vote of five to one.

BRIEF HISTORY OF KEY ISSUES

TCSSLOC submitted a petition on appeal to the CDE on February 9, 2016.

The TCSSLOC petition proposes to serve pupils throughout San Luis Obispo County and the contiguous counties by providing an educational choice for families of pupils in kindergarten (K) through grade twelve who choose to educate their pupils in a home and learning center environment with parents as the primary deliverers of the educational program. The mission statement of TCSSLOC is to blend the best of the classroom environment with the best of homeschooling/independent study methods to allow a pupil to thrive academically, socially, and emotionally.

In considering the TCSSLOC petition, CDE reviewed the following:

- The TCSSLOC petition and appendices, Attachments 3 and 5 of Agenda Item 04 on the ACCS April 5, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-apr16item02a3.pdf and http://www.cde.ca.gov/be/cc/cs/documents/accs-apr16item02a5.pdf.

- Educational and demographic data of schools where pupils would otherwise be required to attend, Attachment 2 of Agenda Item 04 on the ACCS April 5, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-apr16item02a2.xls.

- The TCSSLOC budget and financial projections, Attachment 4 of Agenda Item 04 on the ACCS April 5, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-apr16item02a4.pdf.

- Description of changes to the petition necessary to reflect the SBE as the authorizing entity, Attachment 6 of Agenda Item 04 on the ACCS April 5, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-apr16item02a6.pdf.

- Board agendas, minutes, and findings from the AUSD regarding denial of the TCSSLOC petition, along with the petitioner's response to the AUSD findings, Attachment 7 of Agenda Item 04 on the ACCS April 5, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-apr16item02a7.pdf.

On December 8, 2015, AUSD denied the TCSSLOC petition based on the following findings (Attachment 1 of Agenda Item 04 on the ACCS April 5, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-apr16item02a1.doc):

- The TCSSLOC petition presents an unsound educational program.

- The petitioner is demonstrably unlikely to successfully implement the program set forth in the petition.

- The TCSSLOC petition does not contain reasonably comprehensive descriptions of the required elements.

On February 4, 2016, SLOCBOE took no action.

The CDE has conducted a thorough analysis and concurs with the findings of AUSD. The information in this item provides the analysis that CDE has been able to complete to date with the available information.

Pursuant to *EC* sections 47605(b)(1), 47605(b)(2), 47605(b)(5), and 5 *CCR* Section 11967.5.1, a charter petition must provide a reasonably comprehensive description of multiple required elements (Attachment 1 of Agenda Item 04 on the ACCS April 5, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-apr16item02a1.doc).

Admissions

The CDE found that the TCSSLOC petition describes admissions and un-enrollment procedures which may be prejudicial toward low-achieving pupils and pupils with disabilities and may contribute to an unsound educational program.

The TCSSLOC petition requires a pupil with a disability who wishes to enroll in TCSSLOC to have an Individualized Education Program (IEP) that clearly states participation in an independent study/homeschooling program is an appropriate placement. This statement appears to be counter to federal and state law which do not allow denial of entry into a public school based on disability. Public schools are expected to serve the full continuum of pupils yet the TCSSLOC petition language may create a barrier to participation at TCSSLOC for pupils with IEPs and their families (Attachment 3 of Agenda Item 04 on the ACCS April 5, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-apr16item02a3.pdf).

The TCSSLOC admission criteria is also contrary to information of the El Dorado County Office of Education Special Education Local Plan Area Web site which says:

> Federal and state law prohibit any public school, including charter schools, from denying admission to any pupil on the basis of a disability, or the nature of or extent of a disability.
>
> Because it is required by law that a Local Education Agency (LEA) enroll all pupils with disabilities, and independent study placement is an IEP team decision, it recommended that when a pupil with an IEP applies to enroll in a virtual or hybrid charter school, as their own LEA for Special Education, that the LEA enrolls the pupils. Then, during the 30-day interim IEP process, the IEP team reviews the IEP to determine whether or not independent study in a virtual or hybrid learning program is an appropriate offer of a free and appropriate public education (FAPE). If the IEP team determines that independent study is not an appropriate offer of FAPE, then the pupil will remain enrolled in the LEA and the

> LEA is responsible for funding an appropriate alternative placement. If the IEP team agrees, and determines that the independent study program is the appropriate placement for the pupil, it must be written into the IEP document and consented to by the parent/guardian of the pupil.

The section of the TCSSLOC petition that describes the plan for pupils that are academically low achieving states, "Pupils who do not apply consistent effort will be referred to a traditional, five-day a week model because independent study is not appropriate for that pupil. The TCSSLOC petition states that all pupils are required to attempt and master coursework as assigned based on their individual ability in order to stay enrolled at TCSSLOC. All pupils are required to make appropriate academic progress. Pupils struggling with consistency or with applying appropriate effort within the TCSSLOC independent study program will receive increased monitoring and intervention by TCSSLOC staff members. If the intervention is not successful and appropriate academic progress is unlikely in an independent study program, pupils will be referred to a traditional, five-day a week school and un-enrolled at TCSSLOC" (Attachment 3 of Agenda Item 04 on the ACCS April 5, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-apr16item02a3.pdf).

These assertions in the TCSSLOC petition are of significant concern to the CDE. While CDE acknowledges that independent study programs may not be the right educational model for every pupil, the information about un-enrolling pupils in the program is contrary to the responsibilities and obligations that are part of sound charter school operation.

The CDE also found significant departure from sound practice with the proposed admissions practices stated in the TCSSLOC petition. The TCSSLOC petition states that pupils at TCSSLOC are required to complete placement testing before enrollment is granted. Academic testing prior to admissions is a potential discriminatory practice that may be associated with selective admissions practices inconsistent with law.

While the TCSSLOC petition says that placement test results are not used to determine whether to admit, but to determine appropriate curriculum, teacher assignment, and classroom placement, CDE cannot establish why this would need to occur before pupil enrollment. The petition also states that all parts of placement testing must be completed within the timeline provided. CDE is concerned that this timeline requirement might be a significant barrier for a pupil with a disability (Attachment 3 of Agenda Item 04 on the ACCS April 5, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-apr16item02a3.pdf).

Budget

At the April 5, 2016, ACCS meeting the TCSSLOC petitioner was directed to submit an updated budget to the CDE specifically addressing the issues of incorrect Principal Apportionment (P-2) percent and the incorrect version of the Local Control Funding Formula calculator. The TCSSLOC petitioner submitted the updated budget on April 12, 2016.

The CDE reviewed this budget and finds that the petitioner has presented an unrealistic financial and operational plan based on the following analysis:

Revenue

- The TCSSLOC overstated special education AB 602 on year two and three by the total of $11,670.

- The TCSSLOC included fundraising of $15,000 for all three years which the CDE considers to be unverifiable and excludes as revenue.

Expenditure

- TCSSLOC expenditures for certificated and classified salaries are projected lower compared to the original budget and the April 1 budget as salary rate for each classification is reduced by 0.5 percent.

- The number of full-time equivalent teachers decreased from 13 in the original budget to 11.5 in year one of the April 12 budget, 17 in the original budget to 14.5 in year two of the April 12 budget, and 17 in the original budget to 14.5 in year three of the April 12 budget. The decrease from the original budget to the April 12 budget amounts to 6.5 in full-time equivalent teachers.

- The TCSSLOC understated health and welfare benefits by the total of $352,790 because the charter assumes a 60 percent participation rate for teachers rather than 100 percent.

The TCSSLOC has a line of credit (LOC) through Pacific Western Bank with available funds of $500,000. TCSSLOC will draw $350,000 to cover the first three months (July, August, and September) of deficit and low reserves in year one. The CDE notes that TCSSLOC does not provide LOC documentation such as the terms of the LOC and an approval letter from the bank.

The TCSSLOC's projected operating surpluses and reserves for each of the fiscal years (FYs) 2016–17 through 2018–19 are not reasonable. Adjusting for overstated revenues and understated expenditures, the CDE is projecting ongoing operating deficits and no reserves. The CDE determines that TCSSLOC's financial condition is projected to be insolvent at the end of its first year of operation and will continue to decline each FY with a projected negative fund balance of $174,413 by the end of FY 2018–19.

Facilities

The TCSSLOC petition does not provide all the required information regarding the geographic location(s) of TCSSLOC's proposed operations.

The TCSSLOC petition states that instruction and learning opportunities will be primarily in the pupil's home or other location utilized by the family and provided in TCSSLOC

leased facilities, at Blochman Union Elementary School District, and other resource centers as established. The TCSSLOC petition states that currently the locations are within the boundaries of Blochman Union Elementary School District, Lompoc Unified School District, Santa Maria-Bonita Unified School District, Lucia Mar Unified School District and AUSD. The identified facilities are currently used by TCSSLOC's existing charter school, Trivium Charter School, which was authorized by the Blochman Union Elementary School District (Attachment 3 of Agenda Item 04 on the ACCS April 5, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-apr16item02a3.pdf).The CDE cannot discern from the information provided in the TCSSLOC petition whether the identified facilities can accommodate or could be used by the additional pupils TCSSLOC seeks to serve under the proposed SBE-authorized charter school.

Pursuant to *EC* Section 47605(a)(1), a petition for the establishment of a charter school shall identify a single charter school that will operate within the geographic boundaries of the proposed school district. When the state board reviews a charter petition on appeal, *EC* Section 47605(j)(1) mandates that the petition meet all otherwise applicable petition requirements, including the identification of the proposed site or sites where the charter school will operate. *EC* Section 47605.1(a)(2) provides that a charter school granted a charter by the SBE may locate only within the geographic boundaries of the chartering entity that initially denied the petition for the charter. As the locations specified in TCSSLOC's petition are currently being used by Trivium Charter School, authorized by Blochman Union Elementary School District, the CDE cannot determine whether these sites are available for use by pupils TCSSLOC intends to serve, and which specific location or locations the petitioner intends to use for TCSSLOC. As such, the CDE finds that the TCSSLOC petition did not meet the requirements of *EC* sections 47605(a) and 47605(j) as it identified sites being used by Trivium Charter School, but the TCSSLOC petition does not indicate whether these sites are available for use by TCSSLOC nor the locations for use by TCSSLOC.

Additionally, the CDE notes that the TCSSLOC petition states that TCSSLOC reserves the right to add learning centers or change locations of the learning centers (Attachment 3 of Agenda Item 04 on the ACCS April 5, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-apr16item02a3.pdf). The CDE finds this statement concerning as the addition of learning centers or changing the location of the learning centers may require a material revision to the TCSSLOC petition and SBE approval and not at the discretion of TCSSLOC.

Educational Program

The CDE finds that the TCSSLOC charter petition does not adequately describe an educational program that is likely to be of educational benefit to all pupils who attend. The petition does not provide a clear and specific description of how the educational needs of pupils in a home school, independent study, and learning center program will be met by using materials and curricula to ensure that the academic and career and college readiness skills and knowledge embedded in the State Standards are acquired in the instructional delivery model where parents are the primary deliverers of such skills and knowledge via the Personalized Learning Plan.

The TCSSLOC petition does not present a reasonably comprehensive description of the educational program for all pupils, specifically pupils with disabilities and English learners (EL). The petition does not provide a sufficient instructional program description to establish how TCSSLOC will meet the diverse needs of pupils TCSSLOC intends to serve.

Additionally, the TCSSLOC petition does not provide a description of how the educational needs of pupils who are homeschooled will be met to ensure basic learning skills are acquired, such as learning to read, acquiring basic mathematical skills, and developing social and emotional skills. Also, the TCSSLOC petition does not indicate that TCSSLOC will serve transitional kindergarten pupils.

The TCSSLOC petition does not state high school pupils will be provided with A–G courses. The TCSSLOC petition states that TCSSLOC is accredited by Western Association of Schools and Colleges (WASC) for K through grade twelve, and that all secondary courses will be transferable to other public high schools and will be eligible to meet college requirements. TCSSLOC cannot be WASC approved before authorization therefore, the CDE assumes that the petitioner included this statement in error and perhaps intends to seek WASC accreditation. However the documents submitted to the CDE do not indicate. The CDE notes that Trivium Charter School, under the authorization of Blochman Union Elementary School District, received initial accreditation in 2014, through 2016 (Attachment 3 of Agenda Item 04 on the ACCS April 5, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-apr16item02a3.pdf).

Plan for English Learners

TCSSLOC fails to provide sufficient information to ensure that targeted and specific English Language Development (ELD) support services that ELs are required to receive under federal and state law would indeed be provided by TCSSLOC. The TCSSLOC petition does not include a description of a specific program placement for EL pupils based on the California English Language Development Test levels. The petition does not include a description of how and when ELs will receive specific targeted ELD instruction aligned to English language arts/ELD standards within the instructional day. Additionally, the petition states that in the TCSSLOC model, the pupil will not receive instruction by the certificated, EL authorized teacher on a daily basis. Under the TCSSLOC model EL pupils will have access to online resources to assist them. However, these resources are not identified or adequately described to provide assurance that specific and targeted ELD instruction will be provided to meet the specific needs of ELs. Further, the petition does not address what resources will be available for pupils who do not have access to Internet services.

Additionally, the petition does not include a reclassification process or a description on how reclassified ELs are monitored for a minimum of two years to ensure English proficiency. The TCSSLOC petition does not indicate that TCSSLOC will institute an EL evaluation of the program to determine effectiveness and necessary improvements.

Additionally, the TCSSLOC petition does not include a professional development plan for the TCSSLOC teachers specific to the implementation of programs for EL pupils (Attachment 3 of Agenda Item 04 on the ACCS April 5, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-apr16item02a3.pdf).

Plan for Special Education

The TCSSLOC petition states that TCSSLOC shall comply with all applicable state and federal laws in serving pupils with disabilities, including but not limited to, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, and the Individuals with Disabilities in Education Act. The TCSSLOC petition states that the petitioner will apply for membership to the El Dorado County Office of Education's Charter Special Education Local Plan Area (EDCOE SELPA) (Attachment 3 of Agenda Item 04 on the ACCS April 5, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-apr16item02a3.pdf).

The TCSSLOC petition does not provide a reasonably comprehensive plan for pupils with disabilities and has not demonstrated an understanding of their responsibilities for pupils with disabilities or their ability to comply with state and federal law. For example, the petitioner does not comprehensively explain the continuum of services and supports that pupils with disabilities will receive. Additionally, the TCSSLOC petition does not include qualifications for positions referenced as providing the development of personalized learning plans, special education instruction, or designated instruction and services for pupils with disabilities (Attachment 3 of Agenda Item 04 on the ACCS April 5, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-apr16item02a3.pdf).

Plan for Low-Achieving Pupils

The TCSSLOC petition states that because an individualized plan is developed from the time of enrollment, pupils who are assessed as academically low achieving are identified immediately through current and historical data. The petition does not include the curriculum or assessments to determine whether the pupil is making appropriate progress, nor does the petition describe the specific targeted intervention and learning strategies that might be used to support low-achieving pupils. The petition states that appropriate curricula is selected which is designed to meet the needs of low-achieving pupils in specific areas (Attachment 3 of Agenda Item 04 on the ACCS April 5, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-apr16item02a3.pdf). However, the petition does not give a specific description of resources and instructional materials to be used to support low-achieving pupils.

The petition indicates that pupils who test into TCSSLOC as two or more grade levels behind may be required to attend independent study five days a week in order to fully customize remediation. However, the CDE notes that the TCSSLOC petition does not state a metric or metrics that the pupils will be assessed with and it is not clear in what ways the requirement of attending independent study five days a week will provide the

necessary remediation or who will be providing that remediation. Additionally, the petition states that pupils who do not apply consistent effort will be referred to a traditional, five day a week model because independent study is not appropriate for that pupil. The petition does not describe the criteria for this referral. Furthermore, the CDE notes that the TCSSLOC petition does not include specific detail for this five-day a week model. The CDE cannot determine if a pupil might be dis-enrolled for not applying consistent effort or how consistent effort is measured (Attachment 3 of Agenda Item 04 on the ACCS April 5, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-apr16item02a3.pdf).

CDE notes that the TCSSLOC petition and documents submitted do not include a Master Agreement for Independent Study, and therefore, the CDE cannot determine how the requirement to attend independent study five days a week will be addressed in this agreement.

Plan for High-Achieving Pupils

The TCSSLOC petition states that when a pupil demonstrates strong, above-grade level skills in any core subject area, adjustments can be made in their instructional plan to challenge the pupil and support their skills and interests, by teachers and parents quickening the pace of learning, assigning subjects outside of the pupil's grade level and/or providing opportunities for in-depth study of areas of high pupil interest or ability. However, the CDE finds that this does not give an adequate description of the State Standards aligned resources and instructional materials to be used to support high-achieving pupils. The petition states that TCSSLOC will provide learning plan options that include the following (Attachment 3 of Agenda Item 04 on the ACCS April 5, 2016, Meeting Notice on the SBE ACCS Web page located at http://www.cde.ca.gov/be/cc/cs/documents/accs-apr16item02a3.pdf).

- Curriculum supplements that are designed to challenge high-achieving pupils
- Opportunity to attend classes at the community college, if age-appropriate
- Online computer-based programs in advanced courses, including Advanced Placement courses
- Extracurricular activities

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Currently, 28 charter schools operate under SBE authorization as follows:

- One statewide benefit charter, operating a total of six sites
- Seven districtwide charters operating a total of eighteen sites
- Twenty charter schools, authorized on appeal after local or county denial

The SBE delegates oversight duties of the districtwide charters to the county office of education of the county in which the districtwide charter is located. The SBE delegates oversight duties of the remaining charter schools to the CDE.

FISCAL ANALYSIS (AS APPROPRIATE)

If approved as an SBE-authorized charter school, the CDE would receive approximately one percent of the revenue of AACS for the CDE's oversight activities. However, no additional resources are allocated to the CDE for oversight.

ATTACHMENT(S)

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

STATE BOARD OF EDUCATION
STANDARD CONDITIONS ON OPENING AND OPERATION

- **Department of Justice and Subsequent Arrest Notification.** Each State Board of Education (SBE)-authorized charter school shall comply with and remain compliant with the requirements of California *Education Code* (*EC*) Section 44830.1, pertaining to criminal history record summaries, fingerprints, and subsequent arrest notices (SAN), and that the School must comply with this Code section in requesting a subsequent arrest service notification from the Department of Justice (DOJ). The California Department of Education (CDE), will request written assurance on school letterhead that the School is in compliance with *EC* Section 44830.1. This assurance must provide evidence that (1) the School, as a local educational agency and the employer of record, has a DOJ/SAN account, (2) that ***all*** school employees have the appropriate DOJ clearance, (3) that the custodian of records will receive the SANs, (4) that the School has a procedure for monitoring the SANs of the designated custodian of records, and (5) employee records are kept secure at the School and available upon request for review. This assurance must be signed by the school administrator and the custodian of record.

- **Insurance Coverage.** Prior to opening, (or such earlier time as the School may employ individuals or acquire or lease property or facilities for which insurance would be customary), submit documentation of adequate insurance coverage, including liability insurance, which shall be based on the type and amount of insurance coverage maintained in similar settings. Additionally, the School will provide a document stating that the District will hold harmless, defend, and indemnify the SBE and the CDE, their officers and employees, from every liability, claim, or demand that may be made by reason of: (1) any injury to volunteer; and (2) any injury to person or property sustained by any person, firm, or corporation caused by any act, neglect, default, or omission of the School, its officers, employees, or agents. In cases of such liabilities, claims, or demands, the School at its own expense and risk will defend all legal proceedings that may be brought against it and/or the SBE or the CDE, their officers and employees, and satisfy any resulting judgments up to the required amounts that may be rendered against any of the parties.

- **Memorandum of Understanding/Oversight Agreement.** Prior to opening, either: (a) accept an agreement with the SBE, administered through the CDE, to be the direct oversight entity for the School, specifying the scope of oversight and reporting activities, including, but not limited to, adequacy and safety of facilities; or (b) enter into an appropriate agreement between the charter school, the SBE (as represented by the Executive Director of the SBE), and an oversight entity, pursuant to *EC* Section 47605(k)(1), regarding the scope of oversight and reporting activities, including, but not limited to, adequacy and safety of facilities.

- **Special Education Local Plan Area Membership.** Prior to opening, submit written verification of having applied to a Special Education Local Plan Area (SELPA) for

membership as a local educational agency and submit either written verification that the School is (or will be at the time pupils are being served) participating in the SELPA; or an agreement between a SELPA, a school district that is a member of the SELPA, and the School that describes the roles and responsibilities of each party and that explicitly states that the SELPA and the district consider the School's pupils to be pupils of the school district in which the School is physically located for purposes of special education programs and services (which is the equivalent of participation in the SELPA). Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of CDE staff following a review of either: (1) the School's written plan for membership in the SELPA, including any proposed contracts with service providers; or (2) the agreement between a SELPA, a school district, and the School, including any proposed contracts with service providers.

- **Educational Program.** Prior to opening, submit a description of the curriculum development process the School will use and the scope and sequence for the grades envisioned by the School; and submit the complete educational program for pupils to be served in the first year including, but not limited to, a description of the curriculum and identification of the basic instructional materials to be used; plans for professional development of instructional personnel to deliver the curriculum and use the instructional materials; and identification of specific assessments that will be used in addition to the assessment identified in *EC* Section 60640 in evaluating student progress. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of CDE staff.

- **Student Attendance Accounting.** Prior to opening, submit for approval the specific means to be used for student attendance accounting and reporting that will be satisfactory to support state average daily attendance claims and satisfy any audits related to attendance that may be conducted. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of the Director of the School Fiscal Services Division.

- **Facilities Agreements.** Prior to opening, present written agreements (e.g., a lease or similar document) indicating the School's right to use the principal school sites and any ancillary facilities identified by the petitioners for at least the first year of each School's operation and evidence that the facilities will be adequate for the School's needs. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of the Director of the School Facilities and Transportation Services Division.

- **Zoning and Occupancy.** Not less than 30 days prior to the School's opening, present evidence that each School's facility is located in an area properly zoned for operation of a school and has been cleared for student occupancy by all appropriate local authorities. For good cause, the Executive Director of the SBE may reduce this requirement to fewer than 30 days, but may not reduce the requirement to fewer

than 10 days. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of the Director of the School Facilities and Transportation Services Division.

- **Final Charter.** Prior to opening, present a final charter that includes all provisions and/or modifications of provisions that reflect appropriately the SBE as the chartering authority and otherwise address all concerns identified by CDE and/or SBE staff, and that includes a specification that the School will not operate satellite schools, campuses, sites, resource centers, or meeting spaces not identified in the charter without the prior written approval of the Executive Director of the SBE based primarily on the advice of the Charter Schools Division (CSD) staff. Satisfaction of this condition is determined by the Executive Director of the SBE based primarily on the advice of the Director of the CSD.

- **Processing of Employment Contributions.** Prior to the employment of any individuals by the School, present evidence that the School has made appropriate arrangements for the processing of the employees' retirement contributions to the California Public Employees' Retirement System and the California State Teachers' Retirement System.

- **Operational Date.** If any deadline specified in these conditions is not met, approval of the charter is terminated, unless the SBE deletes or extends the deadline not met. If the School is not in operation by September 30, 2016, approval of the charter is terminated.

California State Board of Education

Meeting Agenda Items for May 11-12, 2016

ITEM 28

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2016 AGENDA

SUBJECT	
San Francisco Flex Academy: Consider Issuing a Notice of Violation Pursuant to California *Education Code* Section 47607(d).	☒ Action ☒ Information ☒ Public Hearing

SUMMARY OF THE ISSUE(S)

The California Department of Education (CDE) believes that there is substantial evidence that the Flex Public Schools (FPS) governing Board for San Francisco Flex Academy (SFFA) engaged in fiscal mismanagement and committed a material violation of the SFFA charter. Pursuant to California *Education Code* (*EC*) Section 47607(d), the authority that granted the charter shall notify the charter school of any violation and provide the school a reasonable opportunity to remedy the violation.

RECOMMENDATION

The CDE recommends that the State Board of Education (SBE) consider that the FPS Board may have engaged in fiscal mismanagement pursuant to *EC* Section 47607(c)(1)(C), committed a material violation of the SFFA charter pursuant to *EC* Section 47607(c)(1)(A), failed to meet or pursue any of the pupil outcomes identified in the charter pursuant to *EC* Section 47607(c)(1)(B), and that there are sufficient grounds to issue a Notice of Violation (NOV) pursuant to *EC* Section 47607(d). The CDE has sought to address violations through a fiscal letter of concern and monthly correspondence with SFFA administration.

Pursuant to *EC* Section 47607(d) and *California Code of Regulations*, Title 5 (5 *CCR*) Section 11968.5.2, the CDE also recommends that the FPS Board have the opportunity to present evidence that refutes, remedies, or proposes to remedy the alleged violations at the June 7, 2016, Advisory Commission on Charter Schools (ACCS) meeting. At that meeting, the ACCS will take action on a recommendation to the SBE regarding whether, at the July 2016 SBE meeting, the SBE should issue a Notice of Intent to Revoke with Notice of Facts pursuant to *EC* Section 47607(e) and take action to revoke the SFFA charter.

BRIEF HISTORY OF KEY ISSUES

EC Section 47607(c)(1) states that a charter may be revoked by the authority that granted the charter if the authority finds, through a showing of substantial evidence, that the charter school did any of the following:

(A) Committed a material violation of any of the conditions, standards, or procedures set forth in the charter.

(B) Failed to meet or pursue any of the pupil outcomes identified in the charter.

(C) Failed to meet generally accepted accounting principles or engaged in fiscal mismanagement.

(D) Violated any provision of law.

Additionally, *EC* Section 47607(c)(2) states that the authority that granted the charter shall consider increases in pupil academic achievement for all groups of pupils served by the charter school as the most important factor in determining whether to revoke a charter.

CDE staff reviewed Element 2, Measurable Pupil Outcomes (MPOs) included in the 2015–2020 SFFA renewal petition (approved by the SBE in March 2015). The SFFA MPOs addressed the state priorities. The CDE determined that SFFA did not meet the following MPOs:

Under State Priority 7: Course Access (Conditions of Learning).

- SFFA MPO: Eighty percent of pupils will complete courses that satisfy University of California/California State University (UC/CSU) a–g entrance requirements, or Career Technical Education.
    - The CDE has determined that, based on the 2015–16 LCFF State Priorities Snapshot, SFFA has not met this outcome in 2012–13 and 2013–14 with percentages of two percent and zero percent respectively (Attachment 3). Data for 2014–15 will be available in May 2016.

State Priorities 2 and 4: State Standards, Pupil Achievement (Conditions for Learning):

- SFFA MPO: Establish benchmark scores for Smarter Balanced and other California Assessment of Student Performance and Progress (CAASPP) related assessments and improve on the initial benchmark scores in subsequent years.
    - SFFA schoolwide and SFFA two significant pupil subgroups (Black or African American and Socioeconomically Disadvantaged) scores on the 2015 CAASPP are below both the state average and the San Francisco

Unified School District average for the same grades, grade eleven (Attachment 4).

- SFFA MPO: Improve English Learner (EL) reclassification rate.
    - The CDE has determined that, based on the 2015–16 Local Control Funding Formula (LCFF) State Priorities Snapshot, SFFA did not meet this outcome. In 2013–14 SFFA had four ELs and zero pupils reclassified as Redesignated Fluent-English Proficient (RFEP) and in 2014–15, SFFA had five ELs and zero pupils reclassified as RFEP. There is currently no available data for 2015–16 (Attachment 6).
- SFFA MPO: Forty percent of ELs will improve their English proficiency as measured by the California English Language Development Test (CELDT).
    - The CDE has determined that based on the 2015–16 LCFF State Priorities Snapshot, SFFA did not meet this outcome. SFFA had one pupil test at proficiency on the CELDT; however, SFFA had five EL pupils who were not administered the CELDT (Attachment 3 and Attachment 6).

Under State Priority 5: Pupil Engagement (Engagement).

- SFFA MPO: Meet or exceed 90 percent attendance rate.
    - The CDE has determined that SFFA has not met its 90 percent attendance rate MPO based on the certified Second Principal (P-2) Apportionment for 2013–14 with 84.9 percent Average Daily Attendance (ADA), 2014–15 P-2 Apportionment with 87.8 percent ADA, and 2015–16 First Principal (P-1) Apportionment with 73.6 percent ADA (Attachment 5).

The CDE believes that evidence exists to support the finding that the FPS Board has not demonstrated increases in pupil achievement for all pupils served by the charter school, engaged in fiscal mismanagement, and committed a material violation of the SFFA charter and the Memorandum of Understanding (MOU) between SFFA and the SBE. *EC* Section 47607(d) provides that prior to revocation, the authority that granted the charter shall notify the charter school of any violation of *EC* Section 47607 and give the charter school a reasonable opportunity to remedy the violation.

Violation of Law

The FPS Board engaged in fiscal mismanagement (*EC* Section 47607[c][1][C]).

- The SFFA projected enrollment of 100 pupils with ADA of 87 for FY 2015–16. However, the ADA certified at the FY 2015–16 P-1 Apportionment was 73.59, which represents a 15 percent decline from the ADA projected in the budget. On March 28, 2016, the CDE had a conference call with the FPS Board Chair and

FPS Board Treasurer, and was informed that SFFA pupil enrollment was around 68. As a result of the declining enrollment, the San Francisco Unified School District has denied SFFA's request for a Proposition 39 facility and the school does not have a facility for the 2016-17 school year.

- The FPS Board has not submitted the second interim budget report for Fiscal Year (FY) 2015–16, which was due to the Charter Schools Division by March 15, 2016. On March 16, 2016, the CDE had a conference call with the SFFA administrator and was informed that the FPS Board will be hiring a company to prepare the Fiscal Corrective Action Plan (FCAP) and that the FPS Board should have it ready for the CDE in April 2016. During the March 2015 SBE meeting, FPS Board members testified that the school was severing its financial relationship with K12, Inc. and hiring its own staff to provide management services.

- The SFFA 2015–16 first interim budget report indicates that SFFA is projecting a fund balance of $25,056 with 3.39 percent reserves for FY 2015–16, which is below the recommended five percent in reserves outlined in the 2015–2020 MOU between SFFA and the SBE.

- On December 3, 2015, the CDE issued a fiscal letter of concern to SFFA identifying the following issues: (1) the SFFA budget includes a projected enrollment of 100 pupils for FY 2015–16; however, as of November 24, 2015, SFFA's enrollment report to the CDE reflects actual enrollment at 83 pupils, or a 25 percent decline from the enrollment projected in the budget; (2) the current decline in enrollment will have a significant negative impact on SFFA's budget without expenditure adjustments. The CDE estimates that SFFA's financial condition, without expenditure adjustments, will be insolvent with a projected negative $106,000 ending fund balance. As a result, the SFFA budget revenues and expenditures submitted to the CDE are no longer realistic and will need to be revised (Attachment 2).

- The FPS Board failed to pay an oversight fee of $6,356.12 for FY 2014–15, as required pursuant to *EC* Section 47613, and represents one percent of the revenue amount received in the LCFF calculated pursuant to *EC* Section 42238.02, as implemented by *EC* Section 42238.03. The CDE Fiscal and Administrative Services Division sent three Statement of Account letters to the SFFA charter administrator with no response to date from either SFFA or the FPS Board.

- Based on the concerns noted in the December 3, 2015, fiscal letter of concern, the CDE requested a FPS Board approved FCAP due to the CDE on December 17, 2015, to include: (1) a written narrative explaining what caused the decline in anticipated enrollment and what steps will be taken to address the decline; (2) a written narrative on what budget actions have been taken to date to adjust to the lower enrollment numbers; (3) a revised multi-year budget and cash flow

statements for the current FY 2015–16 and two subsequent FYs (2016–17 and 2017–18) with written detailed assumptions to be included that reflect SFFA's resolution on addressing the unanticipated enrollment decline; and (4) a SFFA board agenda and scheduled meeting date acknowledging the SFFA FCAP (Attachment 2).

- SFFA submitted a narrative response via e-mail regarding the FCAP on December 18, 2015, and via United States Mail on December 21, 2015; however, the CDE determined it was insufficient in that the response did not include: (1) a FPS Board approved multi-year budget for SFFA; and (2) a FPS Board agenda and scheduled meeting date acknowledging the SFFA FCAP.

The FPS Board committed a material violation of any of the conditions, standards, or procedures set forth in the charter (*EC* Section 47607[c][1][A]).

- The FPS Board has not conducted meetings, nor have agendas and minutes been posted, in accordance with the Ralph M. Brown Act requirements pursuant to California *Government Code* sections 54950–54962. The FPS Board agendas have not been posted on the SFFA Web site no less than 72 hours prior to each Board meeting. The FPS Board approved minutes have not been posted on the SFFA Web site within 30 days of the associated meeting of the FPS Board as required by the MOU between SFFA and the SBE.

- The CDE has established that the FPS Board has failed to meet specific requirements of the SFFA MOU with the SBE. Specifically, the FPS Board has failed to meet requirements outlined in the following sections:

    - 1.3 Governing Board Responsibilities
        - Governing Board Meetings
        - Brown Act

    - 3.5 Revenue and Expenditure Reporting

    - 3.5 Reserves

    - 3.7 Oversight Fees

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SFFA renewal petition was denied by the San Francisco Unified School District governing board on October 28, 2014, by a vote of five to two. If the governing board of a school district denies a renewal petition for an SBE-authorized charter school, *EC* Section 47605(k)(3) permits the charter school to submit the renewal petition directly to the SBE. SFFA submitted a petition on appeal to the CDE on December 9, 2014.

The SBE authorized SFFA on appeal at its March 12, 2015, meeting. The SBE agenda item can be found as Item 11 on the SBE March 11–12, 2015, Agenda Web page at http://www.cde.ca.gov/be/ag/ag/yr15/agenda201503.asp. The corresponding minutes for the March 11–12, 2015, SBE meeting can be found on the SBE Minutes Web page at http://www.cde.ca.gov/be/mt/ms/documents/finalminutes1112mar2015.doc.

FISCAL ANALYSIS (AS APPROPRIATE)

The CDE receives approximately one percent of the LCFF revenue of the charter school for CDE's oversight activities.

ATTACHMENT(S)

Attachment 1:	San Francisco Flex Academy: Consider Issuing a Notice of Violation Pursuant to California Education Code Section 47607(d) (5 Pages)
Attachment 2:	Fiscal Letter of Concern to San Francisco Flex Academy (2 Pages)
Attachment 3:	2015–16 Local Control Funding Formula State Priorities Snapshot (6 Pages)
Attachment 4:	2015–16 California Assessment of Student Performance and Progress (3 Pages)
Attachment 5:	2013–14 and 2014–15 Second Principal Apportionment and 2015–16 First Principal Apportionment Attendance Reports (6 Pages)
Attachment 6:	Number of English Learners for San Francisco Flex Academy (2 Pages)

STATE OF CALIFORNIA
EDMUND G. BROWN JR., *Governor*

CALIFORNIA STATE BOARD OF EDUCATION
1430 N Street, Suite 5111
Sacramento, CA 95814
Phone: (916) 319-0827
Fax: (916) 319-0175

DRAFT May 11, 2016

Mark Kushner, Board President
Steve Henderson, Board Treasurer
Catherine Walcott, Board Secretary
Nancy Doty, Board Member
Andrew Gordon, Board Member
Flex Public Schools
1350 7th Avenue
San Francisco, CA 94122

Subject: Notice of Violation Pursuant to California *Education Code* Section 47607(d).

Dear President Kushner, Mr. Henderson, Ms. Walcott, Ms. Doty, and Mr. Gordon:

The State Board of Education (SBE) has been made aware of a number of issues that, if not resolved immediately by the Flex Public Schools (FPS) Board, will directly impact the ability of San Francisco Flex Academy (SFFA) to continue operations in 2016–17. Specifically, the issues of concern are as follows:

The FPS Board engaged in fiscal mismanagement (*Education Code* Section 47607[c][1][C]):

- The FPS Board has not submitted the second interim budget report for Fiscal Year (FY) 2015–16, which was due to the Charter Schools Division by March 15, 2016. On March 16, 2016, the California Department of Education (CDE) had a conference call with the SFFA administrator and was informed that the FPS Board will be hiring a company to prepare the Fiscal Corrective Action Plan (FCAP) and that the FPS Board should have it ready for the CDE in April 2016.

- The FPS Board failed to pay an oversight fee of $6,356.12 for FY 2014–15, as required pursuant to *Education Code* (*EC*) Section 47613, and represents one percent of the revenue amount received in the local control funding formula (LCFF) calculated pursuant to *EC* Section 42238.02, as implemented by *EC* Section 42238.03. The CDE Fiscal and Administrative Services Division sent three Statement of Account letters to the SFFA charter administrator with no response to date from either SFFA or the FPS Board.

- The SFFA projected enrollment of 100 pupils with the average daily attendance (ADA) of 87 for FY 2015–16. However, the ADA certified at the FY 2015–16 First Principal (P-1) Apportionment was 73.59, which represents a 15 percent decline from the ADA projected in the budget. On March 28, 2016, the CDE had a conference call with the FPS Board Chair and FPS Board Treasurer, and was informed that SFFA pupil enrollment was around 68.

- The SFFA 2015–16 first interim budget report indicates that SFFA is projecting a fund balance of $25,056 with 3.39 percent reserves for FY 2015–16, which is below the recommended five percent in reserves outlined in the 2015–2020 Memorandum of Understanding (MOU) between SFFA and the SBE.

- On December 3, 2015, the CDE issued a fiscal letter of concern to SFFA identifying the following issues: (1) the SFFA budget includes a projected enrollment of 100 pupils for FY 2015–16; however, as of November 24, 2015, SFFA's enrollment report to the CDE reflects actual enrollment at 83 pupils, or a 25 percent decline from the enrollment projected in the budget; (2) the current decline in enrollment will have a significant negative impact on SFFA's budget without expenditure adjustments. The CDE estimates that SFFA's financial condition, without expenditure adjustments, will be insolvent with a projected negative $106,000 ending fund balance. As a result, the SFFA budget revenues and expenditures submitted to the CDE are no longer realistic and will need to be revised.

- Based on the concerns noted in the December 3, 2015, fiscal letter of concern, the CDE requested a FPS Board approved Fiscal Corrective Action Plan (FCAP) due to the CDE on December 17, 2015, to include: (1) a written narrative explaining what caused the decline in anticipated enrollment and what steps will be taken to address the decline; (2) a written narrative on what budget actions have been taken to date to adjust to the lower enrollment numbers; (3) a revised multi-year budget and cash flow statements for the current FY 2015–16 and two subsequent FYs (2016–17 and 2017–18) with written detailed assumptions to be included that reflect SFFA's resolution on addressing the unanticipated enrollment decline; and (4) a SFFA board agenda and scheduled meeting date acknowledging the SFFA FCAP.

- SFFA submitted a narrative response via e-mail regarding the FCAP on December 18, 2015, and via United States Mail on December 21, 2015; however, the CDE determined it was insufficient in that the response did not include: (1) a FPS Board approved multi-year budget for SFFA; and (2) a FPS Board agenda and scheduled meeting date acknowledging the SFFA FCAP.

The FPS Board committed a material violation of the conditions, standards, or procedures set forth in the charter (*EC* Section 47607[c][1][A]):

- The FPS Board has not conducted meetings, nor have agendas and minutes been posted, in accordance with the Ralph M. Brown Act requirements pursuant to California *Government Code* sections 54950–54962. The FPS Board agendas have not been posted on the SFFA Web site no less than 72 hours prior to each meeting. The FPS Board approved minutes have not been posted on the SFFA Web site within 30 days of the associated meeting of the FPS Board as required by the MOU between SFFA and the SBE.

- The CDE has established that the FPS Board has failed to meet specific requirements of the SFFA MOU with the SBE. Specifically, the FPS Board has failed to meet requirements outlined in the following sections:

- 1.3 Governing Board Responsibilities
  - Governing Board Meetings
  - Brown Act
- 3.5 Revenue and Expenditure Reporting
- 3.5 Reserves
- 3.7 Oversight Fees

Additionally, *EC* Section 47607(c)(2) states that the authority that granted the charter shall consider increases in pupil academic achievement for all groups of pupils served by the charter school as the most important factor in determining whether to revoke a charter.

Under State Priorities 2 and 4: State Standards, Pupil Achievement (Conditions for Learning):

- SFFA Measurable Pupil Outcomes (MPOs): Establish benchmark scores for Smarter Balanced and other California Assessment of Student Performance and Progress (CAASPP) related assessments and improve on the initial benchmark scores in subsequent years.
  - SFFA schoolwide and SFFA two significant pupil subgroups (Black or African American and Socioeconomically Disadvantaged) scores on the 2015 CAASPP are below both the state average and the San Francisco Unified School District average for the same grades, grade eleven.
- SFFA MPO: Improve English Learner (EL) reclassification rate.
  - The CDE has determined that based on the 2015–16 LCFF State Priorities Snapshot, SFFA did not meet this outcome. In 2013–14 SFFA had four ELs and zero pupils reclassified as Redesignated Fluent-English Proficient (RFEP) and in 2014–15, SFFA had five ELs and zero pupils reclassified as RFEP. There is currently no available data for 2015–16.
- SFFA MPO: Forty percent of ELs will improve their English proficiency as measured by the California English Language Development Test (CELDT).
  - The CDE has determined that, based on the 2015–16 LCFF State Priorities Snapshot, SFFA did not meet this outcome. SFFA had one pupil test at proficiency on the CELDT; however, SFFA had five EL pupils who were not administered the CELDT.

Under State Priority 7: Course Access (Conditions of Learning).

- SFFA MPO: Eighty percent of pupils will complete courses that satisfy University of California/California State University (UC/CSU) a–g entrance requirements, or Career Technical Education.
    - The CDE has determined that, based on the 2015–16 LCFF State Priorities Snapshot, SFFA has not met this outcome in 2012–13 and 2013–14 with percentages of two percent and zero percent respectively. Data for 2014–15 will be available in May 2016.

Under State Priority 5: Pupil Engagement (Engagement).

- SFFA MPO: Meet or exceed 90 percent attendance rate.
    - The CDE has determined that SFFA has not met its 90 percent attendance rate MPO based on the certified Second Principal (P-2) Apportionment for 2013–14 with 84.9 percent ADA, 2014–15 P-2 Apportionment with 87.8 percent ADA, and 2015–16 P-1 Apportionment with 73.6 percent ADA.

Pursuant to *California Code of Regulations*, Title 5 (5 *CCR*) Section 11968.5.2, the FPS Board has the right to respond through the following actions:

(1) Submit to the SBE a detailed, written response addressing each identified violation which shall include the refutation, remedial action taken, or proposed remedial action by the charter school specific to each alleged violation. The written response is due by close of business on **May 18, 2016.**

(2) Attach to its written response supporting evidence of the refutation, remedial action taken, or proposed remedial action, if any, including written reports, statements, and other appropriate documentation.

Failure to provide substantial evidence that refutes, remedies, or proposes to remedy the alleged violations contained in this letter, may provide grounds sufficient to form the basis for the SBE to take action to revoke the SFFA charter pursuant to *EC* Section 47607(c).

On **June 7, 2016**, the FPS Board will have an opportunity to present its evidence to refute or remedy each alleged violation to the Advisory Commission on Charter Schools (ACCS). The ACCS will review the evidence and discuss the items in a public forum and take action regarding a recommendation to the SBE.

On **July 13, 2016**, the SBE, in a public hearing, will consider whether there is substantial evidence to refute or remedy each alleged violation, at which time it may issue a Notice of Intent to Revoke, pursuant to *EC* Section 47607(e). If the SBE issues a Notice of Intent to Revoke, the SBE will hold a public hearing on **July 14, 2016**, at which time the SBE will determine whether sufficient evidence

exists to revoke the SFFA charter. This letter serves as a formal Notice of Violation, pursuant to *EC* Section 47607(d) and 5 *CCR* Section 11968.5.2, and provides the FPS Board a reasonable period in which to address these concerns.

A written response and supporting evidence addressing each of the above-outlined issues must be received no later than the close of business (5:00 p.m. Pacific Standard Time) **May 18, 2016.** Please submit this correspondence to:

Cindy S. Chan, Director
Charter Schools Division
California Department of Education
1430 N Street, Ste. 5401
Sacramento, CA, 95814

If you have any questions regarding this subject, please contact Cindy Chan, Director, Charter Schools Division, by phone at 916-322-6029 or by e-mail at cchan@cde.ca.gov.

Sincerely,

Dr. Michael Kirst, President
California State Board of Education

MWK/rl

cc: Karen Stapf Walters, Executive Director, California State Board of Education
Nick Schweizer, Deputy Superintendent, California Department of Education
Services for Administration, Finance, Technology, and Infrastructure
Cindy S. Chan, Director, Charter Schools Division, California Department of Education
Judie Hall, Education Administrator, Charter Schools Division, California Department of Education
Charleston Brown, Principal, San Francisco Flex Academy

CALIFORNIA
DEPARTMENT OF
EDUCATION

TOM TORLAKSON
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

Sent via First Class Mail and E-mail to:
cbrown@flexsf.org

December 3, 2015

Charleston Brown, Principal
San Francisco Flex Academy
1350 7th Avenue
San Francisco, CA 94122

Subject: Letter of Concern Regarding Enrollment and Fiscal Corrective Action Plan

Dear Principal Brown:

The purpose of this letter is to inform the San Francisco Flex Academy (SFFA) of the California Department of Education's (CDE's) concerns over the latest fiscal year (FY) 2015–16 enrollment reported to the CDE's Charter Schools Division.

The SFFA budget includes projected enrollment of 110 pupils for FY 2015–16. As of November 24, 2015, SFFA's latest report to the CDE reflects actual enrollment at 83 pupils, or a 25 percent decline from the enrollment projected in the budget.

SFFA's 2015–16 budget was based on a higher enrollment count. The current decline in enrollment will have a significant negative impact on SFFA's budget without expenditure adjustments. The CDE estimates that SFFA's financial condition, without expenditure adjustments, will be insolvent with a projected negative $106,000 ending fund balance. As a result, the budget revenues and expenditures submitted to the CDE are no longer realistic and will need to be revised.

To remedy this concern, the CDE is requesting that SFFA provide a Fiscal Corrective Action Plan (FCAP) that includes the following:

- Written narrative explaining what caused the decline in anticipated enrollment and what steps will be taken to address the decline

- Written narrative on what budget actions have been taken to date to adjust to the lower enrollment numbers

- Revised multiyear budget and cash flow statements for the current FY 2015–16 and two subsequent FYs (2016–17 and 2017–18) with written detailed assumptions included that reflect SFFA's resolution on addressing the unanticipated enrollment decline

- SFFA board agenda and scheduled meeting date acknowledging the FCAP

Please mail the FCAP outlined above to:

Charter Schools Division
Charter Schools Oversight Unit
California Department of Education
1430 N Street, Suite 5401
Sacramento, California 95814

The FCAP must be received no later than **5 p.m.** on **December 17, 2015.**

If SFFA is unable to provide the requested FCAP, the CDE may request that the State Board of Education consider these matters for possible action.

If you have any questions or need any additional information regarding this subject, please contact Kylie Kwok, Education Fiscal Services Consultant, Charter Schools Division, by phone at 916-319-0498 or by e-mail at kkwok@cde.ca.gov.

Sincerely,

/s/

Cindy S. Chan, Director
Charter Schools Division

CSC:bf

cc: Karen Stapf Walters, Executive Director, California State Board of Education
Nick Schweizer, Deputy Superintendent, Services for Administration, Finance, Technology, and Infrastructure Branch, California Department of Education

This is the official version of The Charter Schools Division Item 07 Attachment 3, 2015–16 Local Control Funding Formula State Priorities Snapshot, for the May 2016 California State Board of Education Meeting
http://ias.cde.ca.gov/lcffstatepri/lcffstateprioritiesreport.aspx?ID=gvlQYmXHTTwPR6+g1gLyXuM0RSTefH+DIpas9sYQhluDIvmo0UaW0seW10yKdfQJ&mode=detail&type=.pdf

An accessible version of the contents of this document is located at
http://ias.cde.ca.gov/lcffstatepri/textreport.aspx?ID=gvlQYmXHTTwPR6+g1gLyXuM0RSTefH+DIpas9sYQhluDIvmo0UaW0seW10yKdfQJ&CameFrom=gvlQYmXHTTwPR6+g1gLyXuM0RSTefH+DIpas9sYQhluDIvmo0UaW0seW10yKdfQJ

The official document starts following this initial page.

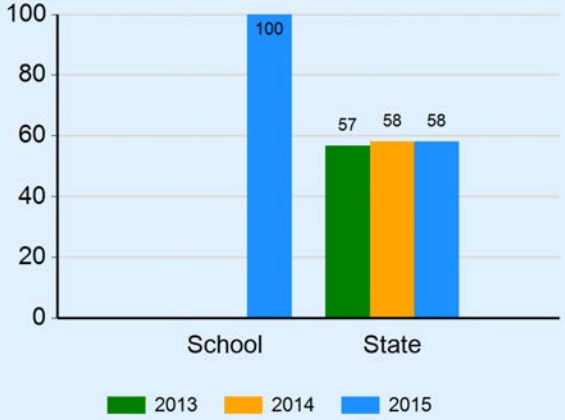
2015-16 Local Control Funding Formula State Priorities Snapshot

Local Control Funding Formula (LCFF)
State Priorities Snapshot
2015–16 Reporting
San Francisco Flex Academy

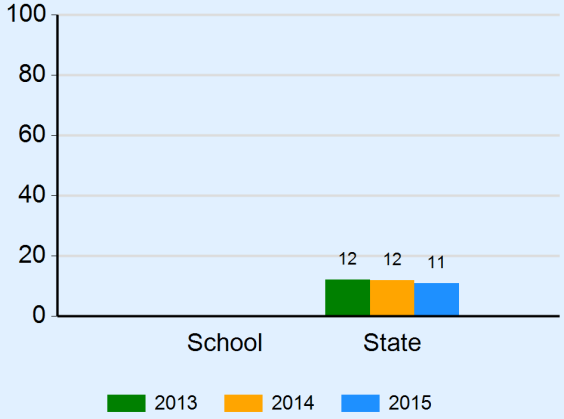
Address: 1350 7th Ave., San Francisco, CA 94122
Grades Offered: 6-12
County-District-School Code: 38-76703-0121814

Student Achievement

Percent of English Learner (EL) Students Who Made Progress Toward English Proficiency

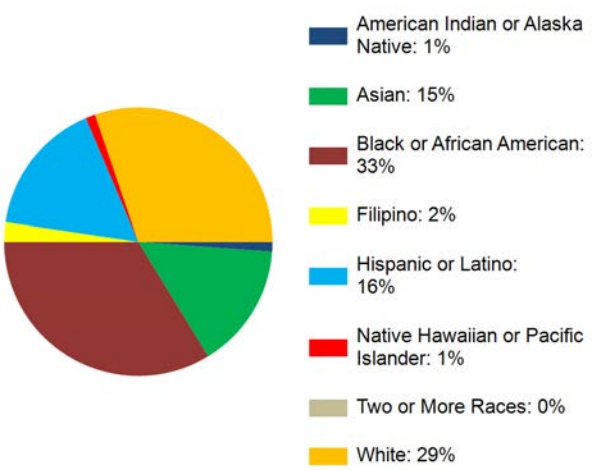


Percent of EL Students Who Were Reclassified



Enrollment (89)

2014-15 Enrollment by Race/Ethnicity

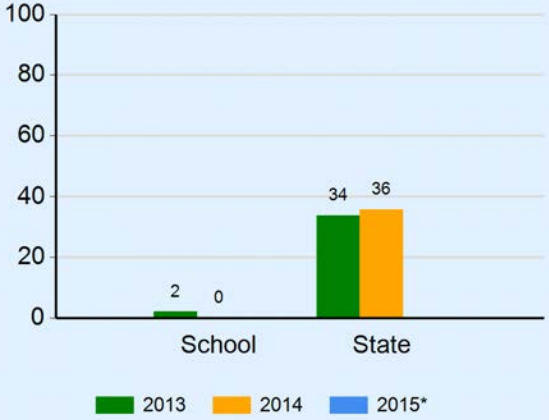


2014-15 Enrollment by Program Eligibility

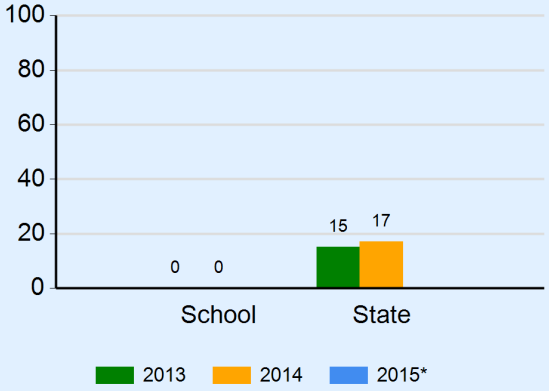
English Learner (EL)	5 (6%)
Foster Youth (FY)	1 (1%)
Socioeconomically Disadvantaged (SED)	43 (48%)
Students With Disabilities (SWD)	9 (10%)

Student Achievement

Percent of 4-Year Cohort that Completed "a-g" Requirements



Percent of 4-Year Cohort that Completed At Least 1 Career Technical Education (CTE) Pathway



Tom Torlakson
State Superintendent of Public Instruction

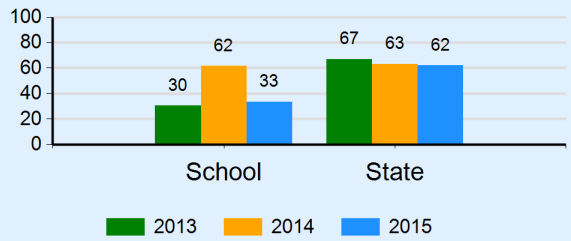
*** Data will be available in May 2016**
Please visit the following web page for more information: http://www.cde.ca.gov/snapshot

2015-16 Local Control Funding Formula State Priorities Snapshot

(San Francisco Flex Academy)

Student Achievement: Schoolwide

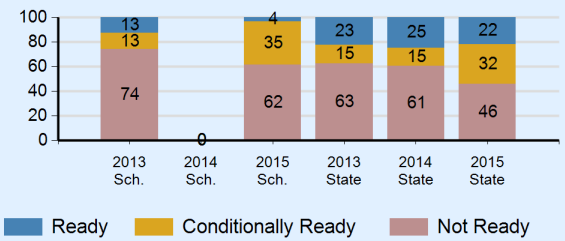
Percent of Students Who Passed an Advanced Placement (AP) Exam with a Score of 3 or Higher



Grades 10-12 Enrollment and Percent of Students Who Took at Least 1 AP Exam

2013	2014	2015
127 (26.0%)	105 (12.4%)	71 (12.7%)

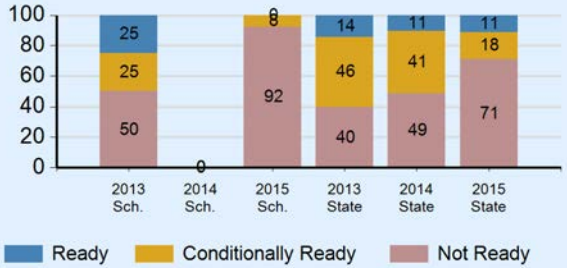
Early Assessment Program (EAP) College Readiness Results for English-Language Arts (ELA)



Grade 11 Enrollment and Percent of Students Who Took the EAP ELA

2013	2014	2015
36 (63.9%)	43 (0.0%)	31 (83.9%)

EAP College Readiness Results for Mathematics

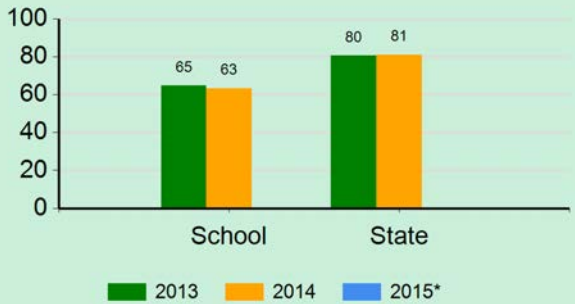


Grade 11 Enrollment and Percent of Students Who Took the EAP Math

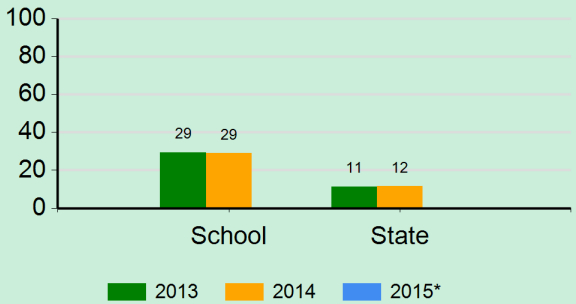
2013	2014	2015
36 (11.1%)	43 (0.0%)	31 (83.9%)

Student Engagement: Schoolwide

4-Year Cohort High School Graduation Rate



4-Year Cohort High School Dropout Rate



Middle Grade Dropout Counts and Rate

Not Applicable

School Climate

Number and Percent of Students Suspended

Level	2013	2014	2015
School	6 (2.8%)	0 (0.0%)	18 (13.9%)
District	6 (2.8%)	0 (0.0%)	18 (13.7%)
State	329,370 (5.1%)	279,383 (4.4%)	243,603 (3.8%)

Number and Percent of Students Expelled

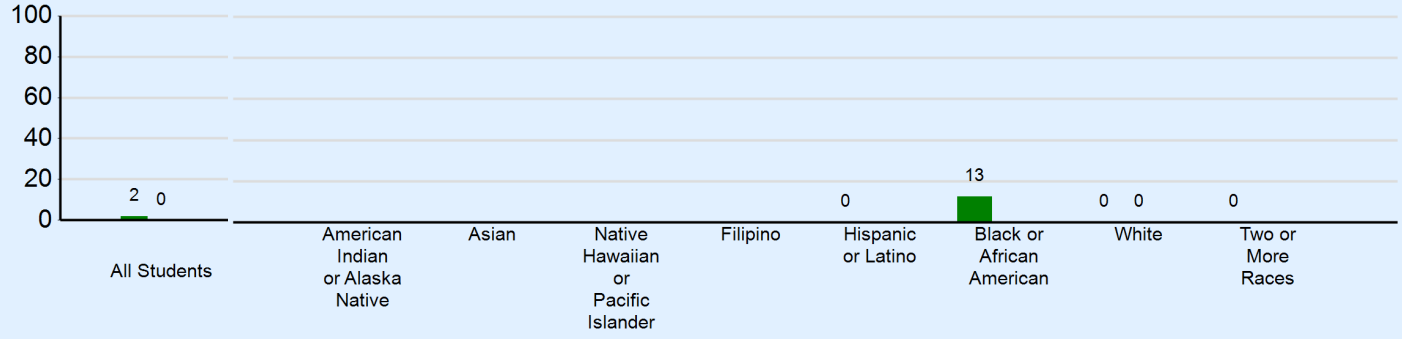
Level	2013	2014	2015
School	0 (0.00%)	0 (0.00%)	0 (0.00%)
District	0 (0.00%)	0 (0.00%)	0 (0.00%)
State	8,266 (0.13%)	6,611 (0.10%)	5,692 (0.09%)

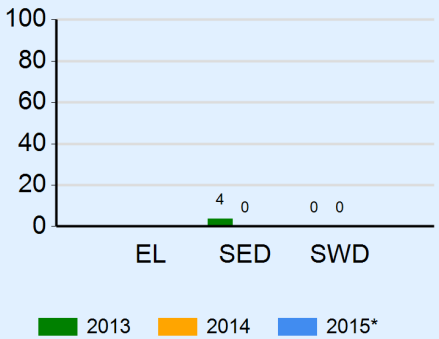
2015-16 Local Control Funding Formula State Priorities Snapshot

Student Achievement: Student Groups

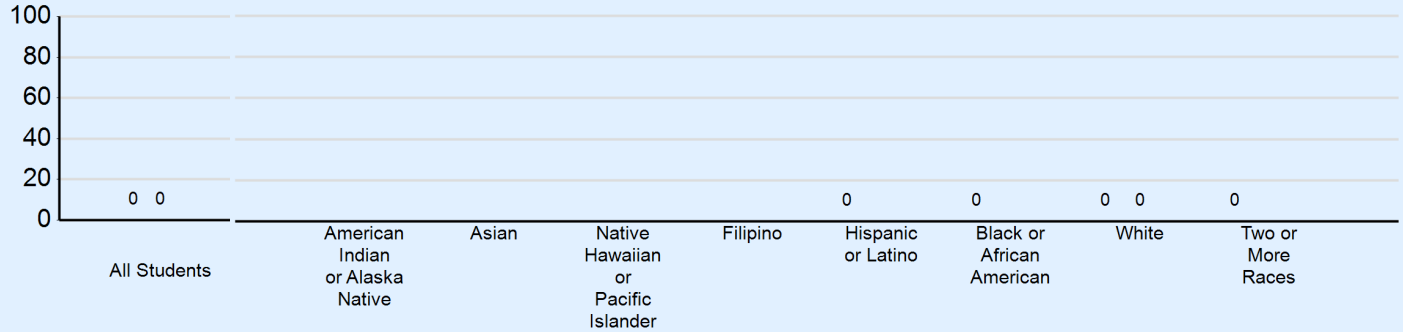
(San Francisco Flex Academy)

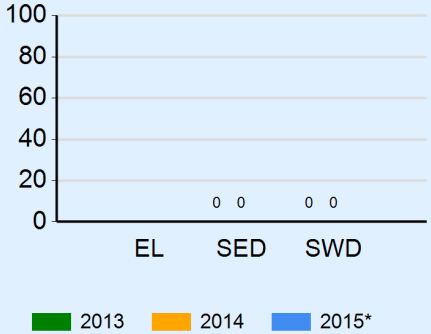
Percent of 4-Year Cohort that Completed "a-g" Requirements by Student Groups





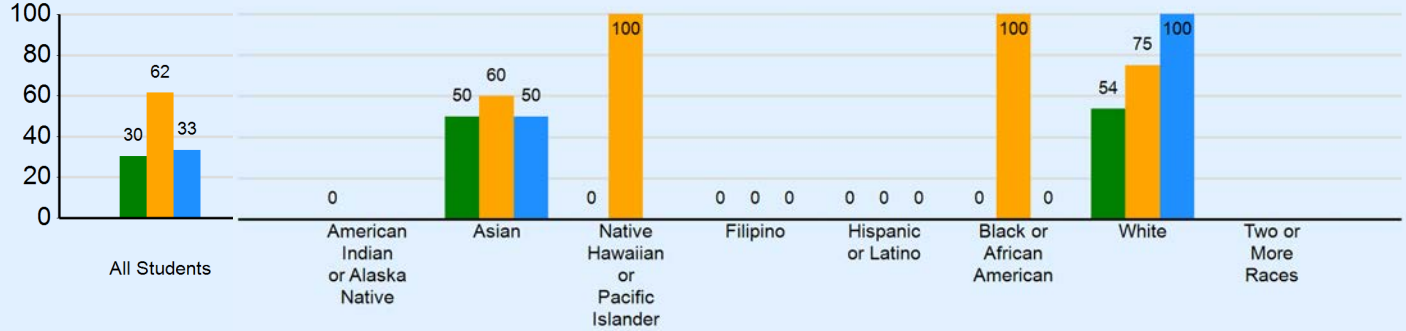
Percent of 4-Year Cohort that Completed at Least 1 CTE Pathway by Student Groups

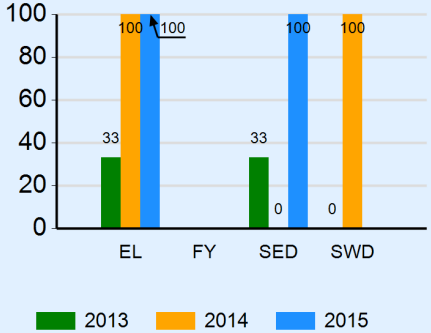




Percent of Student Groups that Passed the AP Exam with a Score of 3 or Higher

(Percent is based on students that took an AP Exam.)





Tom Torlakson
State Superintendent of Public Instruction

*** Data will be available in May 2016**

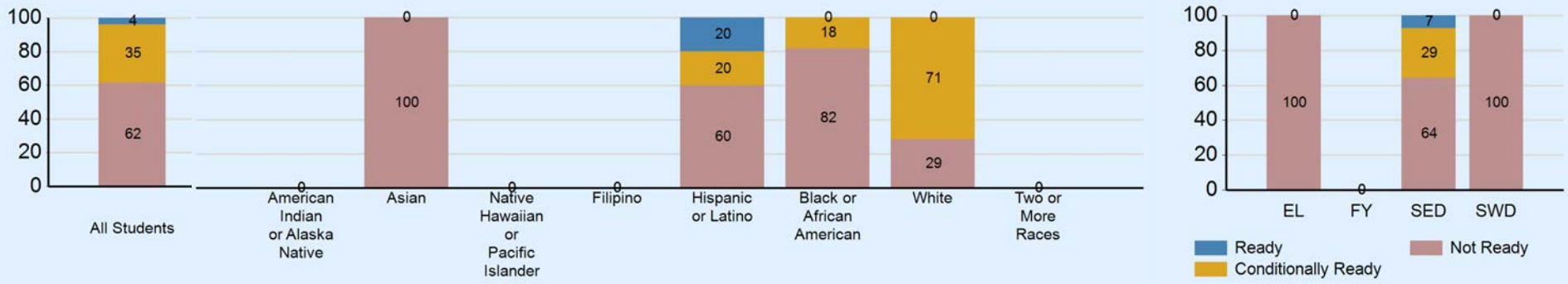
Please visit the following web page for more information: http://www.cde.ca.gov/snapshot

2015-16 Local Control Funding Formula State Priorities Snapshot

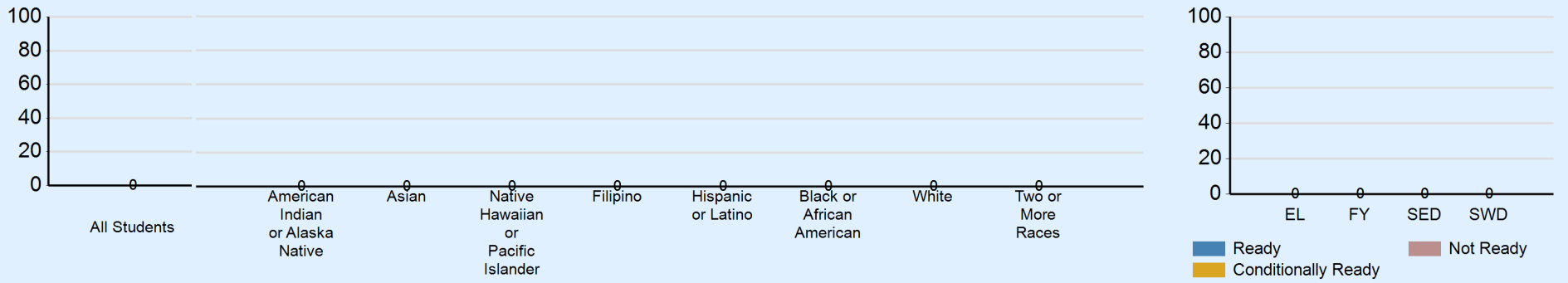
Student Achievement: Student Groups

(San Francisco Flex Academy)

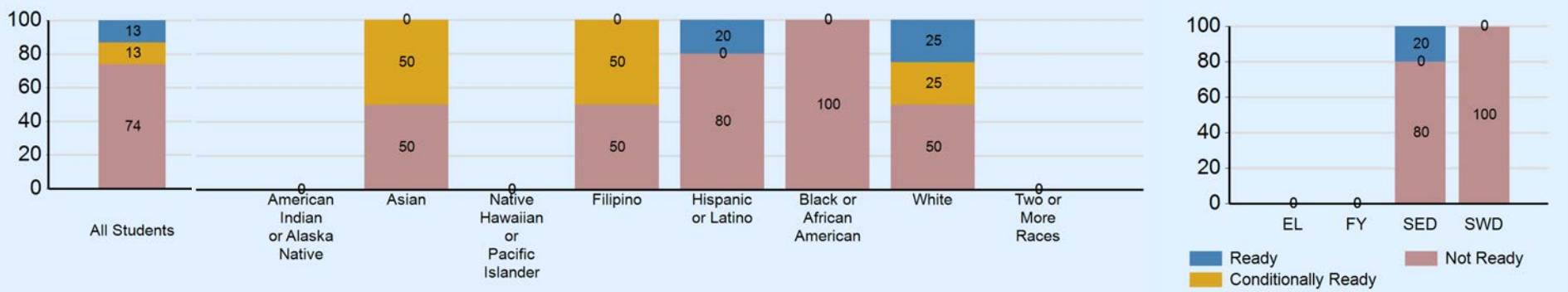
EAP College Readiness Results for ELA in 2015



EAP College Readiness Results for ELA in 2014



EAP College Readiness Results for ELA in 2013



Tom Torlakson
State Superintendent of Public Instruction

*** Data will be available in May 2016**

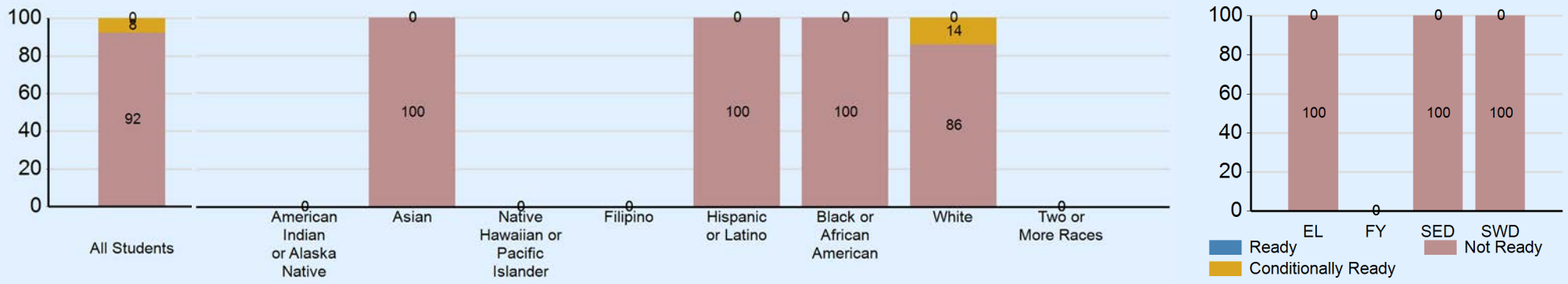
Please visit the following web page for more information: http://www.cde.ca.gov/snapshot

2015-16 Local Control Funding Formula State Priorities Snapshot

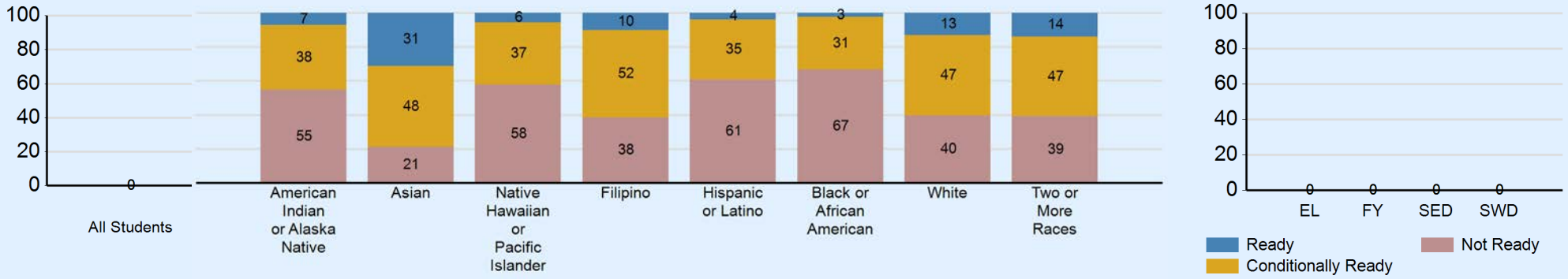
Student Achievement: Student Groups

(San Francisco Flex Academy)

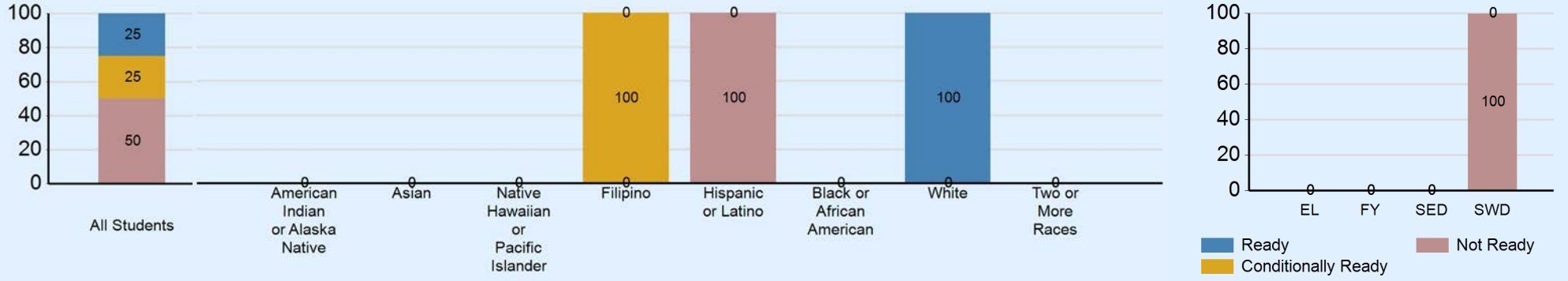
EAP College Readiness Results for Mathematics in 2015



EAP College Readiness Results for Mathematics in 2014



EAP College Readiness Results for Mathematics in 2013



Tom Torlakson
State Superintendent of Public Instruction

*** Data will be available in May 2016**

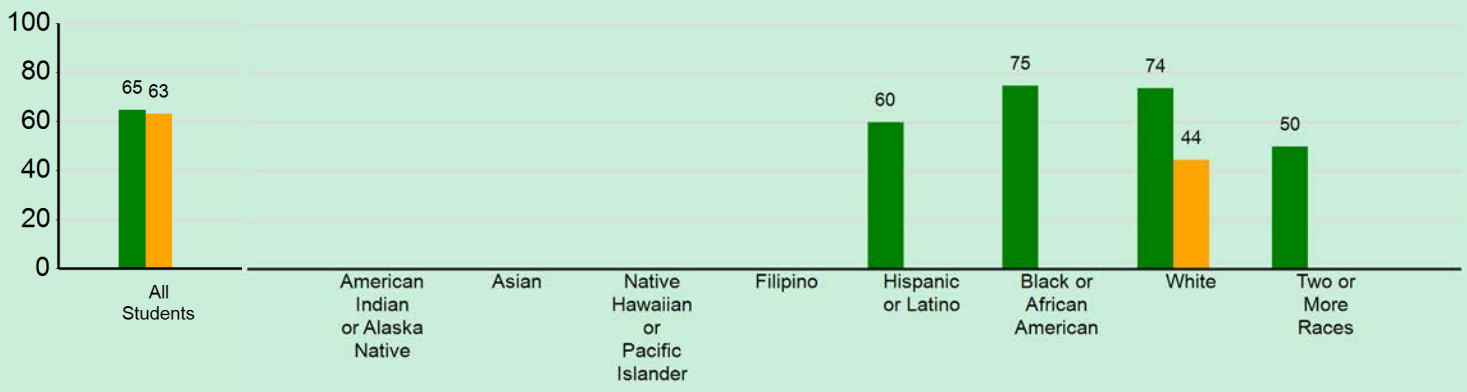
Please visit the following web page for more information: http://www.cde.ca.gov/snapshot

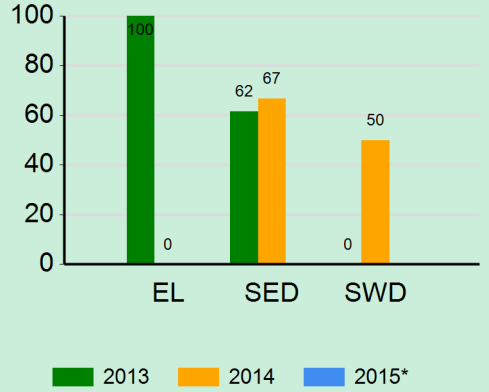
2015-16 Local Control Funding Formula State Priorities Snapshot

Student Engagement: Student Groups

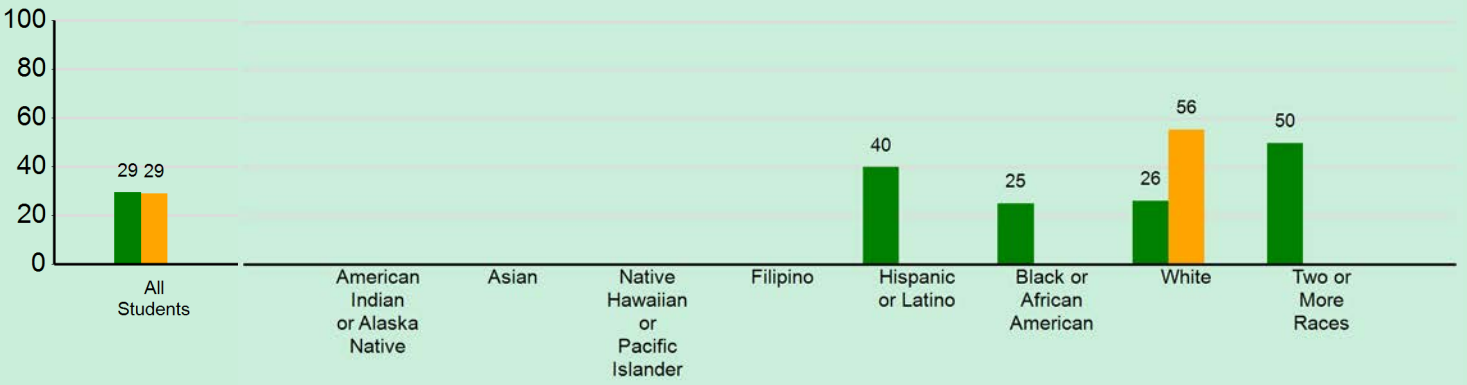
(San Francisco Flex Academy)

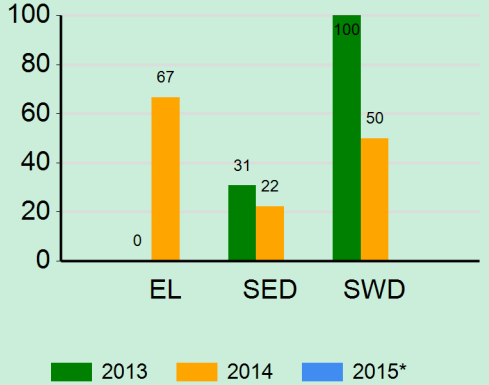
4-Year Cohort High School Graduation Rate by Student Groups





4-Year Cohort High School Dropout Rate by Student Groups





High School Graduation and Dropout Rate for Foster Youth Student Group

Year	2014	2015
Graduation Rate	N/A	*
Dropout Rate	N/A	*

2015 California Assessment of Student Performance and Progress Results

San Francisco Flex Academy Percentage of Pupils by Group and Achievement Level for English Language Arts/Literacy

Pupil Groups	Number of Pupils Enrolled/ Tested	Percent of Pupils who Exceeded Standards	Percent of Pupils who Met Standards	Percent of Pupils who Nearly Met Standards	Percent of Pupils who Did Not Meet Standards
All Pupils	31/26	4%	35%	23%	27%
Male	31/14	0%	43%	21%	36%
Female	31/12	8%	25%	25%	17%
Black or African American	31/12	0%	17%	33%	42%
Socio-economically Disadvantaged	31/14	8%	33%	33%	25%

Data Source:
http://caaspp.cde.ca.gov/sb2015/ViewReport?ps=true&lstTestYear=2015&lstTestType=B&lstCounty=38&lstDistrict=76703-0121814&lstSchool=0121814

San Francisco Flex Academy Percentage of Pupils by Group and Achievement Level for Mathematics

Pupil Groups	Number of Pupils Enrolled/ Tested	Percent of Pupils who Exceeded Standards	Percent of Pupils who Met Standards	Percent of Pupils who Nearly Met Standards	Percent of Pupils who Did Not Meet Standards
All Pupils	31/26	0%	8%	31%	58%
Male	31/14	0%	14%	29%	57%
Female	31/12	0%	0%	33%	58%
Black or African American	31/12	0%	0%	25%	67%
Socio-economically Disadvantaged	31/14	0%	0%	31%	69%

Data Source:
http://caaspp.cde.ca.gov/sb2015/ViewReport?ps=true&lstTestYear=2015&lstTestType=B&lstCounty=38&lstDistrict=76703-0121814&lstSchool=0121814

*Prepared by California Department of Education, April 2016

State Percentage of Pupils by Group and Achievement Level for English Language Arts/Literacy

Pupil Groups	Number of Pupils Enrolled/ Tested	Percent of Pupils who Exceeded Standards	Percent of Pupils who Met Standards	Percent of Pupils who Nearly Met Standards	Percent of Pupils who Did Not Meet Standards
All Pupils	479,423/ 432,825	23%	33%	24%	20%
Male	479,423/ 220,120	20%	31%	25%	25%
Female	479,423/ 212,705	26%	36%	24%	15%
Black or African American	479,423/ 26,730	11%	28%	28%	33%
Socio-economically Disadvantaged	479,423/ 238,727	13%	32%	29%	26%

Data Source:
http://caaspp.cde.ca.gov/SB2015/ViewReport?ps=true&IstTestYear=2015&IstTestType=B&IstCounty=&IstDistrict=&IstSchool=

State Percentage of Pupils by Group and Achievement Level for Mathematics

Pupil Groups	Number of Pupils Enrolled/ Tested	Percent of Pupils who Exceeded Standards	Percent of Pupils who Met Standards	Percent of Pupils who Nearly Met Standards	Percent of Pupils who Did Not Meet Standards
All Pupils	479,423/ 26,415	11%	18%	25%	45%
Male	479,423/ 218,922	12%	17%	23%	48%
Female	479,423/ 211,305	10%	20%	27%	43%
Black or African American	479,423/ 26,415	3%	11%	22%	65%
Socio-economically Disadvantaged	479,423/ 237,190	5%	14%	25%	56%

Data Source:
http://caaspp.cde.ca.gov/SB2015/ViewReport?ps=true&IstTestYear=2015&IstTestType=B&IstCounty=&IstDistrict=&IstSchool=

San Francisco Unified School District Percentage of Pupils by Group and Achievement Level for English Language Arts/Literacy

Pupil Groups	Number of Pupils Enrolled/ Tested	Percent of Pupils who Exceeded Standards	Percent of Pupils who Met Standards	Percent of Pupils who Nearly Met Standards	Percent of Pupils who Did Not Meet Standards
All Pupils	3,902/ 3,522	31%	34%	17%	17%
Male	3,902/ 1,786	26%	34%	19%	22%
Female	3,902/1,736	37%	35%	16%	12%
Black or African American	3,902/ 196	4%	31%	25%	39%
Socio-economically Disadvantaged	3,902/ 2,491	25%	34%	20%	20%

Data Source:
http://caaspp.cde.ca.gov/SB2015/ViewReport?ps=true&lstTestYear=2015&lstTestType=B&lstCounty=38&lstDistrict=68478&lstSchool=&lstGroup=1&lstSubGroup=

San Francisco Unified School District Percentage of Pupils by Group and Achievement Level for Mathematics

Pupil Groups	Number of Pupils Enrolled/ Tested	Percent of Pupils who Exceeded Standards	Percent of Pupils who Met Standards	Percent of Pupils who Nearly Met Standards	Percent of Pupils who Did Not Meet Standards
All Pupils	3,902/ 3,496	24%	26%	20%	30%
Male	3,902/ 1,770	24%	23%	20%	33%
Female	3,902/ 1,786	26%	34%	19%	22%
Black or African American	3,902/ 192	5%	5%	13%	77%
Socio-economically Disadvantaged	3,902/ 2,477	21%	24%	21%	34%

Data Source:
http://caaspp.cde.ca.gov/SB2015/ViewReport?ps=true&lstTestYear=2015&lstTestType=B&lstCounty=38&lstDistrict=68478&lstSchool=&lstGroup=1&lstSubGroup=

This is the official version of The Charter Schools Division Item 07 Attachment 5, 2013–14 and 2014–15 Second Principal Apportionment and
2015–16 First Principal Apportionment Attendance Reports for San Francisco Flex Academy, for the May 2016 California State Board of Education Meeting.

The accessible versions of the contents of this document are located at

http://ias.cde.ca.gov/apportionment/ias.aspx?schoolyearid=2013&RptType=P2&CertType=Non

http://ias.cde.ca.gov/apportionment/ias.aspx?schoolyearid=2014&RptType=P2&CertType=Non

http://ias.cde.ca.gov/apportionment/ias.aspx?schoolyearid=2015&RptType=P1&CertType=Non

Directions for 2013–14 Second Principal Apportionment

1. Select Period: 2013–14 P-2
2. Select Entity: Charter School
3. Select Program: Charter School ADA
4. Select County: San Francisco
5. Select District: SBE – San Francisco Flex Academy
6. Select LEA: San Francisco Flex Academy
7. Click ‘Preview Report’ to generate an accessible version of the original document.

Directions for 2014–15 Second Principal Apportionment

1. Select Period: 2014–15 P-2
2. Select Entity: Charter School
3. Select Program: Charter School ADA
4. Select County: San Francisco
5. Select District: SBE – San Francisco Flex Academy
6. Select LEA: San Francisco Flex Academy
7. Click ‘Preview Report’ to generate an accessible version of the original document.

Directions for 2015–16 First Principal Apportionment

1. Select Period: 2015–16 P-1
2. Select Entity: Charter School
3. Select Program: Charter School ADA
4. Select County: San Francisco
5. Select District: SBE – San Francisco Flex Academy
6. Select LEA: San Francisco Flex Academy
7. Click ‘Preview Report’ to generate an accessible version of the original document.

The official document starts following this initial page.

2013–14 and 2014–15 Second Principal Apportionment and
2015–16 First Principal Apportionment Attendance Reports

RECEIVED
APR 23 2014

Attendance Charter School

County: San Francisco
District: State Board of Education - San Francisco Flex Academy :
CDS CODE 38 76703 0121814 1208

Fiscal Year: 2013-14
P-2
Certificate Number: 6EB6EE0A

Did the charter school cease operation during the current fiscal year?	No
Is this charter school in its first year of operation?	No
Enter Date (month, day, year) that instruction commenced	__/__/____
Does this charter school operate multiple instructional tracks?	No
Single Track Days of Operation	0

Regular ADA		TK/K-3	Grades 4-6	Grades 7-8	Grades 9-12	Total
Regular ADA	A-1	0.00	0.00	0.00	101.84	101.84
Classroom-based ADA included in A-1	A-2	0.00	0.00	0.00	101.84	101.84
Extended Year Special Education [EC 56345(b)(3)] (Divisor 175)	A-3	0.00	0.00	0.00	0.00	0.00
Classroom-based ADA included in A-3	A-4	0.00	0.00	0.00	0.00	0.00
Special Education - Nonpublic, Nonsectarian Schools [EC 56366(a)(7)] and/or Nonpublic, Nonsectarian Schools - Licensed Children's Institutions	A-5	0.00	0.00	0.00	0.00	0.00
Classroom-based ADA included in A-5	A-6	0.00	0.00	0.00	0.00	0.00
Extended Year Special Education - Nonpublic, Nonsectarian Schools [EC 56366(a)(7)] and/or Nonpublic, Nonsectarian Schools - Licensed Children's Institutions (Divisor 175)	A-7	0.00	0.00	0.00	0.00	0.00
Classroom-based ADA included in A-7	A-8	0.00	0.00	0.00	0.00	0.00

Attendance Charter School

County: San Francisco | Fiscal Year: 2013-14

District: State Board of Education - San Francisco Flex Academy : | P-2

CDS CODE 38 76703 0121814 1208 | Certificate Number: 6EB6EE0A

ADA Totals (Sum of A-1 through A-7 excluding classroom-based ADA)	A-9	0.00	0.00	0.00	101.84	101.84
Classroom-based ADA Totals (Sum of A-2 through A-8 including only classroom-based ADA)	A-10	0.00	0.00	0.00	101.84	101.84

Transitional Kindergarten

ADA for Students in Transitional Kindergarten pursuant to EC 46300 included in Section A (Lines A-1, A-3, A-5 and A-7, TK/K-3 Column, First Year ADA Only)	B-1	0.00

Attendance Charter School

2014-15

County: San Francisco

Fiscal Year: ~~2013-14~~

District: State Board of Education - San Francisco Flex Academy :

P-2

CDS CODE 38 76703 0121814 1208

Certificate Number: 6DA2E229

Did the charter school cease operation during the current fiscal year? No

Is this charter school in its first year of operation? No

Enter Date (month, day, year) that instruction commenced __/__/____

Does this charter school operate multiple instructional tracks? No

Single Track Days of Operation 0

RECEIVED
APR 20 2015
CHARTER SCHOOLS DIVISION

Regular ADA		TK/K-3	Grades 4-6	Grades 7-8	Grades 9-12	Total
Regular ADA	A-1	0.00	0.00	0.00	78.11	78.11
Classroom-based ADA included in A-1	A-2	0.00	0.00	0.00	75.74	75.74
Extended Year Special Education [EC 56345(b)(3)] (Divisor 175)	A-3	0.00	0.00	0.00	0.00	0.00
Classroom-based ADA included in A-3	A-4	0.00	0.00	0.00	0.00	0.00
Special Education - Nonpublic, Nonsectarian Schools [EC 56366(a)(7)] and/or Nonpublic, Nonsectarian Schools - Licensed Children's Institutions	A-5	0.00	0.00	0.00	0.00	0.00
Classroom-based ADA included in A-5	A-6	0.00	0.00	0.00	0.00	0.00
Extended Year Special Education - Nonpublic, Nonsectarian Schools [EC 56366(a)(7)] and/or Nonpublic, Nonsectarian Schools - Licensed Children's Institutions (Divisor 175)	A-7	0.00	0.00	0.00	0.00	0.00
Classroom-based ADA included in A-7	A-8	0.00	0.00	0.00	0.00	0.00

Attendance Charter School

2014-15

County: San Francisco

Fiscal Year: ~~2013-14~~

District: State Board of Education - San Francisco Flex Academy :

P-2

CDS CODE 38 76703 0121814 1208

Certificate Number: 6DA2E229

ADA Totals (Sum of A-1 through A-7 excluding classroom-based ADA)	A-9	0.00	0.00	0.00	78.11	78.11
Classroom-based ADA Totals (Sum of A-2 through A-8 including only classroom-based ADA)	A-10	0.00	0.00	0.00	75.74	75.74

Transitional Kindergarten

ADA for Students in Transitional Kindergarten pursuant to EC 46300 included in Section A (Lines A-1, A-3, A-5 and A-7, TK/K-3 Column, First Year ADA Only)	B-1	0.00

Attendance Charter School

County: San Francisco
District: State Board of Education - San Francisco Flex Academy :
CDS CODE 38 76703 0121814 1208

Fiscal Year: 2015-16
P-1
Certificate Number: E6A67B9F

Did the charter school cease operation during the current fiscal year?	No
Is this charter school in its first year of operation?	No
Enter Date (month, day, year) that instruction commenced	__/__/____
Does this charter school operate multiple instructional tracks?	No
Single Track Days of Operation	0
What is the site type of the charter school?	Combination

RECEIVED
JAN 06 2016
CHARTER SCHOOLS DIVISION

Regular ADA		TK/K-3	Grades 4-6	Grades 7-8	Grades 9-12	Total
Regular ADA	A-1	0.00	0.00	0.00	73.59	73.59
Classroom-based ADA included in A-1	A-2	0.00	0.00	0.00	71.05	71.05
Extended Year Special Education [EC 56345(b)(3)] (Divisor 175)	A-3	0.00	0.00	0.00	0.00	0.00
Classroom-based ADA included in A-3	A-4	0.00	0.00	0.00	0.00	0.00
Special Education - Nonpublic, Nonsectarian Schools [EC 56366(a)(7)] and/or Nonpublic, Nonsectarian Schools - Licensed Children's Institutions	A-5	0.00	0.00	0.00	0.00	0.00
Classroom-based ADA included in A-5	A-6	0.00	0.00	0.00	0.00	0.00
Extended Year Special Education - Nonpublic, Nonsectarian Schools [EC 56366(a)(7)] and/or Nonpublic, Nonsectarian Schools - Licensed Children's Institutions (Divisor 175)	A-7	0.00	0.00	0.00	0.00	0.00

Attendance Charter School

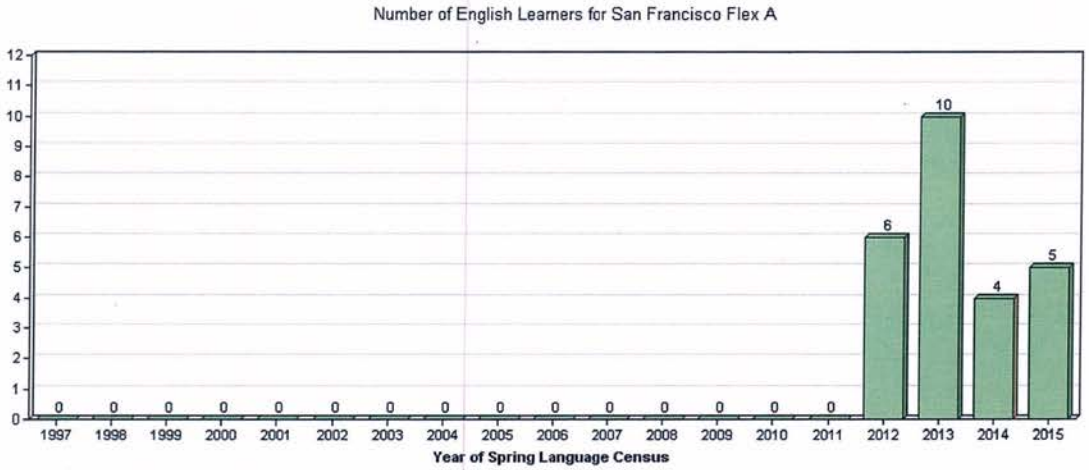
County: San Francisco
Fiscal Year: 2015-16
District: State Board of Education - San Francisco Flex Academy :
P-1
CDS CODE 38 76703 0121814 1208
Certificate Number: E6A67B9F

Classroom-based ADA included in A-7	A-8	0.00	0.00	0.00	0.00	0.00
ADA Totals (Sum of A-1 through A-7 excluding classroom-based ADA)	A-9	0.00	0.00	0.00	73.59	73.59
Classroom-based ADA Totals (Sum of A-2 through A-8 including only classroom-based ADA)	A-10	0.00	0.00	0.00	71.05	71.05
Non classroom-based ADA Totals (Difference of A-9 and A-10)	A-11	0.00	0.00	0.00	2.54	2.54
Other						
ADA for Students in Transitional Kindergarten pursuant to EC 46300 included in Section A (Lines A-1, A-3, A-5 and A-7, TK/K-3 Column, First Year ADA Only)	B-1	0.00				0.00
Non classroom-based ADA not eligible for funding pursuant to EC 47612.5(b) and 51745.6 and not included in A-11	B-2	0.00	0.00	0.00	0.00	0.00
Course Based Independent Study ADA, pursuant to EC 51749.5, included in A-11	B-3	0.00	0.00	0.00	2.54	2.54
Course Based Independent Study ADA not eligible for funding, pursuant to EC 47612.5(b) and 51745.6, included in B-2	B-4	0.00	0.00	0.00	0.00	0.00

Number of English Learners (CA Department of Education)

California Department of Education
Educational Demographics Unit
Prepared: 4/4/2016 1:23:02 PM

Select Report: Time Series - Number of English Learners



ChartDirector (unregistered) from www.advsofteng.com

Note For 2010-11 Data Only - The official statewide EL count for 2010-11 was derived from two separate data collections. Most Local Education Agencies (LEA) submitted and certified their data through the CALPADS Spring 1 student-level data collection, while 415 LEAs submitted total EL data through the Language Census (an aggregate data collection) because they did not complete the CALPADS Spring 1 data collection. Therefore detailed EL data disaggregated by language or grade is not available for these 415 LEAs.

A list of the 415 districts and IR schools that did not certify their Spring 2010-11 CALPADS submission is available at: List of LEAs that did not Complete CALPADS Spring 1. This listing includes total EL counts from the Language Census for these LEAs.

DataQuest EL Reports
All DataQuest reports only use one source of EL data – for example, the EL counts by language and grade is sourced solely from CALPADS, therefore the EL total (1,057,075) on these reports does not include the EL counts from the 415 LEAs that did not certify CALPADS Spring 1, since this level of detail is not available for these LEAs since they didn't submit their student-level EL data through CALPADS. In a similar fashion the total ELs displayed on the EL student by instructional settings report, is sourced from the Language Census only and includes all the EL counts submitted through the Language Census (which provides an unofficial total of 1,441,901), slightly different then the official total statewide EL counts.

Web Policy

Number of English Learners for San Francisco Flex Academy

Year of Spring Language Census	Number of English Learners for San Francisco Flex Academy
2012	6
2013	10
2014	4
2015	5

California State Board of Education

Meeting Agenda Items for May 11-12, 2016

ITEM 29

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2016 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.	☐ **Action** ☒ **Information** ☐ **Public Hearing**

SUMMARY OF THE ISSUE(S)

This is a standing item on the agenda, which allows the members of the public to address the board on any matter that is not included in this meeting's agenda.

RECOMMENDATION

Listen to public comment on matters not included on the agenda.

BRIEF HISTORY OF KEY ISSUES

Not applicable.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Not applicable.

FISCAL ANALYSIS (AS APPROPRIATE)

Not applicable.

ATTACHMENT(S)

Not applicable.

California State Board of Education

Meeting Agenda Items for May 11-12, 2016

ITEM 30

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2016 AGENDA

SUBJECT	
Presentation of the Final Report from the State Superintendent of Public Instruction's Advisory Accountability/Continuous Improvement Task Force.	☐ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

The State Superintendent of Public Instruction's (SSPI's) *A Blueprint for Great Schools 2.0* (*Blueprint 2.0*) recommended the creation of the SSPI's Advisory Accountability/Continuous Improvement Task Force (Task Force) to follow up on recommendations outlined in the Blueprint. This item is a presentation of the final report of the Task Force.

RECOMMENDATION

The SSPI's Task Force submits this report to the SSPI on an advisory basis for consideration and potential utilization by the SSPI and the State Board of Education (SBE) as the SBE develops and approves Local Control Funding Formula (LCFF) Evaluation Rubrics and for the future planning work to be undertaken for California's Every Student Succeeds Act (ESSA) State Plan.

BRIEF HISTORY OF KEY ISSUES

In late July 2015, the SSPI unveiled *Blueprint 2.0*, CDE's new strategic plan. *Blueprint 2.0* builds on the groundbreaking 2011 report, *A Blueprint for Great Schools*, which helped create the framework for action in California public schools that included significant funding increases, more rigorous state academic standards, computer-based student assessments, and greater support for students and schools with the most needs.

Developed based on recommendations made by a team of 29 education leaders and experts, *Blueprint 2.0* outlines next steps in five critical areas: California standards, teaching and leading excellence, student success, continuous improvement and accountability systems, and systems change and supports. In addition to detailed recommendations, *Blueprint 2.0* includes a call to action, a revised mission, a review of guiding principles, and a description of the emerging "California Way."

Blueprint 2.0 also recommended the creation of the SSPI's Task Force to follow up on recommendations. The Task Force was convened by the SSPI and co-chaired by Eric Heins, President of the California Teachers Association, and Wes Smith, Executive Director of the Association of County School Administrators. It involved a diverse group of stakeholders representing nearly all facets of California's public education community.

The Accountability and Continuous Improvement System proposed by the Task Force rests on a foundation of a common vision, guiding principles, and a shared commitment to the "California Way." The Task Force views this foundation and the more detailed recommendations it is making as aligned with the work being undertaken by the SBE involving the development of Local Control Funding Formula Evaluation Rubrics and the future planning work to be undertaken for California's Every Student Succeeds Act State Plan.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

An August 2015 Information Memorandum announced the creation of the Task Force and discussed how the Task Force is charged with the development of a final report summarizing recommendations for a new California system of public education accountability/continuous improvement. The Information Memorandum is available at http://www.cde.ca.gov/be/pn/im/infomemoaug2015.asp.

FISCAL ANALYSIS (AS APPROPRIATE)

This report will not result in any additional costs or savings to local educational agencies, state agencies, or federal funding to the State.

ATTACHMENT(S)

The final report of the Task Force will be provided as an Item Addendum.